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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 9.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

MILITARY SECRETARY'S OFFICE.

NOTIFICATIONS.

Calcutta, the 3rd March 1882.

His Excellency the Viceroy and Governor General will leave Calcutta on Friday, the 17th March 1882, and will arrive at Simla on or about the 21st March 1882.

All covers intended to reach His Excellency the Viceroy and Governor General and party during His Excellency's journey to Simla *viâ* Umballa and Dhurrumpore, should be addressed "Governor General's Camp" without the addition of any post-town.

* H. W. Primrose, Esq., Private Secretary to the Viceroy.
Captain Lord William Beresford, V.C., Military Secretary to the Viceroy.
The Revd. H. S. Kerr.
Surgeon-Major J. Anderson, C.I.E., Surgeon to the Viceroy.
Captain E. L. B. Brett.
Captain the Hon'ble C. Harbord, A.-D.-C.

By Command,
WILLIAM BERESFORD, *Capt.*,
Mily. Secy. to the Viceroy.

HOME DEPARTMENT.

NOTIFICATIONS.—JUDICIAL.

Fort William, the 1st March 1882.

No. 291.—Mr. A. Phillips, Standing Counsel for the Presidency of Fort William in Bengal, is appointed to officiate as Advocate General for Bengal during the absence on furlough of the Honourable G. C. Paul, B.A., C.I.E., or until further orders.

Mr. W. C. Bonnerjee, Barrister-at-Law, is appointed to officiate as Standing Counsel, *vice* Mr. A. Phillips.

PORT BLAIR.

The 2nd March 1882.

No. 66.—The services of Surgeon W. Beatson are replaced at the disposal of the Foreign Department, with effect from the 29th December 1881.

EDUCATION.

The 3rd March 1882.

No. 162.—The Governor General in Council is pleased to appoint the undermentioned gentlemen to be Fellows of the University of Calcutta:—

Hon'ble L. R. Tottenham, C.S.
Hon'ble Franklin Prestage.
" Kristodas Pal, C.I.E.

Right Reverend P. A. Bigandet, D.D.
Colonel S. T. Trevor, R.E.
D. O'C. Raye, Esq., M.D.
E. A. Birch, Esq., M.D.
G. Bellett, Esq., M.A.
S. F. Downing, Esq., B.A.
J. Willson, Esq., M.A.
Syud Ameer Hossein.

PATENTS.

The 2nd March 1882.

No. 272.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one Rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying :—

No. 83 of 1881.—Charles James Hancock, Physician and Surgeon, of Hilka Tea Estate, Dibrooghur, Upper Assam, India, for rapid filtration of water or other fluids called the pump filter.

No. 95 of 1881.—Eugene Charles Schrottky, Technical and Agricultural Chemist, of Calcutta, for improvement of indigo manufacture.

No. 158 of 1881.—Baboo Maudhub Chunder Bysack, Dragon Iron Works, No. 80, Nimtola Ghat Street, Calcutta, for a machine for expressing juice from sugarcane.

No. 160 of 1881.—Addaita Churn Dass Bairagi, Mechanic and Trader, Ram Babu's Bazar, Bantrah, Howrah, for pressing out the juice of the sugarcane.

No. 165 of 1881.—William Johnstone, of the City and County of Edinburgh, Scotland, Great Britain, Coach Builder, for improvements in Hansom cabs.

No. 167 of 1881.—James Peter Brougham, of Culduthel House, in the County of Inverness, Scotland, Great Britain, Doctor of Medicine, for an improved machine or machinery to be used in the preparation of tea.

No. 169 of 1881.—Thomas Douglas Kyle, Ice Manufacturer, General Manager, Oriental Ice Company, Baboola Tank Road, Bombay, for the economical production of clear block ice.

No. 1 of 1882.—Thomas Alva Edison, of Menlo Park, in the State of New Jersey, United States of America, Electrician, for improvements in commutators for dynamo or magneto electric machines or electro motors, also applicable to other electrical moving contact surfaces.

No. 2 of 1882.—Thomas Alva Edison, of Menlo Park, in the State of New Jersey, United States of America, Electrician, for improvements in electric lamps and the manufacture thereof.

No. 3 of 1882.—Thomas Alva Edison, of Menlo Park, in the State of New Jersey, United States of America, Electrician, for improvements in dynamo or magneto electric machines.

No. 4 of 1882.—Thomas Alva Edison, of Menlo Park, in the State of New Jersey, United States of America, Electrician, for improvements in, and connected with, dynamo or magneto electric machines and electro motors.

No. 5 of 1882.—David Whyte, of the City of Glasgow, in the County of Lanark, Scotland, Great Britain, Tea Merchant, for improvements in apparatus for cutting and assorting tea.

No. 6 of 1882.—Thomas Alva Edison, of Menlo Park, in the State of New Jersey, United States of America, Electrician, for improvements in the construction and arrangement of electric conductors and in apparatus for controlling and indicating the electricity conveyed by them.

No. 7 of 1882.—William Henry Douglas, of Stourbridge, in the County of Worcester, England, Watch-maker, for improvements in chronographs.

No. 10 of 1882.—Richard Edward Geolden and Angus Mackay, both of London, England, for a new or improved deodorising and disinfecting agent and its manufacture and use in various forms.

No. 11 of 1882.—Thomas Alva Edison, of Menlo Park, in the State of New Jersey, United States of America, Electrician, for improvement in systems of electric lighting.

No. 12 of 1882.—Thomas Alva Edison, of Menlo Park, in the State of New Jersey, United States of America, Electrician, for improvements in the manufacture of carbon conductors for incandescent electric lamps.

No. 13 of 1882.—Thomas Alva Edison, of Menlo Park, in the State of New Jersey, United States of America, Electrician, for improvements in meters for measuring electric currents.

No. 17 of 1882.—James Webster, of Solihull, in the County of Warwick, Great Britain, Engineer, for a new or improved method of producing alumina suitable for the manufacture of aluminium.

No. 19 of 1882.—John Bryson Orr, of Cannon Street, in the City of London, England, for improvements in the manufacture of pigments for oil and tempera painting.

A. MACKENZIE,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Fort William, the 3rd March 1882.

No. 308 *G. G.*—The following appointments are made in the Political Department during the absence on privilege leave of Major G. H. Trevor, Madras Staff Corps, Political Agent of the 1st Class, and 1st Assistant to the Resident at Hyderabad :—

Mr. J. R. Fitzgerald, Political Assistant of the 1st Class, and 2nd Assistant to the Resident at Hyderabad, to officiate as a Political Agent of the 1st Class, and as 1st Assistant to the Resident at Hyderabad.

Mr. J. A. Crawford, Officiating Political Assistant of the 3rd Class, to officiate as 2nd Assistant to the Resident at Hyderabad.

No. 310 *G. G.*—The services of Mr. H. W. Clift, Executive Engineer, 2nd Grade, Mysore State Railway, are replaced at the disposal of the Public Works Department.

No. 137 *E. G.*—Mr. J. T. Christie, C.I.E., District Superintendent of Police in the Punjab, on special duty, is granted special leave for one

month from the 15th March 1882, in recognition of his services in Afghanistan.

POLITICAL.

The 3rd March 1882.

No. 67 *G. P.*—His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Monsieur F. N. Champoiseau as Consul-General for France at Calcutta.

No. 70 *G. P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. S. I. Fressanges as Acting Consular Agent for Italy at Akyab.

C. GRANT,

Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Fort William, the 2nd March 1882.

No. 1280.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read again the under-mentioned papers regarding the substitution of goods of *bonâ fide* Indian manufacture for European stores:—

Financial Resolution No. 2777, dated 1st September 1881.
" " 806, dated 10th February 1882.

Read also—

Letter No. 2551P., dated 18th February 1882, from Messrs. Burn & Co., Managing Agents of the Indian Portland Cement Company, Limited.

RESOLUTION.—In the Resolution read above, the Governor General in Council directed that whenever Portland cement was required for the public service in India, it should be obtained of Indian manufacture. The Managing Agents of the Indian Portland Cement Company, Limited, now say that the Company has determined to erect, at a cost of Rs. 4,50,000, new works to enable them to meet the increasing Government demand. They represent that they "would like to have their hands strengthened by contracts from Local Governments as authorised by the Supreme Government," and they request that the attention of the various Departments and local authorities interested may be called to the establishment of the additional works at Raniganj, "with the view of entering into contracts for a supply of the cement for a period of five years." His Excellency the Governor General in Council has no objection to making known the information communicated by Messrs. Burn & Co., in order that Local Governments and Administrations or Public Departments may contract for a term of years not exceeding five if they find that they can rely on obtaining cement of good quality and at prices not higher than the market prices ruling at the time of delivery for imported cement of equal quality.

ORDERED, that the foregoing Resolution be communicated to all Local Governments and Administrations and to the Public Works Department for consideration, and to Messrs. Burn & Co. for information.

Also, that it be published in the *Gazette of India* for general information.

The 3rd March 1882.

No. 1288.—In exercise of the powers conferred by Sections nine, fifteen, seventeen, thirty-two, fifty-one, and fifty-six of the Indian Stamp Act, 1879, the Governor General in Council is pleased to make the following Rules:—

CHAPTER I.—*Preliminary.*

1. These Rules shall come into force throughout British India on the 1st April 1882 in supersession of the Rules promulgated by Notifications No. 875, dated 26th February, and No. 966, dated 4th June 1881.

2. All words and expressions used in these Rules and defined in the Indian Stamp Act, 1879, shall be deemed to have the meaning attached to them respectively by the said Act.

3. There shall be two kinds of stamps for indicating the payment of duty on instruments under the Indian Stamp Act, 1879, namely—

(*a*) Impressed Stamps—including—

Impressed Sheets,—that is to say, sheets of paper bearing the impression of Stamps of different values engraved thereon, and sold to the public for use by them in accordance with these Rules.

Impressed Labels,—to be affixed and impressed by Government Officers as directed in Chapter III of these Rules.

(*b*) Adhesive Stamps sold to the public for use by them in accordance with these Rules.

CHAPTER II.—*Of Impressed Sheets.*

4. All instruments chargeable with duty, except Hundís, may be written on Impressed Sheets, and, except as provided by Section ten of the said Act and by these Rules, shall be so written.

5 (*a*). When any instrument is to be written on an Impressed Sheet, if the amount of duty with which such instrument is chargeable does not exceed one hundred rupees, a single sheet shall be used, unless—

where the application for the required stamp is made at a treasury, the officer in charge of such treasury, or, where such application is made to a stamp-vendor, the vendor certifies that he is unable to furnish a single stamp of the required value.

(*b*). When the amount of duty chargeable in respect of any instrument exceeds one hundred rupees, or a treasury officer or stamp-vendor has certified under clause (*a*) that he is unable to furnish a single stamp of the required value, the number of sheets used for indicating the payment of duty shall not exceed the number which the treasury officer or the stamp-vendor certifies in either case to be the smallest number which he can furnish so as to make up the required amount.

(*c*). No certificate shall be made under clause (*a*) or clause (*b*) by a stamp-vendor in any case in which the stamp duty required exceeds the highest value of the stamps which such vendor is authorised to sell.

(*d*). When, under this Rule, two or more Impressed Sheets are used to make up the amount of duty chargeable in respect of any instrument, a portion of such instrument shall be written on each sheet so used.

(*e*). When a single sheet used under this Rule is found insufficient to admit of the entire instrument being written on the side of the paper which bears the stamp, so much plain paper may be subjoined thereto as may be necessary for the complete writing of such instrument: provided that in every such case the side of the sheet which bears the stamp must be covered by a substantial part of the instrument before any part of the latter can be written on the plain paper joined to such sheet. Provided further, that the part of the instrument written on the plain paper must be attested by the signatures or marks of all the persons executing the document and the witnesses to the same.

6 (*a*). Hundís other than hundís which can be stamped with an adhesive stamp under Section ten of the said Act shall be written as follows:—

(1) Hundís payable otherwise than on demand, but not more than one year after date or sight, and for amounts not exceeding Rs. 30,000 in individual value, on impressed sheets bearing the word Hundí;

(2) Hundís exceeding Rs. 30,000 in individual value, and Hundís payable at more than one year after date or sight, on paper supplied for sale by the Government, and to which labels have been affixed by one of the officers mentioned in Rule nine, clause (*b*), or by the Superintendent of Stamps, Calcutta, and impressed by him in manner provided by Rule ten.

(*b*). Every sheet of such stamped paper shall be of a size not less than $8\frac{5}{8} \times 5\frac{1}{8}$ inches, and no plain paper shall be joined to it.

(*c*). The provisions in Rule five as to use of two or more sheets of stamped paper when a single stamp of the required value is not procurable apply also to Hundí stamps used under this Rule.

7. The duty payable on any instrument chargeable with a duty of one anna may be denoted by a coloured impression marked on a skeleton form of such instrument by the Superintendent of Stamps at Calcutta, Bombay, Madras, or Rangoon.

CHAPTER III.—*Of Impressed Labels.*

8. Impressed labels may be used for the following instruments and counterparts thereof, namely,—

(1) Administration-bonds:

(2) Affidavits:

(3) Appointments made in execution of a power:

(4) Articles of Association of a Company:

(5) Articles of clerkship;

(6) Bills of lading:

(7) Charter-parties:

(8) Declarations of trust:

(9) Instruments evidencing an agreement to secure the repayment of a loan made upon the deposit of title-deeds or other valuable security, or upon the hypothecation of moveable property:

(10) Leases printed or lithographed in an Oriental language, when the written matter filled in does not exceed one-fourth of the printed matter:

(11) Memoranda of Association of Companies:

(12) Notes of Protest:

(13) Petitions for leave to file a specification of an invention, &c.:

(14) Policies of insurance:

(15) Revocations of trust;

(16) Warrants for Goods:

and for the following—when written in any European language, provided that any instrument written in any European language other than English shall have attached to it a translation in the English language—

(17) Agreements or memoranda of Agreements, which in the opinion of the officer empowered to affix the label cannot conveniently be written on Impressed Sheets;

(18) Instruments engrossed on parchment and written in the English style, which in the opinion of such officer cannot conveniently be written on Impressed Sheets:

(19) Awards:

(20) Bills of Exchange payable otherwise than on demand and drawn in British India:

(21) Bonds:

(22) Certificates of sale:
(23) Composition-deeds:
(24) Conveyances:
(25) Instruments imposing a further charge on mortgaged property:
(26) Instruments of apprenticeship:
(27) Instruments of co-partnership:
(28) Instruments of dissolution of partnership:
(29) Instruments of exchange:
(30) Instruments of gift:
(31) Instruments of partition:
(32) Leases:
(33) Letters of license:
(34) Mortgage-deeds:
(35) Powers of Attorney
(36) Reconveyances of mortgaged property:
(37) Releases:
(38) Settlements:
(39) Transfers of the description mentioned in Article No. 60, clauses (*b*), (*c*), and (*d*) of the First Schedule of the said Act.

9. The following officers are empowered to affix these labels to the instruments mentioned in Rule eight, namely,—

(*a*) the Collectors of Calcutta and Karáchí;

(*b*) the Superintendents of Stamps at Madras, Bombay, Lahore, Rangoon, Maulmain, and Akyab;

(*c*) the Commissioner of Stamps, North-Western Provinces and Oudh;

(*d*) the Superintendent of Stamps (Political Resident), Aden.

10 (*a*). Every such officer shall, upon any instrument mentioned in Rule eight being brought to him before it is executed, and application being made to him for that purpose, affix thereto a label or labels of such value as the applicant may desire and pay for, and impress such label or labels by means of a stamping-machine, and also stamp or write on the face of the label or labels the date of impressing the label or labels before returning the instrument to the applicant. In the case of instruments written on parchment, the labels must be further secured by metallic eyelets.

(*b*). When the stamp duty amounts to five rupees or upwards, such officer shall further write on the face of the label or labels his initials, and, when the stamp duty amounts to rupees twenty or upwards, shall also attach his usual signature to the instrument immediately under the labels.

11 (*a*). The payment of duty on instruments (other than Bills of Exchange, Cheques, and Promissory Notes executed out of British India and requiring to be stamped after their receipt in British India, shall be indicated only by impressed labels.

(*b*) When any such instrument is taken to the Collector under Section seventeen of the said Act, the Collector, unless he be Collector of Calcutta or Karachi, shall send the instrument to one of the officers mentioned in Rule nine, remitting the amount of duty paid in respect of such instrument; and such officer shall stamp the instrument in the manner prescribed by Rules 10 (*a*) and 10 (*b*) and return the same to the Collector for delivery to the person by whom it was produced.

CHAPTER IV.—*Adhesive Stamps.*

12. Bills of Exchange, payable otherwise than on demand and drawn in sets, when the amount of stamp duty does not exceed one anna for each part of the set, may be stamped with adhesive stamps.

13. Except as otherwise provided in these Rules, the adhesive stamp used to denote the duty of one anna shall bear the words "one anna."

14. The following instruments when stamped with adhesive stamps shall be stamped as follows:—

(*a*) Bills of Exchange, Cheques, and Promissory Notes drawn or made out of British India, with adhesive stamps bearing the words "Foreign Bill."

(*b*) Transfers of shares of Public Companies and Associations, with adhesive stamps bearing the words "Share Transfer."

(*c*) An entry as an Advocate, Vakil, or Attorney on the roll of any High Court, with an adhesive stamp bearing the word "Advocate," "Vakil," or "Attorney."

(Such stamp shall be affixed under the superintendence and responsibility of a gazetted officer of the High Court, who shall obtain the stamp from the Superintendent of Stamps and account to him for it. The gazetted officer who affixes the stamp shall write on the face of it his usual signature and the date of signature before parting with the instrument.)

(*d*) Notarial Acts, with adhesive Foreign Bill stamps bearing the word "Notarial" printed over them.

CHAPTER V.—*Miscellaneous.*

15. When it is necessary under Section fifteen of the said Act to denote upon one instrument the payment of duty in respect of another, such payment shall be denoted by an endorsement under the hand of the Collector on the former instrument.

16. Every payment made under Section thirty of the said Act shall be made in cash.

17. The Collector may require every person claiming a refund or renewal under Chapter VI of the said Act, or his duly authorised agent, to make an oral deposition on oath or affirmation, or to put in an affidavit, setting forth the circumstances under which the claim has arisen. The Collector may also, if he thinks fit, call for the evidence of witnesses in support of the statement set forth in the deposition or affidavit of the claimant or his Agent.

18. Any Magistrate convicting or trying an offender under Chapter VIII of the Stamp Act may grant to any person, who may have contributed to the conviction, a reward within a limit to be fixed by the local Government.

No. 1302.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read—

Financial Statement for 1881-82, paragraph 29.

Memorandum from this Department, to the Secretary to the Government of India, Military Department, No. 4, dated 18th January 1881, forwarding the Appropriation Audit Statement for the year 1880-81, submitted by the Accountant General, Military Department.

Report by the Comptroller General on the Accounts of the Government of India for 1880-81, dated 22nd February 1882.

RESOLUTION.—In the Financial Statement for 1881-82 it was announced that the Comptroller General would, in future, submit annually to the Govern-

ment of India a report in which the final accounts of the year preceding would be compared with the Budget Estimate of that year, as also with the accounts of previous years, and explanations of increases and decreases apparent therefrom would be afforded.

2. The first report due under this arrangement, which relates to the final accounts or "Actuals" of 1880-81, has now been received, and the Governor General in Council has much pleasure in recognising the thoroughness and ability with which Mr. Westland has dealt with the subject, and carried out the intentions of the Government of India.

3. These accounts, very briefly summarised, show the following results :—

	£
Revenue	72,560,000
Expenditure	76,604,000
Deficit ...	4,044,000

Excluding revenue and expenditure on account of the war, the deficit would be turned into a surplus of £6,320,000. The estimated deficit was £6,210,000. The accounts, therefore, show a result better than the Regular Estimate by £2,175,000.

4. The greater part of this difference, however, does not in reality represent any improvement of the revenue or diminution of the expenditure during 1880-81, the main reasons of this are as follows :—

(1) According to the arrangement made last year, the English war contribution was redistributed in the autumn. The result was that £695,000 was transferred from 1881-82 to 1880-81, thus increasing the English war credit in the latter year to £2,695,000.

(2) Under instructions from the Secretary of State the capital outlay on the Punjab Northern State Railway is to appear under the head "38, *Productive Public Works.*" The result, so far as the accounts of 1880-81 are concerned, is to increase the surplus, nominally, by £601,000.

(3) Consequent on the Nizamut Stipend Fund having been wound up, there has been an exceptional credit of £294,000 during the year. The details of the transaction are to be found at page 9 of the Comptroller General's report, under the head of "*Miscellaneous.*"

(4) The collection of the land revenue was not retarded by the census operations to so great an extent as had been anticipated, and £157,000 were recovered in the year which, it had been thought, would stand over till 1881-82.

5. The above items account for £1,747,000 out of the difference of £2,175,000, shown in paragraph 3. The other principal items are as shown in the margin. This improvement, in contradistinction to the above, is almost entirely real, and not nominal.

	£
Excise	60,000
Salt	63,000
State Railways (net)	60,000
Guaranteed Railways (net)	218,000
	401,000

6. The report will be transmitted to the Secretary of State for India with the usual detailed review, and an expression of the high opinion which the Government of India entertain of the efficiency and services of Mr. Westland in the post of Comptroller General.

ORDERED, that the Comptroller General's Report on the Accounts of 1880-81, together with this Resolution, be forwarded to the Military Department and to the Comptroller General and Accountants General, and that it be published in the *Gazette of India.*

REPORT

ON THE

ACCOUNTS OF THE GOVERNMENT OF INDIA

1880-81.

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[The notation employed in this report is pounds (£1 = Rs 10) with the last two figures cut off for shortness sake Thus 69,262,3 in the first line must be read 69 millions, 262 thousand, 3 hundred, pounds.]

The following is a general statement of the year's revenue and expenditure :—

	Budget.	Regular.	Actuals.	Actuals, 1879-80.
EXCLUDING THE WAR—				
Revenue	66,199,0	68,380,6	69,262,3	68,414,4
Expenditure	61,952,0	63,304,8	62,941,9	63,496,8
Surplus	4,247,0	5,075,8	6,320,4	4,917,6
WAR IN AFGHANISTAN—				
Receipts	...	2,291,0	3,297,6	50,5
Expenditure	4,130,0	13,586,6	13,662,1	6,151,0
Net Expenditure	4,130,0	11,295,6	10,364,5	6,100,5
WHOLE ACCOUNT—				
Revenue	66,499,0	70,671,6	72,559,9	68,464,9
Expenditure	66,082,0	76,891,4	76,604,0	69,647,8
Surplus	417,0	...	...	.
Deficit	...	6,219,8	4,044,1	1,182,9
Productive Public Works—Capital Expenditure	3,312,0	3,319,7	8,656,5	13,095,2

I have separated in the above statement the abnormal receipts and expenditure arising out of the war in Afghanistan, so as to be able to review the features of the year, in the first place, without reference to it. The following remarks therefore have regard only to the revenue and expenditure under the normal heads.

REVENUE.

The revenue has turned out better than the Original Estimate by 2,763,3, of which increase the greater part was anticipated at the time of passing the

Regular Estimate. The following abstract shows further details, and explains that Revenue proper was improved by 1,380,0, Miscellaneous receipts by 619,0, and Public Works by 450,0.

Abstract of Revenue, 1880-81.

	India.			England.			Total.			Total, 1879-80.
	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Actual.
REVENUE HEADS I—XI	52,114,4	53,228,3	53,498,0	1,6	1,6	1,6	52,116,0	53,229,9	53,499,6	53,676,9
CIVIL DEPARTMENTS XII—XIV	1,667,1	1,612,8	1,617,1	22,9	30,3	30,3	1,690,0	1,643,1	1,647,4	1,740,6
ADMINISTRATIVE RECEIPTS XV—XXI	1,419,9	1,436,0	1,512,4	21,1	18,1	18,3	1,441,0	1,454,1	1,530,7	1,495,8
MISCELLANEOUS RECEIPTS XXII—XXIV	1,194,7	1,161,1	1,526,9	110,3	396,4	396,5	1,305,0	1,557,5	1,923,4	1,610,5
PUBLIC WORKS XXV—XXVII	8,861,9	8,993,0	9,315,1	15,1	14,5	14,5	8,877,0	9,007,5	9,329,6	8,540,5
ARMY ... XXIX	800,2	839,1	837,1	32,8	87,4	87,0	833,0	946,5	924,1	1,029,5
EXCHANGE ... XXX	237,0	542,0	407,5	...	...	...	237,0	542,0	407,5	320,6
TOTAL EXCLUDING WAR ...	66,295,2	67,832,3	68,714,1	203,8	548,3	548,2	66,499,0	68,380,6	69,262,3	68,414,4
WAR IN AFGHANISTAN ..	..	291,0	602,6	...	2,000,0	2,695,0	...	2,291,0	3,297,6	50,5
TOTAL ORDINARY .	66,295,2	68,123,3	69,316,7	203,8	2,548,3	3,243,2	66,499,0	70,671,6	72,559,9	68,464,9

REVENUE PROPER.

The detailed statement of Revenue proper is as follows:—

Abstract of Revenue, 1880-81.

	India.			England.			Total.			Total, 1879-80.
	Budget.	Regular	Actual.	Budget	Regular	Actual	Budget.	Regular.	Actual.	Actual.
REVENUE HEADS.										
I.—Land Revenue ...	22,062,0	21,753,0	21,910,3	...	...	...	22,062,0	21,753,0	21,910,3	22,463,5
II.—Tributes .	698,0	751,0	742,2	...	...	...	698,0	751,0	742,2	702,5
III.—Forest ...	688,4	697,3	707,7	1,6	1,6	1,6	690,0	698,9	703,3	676,2
IV.—Excise ...	2,782,0	3,075,0	3,135,2	...	...	...	2,782,0	3,075,0	3,135,2	2,838,0
V.—Assessed Taxes ...	535,0	550,0	558,7	...	...	...	535,0	550,0	558,7	786,3
VI.—Provincial Rates	2,764,0	2,783,0	2,776,4	...	...	...	2,764,0	2,783,0	2,776,4	2,882,1
VII.—Customs ...	2,175,0	2,522,0	2,539,6	...	...	...	2,175,0	2,522,0	2,539,6	2,260,3
VIII.—Salt ...	7,541,0	7,053,0	7,116,0	...	...	...	7,541,0	7,053,0	7,116,0	7,266,4
IX.—Opium ...	9,410,0	10,498,0	10,480,1	...	...	...	9,410,0	10,498,0	10,480,1	10,319,2
X.—Stamps ...	3,194,0	3,259,0	3,250,6	...	...	...	3,194,0	3,259,0	3,250,6	3,193,7
XI.—Registration ...	265,0	287,0	281,2	...	..	...	265,0	287,0	281,2	269,3
TOTAL REVENUE ...	52,114,4	53,228,3	53,498,0	1,6	1,6	1,6	52,116,0	53,229,9	53,499,6	53,676,9

I.—Land Revenue.—The normal Land Revenue of a year is put down at 22,050,0, but the last two completed years brought in 22,450,8 and 22,463,5 respectively, as they included collection of arrears due from the time of the Madras famine. The Budget Estimate for 1880-81 was for almost exactly a year's revenue, 22,062,0; but towards the end of the year, it was known that there would have to be remissions in the North-West on account of local scarcity, and that the employment of the Subordinate Revenue officials upon census work in February and March would delay much of the collections till April, that is, till the next financial year. Allowing for these, the Regular Estimate was 21,753,0; but the event showed that the postponement was not so much as anticipated, and the realizations came to 21,910,3.

II.—Tributes.—The tributes are necessarily fixed yearly amounts, and the annual collection varies according as the various States are punctual or not in their payments. The principal part of the excess of the Regular Estimate 751,0 and the Actuals 742,2 over the Budget was a payment of 30,0 by the Dhar State in redemption of an annual contribution of 1,2.

Madras contributes the largest share of these tributes, as the Mysore Subsidy is 245,0; but by far the greatest number of them is from the Rajputana and Central India States, and we have lately been making arrangements for their more systematic record and recovery.

III.—Forests.—The Estimates were very accurately realized. The largest items of the revenue are:—

	Operations by Government.	Operations by Contractors and Consumers.
Timber	231,9	89,9
Firewood and Charcoal	53,1	56,4
Bamboos and other Produce ...	10,4	78,8
Grass	8,4	81,6

The small English item under this head is due to fees from Forestry students.

IV.—Excise.—The revenue under this head has been rapidly increasing; the figures of the past five years being 2,523,0, 2,457,1 (famine), 2,619,3, 2,838,0, 3,135,2; and Madras is the only province which does not share this rapid increase. The Budget was taken at a safe figure 2,782,0; but by the time the Regular Estimate was made up, it was already apparent that there would be an increase of 400,0 on the Estimate.

V.—Assessed Taxes.—The revenue under this head is chiefly the License Tax on trades. It first appears in the Accounts of 1877-78, but in that year it was levied only in the North-Western Provinces, and produced 86,0. Next year it was levied in the five larger provinces and brought in 869,8, less refunds 25,8, net 844,0; besides 30,8 of the old Pandhari Tax of the Central Provinces. Next year, 1879-80, all incomes below Rs. 500 were exempted from the tax,—a change which was estimated to reduce its produce by 340,0. The income of this year, including Pandhari, was 785,3, less refunds 58,8, or net 726,5, as the reduction did not take effect till near the end of the year. The Estimate for 1880-81, allowing for the full reduction, was 535,0, and in the result it was a little more than covered.

VI.—Provincial Rates.—This head made its appearance in the accounts only in 1877-78, when the general accounts incorporated what were formerly the separate Provincial and Local ones. The revenue under it is about 2,800,0, of which about 477,0 represents additional cesses imposed by the Famine legislation of 1877-78. The mass of it represents cesses upon lands for Roads and other local Public Works, and for Education. There are also smaller cesses for expenditure on District Postal Service, Patwaris, and Village Servants.

The revenue of the last three years has been 2,638,8, 2,882,1 and 2,776,4. The diminution in 1880-81, as compared with 1879-80, is due to the same reasons as apply to the Land Revenues, along with which, for the most part, the Provincial Rates are collected. The revenue a little more than covered the Budget, but the Regular anticipated somewhat too great an improvement.

VII.—Customs.—The following are the details of the Customs Revenues, deducting refunds, for the last four years:—

	1877-78.	1878-79.	1879-80.	1880-81.
IMPORTS.				
Cotton Goods	920,3	748,2	662,4	717,2
Liquors	358,9	363,5	387,3	378,9
Metals	128,3	118,4	122,1	133,6
Provisions	42,1	28,0	27,2	25,5
Silk	67,2	62,4	65,1	103,0
Woollen manufactures ...	39,2	41,9	45,0	59,5
Apparel	27,5	25,3	26,1	32,1
Sugar	30,4	57,9	45,3	75,3
Other Goods ...	224,9	163,5	179,3	209,7
	1,838,8	1,609,1	1,559,8	1,734,8
EXPORTS.				
Rice	483,9	563,7	592,6	715,5
Indigo	49,9	43,5	41,4	—2
Other Goods ...	18,6	12,3	7,2	2
	552,4	619,5	641,2	715,5
Land Customs on Sugar...	134,9	3,2	1	0
Miscellaneous ...	29,9	33,6	27,4	28,3
TOTAL ...	2,556,0	2,265,4	2,228,5	2,478,6

It will be seen that by the partial abolition of the cotton duties the loss in the first year was about 172,1 and next year about 257,9. Since then the revenue has partly recovered itself, as the returning prosperity of the country is indicated by increased importations of cotton and woollen goods. Silk imports have greatly increased this last year to the detriment of local manufacture.

The sugar import is chiefly for the Bombay side, and is a somewhat fluctuating item.

The Export Duty on rice is bringing in an increased revenue.

The above table also sets forth the effect of the abolition of the Export Duty on Indigo and of the Land Customs Duty on Sugar.

The year 1880-81 turned out much better than the Budget Estimate. In Bombay especially trade had been very active, and the Regular Estimate anticipated an improvement of 210,3 at that port.

VIII.—Salt.—The Salt Revenue is divided into two principal portions,—the Inland Customs Department of Northern India, which produces and sells salt from the indigenous sources; and the Sea Customs, and Sea-board manufacture, in the maritime Provinces. The revenue of past years has been as follows:—

	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
Inland Customs	1,473,2	1,487,4	1,533,2	1,718,0	1,625,1
Maritime Provinces ...	4,833,2	4,974,8	5,308,0	5,549,7	5,486,2
TOTAL ...	6,306,4	6,462,2	6,841,2	7,267,7	7,111,3
Duty in Upper India ...	Rs. 3	Rs. 3	Rs. 2-8	Rs. 2-8	Rs. 2-8
" Bengal ...	" 3-4	" 3-4	" 2-14	" 2-14	" 2-14
" Southern India ...	" 1-13	" 1-13	" 2-8	" 2-8	" 2-8

From December 1877 to July 1878, the rates of duty, in Upper India, and in Bengal were 2-12 and 3-2 respectively.

These figures will not be found to agree with the accounts of the several years, as for the greater part of the time which they cover the accounts were unfortunately kept on what may be called the departmental system, that is, the department gave its own account of its receipts, and these receipts were afterwards tallied with the treasury figures. The accounts thus framed were found incorrect and we accordingly altered the system in December 1880, bringing to account what was actually received in the treasuries and letting the depart-

ment work back from them. When we did this we found we had to adjust the accounts by a write-back of 99,5, under Refunds, as follows:—

	Accounts.	Actual Receipts.
1876-77	6,304,7	6,306,4
1877-78	6,460.1	6,462,2
1878-79	6,941,1	6,841,2
1879-80	7,266,4	7,267,7
1880-81	7,116,0	7,111,3
	34,088,3	33,988,8
Written back in 1880-81	99,5	
	33,988,8	

It will be seen that, as compared with Budget, there was a very considerable failing of revenue under this head. Two causes contributed to the overestimate; first, the progress of the revenue, in the last completed year of account, was shown as 6,460,0 to 6,940,0, whereas as the above comparison shows it was really only 6,460,0 to 6,840,0. The rise in the revenue maintained itself till December 1879, on the account of which the estimate of 1880-81 was framed. But thereafter appeared a sudden collapse. It was due partly to the fact that the stock of inferior salt having been exhausted, superior salt was sold in the end of 1879, at the Sambhar Lake, at the inferior prices, causing an unusually rapid sale; which naturally showed itself in lower figures in succeeding months. The Department also had been largely introducing a system of depôts; that is, to make salt more accessible to the people, it ceased to sell at the sources only, and conveyed its salt to central depôts, whence the local merchants could purchase. The first effect of this measure was that for a short time the consumption was maintained out of the stocks which the merchants had laid in under the system of sale at the salt sources.

These facts were patent at the time of the Regular Estimate, in which the revenue was shown at the reduced figure of 7,053,0. It really produced 7,116,0.

IX.—Opium.—Of recent years it has been the policy of Government to make a very safe estimate of the Opium Revenues, that is to say, not to count upon its continuance at a high figure. The actual figures of five years have been—

	Bengal Opium sold by Government at Calcutta.		Malwa Opium paid duty at Bombay.		Other Revenue.	Total.
	Chests.	Amount.	Chests.	Amount.		
1876-77	47,240	6,000,0	49,136	2,948,2	174,3	9,122,5
1877-78	49,500	6,269,3	45,830	2,749,8	163,6	9,182,7
1878-79	55,500	6,798,6	36,807	2,293,0	207,8	9,399,4
1879-80	59,100	6,914,2	46,211½	3,141,1	263,9	10,319,2
1880-81	56,400	7,683,6	36,069½	2,526,2	270,3	10,480,1

The other revenue is chiefly the calculated cost price, Rs. 7-4, of opium issued for consumption in India, the rest of the realized sale price passing under excise.

The following figures also bear upon the Opium Revenue:—

	Average price, Bengal Opium.	Duty on Malwa Opium.*	Added to Stock.†	Stock of Bengal Opium, March 31.†
			Chests.	Chests.
1876-77 ...	1,270	600	68,051	71,315
1877-78 ...	1,266	600 & 650	67,167	88,982
1878-79 ...	1,225	650	43,140	76,622
1879-80 ...	1,170	650 & 700	49,961	67,483
1880-81 ...	1,362	700	52,969	64,052

* Ajmere opium is 25 rupees additional.

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† These figures refer to stock for export only, and exclude about 3,000 and 4,000 chests produced annually for consumption in India.

It will be seen from these figures that the last two years have produced an unprecedented revenue, but that the production has hardly kept pace with the

sales. Recent years have not been favourable to opium cultivation, and the sales have been maintained at their high figure out of the bumper crops added to stock in 1876-77 and 1877-78.

X.—Stamps.—This is a steadily progressive revenue as may be seen from the figures of the last five years, 2,838,6, 2,993,5, 3,110,5, 3,193,7, 3,250,6. The Budget Estimate was practically a repetition of the figure for 1879-80, and the actuals exceed it by what has, of late years, been the annual increase of revenue.

The revenue is composed of about 2,200,0 court-fee stamps (*i. e.*, fees on judicial proceedings) and 1,000,0 general stamps, (*i. e.*, stamp duty on documents).

XI.—Registration.—This small head of revenue calls for no remark; it exhibits a slight tendency to improvement. About two-thirds of the revenue is expended upon the establishments employed in registration of documents, or more correctly speaking, the revenue represents a payment for a service that costs the State only about two-thirds of the fee charged.

CIVIL DEPARTMENTS.

For want of a better name, I group under this head three Departments which the State maintains for performing public services, at a charge which is supposed to represent the outlay involved; that is to say, the Departments in question are not maintained in the first place for the realization of revenue.

The detail of them is as follows:—

Abstract of Revenue, 1880-81.

	India.			England.			Total.			Total, 1879-80.
	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Actual.
CIVIL DEPARTMENTS.										
XII.—Mint ...	196,0	89,0	89,6	...	...	...	196,0	89,0	89,6	230,6
XIII.—Post Office ...	1,008,0	1,029,0	1,018,7	...	...	...	1,008,0	1,029,0	1,018,7	1,004,4
XIV.—Telegraph ...	463,1	494,8	508,8	22,9	30,3	30,3	486,0	525,1	539,1	505,6
TOTAL ...	1,667,1	1,612,8	1,617,1	22,9	30,3	30,3	1,690,0	1,643,1	1,647,4	1,740,6

XII.—Mint.—The revenue under Mint is extremely irregular, being mainly seignorage on silver; it depends upon the amount of silver imported for coinage. The statistics of the past five years are—

	Net Import of Silver.	Mint Revenues.	Coinage of Silver.
1876-77	7,198,9	258,8	6,271,1
1877-78	14,676,3	443,9	16,180,3
1878-79	3,970,7	172,3	7,210,8
1879-80	7,8[illegible]9,7	230,6	10,257,0
1880-81	3,892,6	[illegible]9,6	4,249,8

The Budget Estimate anticipated revenue 196,0, but even less silver than expected was imported, and the Regular Estimate was 89,0, which was very accurately realized.

XIII.—Post Office.—The actual revenue, 1,018,7, does not greatly differ from either the Budget Estimate or the Regular.

The last four years show a fair increase of revenue, 847,7, 911,8, 1,004,4, 1,018,7. The collections for postage in the four years were 780,4, 799,8, 839,2, and 837,6.

XIV.—Telegraph.—Here also the revenue is progressive, the figures of the last four years being 358,4, 426,7, 505,6, and 539,1. The Budget Estimate was 486,0, as it included the expectation of a falling-off in message-revenue owing to the cessation of the Afghan War, but the event showed no diminution in the operations of the Department.

ADMINISTRATIVE RECEIPTS.

The next group of heads exhibits the receipts of Government in the various Departments of Civil Administration. Their detail is as follows:—

Abstract of Revenue, 1880-81.

	India.			England.			Total.			Total, 1879-80.
	Budget.	Regular.	Actual.	Budget	Regular	Actual.	Budget.	Regular.	Actual.	Actual.
ADMINISTRATIVE RECEIPTS.										
XV.—Minor Departments	61,7	68,0	62,4	19,3	15,9	16,1	81,0	83,9	78,5	99,3
XVI.—Law and Justice...	680,0	665,0	687,8	...	...	...	680,0	665,0	687,8	658,9
XVII.—Police ...	232,0	237,0	241,8	...	...	...	232,0	237,0	241,8	227,7
XVIII.—Marine ...	226,0	210,0	246,5	...	...	...	226,0	210,0	246,5	258,2
XIX.—Education ...	137,0	152,0	170,2	...	...	...	137,0	152,0	170,2	139,4
XX.—Medical ...	38,2	42,0	41,4	1,8	2,1	2,1	40,0	44,1	43,4	56,3
XXI.—Stationery and Printing ...	45,0	62,0	62,4	...	1	1	45,0	62,1	62,5	56,0
TOTAL ...	1,419,9	1,436,0	1,512,4	21,1	18,1	18,3	1,441,0	1,454,1	1,530,7	1,495,8

XV.—Minor Departments.—The revenue under this head is chiefly composed of sale proceeds of cinchona grown in Government plantations, 32,5; fees levied in connection with the administration of the Emigration Acts in Bengal, 9,5; examination fees in Madras and Bombay (chiefly for qualification for the Public Service) 6,8; realizations of the Mathematical Instrument Department of the Survey, 6,3.

The English item belongs to the first of these.

XVI.—Law and Justice.—Escheats, fees, and fines account for nearly half of the revenue under this head, 321,7; and Jail receipts, that is, the produce of manufactures in jails, nearly account for the other half. The revenue, though in some respects casual, is fairly steady; the last four years showing 609,0, 647,1, 658,9 and 687,8. The Estimates were fairly realized, although a slight falling-off was anticipated at the time of the Regular Estimate.

XVII.—Police.—About half of the revenue under this head is from Cattle Pounds; and of the rest a considerable share comes from Contributions of Municipalities, Cantonment Funds and Railways, to the maintenance of the Police Forces employed in connection with them. The revenue more than covered the Estimate.

XVIII.—Marine.—There are two entirely different parts of this head; namely, the Provincial and Imperial Marine. The figures of these are as follow:—

	Budget.	Regular.	Actual.
Provincial	135,9	145,0	152,0
Imperial	90,1	65,0	94,5
	226,0	210,0	246,5

The Coast dues in Burma, 16,7, and the Pilotage and other receipts in connection with the Calcutta Port, 119,7, account for nearly the whole of the Provincial items.

Sea-going Vessels and the Dockyards in Calcutta and Bombay are the chief parts of the Imperial Marine Department. The receipts are chiefly for Dockyard services, and it was in respect of such services, charged to other Departments that the Actuals exceeded the Regular Estimate.

XIX.—Education.—The receipts of the last four years have been—

	1877-78.	1878-79.	1879-80.	1880-81.
From fees	68,4	97,8	100,1	107,6
From other sources ...	40,6	49,6	39,3	62,6
	109,0	147,4	139,4	170,2

The increase between 1877-78 and 1878-79 was due to the fact that in the latter year a part of the Madras accounts was corrected by bringing the receipts and charges to account in gross.

The increase in the figures of 1880-81 is due to exceptional receipts in Bombay and in the North-Western Provinces.

In the latter Rs. 40,000 of investment was realized to meet expenditure of the Muir College.

XX.—Medical.—The ordinary receipts (chiefly from Hospitals and Lunatic Asylums) may be put down at 4 to 4½ lakhs. In 1879-80 they were abnormally high, mainly because the figures included a large arrear contribution due by the Calcutta Municipality.

XXI.—Stationery.—The increase in Regular and Actuals, as compared with Budget, is largely due to earnings of Jail Presses.

MISCELLANEOUS RECEIPTS.

The Miscellaneous class of receipts is in three parts as follows :—

Abstract of Revenue, 1880-81.

	India.			England.			Total.			Total, 1879-80.
	Budget.	Regular.	Actual.	Budget	Regular	Actual.	Budget.	Regular.	Actual.	Actual.
MISCELLANEOUS RECEIPTS.										
XXII.—Interest ...	641,0	647,3	678,1	10,0	197,6	197,6	651,0	844,9	875,7	748,0
XXIII.—Superannuations ..	221,7	220,4	212,5	94,3	103,4	103,5	316,0	323,8	316,0	555,1
XXIV.—Miscellaneous ...	262,0	293,4	636,3	6,0	95,4	95,4	268,0	388,8	731,7	337,4
TOTAL ...	1,194,7	1,161,1	1,526,9	110,3	396,4	396,5	1,305,0	1,557,5	1,923,4	1,610,5

XXII.—Interest.—There are three principal items under this head :—

The first is the interest upon the investment of the reserve held against the Currency circulation. During the year 1880-81 the investment amounted to 6,246,3, (par value) on which a year's interest was 249,9, but as a matter of fact a little more, or 250,6, was paid into the treasury on this account during the year.

The next part of the head is the premium realized upon loans. During the year there was a considerable premium both in India and England. In India, the premium on the 4½ per cent. loan of 3,130,0 was 99,8; but as the practice in former years had been to take these items to a Debt head and the Debt head showed an outstanding balance of discount on earlier loans, this premium of 99,8 was required to clear the account and was not brought to account as revenue. In England, the premium realized was 171,9, chiefly on the 3½ per cent. loan of 3½ millions, and this item accounts for the excess of the actual realizations in the English Account over the Budget Estimate.

The third part of the head represents chiefly the interest upon loans of Imperial Funds to Municipal and other corporations or to zemindars or to Native States. There are also some miscellaneous items, as for example, interest upon arrears of revenue and advances to ryots. The Provincial and Local Funds also possess endowments and investments, of which the interest comes under this head.

The improvement over the Estimates in the Indian portion of the account was in respect of these items, and it occurred chiefly in the North-Western Provinces (due to recovery of arrears), in the Punjab (owing to a loan being taken up more rapidly than was anticipated), and in Bombay (owing to an arrear recovery).

The following figures compare the principals of the loans with the interest realized during the year on them :—

	April 1.	March 31.	Average.	Interest.	Per cent.
Presidency Corporations	5,381,8	5,640,8	5,511,3	215,8	3·9
Mofussil Municipalities	309,2	349,9	329,5	15,1	4·6
Local Fund Committees	146,1	140,3	143,2	3,7	2·6
Land-holders ...	676,0	655,8	665,9	42,7	6·4*
Native States ...	1,572,1	1,472,9	1,522,5	77,1	5·1
TOTAL ...	8,085,2	8,259,7	8,172,4	354,4	4·3

* High, owing to the arrears in the North-West and Bombay.

XXIII.—Superannuations.—The receipts under this head are mainly connected with the old Military Funds. The Government many years ago took over the liabilities and assets of these funds, becoming responsible for the pensions with which they were chargeable, and appropriating the capital. The subscriptions

continued to be paid to credit of Government, and are now taken to this head of account. The deficit in the yearly transactions, that is, the excess of pensions paid over subscriptions received, was appropriated year by year from the capital of the funds by a credit under this head.

As the funds did not get any credit on account of interest upon their capital, the capital was gradually exhausted in this process. The Bengal Military and Medical Funds were exhausted in 1874-75 and 1875-76, respectively. The Bombay Medical Retiring Fund was exhausted in 1878-79, and that of Madras in 1879-80. The Military Fund of Madras was also exhausted by the debit of 1879-80, and there now remains only the Military Orphan Fund of Bengal, which will probably bear its debits for ten years more.

The now exhausted funds contributed 328,9 of revenue in 1878-79, and 200,4 in 1879-80, so that there has been a considerable diminution in the receipts of recent years, the four years' figures being, in fact, 597,2, 667,5, 525,1, and 316,0.

The subscriptions to the old Military Funds continue, and bring in a diminishing income, which in 1880-81 was 117,0. The new Military Fund (Indian Service Family Pension Fund), which has taken the place of the older funds, appears in the Military Accounts.

Other considerable realizations under this head come in from the contributions towards pension, &c., made by officers of Indian services lent by Government for employment in Native States. The last four years show 27,2, 37,7, 36,6, 37,8 receipts of this kind, nearly half of which is in Bombay, the practice being much in vogue in the petty States subordinate to that Government.

The Budget Estimate under this head was greatly in excess, as it included a contribution from the Bombay Military Fund, which, as above stated, had been exhausted. This was corrected in the Regular Estimate, which was nearly realized.

XXIV.—Miscellaneous.—The numerous items brought to credit under this head hardly require separate specification. Two very large items came in,—one in England and one in India,—to produce a considerable excess over Budget. The English one was the sale of land adjoining the India Office, for 68,6; the Indian one arose in this way.

For many years past a charge has appeared in the Bengal Accounts of 16 lakhs Sicca rupees, that is, 170,7, on account of an assignment to the Nizamat Stipend Fund; in other words, a contribution to a fund, from which the stipend and other charges connected with the family of the Nawab Nazim of Moorshedabad were met. This fund was kept, partly in deposit-account on the books of Government, and partly in investment in Government paper, but the point has for many years been undecided how far the Nawab Nazim and his family had any rights in it. In November 1880 an arrangement was come to between the Secretary of State and the Nawab Nazim, by which the Nawab Nazim obtained ten lakhs at present and some future yearly allowances, and gave up all claims as regards the Stipend Fund. It was now definitely settled that the liability of Government was only the payments which were made out of the fund, say about 120,0, and not the annual contribution of 170,7 to the fund. The fund was, therefore, wound up, and its assets disposed of as follows:—

Payment to the Nawab Nazim, above mentioned ...	100,0
Other personal claims	6,0
Credited to "Miscellaneous," being recovery of the excess charge made to Government since 1st May 1865 by paying yearly 170,7 instead of the actual liabilities only	294,2
Credited to Government outside the Budget Account ...	302,1
TOTAL ...	702,3

The explanation of the last two entries is that we take 1st May 1865 as the starting point of our present accounts; a recovery of a charge made since that date is, therefore, taken as revenue, but a recovery of a charge made before that date is adjusted through the books only.

The exceptional credit of 294,2 was not known at the time of the Regular Estimate.

PUBLIC WORKS.

The Public Works heads, as they appear in the Budget Account, are as follow :—

PUBLIC WORKS.	INDIA.			ENGLAND.			TOTAL.			TOTAL, 1879-80.
	Budget, 1880-81.	Regular, 1880-81.	Actual, 1880-81.	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Actual.
XXV.—RAILWAYS . .	7,545,0	7,669.8	7,952,7	...	2	2	7,545,0	7,670 0	7,952,9	7,120.5
XXVI.—IRRIGATION .	860 2	849,5	828,9	8	5	5	861,0	850,0	829,4	916,9
XXVII.—OTHER PUBLIC WORKS .	456,7	473,7	533,5	14,3	13.8	13.8	471,0	487.5	547 3	503,1
TOTAL .	8.861,9	8,993.0	9,315,1	15,1	14,5	14.5	8,877,0	9.007,5	9,329,6	8,540.5

This arrangement, however, is far too meagre for the present widely extended operations of the Department, and the same figures are more clearly arranged as follow :—

PUBLIC WORKS HEADS.	INDIA.			ENGLAND.			TOTAL.			TOTAL, 1879-80.
	Budget, 1880-81.	Regular, 1880-81.	Actual, 1880-81.	Budget, 1880-81	Regular, 1880-81.	Actual, 1880-81.	Budget. 1880-81.	Regular, 1880-81.	Actual, 1880-81.	Actual.
Unproductive.										
1.—IRRIGATION, DEPARTMENTAL . . .	177,0	191,3	193,8	...	...	...	177,0	191,3	193,8	180,0
2.—IRRIGATION, CIVIL .	4,0	2,7	4,1	...	...	...	4.0	2,7	4,1	4,1
3.—MILITARY WORKS .	34,8	35,5	36,7	...	...	...	34,8	35,5	36,7	38,2
4.—OTHER PUBLIC WORKS, DEPARTMENTAL .	137,6	132,6	170,3	a 14,3	a 13,3	a 13,8	151,9	145,9	184,1	150,2
5.—OTHER PUBLIC WORKS, CIVIL . . .	284,3	305,6	326,5	...	...	...	284,3	305,6	326,5	314,7
TOTAL UNPRODUCTIVE .	637,7	667,7	731,4	14,3	13,3	13,8	652,0	681,0	745,2	696,2
Productive Public Works Revenue Accounts.										
6.—STATE RAILWAYS .	1,920,0	2,175,0	2,268,9	...	2	2	1,920,0	2,175,2	2,269,1	1,548,7
7.—GUARANTEED RAILYS.	2,825,0	2,694,8	2,913,3	...	...	...	2,825,0	2,694,8	2,913,3	2,476,4
8.—EAST INDIAN RAILY.	2,800,0	2,800,0	2,770,5	...	...	...	2,800,0	2,800,0	2,770,5	b 3,095,4
9.—IRRIGATION, DEPARTMENTAL . . .	679,7	660,5	603,7	8	5	5	680,5	661,0	604,2	659,1
10.—IRRIGATION, CIVIL .			34,9	...	...	...			34,9	48,9
11.—MADRAS IRRIGATION CO. . .	—5	—5,0	—7,6	...	...	...	—5	—5,0	—7,6	15,8
TOTAL PRODUCTIVE .	8,224,2	8,325,3	8,583,7	8	7	7	8,225,0	8,326,0	8,584,4	7,844,8
TOTAL .	8,861,9	8,993,0	9,315,1	15,1	14,0	14,5	8,877,0	9,007,0	9,329,6	8,540,5

a No separation of the receipts in England can be made between Military and other Services.
b The East Indian Railway figures, 2,140,2, are for facility of comparison transferred from Guaranteed Railways under which they appeared in the actual accounts of 1879-80.

Under the unproductive heads the receipts follow very closely both last year's Actuals and the Estimates of the current year. "Other Public Works," both Departmental and Civil, show an improvement. In the first case it is composed of numerous petty improvements; in the latter case it occurred chiefly in Madras, where the receipts from tolls, ferries, &c., exceeded the Estimates.

The productive heads are of more interest than the above.

6.—State Railways.—These figures show the gross receipts, the working expenses being taken as expenditure on the other side. They exhibit a great improvement over the figures of last year and the Budget Estimate. The figures necessarily increase with the extension of the lines, but greater increase than was expected was realized on the Sindia Railway (which was opened through to Gwalior), the Rajputana Railway (in which through communication to Bombay was established), the Irrawaddy Valley Railway, the Indus Valley Railway (due to the war), and more than all the Punjab Northern Railway, where more traffic offered than any one had anticipated.

7.—Guaranteed Railways.—The figures under this head and under East Indian Railway are net earnings, that is gross earnings less working expenses. The figures show an improvement both on the Estimate and on the figures of last year. The Regular Estimate anticipated a falling-off in the traffic on the Madras Railway, and on the Great Indian Peninsula, partly made up for by the war traffic on the Sind, Punjab and Delhi. The Actuals,

however, showed a recovery of the whole amount and more, but it was less a recovery of traffic than a diminution of working expenses.

The Revenue Account of the Guaranteed Railways and of the East Indian Railway was as follows:—

	1879-80.			1880-81		
	Earnings	Working Expenses.	Per Cent.	Earnings.	Working Expenses	Per Cent.
Bombay Baroda	777,2	448,2	57·7	888,8	511,8	57·6
Eastern Bengal	534,5	283,0	52·9	564,2	295,7	52·4
Great Indian Peninsula	2,717.4	1,763,1	64·8	2,865,8	1,662.0	57·9
Madras	683.4	457,0	66·8	657.9	460,2	69·9
Oudh and Rohilkhund	472,4	318,4	67·4	514·8	30[illegible]	59·7
Sindh Punjab	1,791,5	1,325.8	74·0	2,013·5	1,510,2	75·0
South India	357,2	261,8	73·2	377,3	240,1	63·7
TOTAL GUARANTEED ...	7,333,6	4,857,3	66·2	7,862·3	4,987,6	63·3
East Indian	4,611,9	1,516,5	32·9	4,252,9	1,482,3	34·6

8.—East Indian Railway.—The present is the first complete year of the new contract, but the effect of the new contract is to be seen in the expenditure side and not in the net revenue figures. The traffic somewhat fell off, being partly affected by the opening of the Rajputana State Railway through to Bombay. The Budget and Regular Estimates were not quite realized.

9.—Irrigation.—The falling-off under this head is principally a matter of account; being caused by the transfer to Land Revenue of water-advantage rates in the Punjab.

11.—Madras Irrigation Company.—The working expenses run away with the whole of the earnings and usually a little more.

ARMY.

XXIX.—Army.—The Regular Estimate added a little to the Budget, chiefly on account of the higher price of the issue of malt liquor, of certain sales of clothing, and of one or two considerable recoveries from the Imperial Government,—one for horses which the 14th Hussars took with them to the Cape, and one in England for stores taken home by the troops. The excess was, however, not fully realized.

The figures of 1879-80 were higher than usual, and included considerable sales of Commissariat stores; it has also to be noted that, in 1880-81, a new rule of account was applied, by which issues of stores to the Civil Departments were taken in the Military Accounts, not as revenue, but as deductions from expenditure. The receipts of 1880-81, on these accounts, fall short of those of 1879-80 by 105,4.

EXCHANGE.

XXX.—Exchange.—My remarks on this head had better be postponed till the expenditure under the same head is taken up.

EXPENDITURE.

The following is an abstract of the expenditure:—

Abstract of Expenditure, 1880-81.

		India.			England.			Total.			Total, 1879-80.
		Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Actual.
INTEREST . . .	1—2	3,767,5	3,811,3	3,779,3	2,527,5	2,665,8	2,665,8	6,295,0	6,497,1	6,465,1	6,559,5
CHARGES AGAINST REVENUE . . .	3—13	6,979,0	6,890,2	6,917,5	83,0	36,3	36,5	7,062,0	6,926,5	6,954,0	6,849,0
CIVIL DEPARTMENTS	14—16	1,516,2	1,551,0	1,567,3	203,6	198,6	198,6	1,720,0	1,749,6	1,765,9	1,691,2
ADMINISTRATION .	17—26	10,628,0	10,453,9	10,460,0	511,0	592,6	592,6	11,139,0	11,046,5	11,052,6	10,797,8
NON-EFFECTIVE CHARGES . . .	27—29	2,474,2	2,679,1	2,639,7	1,586,8	1,613,4	1,613,4	4,061,0	4,292,5	4,273,1	4,226,3
MISCELLANEOUS. .	30	243,3	255,0	249,2	20,7	30,8	30,8	264,0	285,8	280,1	241,9
FAMINE RELIEF AND INSURANCE . .	31	5,0	43,5	82,7	...	1,8	1,8	5,0	47,3	84,5	104,0
PUBLIC WORKS . .	32—34	7,402,3	8,468,6	7,585,3	4,575,7	4,391,3	4,391,3	11,978,0	12,859,9	11,976,6	12,140,6
ARMY	36	12,131,9	12,307,6	12,613,5	4,031,1	4,105,1	4,104,2	16,163,0	16,412,6	16,717,7	16,826,3
LOSS BY EXCHANGE .	37	3,411,0	3,095,0	3,124,3	..	...	...	3,411,0	3,095,0	3,124,3	3,247,0
		46,378,4	49,559,1	46,968,0	13,489,6	13,655,7	13,655,0	62,068,0	63,214,8	62,643,9	2,883,5
PROVINCIAL ADJUSTMENT . .	XXVIII & 35	—116,0	+90,0	+298,0	...	...	...	—116,0	+90,0	+298,0	+613,3
TOTAL EXCLUDING WAR .		46,462,4	49,649,1	46,966,9	13,489,6	13,655,7	13,655,0	61,952,0	63,304,8	62,941,9	63,496,8
WAR IN AFGHANISTAN . .		3,040,0	12,821,4	12,896,9	1,090,0	765,2	765,2	4,130,0	13,586,6	13,662,1	6,151,0
TOTAL "ORDINARY" .		51,502,4	62,470,5	62,183,8	14,579,6	14,420,9	14,420,2	66,082,0	76,891,4	76,604,0	69,647,8
PRODUCTIVE PUBLIC WORKS . . .	38	1,906,0	2,749,0	3,065,8	1,406,0	570,7	570,7	3,312,0	3,319,7	3,636,5	13,095,3

INTEREST.

Under the first head, Interest, we have two accounts.

Interest.	India.			England.			Total.			Total, 1879-80.
	Budget.	Regular.	Actual.	Budget.	Regular	Actual.	Budget.	Regular.	Actual.	Actual.
1.—Interest on Debt .	3,369,1	3,411,0	3,365,9	2,525,9	2,685,2	2,685,2	5,895,0	6,096,2	6,051,1	6,207,0
2.—Interest, other Accounts . . .	398,4	400,3	413,4	1,6	6	6	400,0	400,9	414,0	382,5
Total .	3,767,5	3,811,3	3,779,3	2,527,5	2,685,8	2,685,8	6,295,0	6,497,1	6,465,1	6,589,5

1.—Interest on Debt.—The annual amount of interest payable in India was, on April 1st, 3,372,9 and on March 31st, 3,513,8. Of this latter sum we may state—

864,9, payable on bills issued by the Bank of England.
140,8, payable on coupons.

The only difficulty in estimating the interest lies in the consideration that half of the interest on the 4½ per cent. Loans, namely, 463,3, falls due on March 15th of each year, and no inconsiderable part of it may remain over for payment till April; all that portion which is drawn by bills from England must so remain over, but the coupon part need not. Now the payment of interest on the 4½ per cent. Loan was, in April and May 1880, 179,1, and in the same months of 1881, 258,8, giving a difference of eight lakhs, much more than is accounted for by the additional amount of the loan enfaced for London. In fact, 53,6 out of the total of 70,4 of coupons payable on March 15th, were presented and paid in April and May.

It was for these reasons that the payments in India fell short of the Regular Estimate.

In the English Account the excess of the Actuals over the Budget Estimate is mainly a question of classification. The East Indian Railway purchase gives rise to three heads of payments:—

A. The annuity to the proprietors.
B. The interest on the debentures of the Company.
C. The interest on stock issued in redemption of the annuities.

A is charged as outlay on the East Indian Railway.
B is charged as interest on debt incurred for Productive Public Works.
C is charged in the same way.

But in the Budget Estimates, B was charged as outlay on the East Indian Railway.

2.—Interest other Accounts.—There is no difficulty in calculating these payments and they agree fairly with the Estimates. The Civil and Uncovenanted Service Funds absorb the greater part of the payment, 199,1; deposits in Savings Banks involve a demand for interest of about 95,3. After them comes a group of special loans received from the late King of Oudh, under certain stipulations involving payments to his family and dependents of 78,5, and a number of smaller accounts add 41,1.

CHARGES AGAINST REVENUE.

Charges against Revenue.	India.			England.			Total.			Total, 1879-80.
	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Actual.
3.—Refunds and Drawbacks . . .	318,0	434,0	469,2	...	...	...	318,0	434,0	469,2	368,6
4.—Land Revenue. .	2,994,4	2,982,5	2,983,0	6	5	7	2,995,0	2,983,0	2,983,7	2,937,3
5.—Forest . . .	527,6	468,6	461,9	4,4	4,1	4,1	532,0	472,7	466,0	465,0
6.—Excise . . .	111,0	95,0	95,4	...	...	...	111,0	95,0	95,4	111,4
7.—Assessed Taxes .	20,0	23,0	21,2	...	...	...	20,0	23,0	21,2	29,9
8.—Provincial Rates .	53,0	48,0	46,4	...	...	...	53,0	48,0	46,4	47,9
9.—Customs . . .	204,0	200,0	198,9	...	...	...	204,0	200,0	198,9	201,3
10.—Salt	368,0	371,0	363,5	...	...	...	368,0	371,0	363,5	340,7
11.—Opium . . .	2,160,5	2,029,9	2,028,7	5	1	1	2,160,0	2,030,0	2,028,8	2,067,5
12.—Stamps . . .	77,5	63,2	75,9	27,5	31,6	31,6	105,0	94,8	107,5	114,3
13.—Registration . .	166,0	175,0	173,4	...	...	...	166,0	175,0	173,4	165,2
Total .	6,999,0	6,890,2	6,917,5	33,0	36,3	36,5	7,032,0	6,926,5	6,954,0	6,849,0

3.—Refunds is an item which by its nature is very difficult of estimate. The estimate in fact is taken at a round sum, which used to be 300,0 and is now 350,0, as experience has shown that demands, year after year, came up to this last amount. The figures of 1880-81 were unusually large, being swelled by the special item of 99,5 mentioned under VIII Salt and by another of 20,0 which will be referred to under 14 Mint. No other special item of importance appears to have entered the account. Land Revenue 4,68, Assessed Taxes 30,6, Stamps 34,2, Customs 62,4, Law and Justice 46,1, contribute the largest shares, as the necessity for making refunds, or rather of collecting revenue which may afterwards have to be refunded, is part of the system of administration in each of these cases except the first.

The next series of heads, 4 to 13, may shortly be described as the charges for the collection and realization of ten out of eleven heads of revenue. (Tributes, the eleventh head, involves no special charge). The first six (Land Revenue, Forest, Excise, Assessed Taxes, Provincial Rates and Customs) and the last (Registration) mean for the most part the cost of permanent establishments employed by the Government. On these heads no remark appears necessary, as the expenditure which in its nature is stationary followed the figures of last year, except for a slight increase under Land Revenue due to increased establishment in Burma, and Cadastral Survey operations, also in that province.

10.—Salt.—The figures of this head include considerable outlay in purchase and manufacture of salt, besides the regular establishments, Madras alone contributing, on account of purchases, about 100,0. The expenditure on the whole has been shrinking of recent years, owing to the abolition of the Inland Customs Line. The Financial Statement of February 1880 anticipated a saving on this account of 100,0, and the figures of the last five years appear to justify this estimate. They are 488,5, 539,8 (of which about 46,0 was special expenditure connected with the change of policy), 404,7, 340,7, very low owing to failure of manufacture in Madras, and 363,5.

The figures will now again, no doubt, begin to increase, as the Salt Department of Northern India is incurring new expenditure, chiefly in connection with the depôt system alluded to under VIII Salt above. The charges of conveyance to depôt are now departmental charges, though they will be recovered in connection with the sale of the salt.

11.—Opium.—The principal part of the charges under this head are the payment to cultivators and the manufacturing charges. These vary with the size of the crop, the last five years' figures being—

	Manufacture charges.	Chests of Export opium added to stock.	Other charges.
1876-77	2,714,5	68,051	127,1
1877-78	2,526,8	67,167	134,5
1878-79	1,585,1	43,140	113,6
1879-80	1,950,8	49,961	116,7
1880-81	1,909,2	52,969	119,6

Taking the "other charges" against the manufacture of about 4,000 chests of excise opium, which is not included in the above figures, we may compare the first two columns, and obtain from the proportion of "manufacture charges" to "chests added to stock" in the five years, Rupees 398, 376, 367, 390, 360 per chest.

This is sufficiently accurate as a general comparison of expenditure, though necessarily liable to many corrections as a statement of the cost price of a chest of opium, as the outlay of one year is largely represented by additions to stock made in the next.

The Budget Estimate in the case of opium is taken at an average figure, as the prospects of the crop cannot be known at the time when it is framed. The Regular Estimate was very accurate.

12.—Stamps.—The English charges represent payments for manufacture of stamps; the rest is discount upon their sale and a few establishment and contingent charges.

The Budget figures were very accurately followed. A lakh of diminution was made in the Regular in connection with the adjustment for the value of stamps supplied to Madras, but it appears to have been a mistake.

CIVIL DEPARTMENTS.

Civil Departments.	India.			England.			Total.			Total, 1879-80.
	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Actual.
14.—Mint	91,5	76,5	89,2	19,5	3,4	3,4	111,0	79,9	92,6	94,6
15.—Post Office . .	1,043,8	1,073,2	1,069,2	98,2	106,3	106,3	1,142,0	1,179,5	1,175,5	1,145,5
16.—Telegraph . .	380,9	401,3	408,9	86,1	88,9	88,9	467,0	490,2	497,8	451,1
Total .	1,516,2	1,551,0	1,567,3	203,8	198,6	198,6	1,720,0	1,749,6	1,765,9	1,691,2

14.—Mint.—The charges under this head for the past five years may conveniently be grouped under three heads:—

	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
Charges connected with copper coinage . .	16,9	13,5	8 6	9,4	20,1
Loss of weight on coinage	7,9	10,8	14,2	5,5	5,3
Other charges ...	66,1	81,5	71,8	71,4	63,8
English charges, mostly stores and machinery ...	39,7	26,2	9,4	8,3	3,4

The method of dealing with copper coinage has of late years been somewhat irregular, and when small coin depôts for the reception of small coin not required for circulation were established, it soon became evident from the large surplus of copper coin that was being transferred into them, that more copper had recently been coined than was required for circulation. As the practice had been to take credit for the increase of nominal over actual value as the coin was issued from the Mint into the treasuries, it was clear that an excess of gain upon copper coinage had been brought to account in former years. We have now arranged that this gain shall come into the accounts only when the coin, being required for circulation, passes out of the depôts; and we also arrange to take against this gain, first the loss by sale of old copper coin, and second the remittance charges on the copper to the place where it is required.

In the past year, the amount of circulation continued to decrease, as the copper coin continued to flow from the treasuries into the depôts, and it was considered advisable, upon a report to Government, to write back 20,0 of what had in former years been taken as gain on copper coinage. This amount is taken under Refunds, and Mint is charged with the loss on demonetized coin and the charges of remittance. Our copper coinage account is now, as we believe, so adjusted that we have not as yet brought to Revenue any of the gain on coin not yet issued; and the excess charges of the past year really arise out of our revision of the system.

The figures under the head "Loss of weight on coinage" are necessarily higher when large amounts are being coined (see under XII Mint), and it is part of the charge which is covered by the seignorage we levy. The same explanation applies to the yearly differences under the other charges, *i. e.*, establishment and current working charges, as, when silver is being coined, both there is a larger outlay on stores, and extra establishments are required.

The Budget provided for these establishment and other charges 63,3, and was very accurately followed by the Actuals. The Budget under other heads is necessarily liable to much alteration, as the progress of the year alone can determine the amount of coinage likely to be required.

15.—Post Office.—The Post Office charges of the last three years have been 1,033,3, 1,145,5, 1,175,5; but to make a fair comparison with the revenue we should deduct the cost of district post establishments 88,4, 87,7 and 91,0. These establishments are maintained for the most part out of a cess upon land, and represent a duty attaching to landholders of carrying the official correspondence within the districts. The figures thus altered give the following com-

parison of revenue and expenditure, the casual collections of district post being also excluded from the revenue:—

Revenue	908,8	1,001,4	1,014,8
Expenditure	944,9	1,057,8	1,084,5

16.—Telegraphs.—The Telegraph charges are divided between two accounts,—the Capital and the Revenue Accounts. The last four years have shown the following figures:—

	1877-78.	1878-79.	1879-80.	1880-81.
Capital Account	70,0	59,7	42,0	99,8
Revenue Account	391,1	411,1	409,1	398,0
TOTAL ...	461,1	470,8	451,1	497,8

This arrangement of the figures shows that the variation in the outlay is chiefly in respect of the Capital Account, that is, the construction of lines. The Regular and the Actual showed a slight increase over the Budget, due chiefly to a charge for the value of military stores received from England.

The revenue of the Department has latterly much more than covered the outlay upon Revenue Account.

ADMINISTRATION.

The next group of heads is an important one and means the Civil administration of the country. The total is divided as follows:—

ADMINISTRATION.	India.			England.			Total.			Total, 1879-80.
	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Actual.
17.—ADMINISTRATION .	1,245,5	1,302,4	1,291,5	220,5	240,6	240,6	1,466,0	1,543,0	1,532,1	1,492,3
18.—MINOR DEPARTMENTS .	415,1	378,1	371,2	21,9	29,1	29,9	437,0	407,2	401,1	358,2
19.—LAW AND JUSTICE .	3,250,9	3,219,6	3,203,3	2,1	3	3	3,253,0	3,219,9	3,203,6	3,280,8
20.—POLICE . . .	2,513,0	2,511,0	2,524,2	...	...	...	2,513,0	2,511,0	2,524,2	2,495,5
21.—MARINE . . .	419,0	382,4	398,9	149,0	152,7	152,7	568,0	535,1	551,6	530,1
22.—EDUCATION . .	1,015,9	998,5	998,1	2	4	4	1,016,0	988,9	998,5	967,0
23.—ECCLESIASTICAL . .	158,6	158,3	158,0	4	6	6	159,0	158,9	158,6	156,0
24.—MEDICAL . . .	701,4	662,5	659,5	7,6	7,2	7,2	709,0	669,7	666,7	668,8
25.—STATIONERY AND PRINTING . .	415,7	414,5	410,4	66,3	75,4	74,6	482,0	489,9	485,0	418,5
26.—POLITICAL . . .	393,0	434,6	444,9	43,0	86,3	86,3	436,0	520,9	531,2	430,6
TOTAL .	10,628,0	10,455,9	10,460,0	511,0	592,6	592,6	11,139,0	11,048,5	11,052,6	10,797,8

17.—Administration includes the India Office, the Governments and the Secretariats, Boards of Revenue and Commissioners, and the Account and Currency Departments. Being composed for the most part of monthly salaries, it is not liable to much alteration; the five past years giving 1,492,6, 1,492,7, 1,487,8, 1,492,3 and 1,532,1. The greater part of the last year's increase is a matter of account. Nearly two lakhs of rupees are advanced in March to the various Secretariat Offices as pay, travelling allowances and cost of transit from Calcutta to Simla; and a few years ago, the transfer being made in the beginning of April, it was customary to charge these as advances, and adjust as expenditure of April. Of late years the move has become expenditure of March, and it was therefore determined to take the advances of March as expenditure of that month, and not leave its adjustment till April.

Another change, which added 4,8 to the expenditure under this head, was a direction issued to Assam to follow the practice of other Governments in charging to this head, and not to Law and Justice, the cost of the Revenue and Judicial Commissioner.

If these two alterations be excepted, the other items may be said to differ from the former years only according as officers proceed on leave or remain on duty. The Budget was exceeded only in respect of the two items specially explained.

18.—Minor Departments.—The charges under this head may be divided into the following groups:—

(*a*) *Scientific.*—Including the Survey of India, 114,7, the Geological Survey, 19,3, the Meteorological Department, 14,1, and some smaller charges.

(*b*) *Agricultural.*—Including experimental farms, 10,7, Cinchona Plantations, 20,3, Public Fairs, 12,7, Bull and Stallion charges 26,7, Botanical &c. Gardens, 34,1, and some others.

(*c*) *Emigration.*—10,4 chiefly in Bengal.

(*d*) *Statistics.*—This head included, this year, the charges for the Census, 30,2. As the Census was taken in February, this charge represents only the preparation, and the actual enumeration. The compilation has to follow, and the Estimates of 1881-82 put it down at 73,0. There is also a yearly charge of about 20,0 for collection of statistics.

(*e*) *Miscellaneous.*—Made up almost entirely of examination charges, chiefly a Madras item, 12,4, and of the general management of Local Funds, 9,7.

The English charges are chiefly the Indian Museum, 7,6, and the Compilation of the Gazetteer of India, 3,2.

The Budget Estimate was under-spent, chiefly because the cost of the Census was estimated at 60,0, whereas we see it amounted only to 30,3. There were also considerable savings under Survey, partly due to the transfer to war-charges of expenditure incurred beyond the frontier.

19.—Law and Justice includes the cost of Law Officers, Courts and Jails. The figures, like those of Administration, exhibit little difference from year to year, those of 1878-79 being 3,297,1 and of 1879-80 3,280,8.

The Estimate for 1880-81 provided 3,353,0, the Regular was 3,222,0, and the total 3,203,6. The saving was chiefly in the North-West, but also in Bengal, Madras and Bombay. Much of it was due to the cheapness of provisions, reducing the cost of jails; but in the North-West the Budget provided for certain proposed judicial reforms which were not carried out during the year.

20.—Police.—No remark is necessary. The expenditure is very steady at about 2,500,0.

21.—Marine.—This is hardly an Administration head, though its place in our catalogue is among them. Like the "Marine" receipts, the expenditure is divided between the Provincial (the charge for port offices, lighthouses and light vessels) and the Imperial Marine Department, including the two dockyards and sea-going vessels.

Of the former the Budget Estimate was 168,0, the Regular 148,3, and the Actuals 149,5. Burma and Bengal divide nearly all these charges between them, and there was a saving in the first, in a large item 10,0 estimated under Purchase of vessels, and in the second in connection with the approaches to the port of Calcutta, estimated at 36,9, but costing only 31,7.

The Imperial Marine expenditure in India was estimated at 251,0; and it was almost exactly spent. It consists mainly of the expenditure at the two Dockyards, Calcutta and Bombay, and expenditure in various sea-going vessels. A small part is for Marine Survey.

The Home charges consist of 40,1 Pensions; 62,5, the contribution towards the expenses of Her Majesty's ships employed in Indian seas; 46,7 for stores and 3,4 Miscellaneous.

22.—Education.—
23.—Ecclesiastical.—
24.—Medical.—
These three heads call for no remark. In each of them the Estimates were fairly followed.

The following figures afford a comparison between the fees and contributions received and the expenditure upon Government Colleges and higher and middle class schools:—

	Fees, &c	Colleges and Higher Schools.
India	1,6	2,2
Central Provinces	4,6	14,7
Burma	1,8	10,5
Assam	2,2	? (*a*)
Bengal	46,2	96,4
North-Western Provinces	8,2	48,1
Punjab	3,0	5,5
Madras	10,3	26,2
Bombay	40,0	50,7

(*a*) The item is not distinguished from lower class schools.

The following figures are the results of two different policies in the matter of primary education. Bengal largely upholds the system of grants-in-aid, while other Governments maintain the lower class schools as Government institutions:—

	Lower Class Schools.	Grant-in-aid.
Bengal	3	83,2
North-Western Provinces	58,4	19,2
Punjab	41,1	23,3
Madras	20,0(a)	40,7
Bombay	100,0	12,7

(a) So taken by estimate out of the gross charge of 35,5 for higher, middle, and lower class.

Under "Medical" it is to be noted that the Medical Establishment (Civil Surgeons and other Principal Medical Officers) includes about one-third of the whole grant, and Lunatic Asylums nearly another third. The outlay on Hospitals and Dispensaries is largely made from local and municipal sources, and thus in the Government Accounts it shows only the comparatively small figure 42,2.

25.—Stationery and Printing.—The variation in the last two or three years under this head has been due to changes in the policy of Government as regards the purchase of stationery in England or in India.

The following figures show that the temporary diminution of charge in 1879-80 was that, having adopted the policy of local purchases, we were eating up our English stock before having to go into the market for more:—

	Total charge.	Purchase in England.	Purchase in Bengal.	Total.
1878-79	471,5	180,7	22,7	203,4
1879-80	418,4	94,9	45,0	139,9
1880-81	485,0	69,5	134,0	203,5

The Government has now again reverted to the English market for English stationery; but considerable local purchases must continue to figure in the accounts.

The mass of the Indian expenditure under this head is, however, for printing, the figures of the last two years being—

	1879-80.	1880-81.
India	76,3	84,1
Central Provinces	5,3	5,7
Burma	12,0	8,4
Assam	1,9	2,1
Bengal	28,1	29,2
North-Western Provinces...	27,5	27,8
Punjab	20,9	21,4
Madras	27,5	24,4
Bombay	24,1	24,5
TOTAL	223,6	227,6

26.—Political.—This year has shown a considerable increase in the charges under this head. The Budget Estimate was for 436.0, nearly the same as the Actuals of 1879-80, but the expenditure has come up to 531.2. Of this increase 43.3 was in the Home Accounts and was mainly due to the discharge of the claims of the English Government in respect of the Persian and Chinese Embassies, which had been under settlement for two or three years past.

In India the increase over the Estimate was 51,9. The principal items involved are, under India, Durbar Presents, Allowances to Vakeels, and Miscellaneous; and in the Punjab, Political Agents and Allowance to the Khyber tribes. In short, the increase may be said to be a consequence of the Afghan war. The large political expenditure beyond the frontier (both salaries of Agents, and subsidies to the Ameer, and other miscellaneous charges of all sorts) is reckoned as part of the war expenditure, and does not come into this part of the accounts.

NON-EFFECTIVE CHARGES.

The next group of charges is divided under three heads.

NON-EFFECTIVE CHARGES.	INDIA.			ENGLAND.			TOTAL.			TOTAL, 1879-80.
	Budget.	Regular.	Actual.	Budget.	Regular	Actual.	Budget.	Regular.	Actual.	Actual.
27.—ALLOWANCES AND ASSIGNMENTS . .	1,824,9	1,883,1	1,873,9	21,1	24,9	24,9	1,846,0	1,908,0	1,898,8	1,814,6
28.—CIVIL FURLOUGH ALLOWANCES . .	3.0	6,0	6,2	230,0	217,6	217,5	233,0	223,6	223,7	215,1
29.—SUPERANNUATIONS .	646,3	790,0	779,6	1,335,7	1,370,9	1,371,0	1,982,0	2,160,0	2,150,6	2,196,6
TOTAL .	2,474,2	2,679,1	2,659,7	1,586,8	1,613,4	1,613,4	4,061,0	4,292,5	4,273,1	4,226,3

27.—Allowances and Assignments contains the following heads of charges:—

(1) Allowances to Native Chiefs and their dependents, consequent for the most part upon treaty engagements, or at least upon obligations incurred at the time of conquests of their territories.

(2) Allowances on account of resumed land and other revenues, including mosque and pagoda allowances.

(3) Compensations for abolished rights to transit duties, or other revenues.

The following show the details:—

	Territorial.	Jagirdars, Mosques, and Temples.	Compensations.
India	156,5	4,1	278,6
Central Provinces	55,0	...	...
Assam	6,1	...	1,1
Bengal	106,2	...	5,8
North-Western Provinces	112,0	...	3,2
Punjab	66 0	...	4,1
Madras	111,4	76,3	63,9
Bombay	132,6	639,6	51,4
	745,8	720,0	408,1
TOTAL IN INDIA ...		...	1,873,9

As regards the first column, the principal part of the India payment is the 120,0 of the ex-King of Oudh. In Bengal, about 90.0 are paid on account of Nizamat (Moorshedabad) stipends. In Madras, the Tanjore stipends absorbed 28,2 and the Carnatic stipends 56,2. In Bombay, the payment to the Goa Government, under the recent treaty, was 49,1, being for the most part compensations for suppressed salt-pans.

The second column applies chiefly to Madras and Bombay, and the India item, being on account of the district of Coorg, also belongs to Southern India. The items are deductions from the Land Revenue, and, in fact, the greater amount is brought in by book adjustment, crediting Land Revenue, and debiting Assignments, the Land Revenue being really received net.

In the third column, the India figure is composed of the payments under the salt treaties,—partly for the lease of the salt sources from the Native States, partly on account of duty levied by India, on account of consumption in Native States; in short, the share of the Native States in the general farm, by the Government of India, of the salt revenue. The payment against Madras is a payment of the same kind, being a treaty payment of four lakhs sicca (42,6) a year to the French Government.

The payments of this year were considerably in excess, both of last year's payments and of the Budget Estimate. This was due (1) to the new payment under the Goa Convention, (2) to the arrear payment of 21,3 for the French salt compensation, as the French Government is not very regular in applying for the payment. There were also over three lakhs (30,0) of excise compensations in Bombay which at the time of the Estimate were charged under Excise, but in the accounts were more correctly taken under the head of Allowances and Assignments.

28.—Civil Furlough Allowances is chiefly an English head, as these allowances, when paid in India, are charged to the same head to which the officer's salary would be charged were he on duty.

29.—Superannuations.—This is necessarily an increasing head, the figures of the last five years being 1,798,6, 1,858,7, 1,997,3, 2,196,5, 2,150,6. The large increase in the latter years includes the cost of the reduction of Public Works Establishments. The amount of payments to be made under these arrangements was under-estimated, and for this reason the Actuals very considerably exceeded the Budget Estimate.

MISCELLANEOUS.

30.—Miscellaneous.—The principal parts of these charges are—Remittance of Treasure, 35,8; Petty Establishments, 73,0; Rents and Rates, 19,6; and Charitable Donations, 24,9.

FAMINE.

31.—Famine Relief.—The expenditure under this head is necessarily incapable of estimate at the time of the Budget. A small payment of 5,0 was estimated for. The actual expenditure of the year was only 8 or 9 in Northern India, but some outstandings in Madras, amounting to 32,2 (debits not brought to account), had also to be adjusted.

PUBLIC WORKS.

The Public Works heads as they appear in our accounts are—

Public Works.	India.			England.			Total.			Total, 1879-80.
	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Actual.
32.—Railway . . .	2,159,0	2,884,1	2,230,8	4,436,0	4,247,7	4,247,7	6,595,0	7,132,0	6,478,5	7,114,2
33.—Irrigation . .	1,026,8	1,144,2	1,129,7	50,2	55,4	55,4	1,077,0	1,199,7	1,185,1	1,184,0
34.—Other Public Works	4,216,5	4,440,0	4,224,8	89,5	88,2	88,2	4,306,0	4,528,2	4,313,0	3,892,4
Total .	7,402,3	8,468,6	7,585,3	4,575,7	4,391,3	4,391,3	11,978,0	12,859,9	11,976,6	12,140,6

As on the Revenue side, I rearrange them as follows:—

	India.			England.			Total.			Total, 1879-80.
	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Actual.
Unproductive.										
1.—State Railways, Capital	304,0	745,0	77,0	...	...	...	304,0	745,0	77,0	471,4
2.—Irrigation, Departmental	632,2	712,8	702,2	2	5,5	5,3	633,4	718,3	707,5	667,4
3.—Irrigation, Civil ...	1,6	1,7	1,6	...	...	...	1,6	1,7	1,6	1,5
4.—Military Works ...	1,033,3	992,6	969,2	...	...	...	1,033,3	992,6	969,2	966,3
5.—Other Public Works, Departmental ...	2,842,1	2,615,2	2,451,0	89,5	90,0	88,2	2,931,6	2,705,2	2,539,2	2,488,9
6.—Other Public Works, Civil	341,1	532,2	304,6	...	...	...	341,1	532,2	304,6	437,2
Total Unproductive ...	5,154,3	5,599,5	5,005,6	89,7	95,5	93,5	5,244,0	5,695,0	5,099,1	5,032,7
Productive Public Works.										
7.—State Railways ...	1,326,0	1,573,0	1,607,5	...	...	...	1,326,0	1,573,0	1,607,5	1,215,8
8.—Guaranteed Railways	334,5	369,0	365,7	3,257,0	3,254,5	3,254,5	3,591,5	3,623,5	3,620,2	3,364,3
9.—Ditto Land and Control	69,5	74,5	57,6	...	...	...	69,5	74,5	57,6	63,1
10.—East Indian Railway	124,0	122,8	123,0	1,179,0	1,181,2	993,2	1,304,0	1,304,0	1,116,2	...
11.—Irrigation and Navigation, Departmental	393,0	430,0	425,0	...	...	1	393,0	430,0	425,1	413,9
12.—Irrigation and Navigation, Civil ...	...	...	3	...	...	...	...	...	3	7
13.—Madras Irrigation and Canal Company.	...	...	...	50,0	50,2	50,0	50,0	50,2	50,0	50,0
14.—Ditto Land and Control	...	—2	6	...	...	...	...	—2	6	5
Total Productive ...	2,248,0	2,569,1	2,579,7	4,486,0	4,485,9	4,297,8	6,734,0	7,055,0	6,877,5	7,107,9
Total ...	7,402,3	8,468,6	7,585,3	4,575,7	4,581,4	4,391,3	11,978,0	13,050,0	11,976,6	12,140,6

a East Indian Railway 1,918,2; other Railways 3,468,0.
b " " 998,0 " " 3,563,6.

1.—State Railways, Capital.—As the accounts were first made up, the chief part of the figures, both Actuals and Estimates (Budget 247,6, Regular

654,4, Actuals 601,0) was on account of the Punjab Northern State Railway. The continuance of the Afghan war rendered it necessary to push on the construction at all possible speed, and notwithstanding the heavy rates that were ruling in the Punjab, but the Regular somewhat overestimated the excess outlay. At the last moment the Secretary of State directed this work to be ranked as a productive work, and its removal to the Productive head 38, left only the small figure 77,0 under the Actuals.

The Regular also included 22,4 on account of the Sonapur-Mugra project of the Bengal Government.

2.—*Irrigation, Departmental.*—The increase of 75,0 over Budget occurs in nearly equal parts in Burma, Bengal and Bombay. In the first case, it is merely the transfer to this head of a grant sanctioned under "Other Public Works"; in Bengal it was owing to the necessity of some additional outlay on repairs; and in Bombay it was owing to additional grants for two or three small works.

4.—*Military Works.*—The expenditure was nearly the same as last year, but contained a little less for new works, and a little more for repairs. There was a small saving on the Estimates.

5 and 6.—*Other Public Works, Departmental and Civil.*—Some thirty lakhs of works chargeable to Local Funds in Madras were, at the time of the Budget Estimate, shown as departmental, but were afterwards made over to Civil Officers. This accounts for part of the large variations between Budget and Regular. The totals, Departmental and Civil taken together, give—Budget 3,272,7, Regular 3,537,4, Actuals 3,343,8.

Bengal estimated in the Regular for an increase of nearly 100,0 under Departmental and another 100,0 under Local, which was for the most part for expenditure over and above what had been at first undertaken; and these amounts were duly spent. The North-West and still more Bombay failed to work up to their Estimates, and in Madras there was also a saving, as the Civil Officers, in taking over charge of the local fund works, were unable to make complete arrangements for all the intended outlay.

7.—*State Railways.*—The figures against this head are the working expenses. The Regular Estimate showed a large increase over the Budget, which was for the most part due to increased traffic on the Punjab Northern and on the Indus Valley Railways, and to some extensions completed at an earlier date than expected. It was therefore exactly parallel with the increase of receipts. The excess on the two Railways just mentioned exceeded what had been taken in the Regular Estimates. In other Railways the figures fairly followed the Budget. The Regular Estimate noted a decrease in the working expenses of the Northern Bengal.

The following figures show for two years the revenue and expenditure of the State Railways:—

	1879-80.			1880-81.			Capital Account, March 31, 1881.
	Revenue.	Expenditure.	Net Revenue.	Revenue.	Expenditure.	Net Revenue.	
Rajputana	396,6	259,7	+ 136,9	470,3	319,1	+ 141,2	5,307,6
Sindia	10,6	12,8	— 2,2	22,9	19,9	+ 3,0	834,2
Holkar	120,4	87,7	+ 32,7	151,6	111,0	+ 40,6	1,249,5
Wardha Coal	29,8	29,7	+ 1	24,6	44,7	— 20,1	577,5
Nagpur-Chattisgurh	...	...	...	15,9	11,4	+ 4,5	586,5
Irrawaddy	108,5	77,6	+ 30,9	141,2	86,0	+ 55,2	1,262,6
Calcutta & S. E.	13,5	10,1	+ 3,4	14,7	9,0	+ 5,7	682,0
Nulhati	9,4	6,3	+ 3,1	6,7	7,0	— 3	34,5
Northern Bengal	146,8	122,9	+ 23,9	170,3	92,5	+ 77,8	2,109,3
Tirhoot	47,7	34,3	+ 13,4	54 3	31,6	+ 22,7	593,6
Patna and Gya	34,0	18,7	+ 15,3	49,8	27,6	+ 22,2	357,8
Gazipur	...	...	...	1,8	2,3	— 5	59,3
Cawnpur	...	...	...	4,6	2,9	+ 1,7	394,6
Muttra	12,3	6,6	+ 5.7	14,0	8,0	+ 6,0	108,6
Punjab Northern	182,5	176,5	+ 6,0	401,2	306,6	+ 94,6	4,219,2
Indus Valley	385,6	314,9	+ 70,7	682,0	48[illegible],9	+ 20[illegible],1	6,408,6
Dhond-Manmad	51,0	57,4	— 6,4	53,0	47,0	+ 6,0	991,3
TOTAL	1,548,7	1,215,2	333,5	2,268,9	1,607,5	661,4	25,689,7

8.—Guaranteed Railways.—The Indian figures against this head represent the payment of surplus profits, and the English ones the guaranteed interest: a small amount of guaranteed interest is, however, included in the Indian payments.

The following figures compare the Estimates on account of payment of surplus profits:—

	Budget.	Regular.	Actual.
East Indian	235,0	266,6	266,6
Eastern Bengal	40,0	38,5	35,7
Great Indian Peninsula ...	50,0	56,0	55,9
TOTAL ...	325,0	361,1	358,2

The Bombay-Baroda Line usually has a charge on this account also, but by agreement with the Secretary of State the amount has for some years been appropriated for construction of the new Nerbudda Bridge.

The following figures show the net result to Government by the working of the Guaranteed Railways: our adjustment for exchange being taken into account by taking the interest paid in England at Rs. 12 per £:—

	1879-80.			1880-81.		
	Net Earnings.	Charges.	Result.	Net Earnings.	Charges.	Result.
Bombay-Baroda . . .	329,0	483,9	—*154,9*	377,0	485,1	—*108,1*
Eastern Bengal	251,5	220,0	+ 31,5	268,5	223,4	+ 45,1
Great Indian Peninsula . .	954,3	1,441,1	—*486,8*	1,203,8	1,444,0	—*240,2*
Madras	226,4	633,0	—*406,6*	197,6	636,9	—*439,3*
Oudh and Rohilkund . . .	154,1	342,1	—*188,0*	207,2	344,0	—*136,8*
Sindh-Punjab	465,7	673,7	—*208,0*	503,3	676,8	—*173,5*
South India	95,3	248,1	—*152,8*	137,2	252,4	—*115,2*
TOTAL .	2,476,3	4,041,9	Loss. 1,565,6	2,894,6	4,062,6	Loss. 1,168,0

10.—East Indian Railway.—The East Indian Railway worked under the new contract from 1st January 1880; but as the payments are made in respect of each completed half-year, the accounts of 1880-81 contain part of the old arrangement and part of the new.

The last payment of guaranteed interest under the old contract, *viz.*, for the half-year ending December 31, 1879, fell within the year 1879-80, but the moiety of surplus profits for the same half-year was not paid till a month or two of 1880-81 had passed and is the 266,6 which appears in the statement under "Guaranteed Railways."

Now the payments to be made under the new Contract are—

I. Paid in sterling in England—

(*a*) The annuity—

	£
The total East Indian Railway annuity is, at £5-12-6 upon the original £26 200,000 or at £4-10-0 upon the revised Capital of £32,750,000	1,473,750
This is divided into two parts, namely, the one-fifth share ...	294,750
And the four-fifths share	1,179,000
The first part of the annuity is for the present deferred, and represents the Capital of the new Company, £6,550,000.	
The S. of S. pays four per cent. interest on this capital, or ...	262,000
The remaining half per cent. being for the present unpaid ...	32,750
TOTAL ...	294,750
The second part of the annuity is payable to the annuitants, except in as far as it has been commuted for India Stock. So far as it has been thus commuted, the amount is retained by the Secretary of State and distributed between interest on the Stock (at first 4 per cent., but now conversions are being made at 3½ p. c.) and sinking fund for the redemption of the same—	1,179,000

(*b*) Interest on debentures—

The debenture stock of the old Company, £4,450,000 on which the yearly interest is	168,000

II. Paid in India in Rupees—

(c) Contribution to Provident Fund of one per cent. on the net traffic earnings.

(d) After mutual adjustments of interest on stores and on overdrawings on Capital Account, one-fifth share of the profits.

The payments made during the present year 1880-81 have been as follows:—

of the 262,000, the whole	...	...	...	262,0
of the 1,179,000, about three-fourths, namely—				
Unconverted ...	£ 948,302	...		711,2
Converted ...	£ 230,697	Interest		156,0 (e)
		Sinking Fund		19,2
of the 188,000, the whole	...	...	...	188,0 (e)
of the ⅕ share of profits ...	...	...	...	123,0
These with a small payment of one penny per £ on the £ 230,697, for three quarters ...	...	...	...	8
	Make up the whole		...	1,460,2
of which is charged under East Indian Railway			...	1,116,2
and charged under Interest the two items marked (e)			...	344,0
				1,460,2

It will be seen that the two items which reckon as interest, are paid for the whole year, that is, for the two half-years ending June 30th and December 31st. Those which go by the annuity-year are paid only for nine months, namely, for the three months ending March 31st (the year of account being altered to correspond with the official one) and for the six months ending September. The payment of profits was for the half-year ending June 30th, 1880.

The difference between the Estimate and the Actuals, in the case of the East Indian Railway, was due to the decision of the India Office, made after the Estimates, to include the abovementioned £188,000 under Interest, and not under East Indian Railway.

11.—Irrigation.—The addition in the Regular Estimates was due to the necessity of increased outlay in maintaining and clearing works in Bengal, to repairs to flood damages in the North-West, and to additional outlay on the Kistna and Cauvery systems in Madras. The actual outlay in Madras was greater than the Estimate, but the excess was balanced by savings in the Punjab.

12.—Madras Irrigation Company.—The outlay is the payment of guaranteed interest on capital.

PRODUCTIVE PUBLIC WORKS REVENUE ACCOUNT.

The Productive Works Account for the year is in the following figures compared with that of the last year:—

	1879-80.	1880-81.		1879-80.	1880-81.
Revenue from Productive Public Works, see page 10 ...	7,844,3	8,584,4	Expenditure on Productive Public Works, maintenance, &c., see page 19 ...	7,107,9	6,877,5
Land Revenue due to Productive Works...	602,4	797,3	Interest on debt incurred for Productive Public Works ...	1,616,5	2,381,9
TOTAL ...	8,446,7	9,381,7		8,724,4	9,259,4
Gain		122,4	Loss ...	277,7	...

The features of this comparison then are an increased revenue on the one side and an increased charge for interest, indicating additional capital outlay, on the other.

The direct Revenue and Expenditure of the two years have been compared, in detail, under the head of "Public Works," the chief part being as follows:—

	Revenue.	Expenditure.
State Railways	+720,4	+392,3
Guaranteed Railways	+186,9	— 94,4
East Indian Railway	—324,9	—531,5

In the increased Revenue of Guaranteed Railways nearly every Railway participated; the diminished expenditure on the East Indian Railway is explained partly by the transfer of some of the charges to "Interest," (34,4 in the first year and 344,0 in the second) and partly by the fact that only nine months' annuity charges came within the year 1880-81.

The Land Revenue, which is chiefly a Madras item but partly also a Punjab and North-West one, is the part of the total of 21,910,3 under I, Land Revenue which is calculated to be due to Irrigation. The figure of the current year was swelled by an arrear of 100,9 in the Punjab Account.

The charges for interest have during the year received a great accession.

The interest charges here shown are not, except in the case of East Indian Railways debt, any specific interest upon any specific loans, but 4½ per cent. upon the total capital outlay upon the projects classed as Productive. The amount thus calculated is, for the purpose of this account, separated off from the mass of the charges under 1, Interest on Debt, and shown as interest on debt incurred for Productive Works. Now some very large sums have, from time to time, been spent out of the "ordinary heads" upon the works that are classed as Productive, and the practice hitherto has been to exclude these from the reckoning of capital expenditure, and include only what had been charged under 38, Productive Public Works Capital expenditure, outside the Budget Account. In February last the Secretary of State directed that both classes of capital expenditure should be reckoned and the amount added by this order to the capital was as follows:—

STATE RAILWAYS—		
Calcutta and South-Eastern	108,3	
Punjab Northern	489,0	
Others	318,4	
		915,7
IRRIGATION—		
Ganges Canal	2,604,1	
Lower Ganges Canal	362,3	
Bari Doab Canal	1,150,1	
Godavery Delta	511,0	
Kistna Delta	362,8	
Others	744,0	
		5,134,3
TOTAL		6,050,0

The Secretary of State at the same time allowed a set-off by excluding whatever sums, included in the capital expenditure, represented outlay upon works no longer classed as "Productive," but the permission operated to reduce the total by the following items only:—

IRRIGATION—	
Various items of which the largest are the Swat River Canal 111,4, and the Sukkur and Shadadpur Canal 52,6	342,3
STATE RAILWAYS—	
Hubli and Karwar	55,2
Punjab Northern Frontier Section	11,8
TOTAL ...	409,3

On this account therefore we get a net increase of 5,640,7 to the capital; and a further increase of 3,238,1 comes in by the addition of another year's expenditure. The total debt is accordingly thus altered:—

On account of Productive Public Works—

	31st Mar. 1880.	31st Mar. 1881.
Irrigation	11,851,2	17,257,6
State Railways	24,614,7	28,[illegible]47,0
East Indian Railway	9,730,9	10,149,3
Miscellaneous Public Improvements ...	344,4	414,4
TOTAL ...	46,571,2	55,868,3
ADD—Ordinary	105,1[illegible]6,9	101,539,3
TOTAL ...	151,728,1	157,407,6

And there is necessarily a corresponding increase in the charge against Productive Public Works on account of Interest.

The "Debt incurred for Productive Public Works" is not, except in the East India Railway case, any specific part of the general debt, but in the Finance and Revenue Accounts, an entry is made which maintains the distinction in the total debt account, of how much represents capital outlay on Productive Public Works and how much may be reckoned as ordinary debt.

ARMY.

36.—Army.—The Military Accounts were intended to show, under a separate head, the expenditure due to the war, but a perfect separation of this sort is not possible at the time of compiling the accounts. Accordingly a review of the figures now made shows that the charges taken under the ordinary heads of Army Service, either have been increased as a secondary consequence of the war, or actually include charges which fuller information would have shown as direct war-charges.

The main increases under the ordinary heads in India are—

1. Commissariat Services	367,1
2. Clothing Services	14,8
3. Barrack Services	31,9
4. Medical Services*	60,7
5. Ordnance*	64,2
6. Sea Transport	45,1
7. Miscellaneous Services	36,9
8. Retired Officers	12,2
9. Military Pensions	14,3

* The excess against these has, in the actual accounts, been reduced by 53,6 and 31,8, by the operation of the rule for taking credits for stores supplied to other departments by deduction from charges.

Of these, No. 1 is explained as being due to high prices in Northern India, which was a direct consequence of the draining of the country by supplies for the war; but in addition to this, large charges are included, which should have been taken as war expenditure. This especially applies to the excess under Provisions for Europeans 112,1, and to that under Conveyance by railway 78,9, and by water 10,6.

The excesses under Clothing, Medical and Ordnance, are all explained as purchases necessary to replace consumption in the war; that under Barrack Services, to the movements of troops to and from the war; that under Sea Transport, to the activity of transport, also a consequence of the war; that under Military Pensions, to admissions to the Pension list in consequence of the war.

Thus, the only excesses not due to the Afghan war are that under "Retired Officers," which is only a transfer of certain capitalization payments from England to India; and that under Miscellaneous Services 36,9. This last figure is a net one; as the details show (1) a charge of 93,9, on account of the Naga Expedition, and one of 7,8 on account of the Waziri Expedition, neither of which were provided for in the Budget; (2) a saving of 81,3 in the Madras and Bombay allowances for compensation for dearness of provisions, due to the fact of the regiments being ordered on service and receiving free rations.

The English figure compared with Budget showed about an equal amount of increases (chiefly in Stores) and decreases.

The Receipts and Expenditure under the head of "Army" were, in the accounts of 1880-81, for the first time, adjusted in accordance with the orders of the India Office Committee so as to bring to account, under the Budget heads, all the money issued from Civil Treasuries and not definitely accounted for by the Military Account Department. This net debit is in three parts, namely—

(1) Issues of which the receipt is not yet acknowledged in the Military Accounts.

(2) Net charges in the Military Accounts, to "Advances Recoverable" which are mostly expenditure not yet completely audited.

(3) Net outstandings under transfers between Military Departments,—that is, debited by one to the other, but not yet adjusted by that other.

Of these adjustments, (1) and (3) are taken as belonging to the ordinary part of the Military Account, and gave net expenditure *minus* 33,8. No. 2 was taken as outstanding war expenditure, and will be noted in the account of it.

EXCHANGE.

37.—Loss by Exchange.—The *per contra* item of "gain by exchange" must be explained with reference to this head, as it has really no meaning apart from it.

The figures of the past five years bearing on this head are as follow:—

	English charges.	Council Bills.			Exchange as shown in Accounts.	
		Sterling.	Rupees.	Difference.	Loss.	Gain.
1876-77 ...	13,467,8 619,2	12,695,8	14,857,5	2,161,7	2,181,6	505,1
1877-78 ..	14,048,3 1,146,8	10,134,5	11,698,5	1,564,0	1,653,4	561,2
1878-79 ...	13,849 2 692,9	13,948,5	16,912,4	2,963,9	3,359,1	474,5
1879-80 ...	14,547,7 541,0	15,748,8	18,957,2	3,208,4	3,247,0	320,6
1880-81 ...	14,420,2 570,7	15,239,7	18,327,7	3,088,0	3,124,3	407,5

The second figures under English charges are the Productive Public Works Capital Expenditure.

The present state of things therefore is that the India Office has to meet, on account of India about 14 millions of ordinary charges, and half a million of Productive Works Capital charges. But in addition to this the India Office has to make payments on other accounts of varying amounts, which are usually somewhat over a million.

For all these payments it supplies itself by drawing on the Indian Treasuries, which have to pay about Rs. 12 for every £1, the extra Rs. 2 being charged off as Loss by Exchange. To the extent of sterling 14½ millions of bills, the loss is properly a charge of Government, that is, the English expenditure can be added to the Indian at the rate of £1 for every Rs. 10, only by making to the whole of it the addition of Rs. 2 for every £1 on account of Exchange. But, to pay our way at the India Office we have to remit one million extra, on other accounts than expenditure, and the exchange on this amount also necessarily comes into the accounts in the first place as a charge for "Loss by Exchange". It is however to a large extent recoverable, and the recoveries of it come into the account as Gain by Exchange.

The simplest transactions under Gain by Exchange are private remittances (chiefly by Military Officers) made through the Government, as these are paid for at the current rate, say Rs. 12. They are brought to account as Rs. 10 received on account of the Secretary of State, and Rs. 2, received as "Gain by Exchange," a mere set-off against the "Loss" which must be charged *per contra*, on the bills drawn by the India Office to cover them.

A small item of Gain by Exchange on the excess of Money Orders drawn on the United Kingdom belongs to this category; but Money Orders drawn on continental countries have no such accompaniment, as the accounts in these cases are adjusted, not by Council Bills, but by bills purchased in India by the Post Office Department.

More than half of the Gain-by-Exchange transactions are connected with the purchase, by funds advanced by the India Office, of stores required for Guaranteed Railway Companies in India, which stores are in the first place purchased and shipped on Capital Account. Our accounts, in India, of Capital transactions of the Railway Companies are based on the accounts rendered us by those companies. Now their accounts when they go to England are made up at the contract rate of exchange (usually 1*s.* 10*d.*), but our accounts, when they are brought on the India Office books, are taken at £1 for Rs. 10. We have therefore so to contrive that our figures converted at 2*s.* the Rupee, shall produce the same result as the Railway Accounts converted at 1*s.* 10*d.*

Accordingly, every item brought upon our accounts from those of the Railway must be accompanied by an exchange adjustment. When the Railway Accounts show an expenditure—Rs. 10,000, we know that the account of the Railway Company upon the India Office Books will be debited—£916-13-4, and we must give the India Office that debit by adjusting the Rs. 10,000, as—

Debit Railway Accounts	9,166
Exchange	833

and so with the credits.

Now Capital expenditure by the Guaranteed Companies in India has practically ceased, and the transactions on the Capital Accounts are mostly credits on account of Stores purchased and held on Capital Account, but required for use on other accounts; that is, there are more credits than debits and there is on the whole a net credit of nearly the value of the Stores, and of the twopence exchange upon them.

But further, the Railway Companies, though they are entitled to spend the Stores, on Capital Account, by crediting the Store Account at 1 Re. for every 1*s.* 10*d.* have no such claim when they spend them on Revenue Account. They are accordingly required, in using stores for the Revenue Account, to pay to credit of Government the difference between 1 Re. for every 1*s.* 10*d.* (at which they hold them), and 1 Re. for every 1*s.* 8*d.* (or other exchange rate) which is the actual cost of them, that is, the equivalent in Rupees of the amount advanced by the Secretary of State for their purchase.

Through the medium, therefore, of these two heads "Gain by Exchange on Capital transactions of Guaranteed Companies" and "Gain by Exchange on Revenue Stores," the Companies repay the Secretary of State the "Loss by Exchange" upon his sterling outlay in London, and find themselves in the same position as if they had themselves remitted money from India to England, at the Council-Bills rate of Exchange, for the purchases of Stores required on Revenue Account.

The result therefore by the Exchange Account is for the most part this, that we bear, under Loss by Exchange, a charge for Exchange upon the whole of our remittances, but recover under Gain by Exchange so much of the Loss as is due to remittances made on other accounts than our own expenditure.

PROVINCIAL ADJUSTMENT.

This entry (1) adds to expenditure the excess of the amounts which under the provincial contracts are placed at the disposal of the Provincial Governments, over the amounts which actually come in course of expenditure by them; (2) deducts from expenditure the excess in the amounts which the Provincial Governments have expended over the amount at their disposal, which excess has been met out of their accrued surplus of previous years.

As the accounts have hitherto been made up, adjustment No. 2, the deduction from expenditure, has been shown as an addition upon the revenue side of the account. The Secretary of State, considering this a somewhat too technical form of exhibiting the figure, has directed that in future it be shown in the published accounts in the manner now described, that is by a "deduct" operation upon the Expenditure; both the "add" and the "deduct" adjustment being stated below the total of the ordinary heads. This altered arrangement does not affect the manner of bringing out the surplus or deficit of the whole account.

Up to 1st April 1880, the amount charged off the accounts by adjustment No. 1, and thus entering the account as expenditure, though still at the disposal of the Provincial Governments, was 1,740,4 Provincial and 1,259,7 Local, Total 3,000,1. Eight of the Governments during the year still farther under-spent their money by 336,7, and this amount, though charged as expenditure of 1880-81, really remains at the disposal of the said Governments for future expenditure. One Government, Bengal, over-spent its yearly assignment by 38,7, and this amount, being taken out of the past underspendings, is deducted from the charge of the year. The net adjustment is therefore 298,0, by addition to expenditure, and thus our accounts, up to date, have charged off as expenditure 3,000,1 + 298,0 more than has actually been spent, this amount being now at the disposal of Local Governments, to spend in future years, without charging the Revenues of the year.

WAR IN AFGHANISTAN.

The following two items have been shown under this head:—

	India.			England.			Total.			Total, 1879-80.
	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	Budget.	Regular.	Actual.	
War charges ...	2,070,0	11,316,4	11,298,0	20,0	70,5	70,5	2,090,0	11,386,9	11,368,5	4,816,6
Deduct war receipts	...	291,0	602,6	...	2,000,0	2,695,0	...	2,291,0	3,297,6	50,5
Net ...	2,070,0	11,025,1	10,695,4	20,0	−1,929,5	−2,624,5	2,090,0	9,095,9	8,070,9	4,766,1
Frontier Railways ...	970,0	1,505,0	1,598,9	1,070,0	694,7	694,7	2,040,0	2,199,7	2,293,6	1,334,4

The war charges were made to include all expenditure beyond the frontier, that is, expenditure in the hands of Political officers as well as directly Military expenditure; also all expenditure on this side the frontier which was directly referable to the war.

The Regular Estimate and the Actuals were both based upon the principle of bringing to account all the expenditure for which money had been issued from the Civil Treasuries up to date. The figures therefore include some three millions of expenditure, actually incurred before 1880-81, but not brought to account, owing to the Military Accounts having fallen into arrear. The Regular Estimate drawn up on this basis proved remarkably accurate, the comparison being as follows:—

Net expenditure on "Army" in India—

Regular Estimate	22,473,8
Actual figures	22,471,7

The war receipts in England were the contribution from the English Government towards the Afghan war. Properly speaking, the English Government makes actual payment as follows:—

1880-81	By remission of repayable advance of 2,000,0 ...	2,000,0
,,	By an actual payment	500,0
1881-82	,, ,, ...	500,0
1882-83	,, ,, ...	500,0
1883-84	,, ,, ...	500,0
1884-85	,, ,, ...	500,0
1885-86	,, ,, ...	500,0
	TOTAL ...	5,000,0

It was considered inconvenient to mix up with the Indian accounts of Revenue and Expenditure of future years a receipt unconnected with the transactions of the years in which it would occur; and as the due receipt of the amount was practically certain, it was decided that it should be brought under the Revenue heads of receipt in the two years 1880-81 and 1881-82, by debiting a suspense head for the amounts which would be paid over in 1882-83, and future years. The division of the amount between 1880-81 and 1881-82 was determined by the same considerations,—namely, it was so arranged that the accounts of 1881-82 should present a normal comparison, unaffected by a large "casual" receipt, between Revenue and Expenditure; and we were to take:—

In the accounts of 1881-82, an amount equal to the estimated war expenditure which would have to be met in 1881-82 ...	3,000,0
In 1880-81 as much as was not required for 1881-82 ...	2,000,0
TOTAL ...	5,000,0

The 3,000,0 was intentionally taken as a high estimate of the amount required in 1881-82 for winding up the war expenditure, and by September it was evident that only about 2,305,0 would be required. Accordingly, upon the principle above explained, it was decided that 2,695,0 should be taken into the accounts of 1880-81, leaving the 2,305,0 to meet the war charges of 1881-82.

The following therefore compares the actual transactions, according to the time at which they occurred, with the manner in which they have been brought to account:—

	ACTUAL TRANSACTION.			AS BROUGHT TO ACCOUNT.				
	Credit to Revenue	Debit to		Credit to		Debit to		
		Cash.	Advance.	Revenue.	Suspense.	Cash.	Advance.	Suspense.
1880-81	2,500,0	500,0	2,000,0	2,695,0	...	500,0	2,000,0	195,0
1881-82	500,0	500,0	...	2,305,0	...	500,0	...	1,805,0
1882-83	500,0	500,0	...	...	500,0	500,0	...	...
1883-84	500,0	500,0	...	...	500,0	500,0	...	...
1884-85	500,0	500,0	...	...	500,0	500,0	...	...
1885-86	500,0	500,0	...	...	500,0	500,0	...	...
	5,000,0	5,000,0		5,000,0	2,000,0	5,000,0		2,000,0

So that no alteration is involved either to our cash account, or to the account of the advance of £2,000,0 received from the British Government in

1879. But we bring to credit of Revenue 195,0 in 1880-81 and 1,805,0 in 1881-82; by debiting a suspense account and clearing that account by the credit of the amounts when they actually come in course of receipt.

The Frontier Railway charges are those (1) of the Kandahar Railway, (2) of the Punjab Northern beyond Pindi.

The direct cost of the war, in 1879-80 and 1880 81, was—

	In India.			In England.		
	1878-79.	1879-80.	1880-81.	1878-79.	1879-80.	1880-81.
Military Operations—						
Charges ...	600,3	4,642,1	11,298,0	76,1	174,5	70,5
Receipts ...	—2	—50,5	—602,6	...	...	—2,695,0
Frontier Railways ...	...	1,089,9	1,598,9	...	244,4	694,7
	600,1	5,681,5	12,294,3	76,1	418,9	—1,929,8
	18,575,9			—1,434,8 (sterling)		

It must be remembered that the "Frontier Railway" charges in England include 526,0 for stores which at the end of the year were still unused, and a great part of which will ultimately be disposed of either by use upon other works or in some other way. This disposal will bring in a credit to "Frontier Railways," or, in other words, will reduce the statement of "War Expenditure." Moreover, as the expenditure after the close of 1880-81 will not work up to the reserved credit of 2,305,0 on account of the English Contribution in the accounts of 1881-82, the *direct* cost, to India (over and above the five millions borne by England) of the Afghan War may be taken at something less than the total recorded to the end of 1880-81, that is, at something less than Rs 18,57,60,000, paid in India (Sterling £15,480,000) less £1,434,800 net recovery in England.

PRODUCTIVE PUBLIC WORKS CAPITAL EXPENDITURE.

The following are the details of the heads:—

	Budget.	Regular.	Actual.
Irrigation	630,0	700,6	614,5
Madras Harbour	70,0	70,0	70,0
State Railways	1,9[illegible]2,0	2,045,8	2,553,6
East Indian Railway	630,0	632,2	418,4
	3,312,0	3,448,1	3,656,5
Deduct—Elsewhere shown in the Regular Estimate as prepared in England	...	128,4	...
	3,312,0	3,319,7	3,656,5

In the Budget Estimates, the Capital outlay on the East Indian Railway was taken in the English Account, whereas in the Regular and Actuals it was taken in the Indian Account.

Under the first head, the Regular Estimate anticipated increased expenditure in the North-West and in the Punjab, but the Actuals were hardly in excess of the Budget in these provinces, and there were savings elsewhere.

The principal charges are—

	In 1880-81.	To end of 1880-81.
Lower Ganges Canal	172,9	2,201,6
Sirhind Canal (net)	200,3	1,455,7

The Madras Harbour figure is that part of the expenditure which was sanctioned to be taken to the Productive head. The whole expenditure on the work to date is—

	Before 1880-81.	In 1880-81.	Total.
Charged to Revenue ...	72,8	68,1	120,9
Charged to P. P. W. Capital ...	344,4	70,0	414,4
	397,2	138,1	535,3

During the year, orders were received to take the Productive Public Works part of this expenditure out of the accounts by the creation of a Port Trust, to which the amount would be charged as a loan. The cyclone of November, however, so much injured the works as to render this project, for the time, impossible, and the amount still remains in our accounts as above.

Under State Railways, the alteration in the figures is due to a change in the mode of charging the Jhelum-Pindi and Lala-Musa-Miani Sections of the Punjab Northern Railway. It was at first proposed to charge it to Revenue, but the point being specially referred to the Secretary of State, orders were received that the whole was to be treated as Productive. The outlay on these was 60,10 (see under 32, Railways), and accounts for the excess that comes under this head.

The principal works charged to the account during the year are—

	During 1880-81.	Till end of 1880-81.
Rajputana	277,3	3,659,4
Western Rajputana	458,7	1,648,2
Neemuch-Sindia	441,3	1,832,4
Nagpore-Chattisgarh	204,4	586,5
Punjab Northern	617,8	4,414,1
Indus Valley	280,3	6,408,6

The short expenditure on the East Indian Railway is chiefly on account of stores purchased in England. The Company very much over-estimated their requirements in this respect.

February 22nd 1882.

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 3rd March, 1882.

APPOINTMENTS.

No. 95.—MILITARY SECRETARIAT—

The Governor General in Council is pleased to notify that the following arrangements for the conduct of business in the Military Department will have effect during the absence this season of His Excellency and the Council from the Presidency:—

Colonel W. M. Lees, Deputy Secretary, will officiate as Secretary to the Government of India, in the Military Department, at the Presidency.

Captain E. H. H. Collen, 1st Assistant Secretary, will officiate as Deputy Secretary.

Communications on the following subjects (unless of a very urgent nature) are to be addressed to the Officiating Secretary at Calcutta:—

(1) *Furlough and leave*, including all questions relating to the furlough regulations, and all applications for furlough, reports of departure and of return to duty, &c., &c.
(2) *Promotions and Retirements*, including applications for pension, promotion rolls of native officers, applications or correspondence connected with statements of service.
(3) *Pay and Allowances.*
(4) *Estates*, European and Native Army.
(5) *Medals*, including the orders of Merit and British India.
(6) *Army List.*
(7) *Clothing.*
(8) *Books and Maps.*
(9) *Volunteers.*
(10) *Reports and Returns*, including all ordinary and periodical returns sent for information of Government, except such as the Secretary to Government with the Governor General may specially desire to be sent direct to Simla.
(11) *Appointments, Native Army.*
(12) *Asylums.*
(13) *Correspondence.*
(14) *Discharges.*
(15) *Furlough*, Native Army.
(16) *Guards.*
(17) *Pensions.*
(18) *Recruiting.*
(19) *Rewards*, Native Army.
(20) *Salutes.*
(21) *Service.*
(22) *Stores.*
(23) *Women and Children.*

No. 96.—MILITARY ACCOUNTS DEPARTMENT—

Brigade-Surgeon W. E. Cates, 19th Regiment, Bombay Native Infantry, to be Examiner of Medical and Fund Accounts, Bombay, *vice* Surgeon-Major P. S. Turnbull, M.D., whose tenure of appointment has expired. Dated 20th February, 1882.

No. 97.—MILITARY WORKS DEPARTMENT—

Lieutenant R. V. Phillpotts, R.E., whose services have been placed at the disposal of the Government of India by the Commander-in-Chief, is posted as an Assistant Engineer, 1st grade. Dated 20th February, 1882.

No. 98.—ORDNANCE DEPARTMENT—

Major H. M. Mackenzie, R.A., is re-appointed to be Superintendent of the Gun Carriage Factory at Futtehgurh, for a period of three years, with effect from the 28th February, 1882.

FURLOUGH AND LEAVE.

No. 99.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel H. M. B. Burlton, Bengal S.C., Cantonment Magistrate, Mhow, (p. a.) for two years, under rule IX of the regulations of 1868.

Lieutenant-Colonel A. R. Chapman, Bengal S.C., Commandant, 1st Bengal Cavalry, (p. a.) for 1 year and 243 days, under rule IX of the regulations of 1868.

Lieutenant-Colonel H. V. Riddell, Infantry, Judicial Assistant, 2nd grade, Officiating Deputy Commissioner, Punjab, (m.c.) for one year, under the regulations of 1854.

Major (Brevet Lieutenant-Colonel) A. Battye, C.B., Bengal S.C., Commandant, 2nd (Prince of Wales' Own) Goorkha Regiment, (p. a.) for two years, under rule IX of the regulations of 1868.

Major S. B. Home, General List, Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

Major R. M. Clifford, Bengal S.C., Squadron Commander and 2nd-in-Command, 16th Bengal Cavalry, (p. a.) for one year, under rule I of the regulations of 1875.

Lieutenant C. B. Brownlow, Bengal S.C., Wing Officer and Adjutant, 1st Punjab Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

Lieutenant G. W. Younghusband, Bengal S.C., Squadron Officer, 14th Bengal Lancers, (p. a.) for one year, under rule I of the regulations of 1875.

Brigade-Surgeon R. F. Hutchinson, M.D., 22nd Native Infantry, (m. c.) for 61 days, under rules IX and XV of the regulations of 1868.

Surgeon-Major S. C. Mackenzie, M.D., Professor of Medical Jurisprudence, Calcutta Medical College, and Police Surgeon, Calcutta, Superintendent, Campbell Medical School and Hospital, Sealdah, (p. a.) for one year, under rule IX of the regulations of 1868.

No. 100.—Deputy Surgeon-General J. A. C. Hutchinson, M.D., is permitted to proceed to England, under the provisions of G. G. O. No. 1089 of 1872, on the expiration of his tour of service as Deputy Surgeon-General.

No. 101.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India:—

Lieutenant-Colonel J. Upperton, Bengal S.C., u. p. a.) without pay, for two months.

Lieutenant-Colonel C. J. Hughes, Bengal S.C., (m. c.) without pay, for three months.

Major (Brevet Lieutenant-Colonel) A. C. W. Crookshank, Bengal S.C., (m. c.) for six months.

Major L. F. Boileau, R.E., (m. c.) for three months.

Major C. S. Noble, Bengal S.C., (m. c.) for six months.

Captain R. H. Forrest, Bengal S.C., (m. c.) for six months.

Lieutenant C. Pulley, Bengal S.C., (p. a.) for six months.

Lieutenant H. D. Gerrard, Bengal S.C., (m. c.) for six months.

Lieutenant F. G. L. Mainwaring, Bengal S. C., (m. c.) for three months.

Surgeon-Major E. B. Ruttledge, (p. a.) for four days.

Surgeon-Major E. Selous, M.D., (u. p. a.) without pay, for two months.

Surgeon J. Blood, (u. p. a.) without pay, for ten days.

LONDON GAZETTE.

No. 102.—The following extracts are published for general information:—

"London Gazette," dated the 24th January, 1882. page 277.

War Office, Pall Mall, 24th January, 1882.

The undermentioned Deputy Commissaries and Honorary Lieutenants to have the honorary rank of Captain:—

George B. Bleazby, Bengal Establishment. Dated 21st September, 1881.

George Richard Tofft, Bombay Establishment. Dated 26th October, 1881.

The undermentioned Deputy Assistant Commissaries to have the honorary rank of Lieutenant:—

Robert John Baldwin, Bengal Establishment. Dated 21st September, 1881.

Henry Albert Bennett, Bombay Establishment. Dated 22nd September, 1881.

Henry Edwin Barnes, Bombay Establishment, Dated 22nd September, 1881.

James Ezechiel, Bombay Establishment. Dated 22nd September, 1881.

George Henry Nelson, Bombay Establishment. Dated 22nd September, 1881.

Henry Hynes, Madras Establishment. Dated 5th November, 1881.

"London Gazette," dated the 31st January, 1882. page 381.

War Office, Pall Mall, 31st January, 1882.

INDIAN STAFF CORPS.

The undermentioned Officers to be transferred to the Unemployed Supernumerary List, from the dates specified against their names:—

Major-General Charles Campbell McCallum, Madras. Dated 10th January, 1882.

Colonel William Alexander Riach, Madras. Dated 1st January, 1882.

Colonel Frederick Alexander, Bengal. Dated 16th January, 1882.

The following promotion to take place in succession to Major-General C. C. McCallum:—

Colonel Hugh Heefke O'Connell, Madras, to be Major-General. Dated 10th January, 1882.

PROMOTIONS.

No. 103.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major Henry Peter Poleman Nash,—4th March, 1882.

To be Majors.

Captain William Francis Trotter,—18th February, 1882.

Captain Arnold Dashwood Strettell,—4th March, 1882.

Captain Thomas Deane,—4th March, 1882.

BENGAL ARMY.

To be Colonel.

Lieutenant-Colonel Robarts William Elton, Infantry,—1st March, 1882.

To be Majors.

Captain Robert Bartholomew, General List, Cavalry,—20th February, 1882.

Captain (Brevet Major) Allan Scott Roberts, General List, Infantry,—20th February, 1882.

Captain (Brevet Major) Arthur John Tregonwell Welchman, General List, Infantry,—20th February, 1882.

BREVET.

To be Colonels.

Lieutenant-Colonel John Clinton Whish Bruce, Madras Infantry,—20th February, 1882.

Lieutenant-Colonel Thomas Kettlewell, Bombay S.C.,—20th February, 1882.

No. 104.—COLONEL'S ALLOWANCE—

Lieutenant-General William Olpherts, V.C., C.B., Royal (late Bengal) Artillery, is admitted to the Colonel's allowance, *vice* General C. Grant, C.B., deceased. Dated 14th January, 1882.

No. 105.—Lieutenant-General Sir Henry Wylie Norman, K.C.B., C.I.E., Bengal S.C., is admitted to the Colonel's allowance. Dated 1st March, 1882.

No. 106.—PUNJAB FRONTIER FORCE—

1st Punjab Infantry.

Jemadar Aziz Khan, to be Subadar, *vice* Fyztulub, deceased; Havildar Neaz Gool, to be Jemadar, *vice* Aziz Khan, promoted,—18th January, 1882.

No. 107.—NATIVE ARMY—

7th Bengal Cavalry.

Jemadar Kirpal Singh, to be Ressaidar, *vice* Mahomed Nur Khan, seconded; Kote-Duffadar Mahomed Faridun to be Jemadar, *vice* Kirpal Singh, promoted,—30th October, 1881.

2nd Goorkha Regiment.

Jemadar Banka Groon, to be Subadar, *vice* Mahabeer Bhist, invalided; Havildar Chait Sing Thappa, to be Jemadar, *vice* Banka Groon, promoted,—1st November, 1881.

RETIREMENTS.

No. 108.—Brigade-Surgeon David Boyes Smith, M.D., is permitted to retire from the service, with effect from the 1st March, 1882, subject to Her Majesty's approval.

VOLUNTEER CORPS.

No. 109.—RETIREMENTS—

Captain F. G. Teale, of the Calcutta Volunteer Rifles, having resigned his commission at his own request, with effect from the 1st March, 1882, is permitted to retain his rank, and to continue to wear the uniform of his regiment on retirement.

G. CHESNEY, *Colonel,*

Secretary to the Government of India.

MILITARY (MARINE) DEPARTMENT.

Fort William, the 3rd March, 1882.

ORGANIZATION.

No. 8.—The following Resolution is published for general information :—

Extract from the Proceedings of the Government of India in the Military (Marine) Department, No. 329, dated Fort William, the 27th February, 1882.

Read resolution of the Government of India in the Military (Marine) Department, No. 5-S, dated the 6th July, 1877, on the subject of the Organization of Her Majesty's Indian Marine.

Read also despatch from Her Majesty's Secretary of State for India, No. 291, dated the 31st August, 1881, sanctioning the appointment of a Director of the Indian Marine, as well as of a Deputy Director, and the abolition of the appointments of Superintendent of Marine at Calcutta and Bombay.

RESOLUTION.—The Secretary of State for India having approved of the appointment of a Director of the Indian Marine, as well as of a Deputy Director, and having intimated that Captain H. W. Brent, R.N., has been appointed as Director, the Right Hon'ble the Governor General in Council is pleased to direct, in pursuance of the instructions of Her Majesty's Government, that the whole of the establishments, afloat and ashore, appertaining to the Indian Marine on the Eastern and Western Divisions, as well as the Department of Marine Surveys, shall be placed under the Director of

Marine, who will exercise administrative authority over such establishments under the orders of the Government of India in the Military (Marine) Department.

2. The head-quarters of the Director of Marine shall be established at Bombay, but he will visit and inspect the establishments at Calcutta and elsewhere whenever it may be necessary to do so.

3. The Deputy Director will have his permanent residence in the dockyard at Calcutta.

4. The appointments of Superintendent of Marine at Calcutta and Bombay will be abolished, as well as the appointment of Secretary to the Superintendent of Marine, Calcutta.

5. The office of Deputy Director of the Indian Marine will be conferred in the first instance upon one of the officers who at present hold the appointments of Superintendent of Marine. The Governor General in Council having taken into consideration the long and zealous services rendered by Captain W. L. Searle, late Indian Navy, and Captain G. O'B. Carew, late Indian Navy, the Superintendents of Marine at Calcutta and Bombay respectively, has been pleased to select Captain Carew for the appointment of Deputy Director.

6. The salary of the Director of the Indian Marine will be Rs. 2,500 per mensem, and that of the Deputy Director Rs. 1,800 per mensem. These officers will occupy the official residences provided in the dockyards at Bombay and Calcutta, respectively.

7. The office of Director of the Indian Marine will be tenable for five years.

8. The foregoing changes shall be carried into effect on the 1st April, 1882, except so far as that Captain Brent will assume charge of his office from the date of his arrival at Bombay.

ORDER.—Ordered, that a copy of this Resolution be forwarded to all Local Governments and Administrations, and to all the Departments of the Government of India, for information.

Ordered also, that it be published in the *Gazette of India*.

G. CHESNEY, *Colonel*,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 27th February 1882.

No. 69.—Mr. J. W. A. McNair, Assistant Examiner, 1st Grade, is, on return from furlough, posted to the Office of the Examiner of Telegraph Accounts.

The 2nd March 1882.

No. 70.—Mr. F. Morrison, Examiner of Accounts, on furlough, is appointed Examiner of Accounts, Northern Bengal State Railway, *vice* Mr. Quinlan.

Pending the return from furlough of Mr. Morrison, or until further orders, Mr. J. L. Macpherson, Examiner of Accounts attached to the Office of Examiner of Public Works Accounts, Bengal, is appointed to officiate as Examiner of Accounts, Northern Bengal State Railway, and Mr. J. M. Broderick, Accountant, 1st Grade, is appointed to officiate as Deputy Examiner of Accounts in the Office of Examiner, Public Works Accounts, Bengal.

No. 71.—Major H. Doveton, R.E., Deputy Consulting Engineer for Guaranteed Railways, Lahore, is placed under the orders of the Government of Bombay, for employment in the Railway Department under that Government.

No. 72.—Mr. J. M. Rutherford, District Traffic Superintendent in class III of the Revenue scale, is appointed to officiate as Traffic Superintendent, Indus Valley State Railway, and will officiate in class II while so acting.

The 3rd March 1882.

No. 73.—The services of Lieutenant R. V. Phillpotts, R.E., Assistant Engineer, 1st grade, Military Works Branch, are placed temporarily at the disposal of the Government of the North-Western Provinces and Oudh for employment as 2nd Assistant Principal of the Thomason College, Roorkee.

No. 74.—Mr. S. M. Johnson, Deputy Examiner of Accounts, is, on return from furlough, posted to the Rajputana-Malwa State Railway Accounts Office.

The 1st March 1882.

No. 374*G*.

RESOLUTION—By the Government of India. Public Works Department.

Acknowledgment of the services rendered to Government by Major-General A. Fraser, C.B., R.E.

RESOLUTION.—Major-General Fraser, C.B., R.E., having succeeded to Colonel's allowances, vacates the office of Secretary to the Government of India, Public Works Department.

2. His Excellency the Governor General in Council cannot allow this distinguished officer to leave the country without placing on record the very high opinion the Government of India entertains of his long, able, and varied services.

3. Major-General Fraser served through the Sutlej, Punjab and Burmah Campaigns with credit to himself, but it is of his services in connection with the Public Works Department that Government more particularly wish to place on record its acknowledgments.

4. It has fallen to the lot of few officers to plan, superintend and carry out so many and such varied works,—from laying out new towns and cantonments in a conquered country, housing troops in several stations, but specially in Fort William, under considerable difficulties, but with marked success as regards their health and comfort, to planning and carrying out a system of lighthouses, thereby rendering the navigation of the coast of Burmah safe and improving that of the Red Sea, and specially erecting under great difficulties the lighthouse on the Alguada Reef, for the successful issue of which he was honored by the 3rd Class of the Civil Order of the Bath.

5. While Secretary to the Government of the North-Western Provinces and Oudh, Major-General Fraser prepared a scheme for carrying out Sir John Strachey's wishes for the preservation of those beautiful works of art,—the royal buildings at Delhi, Agra and Fattehpore-Sikri,—the preservation of which required archæological knowledge and architectural taste.

6. In January 1879 Major-General Fraser was appointed Secretary to the Government of India, Public Works Department, and since that date, save for a few months when he acted as Member of the Supreme Council during Sir A. Clarke's absence, he has had charge of a very heavily-worked office, the organization of which he has greatly improved, reducing its arrears and leaving it in a most satisfactory working condition.

7. Major-General Fraser has repeatedly received the thanks of the Government of India and also of Her Majesty's Secretary of State for his varied services, and in now bidding him farewell on his return to England, His Excellency the Governor General in Council once more tenders to him the best thanks of the Government of India, and trusts he may long be spared to enjoy that rest which he has so justly earned.

8. It will be a matter of great satisfaction to His Excellency the Viceroy to bring Major-General Fraser's services to the notice of the Home Government.

ORDER.—Ordered, that this Resolution be communicated to Major-General A. Fraser, C.B., R.E.; also that a copy be forwarded to the Secretary of State for the information of Her Majesty's Government, and that it be published in the *Gazette of India*.

W. S. TREVOR, *Colonel, R.E.,*

Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 4, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

From the 1st January 1882, Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts will be Rs. 5 per annum, payable in advance. When sent by post, Rs. 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

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Postage on single copies varies according to weight.

E. J. DEAN,

Publisher, Gazette of India.

NOTICE.

The Office of Superintendent of Government Printing having been removed to No. 166, Dhurrumtollah Street, all communications intended for that Office should be sent to that address.

E. J. DEAN,

Supdt. of Govt. Printing, India.

NOTICE TO MARINERS.

No. 5 of 1882.

HINDOSTAN—WEST COAST.

BOMBAY HARBOUR.

Light-House building on Sunk rock.

Information has been received from the Port Officer, Bombay, that a light-house is in course of construction on the Sunk rock, Bombay harbour. The building is a circular tower, and is intended to be 70 feet high above mean level of lowest ordinary spring tides. It is expected that the masonry will be finished about the middle of March next, but the fixed white light will continue to be shown, as hitherto, from the Inner Light-vessel, until further notice.

Particulars as to the description of the light to be exhibited from the Sunk rock light-house, and the simultaneous changes to be made in the Prongs and Kenery Island lights, will be notified hereafter.

By direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I.N.),*

Superintendent, Marine Survey of India.

Marine Survey Department.

Calcutta,

The 16th February 1882.

This Notice affects the following :—

British Admiralty Charts, Nos. 2621, 737, 2736 and 826. Also Sailing Directions, West Coast of Hindostan Pilot (1880), page 161.

Indian Marine Survey Charts, Nos. 15 and 1257*a*. Also Taylor's Sailing Directory, Vol. I, page 379.

If this Notice is received on board-ship, the substance of it should be inserted on the Charts affected by it and introduced into the Sailing Directions to which it relates.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The undermentioned students have passed the Honour Examination in Arts :—

ENGLISH.

FIRST DIVISION.

Mitra, Baradacharan	... Presidency College.

SECOND DIVISION.

In order of Merit.

Majumdar, Jadunath	... Free Church Institution.
Ghosh, Ishanchandra	... General Assembly's Institution.
,, Jogendrachandra	... Presidency College.
Bandyopadhyay, Asutosh	... Free Church Institution.
Chattopadhyay, Gangacharan	... Hughli College.

THIRD DIVISION.

In order of Merit.

Mitra, Lalbihari	... Hughli College.
Majumdar, Nilmadhab	... Ditto.
Ohdidar, Narendranath	... Presidency College.

SANSKRIT.

SECOND DIVISION.

Chakrabarti, Asutosh	... Sanskrit College.

ARABIC.

FIRST DIVISION.

Hushmat Ullah	... Muir Central College.

HISTORY.

SECOND DIVISION.

In order of Merit.

Ghosh, Mahendrakumar	... Dacca College.
Bhawni Das	... Lahore College.
Ghosh, Saradacharan	... Dacca College.

MATHEMATICS.

SECOND DIVISION.

In order of Merit.

Sen, Rajmohan	... Presidency College.
Basu, Kalipada	... Ditto.

THIRD DIVISION.

Chakrabarti, Jadabchandra	... Presidency College.

PHYSICAL SCIENCE.

FIRST DIVISION.

In order of Merit.

Ghosh, Kantibhushan	... Hughli College.
Krishna, Rao Bhatt	... Muir Central College.
Chandra, Aghornath	... Presidency College.
Vinayak Moreswar Kelkar	... Muir Central College.

SECOND DIVISION.

In order of Merit.

Saha, Ramlal	... Patna College.
Sen, Ramlal	... Presidency College.
Kedarnath	... Lahore College.
Hari Lakshman, Indrakar	... Muir Central College.

The undermentioned students have passed the examination for the degree of M. A. :—

In alphabetical order.

Basu, Prasannakumar	... Dacca College.
Bhattacharyya, Haridas	... Sanskrit College.
,, Ramaprasad	... Ditto.
Maitra, Rajendralal	... General Assembly's Institution.
Mukhopadhyay, Upendranath	... Sanskrit College.
Sen, Dakshinacharan	... Ditto.
Sur, Akshaykumar	... Presidency College.

The undermentioned students have passed the B. L. examination :—

FIRST DIVISION.

In order of Merit.

1 Chattopadhyay, Digambar	... Presidency College.
2 Sinha, Nirmalchandra	... Ditto.

SECOND DIVISION.

In order of Merit.

1	Haldar, Kisorilal	...	Hughli College.
2	Lahu, Amarchand	...	Dacca College.
3	Sen, Narendranath	...	Presidency College.
4	Datta, Narendrakrishna	...	Ditto.
5	Sarkar, Asutosh	...	Dacca College.
6	Chattopadhyay, Sureshchandra	...	Presidency College.
7	Datta, Mohinimohan	...	Ditto.
8	Mitra, Bankimchandra	...	Ditto.
9	,, Nagendrachandra	...	Ditto.
10	Sinha, Purnendunaryan	...	Patna College.
	Sen, Srinath	...	Presidency College.
12	Mitra, Abinaschandra	...	Ditto.
13	Datta, Tarakanath	...	Ditto.
	Mitra, Gopendrachandra	...	Hughli College.
15	Basu, Palintbihari	...	Presidency College.
16	,, Debendrabijay	...	Ditto.
17	Awadh Kisor	...	Patna College.
18	Mukhopadhyay, Hariprasanna	...	Presidency College.
19	Ray, Kalimohan	...	Patna College.
	Basu, Bijaygopal	...	Presidency College.
	Nag, Abhayacharan	...	Ditto.
	Taslimuddin Ahmad	...	Ditto.
23	Mundal, Rameswar	...	Ditto.
	Sarkar, Nandalal	...	Ditto.
	Chattopadhyay, Saratchandra	...	Ditto.
26	Bhattacharyya, Maheswar	...	Ditto.
27	Ray, Chandranarayan	...	Krishnaghar College.
	Bhattacharyya, Jugadas	...	Presidency College.
29	Datta, Upendranath	...	Ditto.
30	Chakrabarti, Dwarkanath	...	Ditto.
31	Das, Dhairyyanarayan	...	Ditto.
32	Bandyopadhyay, Bidhubhushan	...	Hughli College.
33	Sen, Annadacharan	...	Presidency College.
	Mukhopadhyay, Chandrasekhar	...	Ditto.
35	,, Kaliprasanna	...	Patna College.
36	Sen, Jadabchandra	...	Dacca College.
37	Mirza, Muhammad Ismail	...	Patna College.
38	Bandyopadhyay, Mahadeb	...	Presidency College.
	Hati, Banawarilal	...	Ditto.
	Das, Kamalanath	...	Dacca College.
	De, Ramapati	...	Presidency College.
42	Das, Taraprasanna	...	Dacca College.
43	Dan, Mahendranath	...	Presidency College.
44	Lahiri, Chandrakanta	...	Ditto.
	Basu, Trailokyanath	...	Ditto.
	Ray, Ugrakanta	...	Ditto.
47	Mukhopadhyay, Purnachandra	...	Muir Central College.
	Ghosh, Jadunath	...	Presidency College.
	Datta, Mohinimohan	...	Hughli College.
	Mukhopadhyay, Krishnadhan	...	Ditto.
51	,, Asutosh	...	Ditto.
52	Ghosh, Atulchandra	...	Presidency College.
	Bandyopadhyay, Kantibhushan	...	Hughli College.
54	Palit, Priyanath	...	Presidency College.
55	Chattopadhyay, Amritalal	...	Ditto.
56	Sen, Susibhushan	...	Ditto.
57	Goswami, Jadunath	...	Ditto.
58	Pal, Saratchandra	...	Ditto.
59	Das, Rasikchandra.	...	Ditto.
60	Mukhopadhyay, Ramprasanna	...	Ditto.
	Chattopadhyay, Mohinimohan	...	Ditto.
62	Lahiri, Purnachandra	...	Ditto.
	Kundu, Ramkumar	...	Ditto.
	Ghosh, Benodbihari	...	Muir Central College.
65	Nag, Rebatikanta	...	Dacca College.
66	Basu, Jogendranath	..	Presidency College.
67	Pal, Tulsicharan	...	Ditto.

SENATE HOUSE,
The 21st February 1882.

CHARLES H. TAWNEY,
Registrar.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The following changes in the Regulations in Arts and Medicine having been sanctioned by the Senate and approved by His Excellency the Governor General of India in Council, are published for general information.

For the Regulations for the First Examination in Arts, for the degree of Bachelor o Arts, for Honours in Arts, and for the degree of M.A., the following Regulations have been substituted, with effect, as regards the First Examination in Arts, from the 1st of January 1884, and as regards the B. A. and M. A. Examinations, from the 1st of January 1885.

FIRST EXAMINATION IN ARTS.

1. The First Examination in Arts shall commence annually at such time as the Syndicate shall determine (the date to be approximately notified in the Calendar for the year), and shall be held in Calcutta and in such other places* as shall from time to time be appointed by the Syndicate.

2. Any undergraduate of the University may be admitted to this Examination, provided he has prosecuted a regular course of study in any affiliated institution for not less than two academical years after passing the Entrance Examination.†

3. Every candidate for admission shall send his application with a certificate in the form entered in Appendix A, either to the Registrar or to a local officer recognised by the Syndicate. Every such application must reach the office of the Registrar at least thirty days before the date fixed for the commencement of the Examination.

4. A fee of twenty rupees shall be payable by each candidate. No candidate shall be admitted, unless he shall have paid this fee to the Registrar or to the local officer recognised by the Syndicate. A candidate who fails to pass or to present himself for examination shall not be entitled to claim a refund of the fee. A candidate may be admitted to any one or more subsequent First Examinations in Arts on payment of a like fee of twenty rupees on each occasion, provided he produces a certificate from the head of an affiliated institution showing that he has prosecuted a regular course of study for six months since the date of the last examination to which he was admitted.

5. The First Examination in Arts shall be conducted by means of printed papers, the same papers being used at every place at which the Examination is held.

6. At such time as the Syndicate shall determine (the date to be approximately notified in the Calendar for the year), the Syndicate shall publish a list of the candidates who have passed, arranged in three divisions, the first in order of merit, and the second and third in alphabetical order. Every candidate shall on passing receive a certificate in the form entered in Appendix A.

7. At the First Examination in Arts every candidate shall be examined in the following subjects, and the number of papers in each shall be as follows :—

I.—English	...	Two papers.
II.—A Second Language	...	" "
III.—Mathematics	...	" "
IV.—Elementary Physics	...	" "
V.—History	...	One paper.
VI.—Logic	...	" "

I & II.—LANGUAGES.*

The Second language shall be one of the following languages :—

Greek.	Arabic.
Latin	Persian.
Sanskrit.	Pali.
Hebrew.	

Any other classical language may be added to this list by the Syndicate. Sentences in each language in which the candidate is examined shall be given for translation into the other language.

The papers in each language shall include questions on Grammar and Idiom.

III.—MATHEMATICS.

(*a*) *Arithmetic.*

(*b*) *Algebra.*—Quadratic equations; theory of quadratic equations and expressions; imaginary expressions; arithmetical, geometrical, and harmonical progressions; permutations and combinations; binomial and exponential theorems.

(*c*) *Plane Geometry.*—Simple problems in the geometry of the straight line, triangle, and circle, treated according to modern methods. The more important properties of the parabola and ellipse.

(*d*) *Trigonometry.*—Methods of measuring angles.
Trigonometrical ratios, and the simple relations connecting them.
Relations between trigonometrical ratios of angles differing by multiples of right angles.
Trigonometrical transformations.
Solution of triangles.
Properties of triangles.
Area of a circle.

(*e*) *Logarithms.*—The properties of logarithms.
Logarithmic series.
The use of logarithmic tables.
Proportional parts.

IV.—ELEMENTARY PHYSICS.

(*a*) *General Ideas*—
Units of measurement and definitions of mass, force, motion.
Laws of motion.
Work and energy,—measurement of each.
Chief forces of nature.
General properties of solids, liquids, and gases.
Conditions of equilibrium of a mass acted on by forces.
Motions of translation and rotation.
Pressure of fluids and gases: measurement of pressure.
Equilibrium of floating bodies.
Specific gravity and its determination.
Motion of pendulum, and of the torsion pendulum or balance.

(*b*) *Heat*—
Laws of expansion of solids, liquids, and gases under heat.
Determination of co-efficients of expansion.
Measurement of temperature.
Maximum density of water.
Changes of molecular state, and latent heat of molecular changes of state.
Influence of change of pressure on the boiling point and melting point.
Regelation.
Laws of pressure of gases.
Elastic force of vapour; dew point, and its determination.
Formation of dew and clouds.
Radiation, conduction and convection of heat.
Phenomena of combustion.
Steam engines.

(*c*) *Light*—
Law of transmission of light and of its intensity.
Shadows.
Images produced by small apertures.
Photometry.
Reflection of light.

* The following places have already been appointed.—Hughli, Berhampore, Kishnaghur, Dacca, Patna, Benares, Agra, Delhi, Bareilly, Ajmere, Lahore, Lucknow, Colombo, Simla, Darjeeling, Schoie, Allahabad, Mussoorie, Cuttack, Chittagong, Jubbulpore, Batticaloa, Indore, Midnapore, Rampore Bauliia, Nowgong, Rangoon, Nagpur.

† The Syndicate have power to make exceptions to this rule in favour of Deputy Inspectors of Schools and Schoolmasters.

* The text-books will be fixed from time to time by the Syndicate. See Appendix B.

Refraction of light.
Images by reflection and refraction, and their position.
Critical angle.
Properties of prisms and lenses.
Telescope, microscope, spectroscope, the human eye.
Decomposition of light.

(d) *Frictional Electricity*—
Electrical attractions and repulsions.
Properties of conductors and non-conductors.
Electrical induction.
Electrical force and density.
Electrical distribution on conductors.
Power of points.
Ramsden's and Armstrong's electrical machines.
Condenser; electrophorus; Leyden jar.
Electric discharges.
Atmospheric electricity.

(e) *Dynamic Electricity*—
Voltaic pile, its modifications.
Effects of the current.
Electro-dynamics.
Electro-magnetism.
Voltaic Induction.
Thermo-electricity.

V.—HISTORY.

The outlines of the History of Greece and Rome.

The historical questions shall include questions relating to the geography of the countries to which they refer.

The text books will be fixed from time to time by the Syndicate. (*See* Appendix B.)

VI.—LOGIC.

Deductive Logic.

BACHELOR OF ARTS.

1. An Examination for the degree of Bachelor of Arts shall be held annually in Calcutta and Agra, and shall commence at such time as the Syndicate shall determine, the date to be approximately notified in the Calendar for the year.

2. Any undergraduate of the University may be admitted to the Examination, provided he has prosecuted a regular course of study in any affiliated institution for not less than two academical years after passing the First Examination in Arts.*

3. Any candidate may be examined either for a pass or for honours in any branch. A candidate who desires to be examined for honours in any branch, must take up instead of the pass subject the corresponding honour subject. A candidate who obtains honours in any branch will be considered to have also passed in that branch. Should a candidate not have deserved honours in any branch, the examiners shall be authorized to declare that he has passed in that branch, if they consider that his attainments come up to the pass standard.

4. Every candidate shall send his application, with a certificate in the form entered in Appendix A, to the Registrar at least thirty days before the date fixed for the commencement of the Examination. If he desires to be examined for Honours, he shall state in his application the subject or subjects in which he desires to be so examined.

5. A fee of thirty rupees shall be payable by each candidate. No candidate shall be admitted to the examination, unless he shall have paid this fee to the Registrar. A candidate who fails to pass or to present himself for examination shall not be entitled to claim a refund of the fee. A candidate may be admitted to one or more subsequent examinations for the degree of Bachelor of Arts on payment of a like fee of thirty rupees on each occasion, provided he produces a certificate from the head of an affiliated institution showing that he has prosecuted a regular course of study for six months since the date of the last Examination to which he was admitted.

* The Syndicate has power to make exceptions to this rule in favour of Deputy Inspectors of Schools and Schoolmasters.

6. The Examination for the degree of Bachelor of Arts shall be conducted by means of printed papers.

7. At such time as the Syndicate shall determine, (the date to be approximately notified in the Calendar for the year) the Syndicate shall publish a list of the candidates who have passed arranged in alphabetical order, together with a list of those who have obtained Honours in each branch, arranged in two divisions both in order of merit. At the examination for the degree of Bachelor of Arts every candidate shall be examined in one or other of the two following courses marked A and B:—

A.*

Pass Subjects.	*Corresponding Honour Subjects.*
I.—English.	I.—In addition to the pass subjects, a further course in English and the history of the English language and literature.
II.—Mental and Moral Science, *i. e.*, Psychology, including the Psychology of Ethics and the History of Moral Systems.	II.—In addition to the pass course, the History of Modern European Philosophy and either (*a*) Pure Logic *or* (*b*) Natural Theology.
And one of the following—	
III.—A second language (defined as in F. A. course).	III.—In addition to the pass course, Comparative Grammar and either a second course in the classical language or a second classical language.
IV.—History of England and History either of India or of Greece and Rome. Elements of Political Economy.	IV.—History of England, India, Greece and Rome, a fuller course of Political Economy than the pass course, and Arnold's Lectures on Modern History, *or* Mill on Representative Government, *or* History of the Jews.
V.—Mathematics as in the B Course.	V.—Mathematics as in the B. Honour Course.

B.*

Pass Subjects.	*Corresponding Honour Subjects.*
I.—English.	I.—In addition to the pass course, a course of prose works on scientific subjects.
II.—Mathematics. Statics. Dynamics. Hydrostatics.	II.—In addition to the pass course, Analytical Plane Geometry and the Differential and Integral Calculus as defined below.
And one of the following—	
III.—Physics and the Elements of Chemistry as defined below.	III.—The full course in Physics and Chemistry together with the Doctrine of Scientific Method.
IV.—Chemistry and the Elements of Physics as defined below.	IV.—The full course in Physics and Chemistry together with the Doctrine of Scientific Method.
V.—Physiology and either Botany or Zoology as defined below.	V.—Physiology, Botany and Zoology together with the Doctrine of Scientific Method.
VI.—Geology and either Mineralogy or Physical Geography as defined below.	VI.—Geology, Mineralogy and Physical Geography together with the Doctrine of Scientific Method.

DEFINITION OF SUBJECTS.

II.—Mathematics.

The pass subjects shall include—

(a) *Statics*—
Parallelogram and triangle of forces.
Resultant of parallel forces.

* The text-books are fixed from time to time by the Syndicate. *See* Appendix B.

Couples.
Moments.
Equilibrium. Conditions of equilibrium of any forces acting on a particle or rigid body.
Centre of parallel forces.
Centre of gravity, or centroids.
Friction.
Simple cases of tension of strings.
Levers; pulley; wheel and axle; inclined plane; screw.
Virtual velocities.

(b) *Dynamics*—

Definition and measurement of mass, force, velocity, acceleration, momentum, work, and energy.
Laws of motion.
Uniform of motion.
Uniformly accelerated motion—
(1) In a straight line.
(2) In a parabola.
(3) In a circle.
Simple cases of impact.

(c) *Hydrostatics*—

The transmission and intensity of fluid pressure.
Determination of component and resultant fluid pressure in simple cases.
Centre of pressure.
Conditions of equilibrium of floating bodies.
Metacentre.
Properties of elastic fluids and determination of pressure.
Specific gravity, and the methods of determining it.
Measurement of heights by the barometer.
Mixture of gases.
Description of the barometer, air pump, common and force pumps, the diving-bell, the balloon, siphon, and Bramah's press, as applications of hydrostatical principles.

The Honour subjects shall include—

(a) *Analytical Plane Geometry.*

Rectangular and polar co-ordinates.
Transformation of co-ordinates.
The straight line.
The circle.
The parabola.
The ellipse.
The hyperbola.
The general equation of the second degree.

(b) *Differential Calculus.*

Definition of differential co-efficients.
Differentiation of functions of a single variable.
Successive differentiation.
Taylor's and Maclaurin's theorems, and their simpler applications.
Evaluation of functions which assume an indeterminate form.
Differentiation of functions and implicit functions.
Maxima and minima values of functions of one variable.
Tangents, normals, asymptotes, curvature, singular points, evolutes, involutes.
Tracing of curves.

(c) *Integral Calculus.*

Integration of simple functions of a single variable.
Integration of rational fractions.
Integration by formulæ of reduction.
Determination of lengths and areas of curves.

III, IV.—PHYSICS AND CHEMISTRY.

The elements of Physics shall include the following considered with special reference to Chemistry :—

(a) *Heat*—

Heat of combustion, absolute thermal effects and pyrometric thermal effects of chemical combination, theory of flame, theories of the source of light in luminous flames.

(b) *Light*—

Reflection and refraction, dispersion, spectrum analysis, chemistry of light, photography, fluorescence, double refraction and polarization, saccharimeters.

(c) *Magnetism*—

Magnetism, magnetic polarity, natural and artificial magnets, diamagnetism.

(d) *Electricity*—

Two kinds of electricity, insulators and conductors; sources of electricity, electricity developed by chemical action, voltaic electricity, various batteries, electrolysis, laws of electrolysis, electro-plating, electro-gilding.

Physics shall include—

(a) *General Ideas*—

1.—Wave motion :—
Measurement of simple or harmonic wave motions.
Combination of wave motions.
Resolution of complex wave motions into simple or harmonic wave motions.

2.—Potential :—
Definition of potential.
Calculation of potential in simple cases.
Determination of force from potential.
Fundamental propositions respecting lines of force, equipotential surfaces, and tubes of force.

3.—Elasticity :—
Definition of elasticity.
Measurement of elasticity in the cases of solids, liquids, and gases.
Distinction between, and determination of, elasticity of constant temperature and of constant entropy for gases.

(b) *Heat*—

In addition to a more thorough acquaintance with the subject than that required for the First Arts Examination and a greater power of working problems on heat, an elementary knowledge of the principles of thermo-dynamics will be required.

(c) *Light*—

In this subject, more difficult questions in the determination of foci, focal lengths, &c., will be required than for the First Arts Examination. Also the following :—
Spherical aberration.
Dispersion.
The formation of rainbows.

(d) *Frictional Electricity*—

This subject must now be taken up in connection with potential.

(e) *Sound*—

The laws of the production and propagation of sound determined experimentally.
Intensity, pitch, and quality of sounds.
The velocity of sound in air and other media: Doppler's principle.
Reflection and refraction of sound.
Measurement of sound vibrations and wave lengths of air.
Resonance.
Interference of sound waves. Beats.
Harmonic tones; their generation and function in sound.
Longitudinal vibration of rods and of columns of air.
Transverse vibration of strings.
Formation of Chladni's figures.
Vibrations of tuning-forks and bells.
Nature of musical sounds.
Vocal organs of man.

(f) *Dynamical Electricity*—

Voltaic batteries as sources of electric currents.
Action of currents on magnetic needles. Galvanometers.
Thermo-electric currents.
Definition and measurement of electric force, conductivity, resistance, and current.
Ohm's law, and its simpler applications.
Laws of action of currents on currents, and their simpler applications.
Solenoids. Ampère's theory of magnetism.
Electro-magnets.
Mechanical, chemical, and heating effects of currents. Electrolysis.
Induced currents, their modes of generation and laws of action.
Ruhmkorff's coil.
Electro-magnetic currents.
Electro-magnetic machines; the more important detail of the working of telegraphs.
Theories of electricity.

(g) *Magnetism*—

Properties of permanent and artificial magnets.
Magnetic induction.
Phenomena of terrestrial magnetism.
Determination of declination, dip, and intensity of the magnetic force of the earth.
The compass needle.
Methods of magnetisation.
Determination of magnetic laws of action by the torsion balance.
Magnetic Potential.

(h) *Polarization of light*—

Undulatory theory of light.
Reflection and refraction of light.
Prismatic analysis of light.
Achromatism.
Explanation of lines in the solar and other spectra.
Interference of light.
Diffraction of light.
Measurements of wave lengths of light.
Colours of thin plates.
Double refraction.
Polarization of light by reflection, refraction, and double refraction.
Interference of polarized light as shown by double refracting crystals. Polariscopes.
Elliptic and circular polarization.
Rotary polarization.

The Elements of Chemistry shall include :—

(a) The following general considerations :—

Definition of chemistry; differences between chemical action and the action of the physical forces; simple and compound matter; different modes of chemical action; combining weights, volume weights; principles of chemical nomenclature, symbolic notation, graphic notation; chemical equations; atoms and molecules; general knowledge of atomicity of elements; simple and compound radicals; classification of elements.

(b) A fairly complete knowledge of the modes of occurrence, methods of preparation, properties, uses, and general characters of the following non-metallic elements, of their allotropic modifications, and of their principal and best known compounds :—

Hydrogen, fluorine, chlorine, bromine, iodine.
Oxygen (and ozone).
Boron.
Carbon, silicon.
Nitrogen, phosphorus, arsenic.
Sulphur.

(c) A general knowledge of :—

The distinctions between non-metals and metals.
Acids, bases, and salts.
The constitution of salts.
The principles of crystallography.

(d) A knowledge of the methods of preparation, properties, and uses of the following metals and their principal salts :—

Sodium, potassium, ammonium, silver.
Calcium (glass manufacture, &c.), magnesium, zinc, copper, mercury.
Gold.
Lead, tin, platinum, aluminium (porcelain, pottery, &c.).
Antimony, bismuth.
Chromium, manganese, iron.

Chemistry shall include, in addition to a fuller knowledge of the subjects specified under the head Elements of Chemistry—

Inorganic Chemistry—

(a) General considerations :—

Laws of chemical combination, equivalents, atomic weights, physical and chemical relations of atomic weights, specific or atomic volumes, a more complete knowledge of the subject of atomicity; or quantivalence, artiads, periads, &c.; variations of atomicity; absolute, latent, and active atomicity; relations between atomic weight and quantivalence, chemical affinity, influence of pressure on chemical action, relations of heat to chemical affinity, &c., physical properties of metals, chemical relations of metals, alloys, general characters and general methods of preparation of compounds of metals with non-metals, theory of normal, acid and basic salts, isomorphism, the principles of qualitative analysis.

(b) Study of the following elements :—

Selenium, tellurium, lithium, cæsium, rubidium, barium, strontium, the earth metals, cadmium, indium, gallium, titanium, vanadium, uranium, tungsten, molybdenum, nickel, cobalt, and the platinum metals.

(c) A knowledge of the methods used in the preparation of the more important acids, salts, &c., employed in the arts and manufactures.

(d) A knowledge of metallurgical operations, such as are employed in the preparations of iron, zinc, copper, lead, tin, mercury, silver, and aluminium.

Organic Chemistry—

(a) The following general considerations :—

Definition of organic bodies, synthesis from inorganic materials, decompositions and transformations of organic compounds, analysis of organic bodies.

Determination of the specific gravity of gases and vapours.

Determination of empirical, rational, and constitutional formulæ; theory of types, classification of organic compounds, organic series, constitutional formulæ of organic compounds.

(b) Isomerism, metamerism, and polymerism, physical properties of organic compounds.

A knowledge of some few typical compounds in each of the different classes of organic compounds.

V. Physiology shall include :—

(1) A course of practical instruction in Elementary Biology.
(2) General Physiology.
(3) Special Physiology of the Vertebrata.
(4) Special Physiology of the Invertebrata.

Botany shall include :—

(a) The morphology and histology of flowering plants; the general principles of their classification on the systems of Linnæus and de Candolle, with a detailed acquaintance with the characters of the following natural orders :—

Anonaceæ.	Apocyneæ.
Menispermaceæ.	Asclepiadaceæ.
Nymphæaceæ.	Convolvulaceæ.
Papaveraceæ.	Solanaceæ.
Cruciferæ.	Boragineæ.
Malvaceæ.	Acanthaceæ.
Sterculiaceæ.	Verbenaceæ.
Tiliaceæ.	Labiatæ.
Aurantiaceæ.	Amarantaceæ.
Ampelideæ.	Urticaceæ.
Anacardiaceæ.	Euphorbiaceæ.
Leguminosæ.	Palmæ.
Myrtaceæ.	Aroideæ.
Combretaceæ.	Commelynaceæ.
Cucurbitaceæ.	Orchidaceæ.
Umbelliferæ.	Scitamineæ.
Rubiaceæ.	Cyperaceæ.
Compositæ.	Gramineæ.

(b) A general acquaintance with the morphology, histology and classification of cryptogams.

(c) Vegetable physiology.

Zoology shall include :—

Embryonic development and comparative anatomy of the principal orders of animals, ordinal classification of the animal kingdom, and generic classification of one selected order of Vertebrata and one of Invertebrata, to be notified beforehand. The geographical distribution and habitats of animals. The species of the mammals of India, omitting the micro-mammalia, viz., Insectivora, Rodentia, and Chiroptera; and the Indian genera of one order of Reptilia and one of Aves, to be previously notified.

VI. Geology shall include :—

The classification, structure, and formation of rocks. The evidence of past changes afforded by their present condition, and a practical acquaintance with their mineral characteristics, to be tested by specimens. The generic determination of the most characteristic fossil forms, and the indication of age and habitat which they afford. A practical knowledge of fossil forms, to be tested by specimens. A general knowledge of the geology of Great Britain and Western Europe, and a more detailed knowledge of the geology of India. An acquaintance with geological maps, to be tested by the construction of a geological section from a given map.

Mineralogy shall include:—

(a) General characteristics of minerals.
(b) Crystallography of the structure of minerals, fundamental forms of crystals cleavage, secondary forms, compound crystals, dimorphism, irregularities of crystals, measuring angles of crystals, massive minerals columnar structure, lamellar and granular structure, pseudomorphous crystals.
(c) Physical properties of minerals; lustre, colour, diaphaneity, refractions and polarization, phosphorescence, electricity and magnetism, specific gravity, hardness, state of aggregation, fracture, taste, odour.
(d) Chemical properties of minerals; action of acids, &c., on minerals; blow-pipe reactions of minerals.
(e) Classification of minerals.
(f) Description and recognition of the more important minerals and rocks or mineral aggregates.
(g) Chemical composition and formulæ of minerals.

Physical Geography shall include:—

The form and density of the earth, and modes of ascertaining them. The distribution and characteristic geographical phenomena of land and water. Climate and its determining causes. The inorganic physical geography of India. Meteorology.

EXAMINATION FOR THE DEGREE OF M. A.

1. An Examination for the degree of Master of Arts shall be held annually in Calcutta, commencing at such time as the Syndicate shall determine, the date to be approximately notified in the Calendar for the year.

2. Any candidate who has passed the B. A. Examination may be examined for the degree of M. A. in one or more of the following branches:

(1) Languages.
(2) History.
(3) Mental and Moral Philosophy.
(4) Mathematics.
(5) Natural and Physical Science.

3. A fee of rupees fifty shall be payable by each candidate. No candidate shall be examined unless he shall have paid this fee to the Registrar. A candidate who fails to pass or to present himself for Examination shall not be entitled to claim a refund of the fee.

4. Every candidate shall intimate to the Registrar the branch or branches in which he desires to be examined. Such intimation must reach the office of the Registrar at such time as the Syndicate shall determine, the date to be approximately notified in the Calendar for the year.

5. The Examination in languages shall be in English for candidates whose vernacular is not English, or in any one of the following classical languages, *viz.*, Greek, Latin, Sanskrit, Arabic, Persian, Hebrew and Pali.

The subjects in languages shall be selected by the Syndicate two years before the Examination.

The Examination shall include written answers in English to questions relating to the books selected for the Examination.

It shall also include questions on comparative grammar, with special reference to the language professed by the candidate.

Every candidate shall be required to write an Essay in English on a subject connected with the History or Literature of the Language professed by him.

The Examination in English shall include the elements of Anglo-Saxon grammar.

The Examination in the classical languages shall include translation into English from the language professed by the candidate, and into that language from English.

6. The Examination in History* shall be in the following subjects:—

(a) The History of England (including Scotland, Ireland and the British Colonies and Dependencies) to the accession of Queen Victoria.
(b) The Constitutional History of England.
(c) A selected period of History—Indian or European, Ancient, Mediæval, or Modern—to be studied with reference to original sources.
(d) Political Philosophy, General Jurisprudence, and International Law.
(e) Political Economy and Economic History.

Candidates shall also be required to write an Essay in English on some subject included in the foregoing course.

7. The Examination in Mental and Moral Philosophy shall be in the following subjects:—

Logic, Deductive and Inductive.
Psychology.
Ethics.
Natural Theology, or the Evidences of Christianity.

The above subjects shall be studied historically in the works of the principal authorities.*

8. The Examination in Mathematics shall be in the following subjects:—

(1) Algebra.
(2) Plane Trigonometry.
(3) Theory of Equations and the Elements of Determinants.
(4) Analytical Plane Geometry.
(5) Analytical Solid Geometry.
(6) Differential Calculus.
(7) Integral Calculus, omitting elliptic integrals and the calculus of variations.
(8) Differential Equations.
(9) Statics.
(10) Dynamics of a Particle, omitting the more complicated problems of constrained motion upon surfaces, and also propositions involving the application of the calculus of variations.
(11) Hydromechanics, omitting the theory of sound.
(12) Geometrical Optics, omitting the formulæ for the calculation of spherical aberration, and reflection and refraction at surfaces in any manner.*
(13) Spherical Trigonometry, omitting the parts which are not required in Astronomy.
(14) Practical and Spherical Astronomy.
(15) Newton's Principia, sections I to III.
(16) Rigid Dynamics, including the motion of Rigid Bodies in two dimensions.

9. Candidates in Natural and Physical Science shall be allowed to select alternatively two out of the following group of subjects:—

(A) Chemistry.
(B) Electricity and Magnetism.
(C) Heat and the elements of Molecular Physics.

Or two out of the following group:—

(D) Botany.
(E) Physiology and Zoology.
(F) Geology and Mineralogy.

(A) The course in chemistry shall be both theoretical and practical. In the practical Examination candidates ought to shew a good knowledge of chemical manipulation and ought to be able to qualitatively analyse complex inorganic substances. They should also be acquainted with the principles of quantitative analysis.*

(B) The course in Electricity and Magnetism shall include questions presupposing a moderate acquaintance with the principles and methods of the Differential Calculus, Integral Calculus and Differential Equations. The candidate shall be required to show that he has a competent practical knowledge of the instruments and apparatus employed in Magnetism and Electricity, and to execute experiments in the presence of the Examiner.*

(C) The course in Heat shall include questions presupposing acquaintance with the principles and methods of the Differential Calculus, Integral Calculus, and Differential Equations. The candidate should also show himself thoroughly acquainted with the various instruments and apparatus employed in Heat, and should be prepared to perform measurements and experiments in the presence of the Examiner.*

(D) Botany* shall include the following:—

(a) General and special Morphology and Physiology.
(b) Systematic Botany.
(c) Palæobotany.
(d) Practical knowledge of indigenous Indian plants, and identification of specimens of them by Roxburgh's *Flora Indica* (Clarke's edition).

* For text-books *see* Appendix B.

* For text-books *see* Appendix B.

(E) Zoology* shall include the subjects of (a) Comparative Anatomy and Physiology, (b) Distribution and (c) Evolution.

(F) Geology and Mineralogy* shall include the subjects of (a) Stratigraphical Geology, (b) Palæontology, (c) Mineralogy, (d) Crystallography, (e) Elementary Inorganic Chemistry.

10. As soon as possible after each Examination for the degree of M. A., the Syndicate shall publish a list of candidates who have passed, arranged in three classes, each in order of merit. Candidates shall be bracketed together, unless the Examiners are of opinion that there is clearly a difference in their merits. Each successful candidate shall receive with his degree of M. A. a certificate setting forth the subject in which he was examined, and the class in which he was placed.

11. The candidate who shall be placed first in the first class in each branch shall receive a Gold Medal and a prize of books to the value of one hundred rupees, and the second student of the first class in each branch shall receive a Silver Medal and a prize of books to the value of one hundred rupees.

12. Any Master of Arts may, on payment of a fee of fifty rupees, be admitted to the M. A. Examination in any branch other than that in which he was previously examined, and may, if his attainments come up to the standard prescribed for the degree of M. A., be granted a certificate to that effect, stating the class in which he has passed. A candidate who fails to pass, or to present himself for Examination, shall not be entitled to claim a refund of the fee.

In paragraph 15 of the Regulations for the degree of Bachelor of Medicine the word "two" has been substituted for the word "three," so that the paragraph will henceforth run as follows:—"Any Licentiate of two years' standing may be admitted to this degree, &c."

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 4th March 1882.

CALCUTTA UNIVERSITY.

NOTICE.

It is hereby notified for general information that a Convocation of the University of Calcutta for conferring degrees will be held at the Senate House on Saturday, the 11th March at 4 P.M.

Graduates of the University in academic costume are admissible on presenting themselves at the Senate House at 3 P.M.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 1st March 1882.

SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 2nd March 1882.

No. 262.—Mr. E. J. Martin, Assistant Surveyor, 1st Grade, is granted furlough in India for one year, under Section 131, Chapter X, of the Civil Leave Code, with effect from the 1st April next.

J. T. WALKER, *Lieut.-Genl., R.E.,*
Surveyor General of India.

* For text-books see Appendix B.

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 2nd March 1882.

No. 2.—Mr. J. C. Kelly, Assistant Surveyor, 3rd Grade, is granted privilege leave for three months, under Chapter X, Section 136, of the Civil Leave Code.

J. SCONCE, *Lieut.-Col.,*
Deputy Surveyor General.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Calcutta, the 17th February 1882.

No. 8.—Third Grade Assistant Surgeon Jogendra Nath Datta, of the supernumerary list, is dismissed the service, with effect from the 30th December 1881.

The 21st February 1882.

No. 9.—The services of the under-mentioned Hospital Assistants of the military establishment are placed permanently at the disposal of the Agent, Governor General, for Rajputana, for civil employment in that Province:—

2nd Class, No. 61, Imdad Hooseein.

3rd Class, No. 296, Yoosuf Narain.

The 23rd February 1882.

No. 10.—Third Grade Assistant Surgeon Tariney Churn Bose, of the Bengal provincial establishment, is permitted to resign the service, with effect from the 23rd January 1882.

J. M. CUNINGHAM, M.D.,
Surgeon-Genl. with the Govt. of India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATION.

Mount Abu, the 21st February 1882.

No. 373 G.—Lieutenant-Colonel A. Conolly and Colonel C. H. Clay, respectively, made over and assumed command of the Deoli Irregular Force on the forenoon of the 4th February 1882.

By Order,

F. T. HEWSON,
for 1st Asst. Agent to the Governor Genl.

CHIEF COMMISSIONER OF AJMIR-MERWARA.

Mount Abu, the 9th February 1882.

CITATION UNDER SECTION 250 OF ACT X OF 1865.

In the Court of the Commissioner and District Judge, Ajmir-Merwara.

In the matter of application of Mr. W. Coke, for probate of the will of the late Sergeant Robert Macaulay, Foreman, Ajmir, No. 2142, of the 1-5th Fusiliers Regiment of Foot.

Whereas Mr. William Coke, of Ajmir, has this day made application to this Court for grant of probate of the will executed by the late Sergeant Robert Macaulay, Foreman, Ajmir, No. 2142, of the 1-5th Fusiliers Regiment of Foot, this citation is issued calling upon persons interested in the estate of the deceased to take notice of the same, and come and see the proceedings before the grant of the probate on the 11th of March 1882, which is the date fixed for the hearing of the application.

L. S. SAUNDERS,
Commissioner and District Judge, Ajmir-Merwara.

AJMIR,
The 30th January 1882.

MILITARY DEPARTMENT.

Fort William, the 4th March, 1882.

Baboo Nobin Chunder Chuckerbutty, late Head Assistant in the Commissariat Field Account Office, has been dismissed from the service of Government.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

MILITARY DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 21st February 1882.

No. 2.—Lieutenant T. P. Cather, R.E., Temporary Executive Engineer, 4th Grade, Peshawar Division, Military Works, passed the Departmental Standard Examination prescribed in Public Works Department Code II, i, 21, on the 24th January 1882.

A. CADELL, *Major-Genl., R.E.,*
Inspr. Genl. of Military Works.

Presidency & Oudh Command.

Lucknow, the 25th February 1882.

No. 2.—Lieutenant H. T. W. Jerome, R.E., Assistant Engineer, 1st Grade, attached to the Lucknow Division, Military Works, is transferred to Allahabad Division, Military Works.

No. 3.—Lieutenant W. R. Chippindall, R.E., Assistant Engineer, 1st Grade, attached to the Allahabad Division, Military Works, is transferred to Fort William Division, Military Works.

H. McV. CRICHTON, *Major, R.E.,*
Supdg. Engr., Presdy. & Oudh Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 2nd March 1882.

No. 17.—Mr. W. P. Johnson, Probationary Assistant Locomotive Superintendent, Punjab Northern State Railway, is attached temporarily to the Office of the Port Store-keeper at Karachi.

No. 18.—Mr. G. Moyle, Assistant Engineer, 1st Grade, Indus Valley State Railway, passed the Departmental Standard Examination in Hindustani on the 25th January 1882.

The 3rd March 1882.

No. 19.—With reference to Public Works Notification No. 67, dated the 24th February 1882, Mr. G. H. List, Executive Engineer, 2nd Grade, is posted to the Patna-Bahraich Railway Survey.

F. S. STANTON, *Col., R.E.,*
Director General of Railways.

Report of a Deserter from the 2nd Battalion, Royal Lanc. Regiment of Foot, dated at Colaba, Bombay, this 22nd day of February 1882.

Number, Rank, and Name,—No. 11—3337, Private Joseph Landers.	At what Place Enlisted,—Curragh Camp.
Age,—24 years.	Parish and County in which Born,—Thurles Co., Tipperary.
Size,—5 feet 4 4/16 inches.	
Colour of—Complexion, fair; Hair, light brown; Eyes, blue.	Marks,—Tattooed on both arms.
	Trade,—Servant.
Date of Desertion,—19th February 1882.	Coat or Jacket,— ... Waistcoat,— ... Breeches or Trowsers,— ... } Kit.
Place of Desertion,—Colaba, Bombay, E. I.	
Date of Enlistment,—31st October 1876.	REMARKS,—Under 5 years' service.

C. P. STOKES, *Lieut.-Colonel,*
Comdg. 2nd Battn., Rl. Lan. Regt. of Foot.

TREASURE TROVE.

Notice is hereby given that on some day in December 1881, 39 gold fanams, valued in all at Rs. 17-8, were found in the village of Dandavolee, in the Venkatagiri Zemindary, Nellore District, in the Madras Presidency.

All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the undersigned on the 24th July 1882, at Nellore, and establish their claims to it.

W. C. H. SHARKY,
Deputy Collector,
for *Collector.*

NELLORE COLLECTOR'S OFFICE,
The 17th February 1882.

MEERUT CEMETERY.

Ruinous Tombs.

Notice is hereby given that the tombs enumerated below are in a ruinous condition, and that they will be demolished unless repaired by any relatives or friends of the persons deceased. Notice of intended repairs should reach the Chaplain not later than the 31st March 1882.

Name.	Rank or occupation.	Date of death.
1. Bayes, Thomas ...	Child, Horse Artillery ...	20th June 1813.
2. Black, George ...	Sergeant-Major, Kumaon Battalion ...	26th January 1814.
3. Berney, Henry ...	Sergeant, 14th Foot ...	22nd May 1820.
4. Bramley, Thomas ...	Hospital Steward, 14th Foot ...	6th February 1819.
5. Bowden, William ...	14th Foot ...	20th August (about 1820).
6. Brearley, John ...	8th Light Dragoons ...	10th August 1817.
7. Brown, Henry Curwen ...	Son of Captain Brown, 8th Light Dragoons ...	24th February 1820.
8. Brown, Eleanor ...	Wife of Sergeant Brown, 14th Foot ...	12th October 1818.
9. Brutten, Frances Russell ...	Wife of Major Brutten, 8th Light Dragoons ...	25th January 1817.
10. Buck, Andrew ...	53rd Regiment ...	3rd April 1813.
11. Burke, Mary ...	Wife of Luke Burke, 67th Regiment ...	10th November 1816.
12. Bygram, George ...	Lieutenant, 8th Light Dragoons ...	Illegible (about 1820).
13. Cockburn, George ...	24th Light Dragoons ...	31st August 1811.
14. Connelly, Lawrence ...	Pensioner, 53rd Regiment ...	9th December 1850.
15. Cox, Joshua Henry ...	Child, 14th Foot ...	19th August 1819.
16. Davis, Richard ...	Child, 8th Light Dragoons ...	4th March 1816.
17. Davis, Edward ...	Sergeant, 14th Foot ...	30th August 1819.
18. Devlin, Thos. ...	Infant son of W. Devlin, 8th Light Dragoons ...	6th October 1818.
19. Dison, Simon ...	8th Light Dragoons ...	1817 (day illegible).
20. Downey, James ...	8th Light Dragoons ...	1817 (day illegible).
21. Farrell, Bernard ...	53rd Regiment ...	31st May 1813.
22. Font, John ...	67th Regiment ...	19th July 1817.
23. Frankling Thomas ...	14th Regiment ...	24th August 1819.
24. French, John William ...	Son of John French, 14th Foot ...	28th August 1819.
25. Goodfellow, Christiana ...	Child, 14th Foot ...	20th September 1825.
26. Goose, Charlotte Hords ...	11th Dragoons ...	4th September 1825.
27. Grant, Charles ...	14th Foot ...	13th September 1818.
28. Guant, Mary ...	Wife of James Guant ...	13th November 1818.
29. Gwatkin, Theophila Palmer ...	Daughter of Edward Gwatkin ...	1st August 1813.
30. Hartman, Sarah ...	Wife of Fred. Hartman ...	20th September 1819.
31. Hendy, Cecelia ...	Child, Horse Artillery ...	3rd April 1817.
32. Heyman, Elizabeth ...	Daughter of Lieutenant Heyman, 8th Light Dragoons	21st September 1820.
33. Holiday, Eleanor ...	Child, 14th Foot ...	2nd August (about 1819).
34. Huggins, Alfred ...	Child, 14th Foot ...	13th June 1823.
35. Hunt, Anne ...	Child, 14th Foot ...	12th July 1819.
36. Jenkins, Robert ...	Child of Captain Jenkins ...	19th November 1824.
37. Johnson, John ...	Child, 24th Light Dragoons ...	9th September 1813.
38. Johnson, James ...	14th Foot ...	5th January 1820.
39. Johnson, John ...	14th Foot ...	13th September 1818.
40. King (illegible) ...	14th Foot ...	2nd December 1818.
41. Lang, Thomas ...	Apothecary ...	28th July 1819.
42. Leonard, Susannah ...	Daughter of Peter Leonard, 14th Foot ...	29th July 1818.
43. Leonard, Mary ...	Wife of Peter Leonard, 14th Foot ...	December 1818.
44. Little, John ...	8th Light Dragoons ...	15th August 1818.
45. Martin, Selina Elizabeth ...	Daughter of Lieutenant Martin, 52nd Native Infantry	6th September 1834.
46. Martin, Samuel ...	Son of Lieutenant Martin, 52nd Native Infantry ...	21st November 1834.
47. Martin, Charles Paton ...	Son of Lieutenant Martin, 52nd Native Infantry ...	15th October 1834.
48. Maycock, Eleanor... ...	Wife of Hiram Maycock, 14th Foot ...	25th December 1819.
49. Maycock, George	Child of Hiram Maycock, 14th Foot ...	22nd August 1819.
50. McAndrews, John ...	8th Light Dragoons ...	Illegible.
51. McKinnerley, James ...	Son of James McKinnerley, 8th Light Dragoons ...	14th April 1818.
52. Moore, Hannah ...	Wife of Joseph Moore, 14th Foot ...	August 1819.
53. Mulkern, William	Child of Lieutenant Mulkern, 11th Dragoon Guards ...	28th June 1823.
54. Over, Maria	Wife of Wm. Over, 14th Foot ...	9th May 1819.
55. Noulan, Mary	Wife of John Noulan, 18th Royal Irish ...	28th April 1850.
56. Pritchard, Alice	Wife of Corporal Pritchard, 14th Foot ...	24th November 1818.
57.* Payne, William	14th Regiment ...	17th May 1821.
58. Sandham, Marianne ...	Wife of Surgeon B. L. Sandham, 11th Light Dragoons	19th January 1830.
59. Smith, Mary	Wife of Color Sergeant A. Smith, 29th Regiment ...	27th December 1830.
60. Smith, Oswald	Child, 14th Foot ...	31st July 1823.
61. Small, Richard	14th Foot ...	25th August 1819.
62. Stewart, Daniel	Cornet, 24th Light Dragoons ...	4th December 1812.
63. Sulivan, James	67th Regiment ...	9th August 1817.
64. Tierney, Thomas	3rd Troop, Horse Brigade ...	3rd June 1820.
65. Vernon, John	Sergeant, 67th Regiment ...	31st October 1816.
66. Ward, Elizabeth	Daughter of Jonathan Ward, 11th Light Dragoons ...	24th July 1824.
67. Webb, Sarah	Wife of William Webb, 16th Regiment ...	29th August 1829.
68. Waller, William	Child, 14th Foot ...	July 1819.
69. Widdera, William Frederick ...	Child, 11th Light Dragoons ...	16th September 1822.
70. Williams, William... ...	Child, 14th Foot ...	19th July 1819.
71. Wing, Jemima	Wife of John Wing, 14th Foot ...	10th April 1818.
72. Wing, John	Child of John Wing, 14th Foot ...	28th September 1819.

* Only the pillars ruinous. Tomb requires simple repairs.

OSCAR D WATKINS,
Chaplain of Meerut.

The 15th February 1882.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 28th February 1882.

PARTICULARS.	3½ per cent. Transfer Loan of 1853-54.	4 per cent. Loans										4½ per cent. Loans				Transfer Loan of 1879, seven shillings per cent. portion.	5 per cent. Debenture Loan of 1867-68.	5 per cent. Loan of 1856-57.	GRAND TOTAL.
		Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Reduced 4 per cent. Loan of 1881.	TOTAL.	Of 1870.	Of 1878.	Transfer Loan of 1879, 4½ per cent. portion.	TOTAL.				
Balance of 15th February 1882 . .	54,100	38,506	3,413	14,03,200	31,67,400	2,24,97,400	1,03,06,700	2,87,18,837	2,87,43,800	1,47,500	9,50,26,756	48,11,000	1,07,20,300	9,92,00,600	11,47,31,900	1,10,500	32,98,000	61,200	21,32,82,456
Add—																			
Amount enfaced at Madras between 16th and 28th February 1882 .	...	...	...	...	...	34,000	10,000	1,07,000	...	...	1,51,000	...	...	2,000	2,000	...	...	...	1,53,000
Amount enfaced at Bombay between 16th and 28th February 1882 .	...	...	...	...	9,200	5,19,300	20,700	3,91,000	3,13,500	...	12,43,700	...	...	2,21,200	2,21,200	...	...	...	14,64,900
Amount enfaced at Calcutta between 16th and 28th February 1882 .	...	...	...	...	8,000	3,65,700	60,400	2,86,100	1,35,000	...	8,55,200	1,500	20,000	59,000	80,500	...	...	...	9,35,700
	54,100	38,506	3,413	14,03,200	31,84,600	2,34,16,400	1,03,97,800	2,94,92,937	2,91,92,300	1,47,500	9,72,76,656	48,12,500	1,07,40,300	9,94,82,800	11,50,35,600	1,10,500	32,98,000	61,200	21,58,36,056
Deduct—																			
Amount written off in the London Registers	...	...	...	22,507	...	1,28,600	19,400	1,08,300	1,80,800	74,000	5,33,607	8,000	...	40,500	48,500	...	...	...	5,82,107
Balance on 28th February 1882 . .	54,100	38,506	3,413	13,80,693	31,84,600	2,32,87,800	1,03,78,400	2,93,84,637	2,90,11,500	73,500	9,67,43,049	48,04,500	1,07,40,300	9,94,42,300	11,49,87,100	1,10,500	32,98,000	61,200	21,52,53,949

NOTE.—From 9th June 1867 to 31st December 1881, enfaced from India 4,441 lakhs; re-transferred from London, 3,699 lakhs.

" 1st Jan. 1882 to 15th January 1882	"	"	20 "	" "	3 "
" 16th " " to 31st "	"	"	29 "	" "	14 "
" 1st Feb. " to 15th Feb.	"	"	11 "	" "	3 "
" 16th " " to 28th "	"	"	25 "	" "	5 "
			4,526 lakhs.		3,724 lakhs.
			3,724 "		
Balance against India			80 lakhs.		

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 2nd March 1882.

R. HARDIE,
Secretary and Treasurer.

Statement of the Affairs of the Bank of Bengal for the week ending 28th February 1882.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	30,11,966	4	4
Public Deposits at Head Office (Rs. 87,72,594 11 3)	2,45,24,510	7	3
Public Deposits at Branches (Rs. 1,57,51,915 12 0)			
Other Deposits at Head Office and Branches	2,50,26,606	4	4
Bank Post Bills, &c.	5,39,377	7	0
Sundries	10,04,447	6	2
RUPEES	7,41,06,907	13	1

ASSETS.	Rs.	A.	P.
Government Securities	73,12,200	14	0
Other authorized Investments	40,06,665	0	0
Loans on Government and other authorized Securities	70,81,822	11	9
Accounts of Credit on Government and other authorized Securities	82,47,005	15	6
Bills discounted and purchased	2,25,53,998	2	8
Balances with other Banks	7,19,337	7	6
Bullion	6,24,204	2	9
Dead Stock	11,69,588	3	9
Stamps	8,152	5	0
Sundries	4,90,642	7	8
	5,22,13,617	6	7
Cash and Currency Notes at Head Office (Rs. 70,08,515 1 7)	2,18,93,290	6	6
Cash and Currency Notes at Branches (Rs. 1,48,84,775 4 11)			
RUPEES	7,41,06,907	13	1

BANK OF BENGAL,
Calcutta, 2nd March 1882.

J. GORDON,
Chief Acctt. & Depy. Secretary.

By order of the Directors,
R. HARDIE,
Secy. & Treasurer.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1882.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Feb. 20	...	1,91,128	2,99,615	27,818	69,35,991	33,25,306
" 21	...	1,76,536	8,397	19,917	68,44,196	31,53,296
" 22	...	1,50,284	...	19,917	67,49,240	29,90,049
" 23	...	1,49,588	...	654	66,49,531	28,49,559
" 24	...	1,57,790	...	654	65,52,769	26,85,631
" 25	1,71,470	77,389	573	1,71,560	64,53,450	26,07,254

CALCUTTA MINT,
The 27th February 1882.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1882		Rs.	
W9	M 43—90132	100	J. Johnson, Sabarmati.
	M 46—08144	50	
	" —26752	50	
	" —34880	50	
	F 9—79739	50	

NOTES PARTIALLY LOST OR DESTROYED.

1882		Rs.	
H15	M 39—20434	1,000	F. & C. Osler, Calcutta.
H16	M 55—02767	10	Mancherjee Kavasji Khori, Jubbulpore.
	" —28887	10	
H17	M 39—00185	1,000	Jivraj Damodar, Bombay.
M10	M 56—43324	20	Ganpat Rao, Mhow.
	" —43353		
M11	M 13—11039	5	Rastamji Rattanji, Bandora.
	" —11038		

BOMBAY,
The 28th February 1882.

W. T. PIERCY,
for *Commissioner.*

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
346	O 89—93614	1,000	Dewan Rojon Lal.
347	O 71—79563	500	Muncherjee Manecklee.
	O 97—22903	100	
349	O 97—63278	100	The Manager, N. B. State Railway, Saidpur.
350	O 32—86154	50	The Sub-Inspector Government Railway Police, Raneegunge.
351	O 65—24542	50	Mohamed Uniss.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
208	L 11—01395	5	Chand Khan.
	L 15—17124		
209	O 96—66938	100	Luckinarain Das Shaha.
	O 97—26538		
210	O 54—96756	10	Woomes Chundra Bose.
	" —96755		
211	P 6—11686	10	Bonomally Mukerjee.
	O 95—95928		
213	L 54—12075	5	The Chief Paymaster, E. I. Railway, Calcutta.
	" —12076		
298	O 82—33070	10	Ram Bhajon Choube.
299	P 8—03580	20	Gour Chunder Banerjee.
	P 13—58492	5	
300	O 26—25618	20	Moniruddy Shadagar.
301	P 1—68725	10	Mrs. H. Groser.
302	O 71—86002	500	Hajee Noor Mohamed Abbu Taleb.
	" —80333	500	
303	L 9—20116	5	The Chief Pay Master, E. I. Railway, Calcutta.
304	O 32—20173	50	Krishna Chundra Shaha.
	O 30—00626	50	
305	O 97—63058	100	Raiphawoo.
	" —63059	100	
	" —63060	100	
306	P 3—81974	10	Nawab Khan.
307	L 30—11688	5	Bepin Behari Sarkar.
	" —11687	5	
	L 56—30571	5	
308	O 83—80143	10	Isan Chunder Das.
309	I 13—10591	5	Mr C. B. Burrows.
310	O 96—40993	100	Babu Norendranath Burat.

CALCUTTA,
The 3rd March 1882.

R. A. STERNDALE,
Asst. Comptlr. Genl., Paper Currency.

Kurrachee Circle.

NOTE PARTIALLY LOST OR DESTROYED.

No. of Note.	Value.	Name of Claimant.
	Rs.	
G 13—30232 } * —30233 }	5	J. Elton, Esq., Executive Engineer, Burmah, Rangoon.

* Mismatched.

KURRACHEE,
The 22nd February 1882.

W. PATTON,
Asst. Depy. Commr., P. C., S. C.

Lahore Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
17	E 16—80067	10	The Manager, Sukker Society's Stores, Sukker.
	„ —95634	10	
	E 18—10705	10	
45	E 15—53985	50	Ganesh Das, Clerk, Commissioner's Office, Peshawar.
45-54	E 15—53985	50	Chowdry Mohamed Sultan, Rawalpindi.

LAHORE,
The 24th February 1882.

H. J. BRERETON,
for *Depy. Commr. of Paper Currency.*

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
62	B 68—81457	100	Shaik Farid, Wurdah.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
130	I 2—08309	500	Mahomed Bin Ally Ebraim, Ghilla Callianjee, care of Sir Charles Forbes & Co., Bombay.
131	B 47—79640	5	N. Embaroomanar Nayudu, China Bazar, Madras.
132	B 52—83216	10	R. Baboosaw, Authyappah Naick Street, Madras.
133	I 2—07379	500	Nagapa Nursapa, Parsee Merchant, Mungalwarpett.
134	B 58—00175	100	Golar Motana, Ferugu Pettah, Mandi Merchant, Bangalore.
	„ —00176	100	

FORT SAINT GEORGE,
The 20th February 1882.

H. S. GROVES,
Assistant Accountant General, in charge of Paper Currency Dept.,
for *Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 3rd March 1882.

From the 6th March to the 15th April, the Presidency Post Master, Calcutta, will receive applications for express passenger Dâks between Umballa and Simla.

A printed copy of the Rules can be obtained from the Post Master on application.

G. J. HYNES,
Asst. Dir. Genl. of Post Office of India.

The 3rd March 1882.

No. 12856.—Appointment in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, BENGAL.

Mr. L. A. Massa is appointed to act as Deputy Post Master of Calcutta in addition to his own duties.

E. R. DOUGLAS,
Depy. Dir. Genl. of the Post Office of India.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer.
		1882.	
Persian Gulf	7 P. M.	11th Mar.	From Bombay.
Madras, Ceylon and the Intermediate Ports	7 „	10th „	Str. *Culna.*
Madras and Ceylon	7 „	12th „	P. & O. Str. *Ravenna.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies	7 „	7th „	From Bombay.
Foreign Mails *viâ* Bombay	7 „	7th „	From Bombay.*
Do. Book Post and Pattern Packets	7 „	6th „	From Bombay.
Rangoon, Moulmein, and Straits	7 „	9th „	Str *Kilwa.*
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Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	7 „	9th „	Str. *Arabia.*

* Also *viâ* Aden for Zanzibar and Mozambique; also *viâ* Aden for Mauritius, Mahé (Seychelles), Mayotte, Nossi Bé and Réunion can be forwarded by this opportunity.

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List of Unclaimed Letters lying in the Calcutta Post Office on the 26th February 1882.

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Augur, Menden J. W.
Basil & Co.
Beatson, Mrs. E.
Beelash Chunder Ghose & Co.
Benson, Mrs.
Bourke, Corporal William.
Brown, Mrs. Allen.
Carticle, F.
Cave, Miss T.
Clogstoun, H.
Dale, Dr C. H.
Dale, General A.
Davis, D. J.
Davis, Mrs.
Davis, P. E.
Donald, H. A.
Driver, H.
D'Souza, Miss S.
Duff, A. C.
Durand, J.
Executor of the estate of the late H. M. Hinde.
Ezikiel, Miss S.
Freeman, F. F.
Fryer, W.
Hakels, T. J.
Holmes, Mrs. C.
Johnstone, Colonel J.
Kelly, Miss.
Lambert, G.
Lee, Miss (of Virginia).
Leslie, R. H.
Macklilop & Co.
Manager, Indian National Trading Agency & Co.
Maxwell & Co.
McCormick, Alexander.
Merwanji, C.
Morgan, Major A. B.
Murry, W. R.
Nelson, V.
Nobin Chunder Daw & Sons.
Picket, Mrs E. H.
Radcliffe, V. B.
Raulford, James.
Reymount, L.
Robertson, M.
Robinson, T. H.
Rodgers, W.
Scott & Co., Messrs. G.
Secretary to the "Bruce Legacy."
Slater, Mrs. J.
Stuart, C. H.
Whitney, Captain James
Wood, J. M.
Wood, P. F.
Young, Robert.

Letters marked "Care of Post Office, to be kept till called for."

Archer, R.
Atkinson, J.
B.
Bates, Nelson John.
Barley, Alex
Bennett, Henry.
Beresford, Mrs G. W.
Berrill, G. F.
Bradford, J.
Brown, F. J. (care of Branch Post Office.)
Buchanan, J. E.
"Camera Obscura."
Chapman, Captain F. C.
Chapman, G. C
Constantine, George.
Cornfield, A. G.
Cumine, Miss.
Dauks, W.
Davies, W. R.
"Diamond."
Dicken, Major P. L.
Duff, J. C.
Duncan, Dr. W.
Eastwood, E. P.
Fenton, J. J.
Flockhart, Andrew.
Forest, William Dene.
Frietas, R. A.
Gheenburge, M. M.
Gregoire, Mons. L.
Hankievz, Charles.
Hare, Mrs.
Harry, Thomas.
Hodges, Mrs. D. P.
Houghton, Lt.-Col. B. (M.S.C.)
Hudson, William.
Ison, H.
Jackson, E.
Jackson, G.
Jeffery, R.
Johnston, R. T.
Jones, A.
Jones, E.
Jones, Thos.
Kennedy, J. G.
Kennedy, Miss N. L.
Keymer, J. S.
Khambatta, P. A.
Leicester, A. B.
Lepper, Charles H.
Lord, S.
Macdonald, Alexander.
Macnab, Henry.
Macpherson, W. G.
Mair, A.
Maitland, T.
Masnata, Signor Carlo.
McCormack, T.
McCulloch, R. W
McVey, Hugh.
Moffat, Col. A. K.
Moreton, T. G.
Morgan, William.
Morrison, W.
M. S. U. Y.
Mullic, H (Editor of *Berar Samachar.*)
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Murphey, F. Brown.
Oliver, E.
Orenstein, Secharie.
Palmer, Capt. A. Z.
Pandeiachey, H.
Paquiet, K. D.
Pattenden, T. W.
Peters, G. D.
Pinglay, A. B.
Pollock, W. N.
Pundt, Mrs H. S.
Radcliffe, Vernon B.
Roper, E. J.
Ray, M. R.
Saunders, Geo.
Searth, M.
Shaw, F.
Shenton, J T.
Simpson, A.
Smith, Chas. C. D.
Smith, H. Gordon.
Spencer, Mrs.
Stephens, Arthur.
Thomson, Serjeant R.
Vance, Gilbert.
V. C. J.
Vejayendra Row R.
Vande, Polls Jenkhur W. G.
Wall, W. M.
Ward, Major.
Whin ham, F. H.
Wilson, Major F. A.
Willes, Miss E.
Williams, W.
W. J. H.

Registered Letters.

Anderson, Mrs. J.
Chapman, Captn. F C.
Dodsworth, Miss C. T.
Fraser, C.
Linis, Mrs. J.
Oliver, Mrs. L.
Pondeiski, H.
Patton, L. P.
Scott & Co., G.
Walse, F. W.
Weben, Morsha.

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1 male on view at Dinapore.

2. Descriptive rolls of these elephants have been distributed to chiefs, noblemen and heads of Civil Departments through Local Governments, Administrations, &c.

3. For particulars and offers for purchase of the elephants at Saugor, address the Executive Commissariat Officer, Jabalpur, and that for the one at Dinapore, the Executive Commissariat Officer there.

W. R. BUNBURY, *Major,*
for *Depy. Commissary General,*
Lower Circle.

DEPY. COMSY. GENL.'S OFFICE,
CALCUTTA ;
The 19th January 1882.

Owing to reduction of establishment the following Government elephants are for sale :—

1 on view at Lucknow, male tusker.

6 on view at Agra, 5 males, tuskers, 1 female.

1 on view at Bareilly, male tusker.

2. Descriptive rolls of these elephants have been distributed to chiefs, noblemen and heads of Civil Departments through Local Governments, Administrations, &c.

3. Further particulars can be obtained from, and offers for purchases of these elephants should be addressed to, Assistant Commissary General, Lucknow, Bareilly and Agra.

W. G. SMITH, *Major,*
Offg. Depy. Comsy. Genl.

DEPY. COMSY. GENL.'S OFFICE,
CENTRAL CIRCLE ;
Lucknow, the 23rd February 1882.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost

The Government Promissory Notes, No. 059378 for Rs. 1,000 and No. 086093 for Rs. 500, of the 4 per cent., originally standing in the name of person or persons (unknown), and last endorsed to Mr. Kanojee Rao Bin Deojee Goond, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and the Residency Treasury at Indore, and application is about to be made for the issue of duplicates in favour of the proprietor.

KANOJEE RAO BIN DEOJEE GOOND,
Major of His Highness Maharajah Holkar's Hoojrat Cavalry, Indore.

Stolen

The Government Promissory Notes, Nos. 089923 and 038637 of the 4 per cent. Loan of 1842-43, for Rs. 500 each, originally standing in the name of the Collector of Allahabad and the Bank of Bengal, respectively, and last endorsed to Baghel Singh, Subadar, 40th Regiment, B.N.I., the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

BAGHEL SINGH,
Subadar, 40th Regt., B.N.I.,
With his Regiment at Barrackpore.

Lost

The undermentioned Debentures of the Nagpore-Chuttisgarh Railway Loan (4½ per cent.) from the possession of the Tehsildar of Sihora, District Jubbulpore, prior to their delivery to the owners. They have not been endorsed to any one by the owners :—

No. 000017, for Rs. 200.
„ 000050, „ 500.
„ 000097, „ 500.
„ 000098, „ 500.
„ 000167, „ 500.
„ 000178, „ 500.

C. H. GRACE, *Lieut.-Col.,*
Deputy Commissioner, Jubbulpore.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 17th February, 1882, and is hereby promulgated for general information :—

ACT No. IV OF 1882.

THE TRANSFER OF PROPERTY ACT, 1882.

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THE SCHEDULE—ENACTMENTS REPEALED.

An Act to amend the law relating to the Transfer of Property by act of Parties.

Preamble.

WHEREAS it is expedient to define and amend certain parts of the law relating to the transfer of property by act of parties; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

Commencement.

1. This Act may be called "The Transfer of Property Act, 1882":

It shall come into force on the first day of July, 1882;

Extent.

It extends in the first instance to the whole of British India except the territories respectively administered by the Governor of Bombay in Council, the Lieutenant-Governor of Panjáb and the Chief Commissioner of British Burma.

But any of the said Local Governments may, from time to time, by notification in the local official Gazette, extend this Act to the whole or any specified part of the territories under its administration.

And any Local Government may, with the previous sanction of the Governor General in Council, from time to time, by notification in the local official Gazette, exempt, either retrospectively or prospectively, throughout the whole or any part of the territories administered by such Local Government, the members of any race, sect, tribe or class from all or any of the following provisions, namely, sections forty-one, fifty-four, paragraphs two and three, fifty-nine, sixty-nine, one hundred and seven and one hundred and twenty-three.

Repeal of Acts.

2. In the territories to which this Act extends for the time being the enactments specified in the schedule hereto annexed shall be repealed to the extent therein mentioned. But nothing herein contained shall be deemed to affect—

Saving of certain enactments, incidents, rights, liabilities, &c.

(*a*) the provisions of any enactment not hereby expressly repealed:

(*b*) any terms or incidents of any contract or constitution of property which are consistent with the provisions of this Act, and are allowed by the law for the time being in force:

(*c*) any right or liability arising out of a legal relation constituted before this Act comes into force, or any relief in respect of any such right or liability: or,

(*d*) save as provided by section fifty-seven, and chapter four of this Act, any transfer by operation of law or by, or in execution of, a decree or order of a Court of competent jurisdiction: and nothing in the second chapter of this Act shall be deemed to affect any rule of Hindú, Muhammadan or Buddhist law.

Interpretation-clause.

3. In this Act, unless there is something repugnant in the subject or context,—

"immoveable property":

"immoveable property" does not include standing timber, growing crops or grass:

"instrument":

"instrument" means a non-testamentary instrument:

"registered": "registered" means registered in British India under the law for the time being in force regulating the registration of documents:

"attached to the earth": "attached to the earth" means—

(a) rooted in the earth, as in the case of trees and shrubs;

(b) imbedded in the earth, as in the case of walls or buildings; or

(c) attached to what is so imbedded for the permanent beneficial enjoyment of that to which it is attached:

"notice": and a person is said to have "notice" of a fact when he actually knows that fact, or when, but for wilful abstention from an inquiry or search which he ought to have made, or gross negligence, he would have known it, or when information of the fact is given to or obtained by his agent under the circumstances mentioned in the Indian Contract Act, 1872, section 229.

Enactments relating to contracts to be taken as part of Act IX of 1872.

4. The chapters and sections of this Act which relate to contracts shall be taken as part of the Indian Contract Act, 1872.

CHAPTER II.

OF TRANSFERS OF PROPERTY BY ACT OF PARTIES.

(A).—*Transfer of Property, whether moveable or immoveable.*

"Transfer of property" defined.

5. In the following sections "transfer of property" means an act by which a living person conveys property, in present or in future, to one or more other living persons, or to himself and one or more other living persons, and "to transfer property" is to perform such act.

What may be transferred.

6. Property of any kind may be transferred, except as otherwise provided by this Act or by any other law for the time being in force:

(a) The chance of an heir-apparent succeeding to an estate, the chance of a relation obtaining a legacy on the death of a kinsman, or any other mere possibility of a like nature, cannot be transferred.

(b) A mere right of re-entry for breach of a condition subsequent cannot be transferred to any one except the owner of the property affected thereby.

(c) An easement cannot be transferred apart from the dominant heritage.

(d) An interest in property restricted in its enjoyment to the owner personally cannot be transferred by him.

(e) A mere right to sue for compensation for a fraud or for harm illegally caused cannot be transferred.

(f) A public office cannot be transferred, nor can the salary of a public officer, whether before or after it has become payable.

(g) Stipends allowed to military and civil pensioners of Government and political pensions cannot be transferred.

(h) No transfer can be made (1) in so far as it is opposed to the nature of the interest affected thereby, or (2) for an illegal purpose, or (3) to a person legally disqualified to be transferee.

Persons competent to transfer.

7. Every person competent to contract and entitled to transferable property, or authorized to dispose of transferable property not his own, is competent to transfer such property either wholly or in part and either absolutely or conditionally, in the circumstances, to the extent and in the manner, allowed and prescribed by any law for the time being in force.

Operation of transfer.

8. Unless a different intention is expressed or necessarily implied, a transfer of property passes forthwith to the transferee all the interest which the transferor is then capable of passing in the property, and in the legal incidents thereof.

Such incidents include, where the property is land, the easements annexed thereto, the rents and profits thereof accruing after the transfer, and all things attached to the earth;

and, where the property is machinery attached to the earth, the moveable parts thereof;

and, where the property is a house, the easements annexed thereto, the rent thereof accruing after the transfer, and the locks, keys, bars, doors, windows and all other things provided for permanent use therewith;

and, where the property is a debt or other actionable claim, the securities therefor (except where they are also for other debts or claims not transferred to the transferee), but not arrears of interest accrued before the transfer;

and, where the property is money or other property yielding income, the interest or income thereof accruing after the transfer takes effect.

Oral transfer.

9. A transfer of property may be made without writing in every case in which a writing is not expressly required by law.

Condition restraining alienation.

10. Where property is transferred subject to a condition or limitation absolutely restraining the transferee or any person claiming under him from parting with or disposing of his interest in the property, the condition or limitation is void, except in the case of a lease where the condition is for the benefit of the lessor or those claiming under him: provided that property may be transferred to or for the benefit of a woman (not being a Hindú, Muhammadan or Buddhist), so that she shall not have power during her marriage to transfer or charge the same or her beneficial interest therein.

Restriction repugnant to interest created.

11. Where, on a transfer of property, an interest therein is created absolutely in favour of any person, but the terms of the transfer direct that such interest shall be applied or enjoyed by him in a particular manner, he shall be entitled to receive and dispose of such interest as if there were no such direction.

Nothing in this section shall be deemed to affect the right to restrain, for the beneficial enjoyment of one piece of immoveable property, the enjoyment of another piece of such property, or to compel the enjoyment thereof in a particular manner.

Condition making interest determinable on insolvency or attempted alienation.

12. Where property is transferred subject to a condition or limitation making any interest therein, reserved or given to or for the benefit of any person,

to cease on his becoming insolvent or endeavouring to transfer or dispose of the same, such condition or limitation is void.

Nothing in this section applies to a condition in a lease for the benefit of the lessor or those claiming under him.

Transfer for benefit of unborn person.

13. Where, on a transfer of property, an interest therein is created for the benefit of a person not in existence at the date of the transfer, subject to a prior interest created by the same transfer, the interest created for the benefit of such person shall not take effect, unless it extends to the whole of the remaining interest of the transferor in the property.

Illustration.

A transfers property of which he is the owner to B in trust for A and his intended wife successively for their lives, and after the death of the survivor for the eldest son of the intended marriage for life, and after his death for A's second son. The interest so created for the benefit of the eldest son does not take effect, because it does not extend to the whole of A's remaining interest in the property.

Rule against perpetuity.

14. No transfer of property can operate to create an interest which is to take effect after the life-time of one or more persons living at the date of such transfer, and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the interest created is to belong.

Transfer to class some of whom come under sections 13 and 14.

15. If, on a transfer of property, an interest therein is created for the benefit of a class of persons with regard to some of whom such interest fails by reason of any of the rules contained in sections thirteen and fourteen, such interest fails as regards the whole class.

Transfer to take effect on failure of prior transfer.

16. Where an interest fails by reason of any of the rules contained in sections thirteen, fourteen and fifteen, any interest created in the same transaction and intended to take effect after or upon failure of such prior interest also fails.

Transfer in perpetuity for benefit of public.

17. The restrictions in sections fourteen, fifteen and sixteen shall not apply to property transferred for the benefit of the public in the advancement of religion, knowledge, commerce, health, safety or any other object beneficial to mankind.

Direction for accumulation.

18. Where the terms of a transfer of property direct that the income arising from the property shall be accumulated, such direction shall be void, and the property shall be disposed of as if no accumulation had been directed.

Exception.—Where the property is immoveable, or where accumulation is directed to be made from the date of the transfer, the direction shall be valid in respect only of the income arising from the property within one year next following such date; and at the end of the year such property and income shall be disposed of respectively as if the period during which the accumulation has been directed to be made had elapsed.

Vested interest.

19. Where, on a transfer of property, an interest therein is created in favour of a person without specifying the time when it is to take effect, or in terms specifying that it is to take effect forthwith or on the happening of an event which must happen, such interest is vested, unless a contrary intention appears from the terms of the transfer.

A vested interest is not defeated by the death of the transferee before he obtains possession.

Explanation.—An intention that an interest shall not be vested is not to be inferred merely from a provision whereby the enjoyment thereof is postponed, or whereby a prior interest in the same property is given or reserved to some other person, or whereby income arising from the property is directed to be accumulated until the time of enjoyment arrives, or from a provision that if a particular event shall happen the interest shall pass to another person.

When unborn person acquires vested interest on transfer for his benefit.

20. Where, on a transfer of property, an interest therein is created for the benefit of a person not then living, he acquires upon his birth, unless a contrary intention appear from the terms of the transfer, a vested interest, although he may not be entitled to the enjoyment thereof immediately on his birth.

Contingent interest.

21. Where, on a transfer of property, an interest therein is created in favour of a person to take effect only on the happening of a specified uncertain event, or if a specified uncertain event shall not happen, such person thereby acquires a contingent interest in the property. Such interest becomes a vested interest, in the former case, on the happening of the event, in the latter, when the happening of the event becomes impossible.

Exception.—Where, under a transfer of property, a person becomes entitled to an interest therein upon attaining a particular age, and the transferor also gives to him absolutely the income to arise from such interest before he reaches that age, or directs the income or so much thereof as may be necessary to be applied for his benefit, such interest is not contingent.

Transfer to members of a class who attain a particular age.

22. Where, on a transfer of property, an interest therein is created in favour of such members only of a class as shall attain a particular age, such interest does not vest in any member of the class who has not attained that age.

Transfer contingent on happening of specified uncertain event.

23. Where, on a transfer of property, an interest therein is to accrue to a specified person if a specified uncertain event shall happen, and no time is mentioned for the occurrence of that event, the interest fails unless such event happens before, or at the same time as, the intermediate or precedent interest ceases to exist.

Transfer to such of certain persons as survive at some period not specified.

24. Where, on a transfer of property, an interest therein is to accrue to such of certain persons as shall be surviving at some period, but the exact period is not specified, the interest shall go to such of them as shall be alive when the intermediate or precedent interest ceases to

exist, unless a contrary intention appears from the terms of the transfer.

Illustration.

A transfers property to B for life, and after his death to C and D, equally to be divided between them, or to the survivor of them. C dies during the life of B. D survives B. At B's death the property passes to D.

Conditional transfer.

25. An interest created on a transfer of property and dependent upon a condition fails if the fulfilment of the condition is impossible, or is forbidden by law, or is of such a nature that, if permitted, it would defeat the provisions of any law, or is fraudulent, or involves or implies injury to the person or property of another, or the Court regards it as immoral or opposed to public policy.

Illustrations.

(*a*). A lets a farm to B on condition that he shall walk a hundred miles in an hour. The lease is void.

(*b*). A gives Rs. 500 to B on condition that he shall marry A's daughter C. At the date of the transfer C was dead. The transfer is void.

(*c*). A transfers Rs. 500 to B on condition that she shall murder C. The transfer is void.

(*d*). A transfers Rs. 500 to his niece C if she will desert her husband. The transfer is void.

Fulfilment of condition precedent.

26. Where the terms of a transfer of property impose a condition to be fulfilled before a person can take an interest in the property, the condition shall be deemed to have been fulfilled if it has been substantially complied with.

Illustrations.

(*a*). A transfers Rs. 5,000 to B on condition that he shall marry with the consent of C, D and E. E dies. B marries with the consent of C and D. B is deemed to have fulfilled the condition.

(*b*). A transfers Rs. 5,000 to B on condition that he shall marry with the consent of C, D and E. B marries without the consent of C, D and E, but obtains their consent after the marriage. B has not fulfilled the condition.

Conditional transfer to one person coupled with transfer to another on failure of prior disposition.

27. Where, on a transfer of property, an interest therein is created in favour of one person, and by the same transaction an ulterior disposition of the same interest is made in favour of another, if the prior disposition under the transfer shall fail, the ulterior disposition shall take effect upon the failure of the prior disposition, although the failure may not have occurred in the manner contemplated by the transferor.

But where the intention of the parties to the transaction is that the ulterior disposition shall take effect only in the event of the prior disposition failing in a particular manner, the ulterior disposition shall not take effect unless the prior disposition fails in that manner.

Illustrations.

(*a*). A transfers Rs. 500 to B on condition that he shall execute a certain lease within three months after A's death, and if he should neglect to do so, to C. B dies in A's lifetime. The disposition in favour of C takes effect.

(*b*). A transfers property to his wife; but in case she should die in his life-time, transfers to B that which he had transferred to her. A and his wife perish together, under circumstances which make it impossible to prove that she died before him. The disposition in favour of B does not take effect.

Ulterior transfer conditional on happening or not happening of specified event.

28. On a transfer of property an interest therein may be created to accrue to any person with the condition superadded that in case a specified uncertain event shall happen such interest shall pass to another person, or that in case a specified uncertain event shall not happen such interest shall pass to another person. In each case the dispositions are subject to the rules contained in sections ten, twelve, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-seven.

Fulfilment of condition subsequent.

29. An ulterior disposition of the kind contemplated by the last preceding section cannot take effect unless the condition is strictly fulfilled.

Illustration.

A transfers Rs. 500 to B, to be paid to him on his attaining his majority or marrying, with a proviso that, if B dies a minor or marries without C's consent, the Rs. 500 shall go to D. B marries when only 17 years of age, without C's consent. The transfer to D takes effect.

Prior disposition not affected by invalidity of ulterior disposition.

30. If the ulterior disposition is not valid, the prior disposition is not affected by it.

Illustration.

A transfers a farm to B for her life, and, if she do not desert her husband, to C. B is entitled to the farm during her life as if no condition had been inserted.

Condition that transfer shall cease to have effect in case specified uncertain event happens or does not happen.

31. Subject to the provisions of section twelve, on a transfer of property an interest therein may be created with the condition superadded that it shall cease to exist in case a specified uncertain event shall happen, or in case a specified uncertain event shall not happen.

Illustrations.

(*a*). A transfers a farm to B for his life, with a proviso that, in case B cuts down a certain wood, the transfer shall cease to have any effect. B cuts down the wood. He loses his life-interest in the farm.

(*b*). A transfers a farm to B, provided that, if B shall not go to England within three years after the date of the transfer, his interest in the farm shall cease. B does not go to England within the term prescribed. His interest in the farm ceases.

Such condition must not be invalid.

32. In order that a condition that an interest shall cease to exist may be valid, it is necessary that the event to which it relates be one which could legally constitute the condition of the creation of an interest.

Transfer conditional on performance of act, no time being specified for performance.

33. Where, on a transfer of property, an interest therein is created subject to a condition that the person taking it shall perform a certain act, but no time is specified for the performance of the act, the condition is broken when he renders impossible, permanently or for an indefinite period, the performance of the act.

Transfer conditional on performance of act, time being specified.

34. Where an act is to be performed by a person either as a condition to be fulfilled before an interest created on a transfer of property is enjoyed by him, or as a condition on the non-fulfilment of which the interest is to pass from him to another person, and a time is specified for the performance of the act, if such performance within the specified time is prevented by the fraud of a person who would be directly benefited by non-fulfilment of the condition, such further time shall as against him be allowed for performing the act as shall be requisite to make up for the delay

caused by such fraud. But if no time is specified for the performance of the act, then, if its performance is by the fraud of a person interested in the non-fulfilment of the condition rendered impossible or indefinitely postponed, the condition shall as against him be deemed to have been fulfilled.

Election.

Election when necessary.

35. Where a person professes to transfer property which he has no right to transfer, and as part of the same transaction confers any benefit on the owner of the property, such owner must elect either to confirm such transfer or to dissent from it; and in the latter case he shall relinquish the benefit so conferred, and the benefit so relinquished shall revert to the transferor or his representative as if it had not been disposed of,

subject nevertheless,

where the transfer is gratuitous, and the transferor has, before the election died or otherwise become incapable of making a fresh transfer,

and in all cases where the transfer is for consideration,

to the charge of making good to the disappointed transferee the amount or value of the property attempted to be transferred to him.

Illustration.

The farm of Sultánpur is the property of C and worth Rs. 800. A by an instrument of gift professes to transfer it to B, giving by the same instrument Rs. 1,000 to C. C elects to retain the farm. He forfeits the gift of Rs. 1,000.

In the same case, A dies before the election. His representative must out of the Rs. 1,000 pay Rs. 800 to B.

The rule in the first paragraph of this section applies whether the transferor does or does not believe that which he professes to transfer to be his own.

A person taking no benefit directly under a transaction, but deriving a benefit under it indirectly, need not elect.

A person who in his one capacity takes a benefit under the transaction may in another dissent therefrom.

Exception to the last preceding four rules.—Where a particular benefit is expressed to be conferred on the owner of the property which the transferor professes to transfer, and such benefit is expressed to be in lieu of that property, if such owner claim the property, he must relinquish the particular benefit, but he is not bound to relinquish any other benefit conferred upon him by the same transaction.

Acceptance of the benefit by the person on whom it is conferred constitutes an election by him to confirm the transfer, if he is aware of his duty to elect and of those circumstances which would influence the judgment of a reasonable man in making an election, or if he waives enquiry into the circumstances.

Such knowledge or waiver shall, in the absence of evidence to the contrary, be presumed, if the person on whom the benefit has been conferred has enjoyed it for two years without doing any act to express dissent.

Such knowledge or waiver may be inferred from any act of his which renders it impossible to place the persons interested in the property professed to be transferred in the same condition as if such act had not been done.

Illustration.

A transfers to B an estate to which C is entitled, and as part of the same transaction gives C a coal-mine. C takes possession of the mine and exhausts it. He has thereby confirmed the transfer of the estate to B.

If he does not within one year after the date of the transfer signify to the transferor or his representatives his intention to confirm or to dissent from the transfer, the transferor or his representatives may, upon the expiration of that period, require him to make his election; and if he does not comply with such requisition within a reasonable time after he has received it, he shall be deemed to have elected to confirm the transfer.

In case of disability, the election shall be postponed until the disability ceases, or until the election is made by some competent authority.

Apportionment.

Apportionment of periodical payments on determination of interest of person entitled.

36. In the absence of a contract or local usage to the contrary, all rents, annuities, pensions, dividends and other periodical payments in the nature of income shall, upon the transfer of the interest of the person entitled to receive such payments, be deemed, as between the transferor and the transferee, to accrue due from day to day, and to be apportionable accordingly, but to be payable on the days appointed for the payment thereof.

Apportionment of benefit of obligation on severance.

37. When, in consequence of a transfer, property is divided and held in several shares, and thereupon the benefit of any obligation relating to the property as a whole passes from one to several owners of the property, the corresponding duty shall, in the absence of a contract to the contrary amongst the owners, be performed in favour of each of such owners in proportion to the value of his share in the property, provided that the duty can be severed and that the severance does not substantially increase the burden of the obligation; but if the duty cannot be severed, or if the severance would substantially increase the burden of the obligation, the duty shall be performed for the benefit of such one of the several owners as they shall jointly designate for that purpose:

Provided that no person on whom the burden of the obligation lies shall be answerable for failure to discharge it in manner provided by this section, unless and until he has had reasonable notice of the severance.

Nothing in this section applies to leases for agricultural purposes unless and until the Local Government by notification in the official Gazette so directs.

Illustrations.

(*a*). A sells to B, C and D a house situate in a village and leased to E at an annual rent of Rs. 30 and delivery of one fat sheep, B having provided half the purchase-money and C and D one quarter each. E, having notice of this, must pay Rs. 15 to B, Rs. 7½ to C, and Rs. 7½ to D, and must deliver the sheep according to the joint direction of B, C and D.

(*b*). In the same case, each house in the village being bound to provide ten days' labour each year on a dyke to prevent inundation, E had agreed as a term of his lease to perform this work for A. B, C and D severally require E to perform the ten days' work due on account of the house of each. E is not bound to do more than ten days' work in all, according to such directions as B, C and D may join in giving.

B.—Transfer of Immoveable Property.

Transfer by person authorized only under certain circumstances to transfer.

38. Where any person, authorized only under circumstances in their nature variable to dispose of immoveable property, transfers such property for consideration, alleging the existence of such circumstances, they

shall, as between the transferee on the one part and the transferor and other persons (if any) affected by the transfer on the other part, be deemed to have existed, if the transferee, after using reasonable care to ascertain the existence of such circumstances, has acted in good faith.

Illustration.

A, a Hindú widow, whose husband has left collateral heirs, alleging that the property held by her as such is insufficient for her maintenance, agrees, for purposes neither religious nor charitable, to sell a field, part of such property, to B. B satisfies himself by reasonable enquiry that the income of the property is insufficient for A's maintenance, and that the sale of the field is necessary, and, acting in good faith, buys the field from A. As between B on the one part and A and the collateral heirs on the other part, a necessity for the sale shall be deemed to have existed.

Transfer where third person is entitled to maintenance.

39. Where a third person has a right to receive maintenance, or a provision for advancement or marriage, from the profits of immoveable property, and such property is transferred with the intention of defeating such right, the right may be enforced against the transferee, if he has notice of such intention or if the transfer is gratuitous; but not against a transferee for consideration and without notice of the right, nor against such property in his hands.

Illustration.

A, a Hindú, transfers Sultánpur to his sister-in-law B, in lieu of her claim against him for maintenance in virtue of his having become entitled to her deceased husband's property, and agrees with her that, if she is dispossessed of Sultánpur, A will transfer to her an equal area out of such of several other specified villages in his possession as she may elect. A sells the specified villages to C, who buys in good faith, without notice of the agreement. B is dispossessed of Sultánpur. She has no claim on the villages transferred to C.

Burden of obligation imposing restriction on use of land,

40. Where, for the more beneficial enjoyment of his own immoveable property, a third person has, independently of any interest in the immoveable property of another or of any easement thereon, a right to restrain the enjoyment of the latter property or to compel its enjoyment in a particular manner, or

or of obligation annexed to ownership but not amounting to interest or easement.

where a third person is entitled to the benefit of an obligation arising out of contract and annexed to the ownership of immoveable property, but not amounting to an interest therein or easement thereon,

such right or obligation may be enforced against a transferee with notice thereof or a gratuitous transferee of the property affected thereby, but not against a transferee for consideration and without notice of the right or obligation, nor against such property in his hands.

Illustration.

A contracts to sell Sultánpur to B. While the contract is still in force he sells Sultánpur to C, who has notice of the contract. B may enforce the contract against C to the same extent as against A.

Transfer by ostensible owner.

41. Where, with the consent, express or implied, of the persons interested in immoveable property, a person is the ostensible owner of such property and transfers the same for consideration, the transfer shall not be voidable on the ground that the transferor was not authorized to make it: provided that the transferee, after taking reasonable care to ascertain that the transferor had power to make the transfer, has acted in good faith.

Transfer by person having authority to revoke former transfer.

42. Where a person transfers any immoveable property, reserving power to revoke the transfer, and subsequently transfers the property for consideration to another transferee, such transfer operates in favour of such transferee (subject to any condition attached to the exercise of the power) as a revocation of the former transfer to the extent of the power.

Illustration.

A lets a house to B, and reserves power to revoke the lease if, in the opinion of a specified surveyor, B should make a use of it detrimental to its value. Afterwards A, thinking that such a use has been made, lets the house to C. This operates as a revocation of B's lease subject to the opinion of the surveyor as to B's use of the house having been detrimental to its value.

Transfer by unauthorized person who subsequently acquires interest in property transferred.

43. Where a person erroneously represents that he is authorized to transfer certain immoveable property, and professes to transfer such property for consideration, such transfer shall, at the option of the transferee, operate on any interest which the transferor may acquire in such property, at any time during which the contract of transfer subsists.

Nothing in this section shall impair the right of transferees in good faith for consideration without notice of the existence of the said option.

Illustration.

A, a Hindú who has separated from his father B, sells to C three fields, X, Y and Z, representing that A is authorized to transfer the same. Of these fields Z does not belong to A, it having been retained by B on the partition; but on B's dying A as heir obtains Z. C, not having rescinded the contract of sale, may require A to deliver Z to him.

Transfer by one co-owner.

44. Where one of two or more co-owners of immoveable property legally competent in that behalf transfers his share of such property or any interest therein, the transferee acquires, as to such share or interest, and so far as is necessary to give effect to the transfer, the transferor's right to joint possession or other common or part enjoyment of the property, and to enforce a partition of the same, but subject to the conditions and liabilities affecting, at the date of the transfer, the share or interest so transferred.

Where the transferee of a share of a dwelling-house belonging to an undivided family is not a member of the family, nothing in this section shall be deemed to entitle him to joint possession or other common or part enjoyment of the house.

Joint transfer for consideration.

45. Where immoveable property is transferred for consideration to two or more persons, and such consideration is paid out of a fund belonging to them in common, they are, in the absence of a contract to the contrary, respectively entitled to interests in such property identical, as nearly as may be, with the interests to which they were respectively entitled in the fund; and where such consideration is paid out of separate funds belonging to them respectively, they are, in the absence of a contract to the contrary, respectively entitled to interests in such property in proportion to the shares of the consideration which they respectively advanced.

In the absence of evidence as to the interests in the fund to which they were respectively entitled, or

as to the shares which they respectively advanced, such persons shall be presumed to be equally interested in the property.

Transfer for consideration by persons having distinct interests.

46. Where immoveable property is transferred for consideration by persons having distinct interests therein, the transferors are, in the absence of a contract to the contrary, entitled to share in the consideration equally, where their interests in the property were of equal value, and, where such interests were of unequal value, proportionately to the value of their respective interests.

Illustrations.

(*a*). A, owning a moiety, and B and C, each a quarter share, of mauza Sultánpur, exchange an eighth share of that mauza for a quarter share of mauza Lálpura. There being no agreement to the contrary, A is entitled to an eighth share in Lálpura, and B and C each to a sixteenth share in that mauza.

(*b*). A, being entitled to a life-interest in mauza Atrah and B and C to the reversion, sell the mauza for Rs. 1,000. A's life-interest is ascertained to be worth Rs. 600, the reversion Rs. 400. A is entitled to receive Rs. 600 out of the purchase-money, B and C to receive Rs. 400.

Transfer by co-owners of share in common property.

47. Where several co-owners of immoveable property transfer a share therein without specifying that the transfer is to take effect on any particular share or shares of the transferors, the transfer, as among such transferors, takes effect on such shares equally where the shares were equal, and where they were unequal, proportionately to the extent of such shares.

Illustration.

A, the owner of an eight-anna share, and B and C, each the owner of a four-anna share, in mauza Sultánpur, transfer a two-anna share in the mauza to D, without specifying from which of their several shares the transfer is made. To give effect to the transfer one-anna share is taken from the share of A, and half an anna share from each of the shares of B and C.

Priority of rights created by transfer.

48. Where a person purports to create by transfer at different times rights in or over the same immoveable property, and such rights cannot all exist or be exercised to their full extent together, each later created right shall, in the absence of a special contract or reservation binding the earlier transferees, be subject to the rights previously created.

Transferee's right under policy.

49. Where immoveable property is transferred for consideration, and such property or any part thereof is at the date of the transfer insured against loss or damage by fire, the transferee, in case of such loss or damage, may, in the absence of a contract to the contrary, require any money which the transferor actually receives under the policy, or so much thereof as may be necessary, to be applied in reinstating the property.

Rent *bonâ fide* paid to holder under defective title.

50. No person shall be chargeable with any rents or profits of any immoveable property, which he has in good faith paid or delivered to any person of whom he in good faith held such property, notwithstanding it may afterwards appear that the person to whom such payment or delivery was made had no right to receive such rents or profits.

Illustration.

A lets a field to B at a rent of Rs. 50, and then transfers the field to C. B, having no notice of the transfer, in good faith pays the rent to A. B is not chargeable with the rent so paid.

Improvements made by *bonâ fide* holders under defective titles.

51. When the transferee of immoveable property makes any improvement on the property, believing in good faith that he is absolutely entitled thereto, and he is subsequently evicted therefrom by any person having a better title, the transferee has a right to require the person causing the eviction either to have the value of the improvement estimated and paid or secured to the transferee, or to sell his interest in the property to the transferee at the then market value thereof irrespective of the value of such improvement.

The amount to be paid or secured in respect of such improvement shall be the estimated value thereof at the time of the eviction.

When, under the circumstances aforesaid, the transferee has planted or sown on the property crops which are growing when he is evicted therefrom, he is entitled to such crops and to free ingress and egress to gather and carry them.

Transfer of property pending suit relating thereto.

52. During the active prosecution in any Court having authority in British India, or established beyond the limits of British India by the Governor General in Council, of a contentious suit or proceeding in which any right to immoveable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the rights of any other party thereto under any decree or order which may be made therein, except under the authority of the Court and on such terms as it may impose.

Fraudulent transfer.

53. Every transfer of immoveable property, made with intent to defraud prior or subsequent transferees thereof for consideration, or co-owners or other persons having an interest in such property, or to defeat or delay the creditors of the transferor, is voidable at the option of any person so defrauded, defeated or delayed.

Where the effect of any transfer of immoveable property is to defraud, defeat or delay any such person, and such transfer is made gratuitously or for a grossly inadequate consideration, the transfer may be presumed to have been made with such intent as aforesaid.

Nothing contained in this section shall impair the rights of any transferee in good faith and for consideration.

CHAPTER III.

OF SALES OF IMMOVEABLE PROPERTY.

"Sale" defined.

54. "Sale" is a transfer of ownership in exchange for a price paid or promised or part-paid and part-promised.

Sale how made.

Such transfer, in the case of tangible immoveable property of the value of one hundred rupees and upwards, or in the case of a reversion or other intangible thing, can be made only by a registered instrument.

In the case of tangible immoveable property of a value less than one hundred rupees, such transfer may be made either by a registered instrument or by delivery of the property.

Delivery of tangible immoveable property takes place when the seller places the buyer, or such person as he directs, in possession of the property.

Contract for sale.

A contract for the sale of immoveable property is a contract that a sale of such property shall take place on terms settled between the parties.

It does not, of itself, create any interest in or charge on such property.

Rights and liabilities of buyer and seller.

55. In the absence of a contract to the contrary, the buyer and the seller of immoveable property respectively are subject to the liabilities, and have the rights, mentioned in the rules next following, or such of them as are applicable to the property sold :

(1) The seller is bound—

(*a*) to disclose to the buyer any material defect in the property of which the seller is, and the buyer is not, aware, and which the buyer could not with ordinary care discover ;

(*b*) to produce to the buyer on his request for examination all documents of title relating to the property which are in the seller's possession or power ;

(*c*) to answer to the best of his information all relevant questions put to him by the buyer in respect to the property or the title thereto ;

(*d*) on payment or tender of the amount due in respect of the price, to execute a proper conveyance of the property when the buyer tenders it to him for execution at a proper time and place ;

(*e*) between the date of the contract of sale and the delivery of the property, to take as much care of the property and all documents of title relating thereto which are in his possession, as an owner of ordinary prudence would take of such property and documents ;

(*f*) to give, on being so required, the buyer, or such person as he directs, such possession of the property as its nature admits ;

(*g*) to pay all public charges and rent accrued due in respect of the property up to the date of the sale, the interest on all incumbrances on such property due on such date, and, except where the property is sold subject to incumbrances, to discharge all incumbrances on the property then existing.

(2) The seller shall be deemed to contract with the buyer that the interest which the seller professes to transfer to the buyer subsists and that he has power to transfer the same :

provided that, where the sale is made by a person in a fiduciary character, he shall be deemed to contract with the buyer that the seller has done no act whereby the property is incumbered or whereby he is hindered from transferring it.

The benefit of the contract mentioned in this rule shall be annexed to, and shall go with, the interest of the transferee as such, and may be enforced by every person in whom that interest is for the whole or any part thereof from time to time vested.

(3) Where the whole of the purchase-money has been paid to the seller, he is also bound to deliver to the buyer all documents of title relating to the property which are in the seller's possession or power :

provided that (*a*), where the seller retains any part of the property comprised in such documents, he is entitled to retain them all, and (*b*), where the whole of such property is sold to different buyers, the buyer of the lot of greatest value is entitled to such documents. But in case (*a*) the seller, and in case (*b*) the buyer of the lot of greatest value, is bound, upon every reasonable request by the buyer, or by any of the other buyers, as the case may be, and at the cost of the person making the request, to produce the said documents and furnish such true copies thereof or extracts therefrom as he may require ; and in the meantime, the seller, or the buyer of the lot of greatest value, as the case may be, shall keep the said documents safe, uncancelled and undefaced, unless prevented from so doing by fire or other inevitable accident ;

(4) The seller is entitled—

(*a*) to the rents and profits of the property till the ownership thereof passes to the buyer ;

(*b*) where the ownership of the property has passed to the buyer before payment of the whole of the purchase-money, to a charge upon the property in the hands of the buyer for the amount of the purchase-money, or any part thereof remaining unpaid, and for interest on such amount or part.

(5). The buyer is bound—

(*a*) to disclose to the seller any fact as to the nature or extent of the seller's interest in the property of which the buyer is aware, but of which he has reason to believe that the seller is not aware, and which materially increases the value of such interest ;

(*b*) to pay or tender, at the time and place of completing the sale, the purchase-money to the seller or such person as he directs : provided that, where the property is sold free from incumbrances, the buyer may retain out of the purchase-money the amount of any incumbrances on the property existing at the date of the sale, and shall pay the amount so retained to the persons entitled thereto ;

(*c*) where the ownership of the property has passed to the buyer, to bear any loss arising from the destruction, injury or decrease in value of the property not caused by the seller ;

(*d*) where the ownership of the property has passed to the buyer, as between himself and the seller, to pay all public charges and rent which may become payable in respect of the property, the principal moneys due on any incumbrances subject to which the property is sold, and the interest thereon afterwards accruing due.

(6) The buyer is entitled—

(*a*) where the ownership of the property has passed to him, to the benefit of any improvement in, or increase in value of, the property, and to the rents and profits thereof ;

(*b*) unless he has improperly declined to accept delivery of the property, to a charge on the property, as against the seller and all persons claiming under him with notice of the payment, to the extent of the seller's interest in the property, for the amount of any purchase-money properly paid by the buyer in anticipation of the delivery and for interest on such amount ; and, when he properly declines to accept the delivery, also for the earnest (if any) and for the costs (if any) awarded to him of a suit to compel specific performance of the contract or to obtain a decree for its rescission.

An omission to make such disclosures as are mentioned in this section, paragraph (1), clause (*a*), and paragraph (5), clause (*a*), is fraudulent.

Sale of one of two properties subject to a common charge.

56. Where two properties are subject to a common charge, and one of the properties is sold, the buyer is, as against the seller, in the absence of a contract to the contrary, entitled to have the charge satisfied out of the other property, so far as such property will extend.

Discharge of Incumbrances on Sale.

Provision by Court for incumbrances, and sale freed therefrom.

57. (*a*) Where immoveable property subject to any incumbrance, whether immediately payable or not, is sold by the Court or in execution of a decree, or out of court, the Court may, if it thinks fit, on the application of any party to the sale, direct or allow payment into court,

(1) in case of an annual or monthly sum charged on the property, or of a capital sum charged on a determinable interest in the property, —of such amount as, when invested in securities of the Government of India, the Court considers will be sufficient, by means of the interest thereof, to keep down or otherwise provide for that charge, and

(2) in any other case of a capital sum charged on the property,—of the amount sufficient to meet the incumbrance and any interest due thereon.

But in either case there shall also be paid into court such additional amount as the Court considers will be sufficient to meet the contingency of further costs, expenses and interest, and any other contingency, except depreciation of investments, not exceeding one-tenth part of the original amount to be paid in, unless the Court for special reasons (which it shall record) thinks fit to require a larger additional amount.

(*b*) Thereupon the Court may, if it thinks fit, and after notice to the incumbrancer, unless the Court, for reasons to be recorded in writing, thinks fit to dispense with such notice, declare the property to be freed from the incumbrance, and make any order for conveyance, or vesting order, proper for giving effect to the sale, and give directions for the retention and investment of the money in court.

(*c*) After notice served on the persons interested in or entitled to the money or fund in court, the Court may direct payment or transfer thereof to the persons entitled to receive or give a discharge for the same, and generally may give directions respecting the application or distribution of the capital or income thereof.

(*d*) An appeal shall lie from any declaration, order or direction under this section as if the same were a decree.

(*e*) In this section "Court" means (1) a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction, (2) the Court of a District Judge within the local limits of whose jurisdiction the property or any part thereof is situate, (3) any other Court which the Local Government may, from time to time, by notification in the official Gazette, declare to be competent to exercise the jurisdiction conferred by this section.

CHAPTER IV.

OF MORTGAGES OF IMMOVEABLE PROPERTY AND CHARGES.

"Mortgage," "mortgagor" and "mortgagee" defined.

58. (*a*). A mortgage is the transfer of an interest in specific immoveable property for the purpose of securing the payment of money advanced or to be advanced by way of loan, an existing or future debt, or the performance of an engagement which may give rise to a pecuniary liability.

The transferor is called a mortgagor, the transferee a mortgagee; the principal money and interest of which payment is secured for the time being are called the mortgage-money, and the instrument (if any) by which the transfer is effected is called a mortgage-deed.

Simple mortgage.

(*b*). Where, without delivering possession of the mortgaged property, the mortgagor binds himself personally to pay the mortgage-money, and agrees, expressly or impliedly, that, in the event of his failing to pay according to his contract, the mortgagee shall have a right to cause the mortgaged property to be sold and the proceeds of sale to be applied, so far as may be necessary, in payment of the mortgage-money, the transaction is called a simple mortgage and the mortgagee a simple mortgagee.

Mortgage by conditional sale.

(*c*). Where the mortgagor ostensibly sells the mortgaged property—

on condition that on default of payment of the mortgage-money on a certain date the sale shall become absolute, or

on condition that on such payment being made the sale shall become void, or

on condition that on such payment being made the buyer shall transfer the property to the seller,

the transaction is called a mortgage by conditional sale and the mortgagee a mortgagee by conditional sale.

Usufructuary mortgage.

(*d*). Where the mortgagor delivers possession of the mortgaged property to the mortgagee, and authorises him to retain such possession until payment of the mortgage-money, and to receive the rents and profits accruing from the property and to appropriate them in lieu of interest, or in payment of the mortgage-money, or partly in lieu of interest and partly in payment of the mortgage-money, the transaction is called an usufructuary mortgage and the mortgagee an usufructuary mortgagee.

English mortgage.

(*e*). Where the mortgagor binds himself to repay the mortgage-money on a certain date, and transfers the mortgaged property absolutely to the mortgagee, but subject to a proviso that he will re-transfer it to the mortgagor upon payment of the mortgage-money as agreed, the transaction is called an English mortgage.

Mortgage when to be by assurance.

59. Where the principal money secured is one hundred rupees or upwards, a mortgage can be effected only by a registered instrument signed by the mortgagor and attested by at least two witnesses.

Where the principal money secured is less than one hundred rupees, a mortgage may be effected either by an instrument signed and attested as aforesaid, or (except in the case of a simple mortgage) by delivery of the property.

Nothing in this section shall be deemed to render invalid mortgages made in the towns of Calcutta, Madras, Bombay, Karáchí and Rangoon, by delivery to a creditor or his agent of documents of title to immoveable property, with intent to create a security thereon.

Rights and Liabilities of Mortgagor.

Right of mortgagor to redeem.

60. At any time after the principal money has become payable, the mortgagor has a right, on payment or tender, at a proper time and place, of the mortgage-money, to require the mortgagee (*a*) to deliver the mortgage-deed, if any, to the mortgagor, (*b*) where the mortgagee is in possession of the mortgaged property, to deliver possession thereof to the mortgagor, and (*c*) at the cost of the mortgagor either to re-transfer the mortgaged property to him or to such third person as he may direct, or to execute and (where the mortgage has been effected by a registered instrument) to have registered an acknowledgment in writing that any right in derogation of his interest transferred to the mortgagee has been extinguished:

Provided that the right conferred by this section has not been extinguished by act of the parties or by order of a Court.

The right conferred by this section is called a right to redeem, and a suit to enforce it is called a suit for redemption.

Nothing in this section shall be deemed to render invalid any provision to the effect that, if the time fixed for payment of the principal money has been allowed to pass or no such time has been fixed, the mortgagee shall be entitled to reasonable notice before payment or tender of such money.

Redemption of portion of mortgaged property.

Nothing in this section shall entitle a person interested in a share only of the mortgaged property to redeem his own share only, on payment of a proportionate part of the amount remaining due on the mortgage, except where a mortgagee, or, if there are more mortgagees than one, all such mortgagees, has or have acquired, in whole or in part, the share of a mortgagor.

Right to redeem one of two properties separately mortgaged.

61. A mortgagor seeking to redeem any one mortgage shall, in the absence of a contract to the contrary, be entitled to do so without paying any money due under any separate mortgage made by him, or by any person through whom he claims, on property other than that comprised in the mortgage which he seeks to redeem.

Illustration.

A, the owner of farms Z and Y, mortgages Z to B for Rs. 1,000. A afterwards mortgages Y to B for Rs. 1,000, making no stipulation as to any additional charge on Z. A may institute a suit for the redemption of the mortgage on Z alone.

Right of usufructuary mortgagor to recover possession.

62. In the case of a usufructuary mortgage, the mortgagor has a right to recover possession of the property—

(*a*) where the mortgagee is authorized to pay himself the mortgage-money from the rents and profits of the property,—when such money is paid;

(*b*) where the mortgagee is authorized to pay himself from such rents and profits the interest of the principal money,—when the term (if any), prescribed for the payment of the mortgage money has expired and the mortgagor pays or tenders to the mortgagee the principal money or deposits it in court as hereinafter provided.

Accession to mortgaged property.

63. Where mortgaged property in possession of the mortgagee has, during the continuance of the mortgage, received any accession, the mortgagor, upon redemption, shall, in the absence of a contract to the contrary, be entitled as against the mortgagee to such accession.

Accession acquired in virtue of transferred ownership.

Where such accession has been acquired at the expense of the mortgagee, and is capable of separate possession or enjoyment without detriment to the principal property, the mortgagor desiring to take the accession must pay to the mortgagee the expense of acquiring it. If such separate possession or enjoyment is not possible, the accession must be delivered with the property, the mortgagor being liable, in the case of an acquisition necessary to preserve the property from destruction, forfeiture or sale, or made with his assent, to pay the proper cost thereof, as an addition to the principal money, at the same rate of interest.

In the case last mentioned the profits, if any, arising from the accession shall be credited to the mortgagor.

Where the mortgage is usufructuary and the accession has been acquired at the expense of the mortgagee, the profits, if any, arising from the accession shall, in the absence of a contract to the contrary, be set off against interest, if any, payable on the money so expended.

Renewal of mortgaged lease.

64. Where the mortgaged property is a lease for a term of years, and the mortgagee obtains a renewal of the lease, the mortgagor, upon redemption, shall, in the absence of a contract by him to the contrary, have the benefit of the new lease.

Implied contracts by mortgagor.

65. In the absence of a contract to the contrary, the mortgagor shall be deemed to contract with the mortgagee,

(*a*) that the interest which the mortgagor professes to transfer to the mortgagee subsists, and that the mortgagor has power to transfer the same;

(*b*) that the mortgagor will defend, or, if the mortgagee be in possession of the mortgaged property, enable him to defend, the mortgagor's title thereto;

(*c*) that the mortgagor will, so long as the mortgagee is not in possession of the mortgaged property, pay all public charges accruing due in respect of the property;

(*d*) and, where the mortgaged property is a lease for a term of years, that the rent payable under the lease, the conditions contained therein, and the contracts binding on the lessee have been paid, performed and observed down to the commencement of the mortgage; and that the mortgagor will, so long as the security exists and the mortgagee is not in possession of the mortgaged property, pay the rent reserved by the lease, or, if the lease be renewed, the renewed lease, perform the conditions contained therein and observe the contracts binding on the lessee, and indemnify the mortgagee against all claims sustained by reason of the non payment of the said rent or the non-performance or non-observance of the said conditions and contracts;

(e) and, where the mortgage is a second or subsequent incumbrance on the property, that the mortgagor will pay the interest from time to time accruing due on each prior incumbrance as and when it becomes due, and will at the proper time discharge the principal money due on such prior incumbrance.

Nothing in clause (c), or in clause (d), so far as it relates to the payment of future rent, applies in the case of an usufructuary mortgage.

The benefit of the contracts mentioned in this section shall be annexed to and shall go with the interest of the mortgagee as such, and may be enforced by every person in whom that interest is for the whole or any part thereof from time to time vested.

Waste by mortgagor in possession.

66. A mortgagor in possession of the mortgaged property is not liable to the mortgagee for allowing the property to deteriorate; but he must not commit any act which is destructive or permanently injurious thereto, if the security is insufficient or will be rendered insufficient by such act.

Explanation.—A security is insufficient within the meaning of this section unless the value of the mortgaged property exceeds by one-third, or, if consisting of buildings, exceeds by one-half, the amount for the time being due on the mortgage.

Rights and Liabilities of Mortgagee.

Right to foreclosure or sale.

67. In the absence of a contract to the contrary, the mortgagee has, at any time after the mortgage-money has become payable to him, and before a decree has been made for the redemption of the mortgaged property, or the mortgage-money has been paid or deposited as hereinafter provided, a right to obtain from the Court an order that the mortgagor shall be absolutely debarred of his right to redeem the property, or an order that the property be sold.

A suit to obtain an order that a mortgagor shall be absolutely debarred of his right to redeem the mortgaged property is called a suit for foreclosure.

Nothing in this section shall be deemed—

(a) to authorize a simple mortgagee as such to institute a suit for foreclosure, or an usufructuary mortgagee as such to institute a suit for foreclosure or sale, or a mortgagee by conditional sale as such to institute a suit for sale; or

(b) to authorize a mortgagor who holds the mortgagee's rights as his trustee or legal representative, and who may sue for a sale of the property, to institute a suit for foreclosure; or

(c) to authorize the mortgagee of a railway, canal or other work in the maintenance of which the public are interested, to institute a suit for foreclosure or sale; or

(d) to authorize a person interested in part only of the mortgage-money to institute a suit relating only to a corresponding part of the mortgaged property, unless the mortgagees have, with the consent of the mortgagor, severed their interests under the mortgage.

Right to sue for mortgage-money.

68. The mortgagee has a right to sue the mortgagor for the mortgage-money in the following cases only:—

(a) where the mortgagor binds himself to repay the same:

(b) where the mortgagee is deprived of the whole or part of his security by or in consequence of the wrongful act or default of the mortgagor:

(c) where, the mortgagee being entitled to possession of the property, the mortgagor fails to deliver the same to him, or to secure the possession thereof to him without disturbance by the mortgagor or any other person.

Where, by any cause other than the wrongful act or default of the mortgagor or mortgagee, the mortgaged property has been wholly or partially destroyed, or the security is rendered insufficient as defined in section sixty-six, the mortgagee may require the mortgagor to give him within a reasonable time another sufficient security for his debt, and, if the mortgagor fails so to do, may sue him for the mortgage-money.

Power of sale when valid.

69. A power conferred by the mortgage-deed on the mortgagee, or on any person on his behalf, to sell or concur in selling, in default of payment of the mortgage-money, the mortgaged property, or any part thereof, without the intervention of the Court, is valid in the following cases (namely)—

(a) where the mortgage is an English mortgage, and neither the mortgagor nor the mortgagee is a Hindú, Muhammadan or Buddhist;

(b) where the mortgagee is the Secretary of State for India in Council;

(c) where the mortgaged property or any part thereof is situate within the towns of Calcutta, Madras, Bombay, Karáchí or Rangoon.

But no such power shall be exercised unless and until—

(1) notice in writing requiring payment of the principal money has been served on the mortgagor, or on one of several mortgagors, and default has been made in payment of the principal money, or of part thereof, for three months after such service; or

(2) some interest under the mortgage amounting at least to five hundred rupees is in arrear and unpaid for three months after becoming due.

When a sale has been made in professed exercise of such a power, the title of the purchaser shall not be impeachable on the ground that no case had arisen to authorise the sale, or that due notice was not given, or that the power was otherwise improperly or irregularly exercised; but any person damnified by an unauthorized, or improper, or irregular exercise of the power shall have his remedy in damages against the person exercising the power.

The money which is received by the mortgagee, arising from the sale, after discharge of prior incumbrances if any, to which the sale is not made subject, or after payment into court under section fifty-seven of a sum to meet any prior incumbrance, shall, in the absence of a contract to the contrary, be held by him in trust to be applied by him, first, in payment of all costs, charges and expenses properly incurred by him as incident to the sale or any attempted sale; and, secondly, in discharge of the mortgage-money and costs and other money, if any, due under the mortgage; and the residue of the money so received shall be paid to the person entitled to the mortgaged property or authorized to give receipts for the proceeds of the sale thereof.

Nothing in the former part of this section applies to powers conferred before this Act comes into force.

The powers and provisions contained in sections six to nineteen (both inclusive) of the Trustees and Mortgagees' Powers Act, 1866, shall be deemed to apply to English mortgages, wherever in British India the mortgaged property may be situate, when neither the mortgagor nor the mortgagee is a Hindú, Muhammadan or Buddhist.

Accession to mortgaged property.

70. If, after the date of a mortgage, any accession is made to the mortgaged property, the mortgagee, in the absence of a contract to the contrary, shall, for the purposes of the security, be entitled to such accession.

Illustrations.

(*a*). A mortgages to B a certain field bordering on a river. The field is increased by alluvion. For the purposes of his security, B is entitled to the increase.

(*b*). A mortgages a certain plot of building land to B and afterwards erects a house on the plot. For the purposes of his security, B is entitled to the house as well as the plot.

Renewal of mortgaged lease.

71. When the mortgaged property is a lease for a term of years, and the mortgagor obtains a renewal of the lease, the mortgagee, in the absence of a contract to the contrary, shall, for the purposes of the security, be entitled to the new lease.

Rights of mortgagee in possession.

72. When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property, he may spend such money as is necessary—

(*a*) for the due management of the property and the collection of the rents and profits thereof;

(*b*) for its preservation from destruction, forfeiture or sale;

(*c*) for supporting the mortgagor's title to the property;

(*d*) for making his own title thereto good against the mortgagor; and,

(*e*) when the mortgaged property is a renewable leasehold, for the renewal of the lease;

and may, in the absence of a contract to the contrary, add such money to the principal-money, at the rate of interest payable on the principal, and where no such rate is fixed at the rate of nine per cent. per annum.

Where the property is by its nature insurable, the mortgagee may also, in the absence of a contract to the contrary, insure and keep insured against loss or damage by fire the whole or any part of such property; and the premiums paid for any such insurance shall be a charge on the mortgaged property, in addition to the principal money, with the same priority and with interest at the same rate. But the amount of such insurance shall not exceed the amount specified in this behalf in the mortgage-deed or (if no such amount is therein specified) two-thirds of the amount that would be required in case of total destruction to reinstate the property insured.

Nothing in this section shall be deemed to authorize the mortgagee to insure when an insurance of the property is kept up by or on behalf of the mortgagor to the amount in which the mortgagee is hereby authorized to insure.

Charge on proceeds of revenue-sale.

73. Where mortgaged property is sold through failure to pay arrears of revenue or rent due in respect thereof, the mortgagee has a charge on the surplus, if any, of the proceeds, after payment thereout of the said arrears, for the amount remaining due on the mortgage, unless the sale has been occasioned by some default on his part.

Right of subsequent mortgagee to pay off prior mortgagee.

74. Any second or other subsequent mortgagee may, at any time after the amount due on the next prior mortgage has become payable, tender such amount to the next prior mortgagee, and such mortgagee is bound to accept such tender and to give a receipt for such amount; and (subject to the provisions of the law for the time being in force regulating the registration of documents) the subsequent mortgagee shall, on obtaining such receipt, acquire, in respect of the property, all the rights and powers of the mortgagee, as such, to whom he has made such tender.

Rights of mesne mortgagee against prior and subsequent mortgagees.

75. Every second or other subsequent mortgagee has, so far as regards redemption, foreclosure and sale of the mortgaged property, the same rights against the prior mortgagee or mortgagees as his mortgagor has against such prior mortgagee or mortgagees, and the same rights against the subsequent mortgagees (if any) as he has against his mortgagor.

Liabilities of mortgagee in possession.

76. When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged property.—

(*a*) he must manage the property as a person of ordinary prudence would manage it if it were his own;

(*b*) he must use his best endeavours to collect the rents and profits thereof;

(*c*) he must, in the absence of a contract to the contrary, out of the income of the property, pay the Government-revenue, all other charges of a public nature accruing due in respect thereof during such possession and any arrears of rent in default of payment of which the property may be summarily sold;

(*d*) he must, in the absence of a contract to the contrary, make such necessary repairs of the property as he can pay for out of the rents and profits thereof after deducting from such rents and profits the payments mentioned in clause (*c*) and the interest on the principal money;

(*e*) he must not commit any act which is destructive or permanently injurious to the property;

(*f*) where he has insured the whole or any part of the property against loss or damage by fire, he must, in case of such loss or damage, apply any money which he actually receives under the policy, or so much thereof as may be necessary, in reinstating the property, or, if the mortgagor so directs, in reduction or discharge of the mortgage-money;

(*g*) he must keep clear, full and accurate accounts of all sums received and spent by him as mortgagee, and, at any time during the continuance of the mortgage, give the mortgagor, at his request and cost, true copies of such accounts and of the vouchers by which they are supported;

(*h*) his receipts from the mortgaged property, or, where such property is personally occupied by

him, a fair occupation-rent in respect thereof, shall, after deducting the expenses mentioned in clauses (*c*) and (*d*), and interest thereon, be debited against him in reduction of the amount (if any) from time to time due to him on account of interest on the mortgage-money and, so far as such receipts exceed any interest due, in reduction or discharge of the mortgage-money; the surplus, if any, shall be paid to the mortgagor;

(*i*) when the mortgagor tenders, or deposits in manner hereinafter provided, the amount for the time being due on the mortgage, the mortgagee must, notwithstanding the provisions in the other clauses of this section, account for his gross receipts from the mortgaged property from the date of the tender or from the earliest time when he could take such amount out of court, as the case may be.

Loss occasioned by his default.

If the mortgagee fail to perform any of the duties imposed upon him by this section, he may, when accounts are taken in pursuance of a decree made under this chapter, be debited with the loss, if any, occasioned by such failure.

Receipts in lieu of interest.

77. Nothing in section seventy-six, clauses (*b*), (*d*), (*g*) and (*h*), applies to cases where there is a contract between the mortgagee and the mortgagor that the receipts from the mortgaged property shall, so long as the mortgagee is in possession of the property, be taken in lieu of interest on the principal money, or in lieu of such interest and defined portions of the principal.

Priority.

Postponement of prior mortgagee.

78. Where, through the fraud, misrepresentation or gross neglect of a prior mortgagee, another person has been induced to advance money on the security of the mortgaged property, the prior mortgagee shall be postponed to the subsequent mortgagee.

Mortgage to secure uncertain amount when maximum is expressed.

79. If a mortgage made to secure future advances, the performance of an engagement or the balance of a running account, expresses the maximum to be secured thereby, a subsequent mortgage of the same property shall, if made with notice of the prior mortgage, be postponed to the prior mortgage in respect of all advances or debits not exceeding the maximum, though made or allowed with notice of the subsequent mortgage.

Illustration.

A mortgages Sultánpur to his bankers, B & Co., to secure the balance of his account with them to the extent of Rs. 10,000. A then mortgages Sultánpur to C, to secure Rs. 10,000, C having notice of the mortgage to B & Co., and C gives notice to B & Co. of the second mortgage. At the date of the second mortgage, the balance due to B & Co. does not exceed Rs. 5,000. B & Co. subsequently advance to A sums making the balance of the account against him exceed the sum of Rs. 10,000. B & Co. are entitled, to the extent of Rs. 10,000, to priority over C.

Tacking abolished.

80. No mortgagee paying off a prior mortgage, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in respect of his original security. And, except in the case provided for by section seventy-nine, no mortgagee making a subsequent advance to the mortgagor, whether with or without notice of an intermediate mortgage, shall thereby acquire any priority in respect of his security for such subsequent advance.

Marshalling and Contribution.

Marshalling securities.

81. If the owner of two properties mortgages them both to one person and then mortgages one of the properties to another person who has not notice of the former mortgage, the second mortgagee is, in the absence of a contract to the contrary, entitled to have the debt of the first mortgagee satisfied out of the property not mortgaged to the second mortgagee so far as such property will extend, but not so as to prejudice the rights of the first mortgagee or of any other person having acquired for valuable consideration an interest in either property.

Contribution to mortgage-debt.

82. Where several properties, whether of one or several owners, are mortgaged to secure one debt, such properties are, in the absence of a contract to the contrary, liable to contribute rateably to the debt secured by the mortgage, after deducting from the value of each property the amount of any other incumbrance to which it is subject at the date of the mortgage.

Where, of two properties belonging to the same owner, one is mortgaged to secure one debt and then both are mortgaged to secure another debt, and the former debt is paid out of the former property, each property is, in the absence of a contract to the contrary, liable to contribute rateably to the latter debt after deducting the amount of the former debt from the value of the property out of which it has been paid.

Nothing in this section applies to a property liable under section eighty-one to the claim of the second mortgagee.

Deposit in Court.

Power to deposit in court money due on mortgage.

83. At any time after the principal money has become payable and before a suit for redemption of the mortgaged property is barred, the mortgagor, or any other person entitled to institute such suit, may deposit, in any court in which he might have instituted such suit, to the account of the mortgagee, the amount remaining due on the mortgage.

Right to money deposited by mortgagor.

The Court shall thereupon cause written notice of the deposit to be served on the mortgagee, and the mortgagee may, on presenting a petition (verified in manner prescribed by law for the verification of plaints) stating the amount then due on the mortgage, and his willingness to accept the money so deposited in full discharge of such amount, and on depositing in the same court the mortgage-deed if then in his possession or power, apply for and receive the money, and the mortgage-deed so deposited shall be delivered to the mortgagor or such other person as aforesaid.

Cessation of interest.

84. When the mortgagor or such other person as aforesaid has tendered or deposited in court under section eighty-three the amount remaining due on the mortgage, interest on the principal money shall cease from the date of the tender or as soon as the mortgagor or such other person as aforesaid has done all that has to be done by him to enable the mortgagee to take such amount out of court, as the case may be.

Nothing in this section or in section eighty-three shall be deemed to deprive the mortgagee of his right to interest when there exists a contract that he shall be entitled to reasonable notice before payment or tender of the mortgage-money.

Suits for Foreclosure, Sale or Redemption.

Parties to suits for foreclosure, sale and redemption.

85. Subject to the provisions of the Code of Civil Procedure, section 437, all persons having an interest in the property comprised in a mortgage must be joined as parties to any suit under this chapter relating to such mortgage: Provided that the plaintiff has notice of such interest.

Foreclosure and Sale.

Decree in foreclosure-suit.

86. In a suit for foreclosure, if the plaintiff succeeds, the Court shall make a decree, ordering that an account be taken of what will be due to the plaintiff for principal and interest on the mortgage, and for his costs of the suit, if any, awarded to him, on the day next hereinafter referred to, or declaring the amount so due at the date of such decree,

and ordering that, upon the defendant paying to the plaintiff or into court the amount so due, on a day within six months from the date of declaring in court the amount so due, to be fixed by the Court, the plaintiff shall deliver up to the defendant, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall transfer the property to the defendant free from all incumbrances created by the plaintiff or any person claiming under him, or, where the plaintiff claims by derived title, by those under whom he claims; and shall, if necessary, put the defendant into possession of the property; but

that, if the payment is not made on or before the day to be fixed by the Court, the defendant shall be absolutely debarred of all right to redeem the property.

Procedure in case of payment of amount due.

87. If payment is made of such amount and of such subsequent costs as are mentioned in section ninety-four, the defendant shall (if necessary) be put into possession of the mortgaged property.

Order absolute for foreclosure.

If such payment is not so made, the plaintiff may apply to the Court for an order that the defendant and all persons claiming through or under him be debarred absolutely of all right to redeem the mortgaged property, and the Court shall then pass such order, and may, if necessary, deliver possession of the property to the plaintiff.

Power to enlarge time.

Provided that the Court may, upon good cause shewn, and upon such terms, if any, as it thinks fit, from time to time postpone the day appointed for such payment.

On the passing of an order under the second paragraph of this section the debt secured by the mortgage shall be deemed to be discharged.

In the Code of Civil Procedure, schedule IV, No. 129, for the words "Final decree," the words "Decree absolute" shall be substituted.

Decree for sale.

88. In a suit for sale, if the plaintiff succeeds, the Court shall pass a decree to the effect mentioned in the first and second paragraphs of section eighty-six, and also ordering that, in default of the defendant paying as therein mentioned, the mortgaged property or a sufficient part thereof be sold, and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into court and applied in payment of what is so found due to the plaintiff, and that the balance, if any, be paid to the defendant or other persons entitled to receive the same.

Power to decree sale in foreclosure-suit.

In a suit for foreclosure, if the plaintiff succeeds and the mortgage is not a mortgage by conditional sale, the Court may, at the instance of the plaintiff, or of any person interested either in the mortgage-money or in the right of redemption, if it thinks fit, pass a like decree (in lieu of a decree for foreclosure) on such terms as it thinks fit, including, if it thinks fit, the deposit in court of a reasonable sum, fixed by the Court, to meet the expenses of sale and to secure the performance of the terms.

Procedure when defendant pays amount due.

89. If in any case under section eighty-eight the defendant pays to the plaintiff or into court on the day fixed as aforesaid the amount due under the mortgage, the costs, if any, awarded to him and such subsequent costs as are mentioned in section ninety-four, the defendant shall (if necessary) be put in possession of the mortgaged property; but if such payment is not so made, the plaintiff or the defendant, as the case may be, may apply to the Court for an order absolute for sale of the mortgaged property, and the Court shall then pass an order that such property, or a sufficient part thereof, be sold, and that the proceeds of the sale be dealt with as is mentioned in section eighty-eight; and thereupon the defendant's right to redeem and the security shall both be extinguished.

Order absolute for sale.

Recovery of balance due on mortgage.

90. When the nett proceeds of any such sale are insufficient to pay the amount due for the time being on the mortgage, if the balance is legally recoverable from the defendant otherwise than out of the property sold, the Court may pass a decree for such sum.

Redemption.

Who may sue for redemption.

91. Besides the mortgagor, any of the following persons may redeem, or institute a suit for redemption of, the mortgaged property:—

(*a*) any person (other than the mortgagee of the interest sought to be redeemed) having any interest in or charge upon the property;

(*b*) any person having any interest in, or charge upon, the right to redeem the property;

(*c*) any surety for the payment of the mortgage-debt or any part thereof;

(*d*) the guardian of the property of a mino mortgagor on behalf of such minor;

(*e*) the committee or other legal curator of a lunatic or idiot mortgagor on behalf of such lunatic or idiot;

(*f*) the judgment-creditor of the mortgagor, when he has obtained execution by attachment of the mortgagor's interest in the property;

(*g*) a creditor of the mortgagor who has, in a suit for the administration of his estate, obtained a decree for sale of the mortgaged property.

92. In a suit for redemption, if the plaintiff succeeds, the Court shall pass a decree ordering—

Decree in redemption-suit.

that an account be taken of what will be due to the defendant for the mortgage-money and for his costs of the suit, if any, awarded to him, on the day next hereinafter referred to, or declaring the amount so due at the date of such decree;

that, upon the plaintiff paying to the defendant or into court the amount so due on a day within six months from the date of declaring in court the amount so due, to be fixed by the Court, the defendant shall deliver up to the plaintiff or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall retransfer it to the plaintiff free from the mortgage and from all incumbrances created by the defendant or any person claiming under him, or, when the defendant claims by derived title, by those under whom he claims, and shall, if necessary, put the plaintiff into possession of the mortgaged property; and

that if such payment is not made on or before the day to be fixed by the Court, the plaintiff shall (unless the mortgage be simple or usufructuary) be absolutely debarred of all right to redeem the property, or (unless the mortgage be by conditional sale) that the property be sold.

93. If payment is made of such amount and of such subsequent costs as are mentioned in section ninety-four, the plaintiff shall, if necessary, be put into possession of the mortgaged property.

In case of redemption, possession.

If such payment is not so made, the defendant may (unless the mortgage is simple or usufructuary) apply to the Court for an order that the plaintiff and all persons claiming through or under him be debarred absolutely of all right to redeem, or (unless the mortgage is by conditional sale) for an order that the mortgaged property be sold.

In default, foreclosure or sale.

If he applies for the former order, the Court shall pass an order that the plaintiff and all persons claiming through or under him be absolutely debarred of all right to redeem the mortgaged property, and may, if necessary, deliver possession of the property to the defendant.

If he applies for the latter order, the Court shall pass an order that such property or a sufficient part thereof be sold, and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into court and applied in payment of what is found due to the defendant, and that the balance be paid to the plaintiff or other persons entitled to receive the same.

On the passing of any order under this section the plaintiff's right to redeem and the security shall, as regards the property affected by the order, both be extinguished:

Provided that the Court may, upon good cause shown, and upon such terms, if any, as it thinks fit, from time to time postpone the day fixed under section ninety-two for payment to the defendant.

Power to enlarge time.

94. In finally adjusting the amount to be paid to a mortgagee in case of a redemption or a sale by the Court under this chapter, the Court shall, unless the conduct of the mortgagee has been such as to disentitle him to costs, add to the mortgage-money such costs of suit as have been properly incurred by him since the decree for foreclosure, redemption or sale up to the time of actual payment.

Costs of mortgagee subsequent to decree.

95. Where one of several mortgagors redeems the mortgaged property and obtains possession thereof, he has a charge on the share of each of the other co-mortgagors in the property for his proportion of the expenses properly incurred in so redeeming and obtaining possession.

Charge of one of several co-mortgagors who redeems.

Sale of Property subject to prior Mortgage.

96. If any property the sale of which is directed under this chapter is subject to a prior mortgage, the Court may, with the consent of the prior mortgagee, order that the property be sold free from the same, giving to such prior mortgagee the same interest in the proceeds of the sale as he had in the property sold.

Sale of property subject to prior mortgage.

97. Such proceeds shall be brought into court and applied as follows:—

Application of proceeds.

first, in payment of all expenses incident to the sale or properly incurred in any attempted sale;

secondly, if the property has been sold free from any prior mortgage, in payment of whatever is due on account of such mortgage;

thirdly, in payment of all interest due on account of the mortgage in consequence whereof the sale was directed, and of the costs of the suit in which the decree directing the sale was made;

fourthly, in payment of the principal money due on account of that mortgage; and

lastly, the residue (if any) shall be paid to the person proving himself to be interested in the property sold, or, if there be more such persons than one, then to such persons according to their respective interests therein or upon their joint receipt.

Nothing in this section or in section ninety-six shall be deemed to affect the powers conferred by section fifty-seven.

Anomalous Mortgages.

98. In the case of a mortgage not being a simple mortgage, a mortgage by conditional sale, an usufructuary mortgage or an English mortgage, or a combination of the first and third, or the second and third, of such forms, the rights and liabilities of the parties shall be determined by their contract as evidenced in the mortgage-deed, and, so far as such contract does not extend, by local usage.

Mortgage not described in section 58, clauses (*b*), (*c*), (*d*) and (*e*).

Attachment of Mortgaged Property.

99. Where a mortgagee in execution of a decree for the satisfaction of any claim, whether arising under the mortgage or not, attaches the mortgaged property, he shall not be entitled to bring such property to sale otherwise than by instituting a suit under section sixty-seven, and he may institute such suit notwithstanding anything contained in the Code of Civil Procedure, section 43.

Attachment of mortgaged property.

Charges.

Charges.

100. Where immoveable property of one person is by act of parties or operation of law made security for the payment of money to another, and the transaction does not amount to a mortgage, the latter person is said to have a charge on the property; and all the provisions hereinbefore contained as to a mortgagor shall, so far as may be, apply to the owner of such property, and the provisions of sections eighty-one and eighty-two and all the provisions hereinbefore contained as to a mortgagee instituting a suit for the sale of the mortgaged property shall, so far as may be, apply to the person having such charge.

Nothing in this section applies to the charge of a trustee on the trust-property for expenses properly incurred in the execution of his trust.

Extinguishment of charges.

101. Where the owner of a charge or other incumbrance on immoveable property is or becomes absolutely entitled to that property, the charge or incumbrance shall be extinguished, unless he declares, by express words or necessary implication, that it shall continue to subsist, or such continuance would be for his benefit.

Notice and Tender.

Service or tender on or to agent.

102. Where the person on or to whom any notice or tender is to be served or made under this chapter does not reside in the district in which the mortgaged property or some part thereof is situate, service or tender on or to an agent holding a general power-of-attorney from such person or otherwise duly authorized to accept such service or tender shall be deemed sufficient.

Where the person or agent on whom such notice should be served cannot be found in the said district, or is unknown to the person required to serve the notice, the latter person may apply to any Court in which a suit might be brought for redemption of the mortgaged property, and such Court shall direct in what manner such notice shall be served, and any notice served in compliance with such direction shall be deemed sufficient.

Where the person or agent to whom such tender should be made cannot be found within the said district, or is unknown to the person desiring to make the tender, the latter person may deposit in such court as last aforesaid the amount sought to be tendered, and such deposit shall have the effect of a tender of such amount.

Notice, &c., to or by person incompetent to contract.

103. Where, under the provisions of this chapter, a notice is to be served on or by, or a tender or deposit made or accepted or taken out of court by, any person incompetent to contract, such notice may be served or tender or deposit made, accepted or taken by the legal curator of the property of such person; but where there is no such curator, and it is requisite or desirable in the interests of such person that a notice should be served or a tender or deposit made under the provisions of this chapter, application may be made to any Court in which a suit might be brought for the redemption of the mortgage to appoint a guardian *ad litem* for the purpose of serving or receiving service of such notice, or making or accepting such tender, or making or taking out of court such deposit, and for the performance of all consequential acts which could or ought to be done by such person if he were competent to contract; and the provisions of Chapter XXXI of the Code of Civil Procedure shall, so far as may be, apply to such application and to the parties thereto and to the guardian appointed thereunder.

Power to make rules.

104. The High Court may, from time to time, make rules consistent with this Act for carrying out in itself and in the Courts of Civil Judicature, subject to its superintendence, the provisions contained in this chapter.

CHAPTER V.

OF LEASES OF IMMOVEABLE PROPERTY.

Lease defined.

105. A lease of immoveable property is a transfer of a right to enjoy such property, made for a certain time, express or implied, or in perpetuity, in consideration of a price paid or promised, or of money, a share of crops, service or any other thing of value, to be rendered periodically or on specified occasions to the transferor by the transferee, who accepts the transfer on such terms.

Lessor, lessee, premium and rent defined.

The transferor is called the lessor, the transferee is called the lessee, the price is called the premium, and the money, share, service or other thing to be so rendered is called the rent.

Duration of certain leases in absence of written contract or local usage.

106. In the absence of a contract or local law or usage to the contrary, a lease of immoveable property for agricultural or manufacturing purposes shall be deemed to be a lease from year to year, terminable, on the part of either lessor or lessee, by six months' notice expiring with the end of a year of the tenancy; and a lease of immoveable property for any other purpose shall be deemed to be a lease from month to month, terminable, on the part of either lessor or lessee, by fifteen days' notice expiring with the end of a month of the tenancy.

Every notice under this section must be in writing, signed by or on behalf of the person giving it, and tendered or delivered either personally to the party who is intended to be bound by it, or to one of his family or servants at his residence, or (if such tender or delivery is not practicable) affixed to a conspicuous part of the property.

Leases how made.

107. A lease of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent, can be made only by a registered instrument.

All other leases of immoveable property may be made either by an instrument or by oral agreement.

Rights and liabilities of lessor and lessee.

108. In the absence of a contract or local usage to the contrary, the lessor and the lessee of immoveable property, as against one another, respectively, possess the rights and are subject to the liabilities mentioned in the rules next following, or such of them as are applicable to the property leased :—

A.—Rights and Liabilities of the Lessor.

(*a*) The lessor is bound to disclose to the lessee any material defect in the property, with reference

to its intended use, of which the former is and the latter is not aware, and which the latter could not with ordinary care discover:

(*b*) the lessor is bound on the lessee's request to put him in possession of the property:

(*c*) the lessor shall be deemed to contract with the lessee that, if the latter pays the rent reserved by the lease and performs the contracts binding on the lessee, he may hold the property during the time limited by the lease without interruption.

The benefit of such contract shall be annexed to and go with the lessee's interest as such, and may be enforced by every person in whom that interest is for the whole or any part thereof from time to time vested.

B.—Rights and Liabilities of the Lessee.

(*d*) If during the continuance of the lease any accession is made to the property, such accession (subject to the law relating to alluvion for the time being in force) shall be deemed to be comprised in the lease:

(*e*) if by fire, tempest or flood, or violence of an army or of a mob, or other irresistible force, any material part of the property be wholly destroyed or rendered substantially and permanently unfit for the purposes for which it was let, the lease shall, at the option of the lessee, be void:

Provided that, if the injury be occasioned by the wrongful act or default of the lessee, he shall not be entitled to avail himself of the benefit of this provision:

(*f*) if the lessor neglects to make, within a reasonable time after notice, any repairs which he is bound to make to the property, the lessee may make the same himself, and deduct the expense of such repairs with interest from the rent, or otherwise recover it from the lessor:

(*g*) if the lessor neglects to make any payment which he is bound to make, and which, if not made by him, is recoverable from the lessee or against the property, the lessee may make such payment himself, and deduct it with interest from the rent, or otherwise recover it from the lessor:

(*h*) the lessee may remove, at any time during the continuance of the lease, all things which he has attached to the earth; provided he leaves the property in the state in which he received it:

(*i*) when a lease of uncertain duration determines by any means except the fault of the lessee, he or his legal representative is entitled to all the crops planted or sown by the lessee and growing upon the property when the lease determines, and to free ingress and egress to gather and carry them:

(*j*) the lessee may transfer absolutely or by way of mortgage or sub-lease the whole or any part of his interest in the property, and any transferee of such interest or part may again transfer it. The lessee shall not, by reason only of such transfer, cease to be subject to any of the liabilities attaching to the lease:

nothing in this clause shall be deemed to authorize a tenant having an untransferable right of occupancy, the farmer of an estate in respect of which default has been made in paying revenue, or the lessee of an estate under the management of a Court of Wards, to assign his interest as such tenant, farmer or lessee:

(*k*) the lessee is bound to disclose to the lessor any fact as to the nature or extent of the interest which the lessee is about to take, of which the lessee is, and the lessor is not, aware, and which materially increases the value of such interest:

(*l*) the lessee is bound to pay or tender, at the proper time and place, the premium or rent to the lessor or his agent in this behalf:

(*m*) the lessee is bound to keep, and on the termination of the lease to restore, the property in as good condition as it was in at the time when he was put in possession, subject only to the changes caused by reasonable wear and tear or irresistible force, and to allow the lessor and his agents, at all reasonable times during the term, to enter upon the property and inspect the condition thereof and give or leave notice of any defect in such condition; and, when such defect has been caused by any act or default on the part of the lessee, his servants or agents, he is bound to make it good within three months after such notice has been given or left:

(*n*) if the lessee becomes aware of any proceeding to recover the property or any part thereof, or of any encroachment made upon, or any interference with, the lessor's rights concerning such property, he is bound to give, with reasonable diligence, notice thereof to the lessor:

(*o*) the lessee may use the property and its products (if any) as a person of ordinary prudence would use them if they were his own; but he must not use, or permit another to use, the property for a purpose other than that for which it was leased, or fell timber, pull down or damage buildings, work mines or quarries not open when the lease was granted, or commit any other act which is destructive or permanently injurious thereto:

(*p*) he must not, without the lessor's consent, erect on the property any permanent structure, except for agricultural purposes:

(*q*) on the determination of the lease, the lessee is bound to put the lessor into possession of the property.

Rights of lessor's transferee.

109. If the lessor transfers the property leased, or any part thereof, or any part of his interest therein, the transferee, in the absence of a contract to the contrary, shall possess all the rights and, if the lessee so elects, be subject to all the liabilities of the lessor as to the property or part transferred so long as he is the owner of it; but the lessor shall not, by reason only of such transfer, cease to be subject to any of the liabilities imposed upon him by the lease, unless the lessee elects to treat the transferee as the person liable to him:

Provided that the transferee is not entitled to arrears of rent due before the transfer, and that, if the lessee, not having reason to believe that such transfer has been made, pays rent to the lessor, the lessee shall not be liable to pay such rent over again to the transferee.

The lessor, the transferee and the lessee may determine what proportion of the premium or rent reserved by the lease is payable in respect of the part so transferred, and, in case they disagree, such determination may be made by any Court having jurisdiction to entertain a suit for the possession of the property leased.

Exclusion of day on which term commences.

110. Where the time limited by a lease of immoveable property is expressed as commencing from a particular day, in computing that time such day shall be excluded. Where no

day of commencement is named, the time so limited begins from the making of the lease.

Duration of lease for a year.

Where the time so limited is a year or a number of years, in the absence of an express agreement to the contrary, the lease shall last during the whole anniversary of the day from which such time commences.

Option to determine lease.

Where the time so limited is expressed to be terminable before its expiration, and the lease omits to mention at whose option it is so terminable, the lessee, and not the lessor, shall have such option.

Determination of lease.

111. A lease of immoveable property determines—

(*a*) by efflux of the time limited thereby:

(*b*) where such time is limited conditionally on the happening of some event—by the happening of such event:

(*c*) where the interest of the lessor in the property terminates on, or his power to dispose of the same extends only to, the happening of any event—by the happening of such event:

(*d*) in case the interests of the lessee and the lessor in the whole of the property become vested at the same time in one person in the same right:

(*e*) by express surrender; that is to say, in case the lessee yields up his interest under the lease to the lessor, by mutual agreement between them:

(*f*) by implied surrender:

(*g*) by forfeiture; that is to say, (1) in case the lessee breaks an express condition which provides that, on breach thereof, the lessor may re-enter, or the lease shall become void; or (2) in case the lessee renounces his character as such by setting up a title in a third person or by claiming title in himself; and in either case the lessor or his transferee does some act showing his intention to determine the lease:

(*h*) on the expiration of a notice to determine the lease, or to quit, or of intention to quit, the property leased, duly given by one party to the other.

Illustration to clause (f).

A lessee accepts from his lessor a new lease of the property leased, to take effect during the continuance of the existing lease. This is an implied surrender of the former lease, and such lease determines thereupon.

Waiver of forfeiture.

112. A forfeiture under section one hundred and eleven, clause (*g*), is waived by acceptance of rent which has become due since the forfeiture, or by distress for such rent, or by any other act on the part of the lessor showing an intention to treat the lease as subsisting:

Provided that the lessor is aware that the forfeiture has been incurred:

Provided also that, where rent is accepted after the institution of a suit to eject the lessee on the ground of forfeiture, such acceptance is not a waiver.

Waiver of notice to quit.

113. A notice given under section one hundred and eleven, clause (*h*), is waived, with the express or implied consent of the person to whom it is given, by any act on the part of the person giving it showing an intention to treat the lease as subsisting.

Illustrations.

(*a*). A, the lessor, gives B, the lessee, notice to quit the property leased. The notice expires. B tenders, and A accepts, rent which has become due in respect of the property since the expiration of the notice. The notice is waived.

(*b*). A, the lessor, gives B, the lessee, notice to quit the property leased. The notice expires, and B remains in possession. A gives to B as lessee a second notice to quit. The first notice is waived.

Relief against forfeiture for non-payment of rent.

114. Where a lease of immoveable property has determined by forfeiture for non-payment of rent, and the lessor sues to eject the lessee, if, at the hearing of the suit, the lessee pays or tenders to the lessor the rent in arrear, together with interest thereon and his full costs of the suit, or gives such security as the Court thinks sufficient for making such payment within fifteen days, the Court may, in lieu of making a decree for ejectment, pass an order relieving the lessee against the forfeiture; and thereupon the lessee shall hold the property leased as if the forfeiture had not occurred.

Effect of surrender and forfeiture on under-leases.

115. The surrender, express or implied, of a lease of immoveable property does not prejudice an under-lease of the property or any part thereof previously granted by the lessee, on terms and conditions substantially the same (except as regards the amount of rent) as those of the original lease; but, unless the surrender is made for the purpose of obtaining a new lease, the rent payable by, and the contracts binding on, the under-lessee shall be respectively payable to and enforceable by the lessor.

The forfeiture of such a lease annuls all such under-leases, except where such forfeiture has been procured by the lessor in fraud of the under-lessees or relief against the forfeiture is granted under section one hundred and fourteen.

Effect of holding over.

116. If a lessee or under-lessee of property remains in possession thereof after the determination of the lease granted to the lessee, and the lessor or his legal representative accepts rent from the lessee or under-lessee, or otherwise assents to his continuing in possession, the lease is, in the absence of an agreement to the contrary, renewed from year to year, or from month to month, according to the purpose for which the property is leased, as specified in section one hundred and six.

Illustrations.

(*a*). A lets a house to B for five years. B underlets the house to C at a monthly rent of Rs. 100. The five years expire, but C continues in possession of the house and pays the rent to A. C's lease is renewed from month to month.

(*b*). A lets a farm to B for the life of C. C dies, but B continues in possession with A's assent. B's lease is renewed from year to year.

Exemption of leases for agricultural purposes.

117. None of the provisions of this chapter apply to leases for agricultural purposes, except in so far as the Local Government, with the previous sanction of the Governor General in Council, may by notification published in the local official Gazette declare all or any of such provisions to be so applicable, together with, or subject to, those of the local law, if any, for the time being in force.

Such notification shall not take effect until the expiry of six months from the date of its publication.

CHAPTER VI.

OF EXCHANGES.

"Exchange" defined.

118. When two persons mutually transfer the ownership of one thing for the ownership of another, neither thing or both things being money only, the transaction is called an "exchange."

A transfer of property in completion of an exchange can be made only in manner provided for the transfer of such property by sale.

Right of party deprived of thing received in exchange.

119. In the absence of a contract to the contrary, the party deprived of the thing or part thereof he has received in exchange, by reason of any defect in the title of the other party, is entitled at his option to compensation or to the return of the thing transferred by him.

Rights and liabilities of parties.

120. Save as otherwise provided in this chapter, each party has the rights and is subject to the liabilities of a seller as to that which he gives, and has the rights and is subject to the liabilities of a buyer as to that which he takes.

Exchange of money.

121. On an exchange of money, each party thereby warrants the genuineness of the money given by him.

CHAPTER VII.

OF GIFTS.

"Gift" defined.

122. "Gift" is the transfer of certain existing moveable or immoveable property made voluntarily and without consideration, by one person, called the donor, to another, called the donee, and accepted by or on behalf of the donee.

Acceptance when to be made.

Such acceptance must be made during the lifetime of the donor and while he is still capable of giving.

If the donee dies before acceptance, the gift is void.

Transfer how effected.

123. For the purpose of making a gift of immoveable property, the transfer must be effected by a registered instrument signed by or on behalf of the donor, and attested by at least two witnesses.

For the purpose of making a gift of moveable property, the transfer may be effected either by a registered instrument signed as aforesaid or by delivery.

Such delivery may be made in the same way as goods sold may be delivered.

Gift of existing and future property.

124. A gift comprising both existing and future property is void as to the latter.

Gift to several, of whom one does not accept.

125. A gift of a thing to two or more donees, of whom one does not accept it, is void as to the interest which he would have taken had he accepted.

When gift may be suspended or revoked.

126. The donor and donee may agree that on the happening of any specified event which does not depend on the will of the donor a gift shall be suspended or revoked; but a gift which the parties agree shall be revocable wholly or in part at the mere will of the donor is void wholly or in part, as the case may be.

A gift may also be revoked in any of the cases (save want or failure of consideration) in which, if it were a contract, it might be rescinded.

Save as aforesaid, a gift cannot be revoked.

Nothing contained in this section shall be deemed to affect the rights of transferees for consideration without notice.

Illustrations.

(*a*). A gives a field to B, reserving to himself, with B's assent, the right to take back the field in case B and his descendants die before A. B dies without descendants in A's lifetime. A may take back the field.

(*b*). A gives a lákh of rupees to B, reserving to himself, with B's assent, the right to take back at pleasure Rs. 10,000 out of the lákh. The gift holds good as to Rs. 90,000, but is void as to Rs. 10,000, which continue to belong to A.

Onerous gifts.

127. Where a gift is in the form of a single transfer to the same person of several things of which one is, and the others are not, burdened by an obligation, the donee can take nothing by the gift unless he accepts it fully.

Where a gift is in the form of two or more separate and independent transfers to the same person of several things, the donee is at liberty to accept one of them and refuse the others, although the former may be beneficial and the latter onerous.

Onerous gift to disqualified person.

A donee not competent to contract and accepting property burdened by any obligation is not bound by his acceptance. But if, after becoming competent to contract and being aware of the obligation, he retains the property given, he becomes so bound.

Illustrations.

(*a*). A has shares in X, a prosperous joint stock company, and also shares in Y, a joint stock company in difficulties. Heavy calls are expected in respect of the shares in Y. A gives B all his shares in joint stock companies. B refuses to accept the shares in Y. He cannot take the shares in X.

(*b*). A, having a lease for a term of years of a house at a rent which he and his representatives are bound to pay during the term, and which is more than the house can be let for, gives to B the lease, and also, as a separate and independent transaction, a sum of money. B refuses to accept the lease. He does not by this refusal forfeit the money.

Universal donee.

128. Subject to the provisions of section one hundred and twenty-seven, where a gift consists of the donor's whole property, the donee is personally liable for all the debts due by the donor at the time of the gift to the extent of the property comprised therein.

Saving of donations *mortis causâ* and Muhammadan law.

129. Nothing in this chapter relates to gifts of moveable property made in contemplation of death, or shall be deemed to affect any rule of Muhammadan law, or, save as provided by section one hundred and twenty-three, any rule of Hindú or Buddhist law.

CHAPTER VIII.

OF TRANSFERS OF ACTIONABLE CLAIMS.

Actionable claim.

130. A claim which the civil Courts recognise as affording grounds for relief is actionable whether a suit for its enforcement is or is not actually pending or likely to become necessary.

Transfer of debts.

131. No transfer of any debt or any beneficial interest in moveable property shall have any operation against the debtor or against the person in whom the property is vested, until express notice of the transfer is given to him, unless he is a party to or otherwise aware of such transfer; and every dealing by such debtor or person, not being a party to or otherwise aware of, and not having received express notice of, a transfer, with the debt or property shall be valid as against such transfer.

Illustration.

A owes money to B, who transfers the debt to C. B then demands the debt from A, who, having no notice of the transfer, pays B. The payment is valid, and C cannot sue A for the debt.

Notice to be in writing signed.

132. Every such notice must be in writing signed by the person making the transfer, or by his agent duly authorized in this behalf.

Debtor to give effect to transfer.

133. On receiving such notice, the debtor or person in whom the property is vested shall give effect to the transfer unless where the debtor resides, or the property is situate, in a foreign country and the title of the person in whose favour the transfer is made is not complete according to the law of such country.

Warranty of solvency of debtor.

134. Where the transferor of a debt warrants the solvency of the debtor, the warranty, in the absence of a contract to the contrary, applies only to his solvency at the time of the transfer, and is limited, where the transfer is made for consideration, to the amount or value of such consideration.

Discharge of person against whom claim is sold.

135. Where an actionable claim is sold, he against whom it is made is wholly discharged by paying to the buyer the price and incidental expenses of the sale, with interest on the price from the day that the buyer paid it.

Nothing in the former part of this section applies—

(*a*) where the sale is made to the co-heir to, or co-proprietor of, the claim sold;

(*b*) where it is made to a creditor in payment of what is due to him;

(*c*) where it is made to the possessor of a property subject to the actionable claim;

(*d*) where the judgment of a competent Court has been delivered affirming the claim, or where the claim has been made clear by evidence and is ready for judgment.

Incapacity of officers connected with Courts of justice.

136. No judge, pleader, mukhtár, clerk, bailiff or other officer connected with Courts of justice can buy any actionable claim falling under the jurisdiction of the Court in which he exercises his functions.

Liability of transferee of debt.

137. The person to whom a debt or charge is transferred shall take it subject to all the liabilities to which the transferor was subject in respect thereof at the date of the transfer.

Illustration.

A debenture is issued in fraud of a public company to A. A sells and transfers the debenture to B, who has no notice of the fraud. The debenture is invalid in the hands of B.

Mortgaged debt.

138. When a debt is transferred for the purpose of securing an existing or future debt, the debt so transferred, if recovered by either the transferor or transferee, is applicable, first, in payment of the costs of such recovery; secondly, in or towards satisfaction of the amount for the time being secured by the transfer; and the residue, if any, belongs to the transferor.

Saving of negotiable instruments.

139. Nothing in this chapter applies to negotiable instruments.

THE SCHEDULE.

(*a*). STATUTES.

Year and chapter.	Subject.	Extent of repeal.
27 Hen. VIII, c. 10.	Uses	The whole.
13 Eliz., c. 5 ...	Fraudulent conveyances	The whole.
27 Eliz., c. 4 ...	Fraudulent conveyances	The whole.
4 Wm. & Mary, c. 16.	Clandestine mortgages	The whole.

(*b*). ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
IX of 1842	Lease and release ..	The whole.
XXXI of 1854	Modes of conveying land	Section 17.
XI of 1855	Mesne profits and improvements.	Section 1; in the title, the words "to mesne profits and" and in the preamble "to limit the liability for mesne profits and".
XXVII of 1866	Indian Trustee Act ...	Section 31.
IV of 1872	Panjáb Laws Act ...	So far as it relates to Bengal Regulations I of 1798 and XVII of 1806.
XX of 1875	Central Provinces Laws Act.	So far as it relates to Bengal Regulations I of 1798 and XVII of 1806.
XVIII of 1876	Oudh Laws Act ...	So far as it relates to Bengal Regulation XVII of 1806.
I of 1877	Specific Relief ...	In sections 35 and 36, the words "in writing."

(*c*). REGULATIONS.

Number and year.	Subject.	Extent of repeal.
Bengal Regulation I of 1798.	Conditional sales ...	The whole Regulation.
Bengal Regulation XVII of 1806.	Redemption ...	The whole Regulation.
Bombay Regulation V of 1827.	Acknowledgment of debts: Interest: Mortgagees in possession.	Section 15.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 17th February, 1882, and is hereby promulgated for general information :—

ACT No. V OF 1882.

THE INDIAN EASEMENTS ACT, 1882.

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An Act to define and amend the law relating to Easements and Licenses.

Preamble.

WHEREAS it is expedient to define and amend the law relating to Easements and Licenses; It is hereby enacted as follows:—

PRELIMINARY.

Short title.

1. This Act may be called "The Indian Easements Act, 1882":

Local extent.

It extends to the territories respectively administered by the Governor of Madras in Council and the Chief Commissioners of the Central Provinces and Coorg;

Commencement.

and it shall come into force on the first day of July, 1882.

Savings.

2. Nothing herein contained shall be deemed to affect any law not hereby expressly repealed; or to derogate from—

(*a*) any right of the Government to regulate the collection, retention and distribution of the water of rivers and streams flowing in natural channels, and of natural lakes and ponds, or of the water flowing, collected, retained or distributed in or by any channel or other work constructed at the public expense for irrigation;

(*b*) any customary or other right (not being a license) in or over immoveable property which the Government, the public or any person may possess irrespective of other immoveable property; or

(*c*) any right acquired, or arising out of a relation created, before this Act comes into force.

Repeal of Act XV of 1877, sections 26 and 27.

3. Sections 26 and 27 of the Indian Limitation Act, 1877, and the definition of "easement" contained in that Act, are repealed in the territories to which this Act extends. All references in any Act or Regulation to the said sections, or to sections 27 and 28 of Act No. IX of 1871, shall, in such territories, be read as made to sections fifteen and sixteen of this Act.

CHAPTER I.—OF EASEMENTS GENERALLY.

"Easement" defined.

4. An easement is a right which the owner or occupier of certain land possesses, as such, for the beneficial enjoyment of that land, to do and continue to do something, or to prevent and continue to prevent something being done, in or upon, or in respect of, certain other land not his own.

Dominant and servient heritages and owners.

The land for the beneficial enjoyment of which the right exists is called the dominant heritage, and the owner or occupier thereof the dominant owner; the land on which the liability is imposed is called the servient heritage, and the owner or occupier thereof the servient owner.

Explanation.—In the first and second clauses of this section, the expression "land" includes also things permanently attached to the earth: the expression "beneficial enjoyment" includes also possible convenience, remote advantage, and even a mere amenity; and the expression "to do something" includes removal and appropriation by the dominant owner, for the beneficial enjoyment of the dominant heritage, of any part of the soil of the servient heritage or anything growing or subsisting thereon.

Illustrations.

(*a*) A, as the owner of a certain house, has a right of way thither over his neighbour B's land for purposes connected with the beneficial enjoyment of the house. This is an easement.

(*b*) A, as the owner of a certain house, has the right to go on his neighbour B's land, and to take water for the purposes of his household out of a spring therein. This is an easement.

(*c*) A, as the owner of a certain house, has the right to conduct water from B's stream to supply the fountains in the garden attached to the house. This is an easement.

(*d*) A, as the owner of a certain house and farm, has the right to graze a certain number of his own cattle on B's field, or to take, for the purpose of being used in the house, by himself, his family, guests, lodgers and servants, water or fish out of C's tank, or timber out of D's wood, or to use, for the purpose of manuring his land, the leaves which have fallen from the trees on E's land. These are easements.

(*e*) A dedicates to the public the right to occupy the surface of certain land for the purpose of passing and repassing. This right is not an easement.

(*f*) A is bound to cleanse a watercourse running through his land and keep it free from obstruction for the benefit of B, a lower riparian owner. This is not an easement.

Continuous and discontinuous, apparent and non-apparent, easements.

5. Easements are either continuous or discontinuous, apparent or non-apparent.

A continuous easement is one whose enjoyment is, or may be, continual without the act of man.

A discontinuous easement is one that needs the act of man for its enjoyment.

An apparent easement is one the existence of which is shown by some permanent sign which, upon careful inspection by a competent person would be visible to him.

A non-apparent easement is one that has no such sign.

Illustrations.

(*a*) A right annexed to B's house to receive light by the windows without obstruction by his neighbour A. This is a continuous easement.

(*b*) A right of way annexed to A's house over B's land. This is a discontinuous easement.

(*c*) Rights annexed to A's land to lead water thither across B's land by an aqueduct and to draw off water thence by a drain. The drain would be discovered upon careful inspection by a person conversant with such matters. These are apparent easements.

(*d*) A right annexed to A's house to prevent B from building on his own land. This is a non-apparent easement.

Easement for limited time or on condition.

6. An easement may be permanent, or for a term of years or other limited period, or subject to periodical interruption, or exercise-able only at a certain place, or at certain times, or between certain hours, or for a particular purpose, or on condition that it shall commence or become void or voidable on the happening of a specified event or the performance or non-performance of a specified act.

Easements restrictive of certain rights.

7. Easements are restrictions of one or other of the following rights (namely) :—

Exclusive right to enjoy.

(*a*) The exclusive right of every owner of immoveable property (subject to any law for the time being in force) to enjoy and dispose of the same and all products thereof and accessions thereto.

Rights to advantages arising from situation.

(*b*) The right of every owner of immoveable property (subject to any law for the time being in force) to enjoy without disturbance by another the natural advantages arising from its situation.

Illustrations of the rights above referred to.

(*a*) The exclusive right of every owner of land in a town to build on such land, subject to any municipal law for the time being in force.

(*b*) The right of every owner of land that the air passing thereto shall not be unreasonably polluted by other persons.

(*c*) The right of every owner of a house that his physical comfort shall not be interfered with materially and unreasonably by noise or vibration caused by any other person.

(*d*) The right of every owner of land to so much light and air as pass vertically thereto.

(*e*) The right of every owner of land that such land, in its natural condition, shall have the support naturally rendered by the subjacent and adjacent soil of another person.

Explanation.—Land is in its natural condition when it is not excavated and not subjected to artificial pressure; and the "subjacent and adjacent soil" mentioned in this illustration means such soil only as in its natural condition would support the dominant heritage in its natural condition.

(*f*) The right of every owner of land that, within his own limits, the water which naturally passes or percolates by, over or through his land shall not, before so passing or percolating, be unreasonably polluted by other persons.

(*g*) The right of every owner of land to collect and dispose within his own limits of all water under the land which does not pass in a defined channel and all water on its surface which does not pass in a defined channel.

(*h*) The right of every owner of land that the water of every natural stream which passes by, through or over his land in a defined natural channel shall be allowed by other persons to flow within such owner's limits without interruption and without material alteration in quantity, direction, force or temperature; the right of every owner of land abutting on a natural lake or pond into or out of which a natural stream flows, that the water of such lake or pond shall be allowed by other persons to remain within such owner's limits without material alteration in quantity or temperature.

(*i*) The right of every owner of upper land that water naturally rising in, or falling on, such land, and not passing in defined channels, shall be allowed by the owner of adjacent lower land to run naturally thereto.

(*j*) The right of every owner of land abutting on a natural stream, lake or pond to use and consume its water for drinking, household purposes and watering his cattle and sheep; and the right of every such owner to use and consume the water for irrigating such land, and for the purposes of any manufactory situate thereon, provided that he does not thereby cause material injury to other like owners.

Explanation.—A natural stream is a stream, whether permanent or intermittent, tidal or tideless, on the surface of land or underground, which flows by the operation of nature only and in a natural and known course.

CHAPTER II.—The Imposition, Acquisition and Transfer of Easements.

Who may impose easements.

8. An easement may be imposed by any one in the circumstances, and to the extent, in and to which he may transfer his interest in the heritage on which the liability is to be imposed.

Illustrations.

(*a*) A is tenant of B's land under a lease for an unexpired term of twenty years, and has power to transfer his interest under the lease. A may impose an easement on the land to continue during the time that the lease exists or for any shorter period.

(*b*) A is tenant for his life of certain land with remainder to B absolutely. A cannot, unless with B's consent, impose an easement thereon which will continue after the determination of his life-interest.

(*c*) A, B and C are co-owners of certain land. A cannot, without the consent of B and C, impose an easement on the land or on any part thereof.

(*d*) A and B are lessees of the same lessor, A of a field X for a term of five years, and B of a field Y for a term of ten years. A's interest under his lease is transferable; B's is not. A may impose on X, in favour of B, a right of way terminable with A's lease.

Servient owners.

9. Subject to the provisions of section eight, a servient owner may impose on the servient heritage any easement that does not lessen the utility of the existing easement. But he cannot, without the consent of the dominant owner, impose an easement on the servient heritage which would lessen such utility.

Illustrations.

(*a*) A has, in respect of his mill, a right to the uninterrupted flow thereto, from sunrise to noon, of the water of B's stream. B may grant to C the right to divert the water of the stream from noon to sunset: provided that A's supply is not thereby diminished.

(*b*) A has, in respect of his house, a right of way over B's land. B may grant to C, as the owner of a neighbouring farm, the right to feed his cattle on the grass growing on the way: provided that A's right of way is not thereby obstructed.

Lessor and mortgagor.

10. Subject to the provisions of section eight, a lessor may impose, on the property leased, any easement that does not derogate from the rights of the lessee as such, and a mortgagor may impose, on the property mortgaged, any easement that does not render the security insufficient. But a lessor or mortgagor cannot, without the consent of the lessee or mortgagee, impose any other easement on such property, unless it be to take effect on the termination of the lease or the redemption of the mortgage.

Explanation.—A security is insufficient within the meaning of this section unless the value of the mortgaged property exceeds by one-third, or if consisting of buildings, exceeds by one-half,

the amount for the time being due on the mortgage.

Lessee.

11. No lessee or other person having a derivative interest may impose on the property held by him as such an easement to take effect after the expiration of his own interest or in derogation of the right of the lessor or the superior proprietor.

Who may acquire easements.

12. An easement may be acquired by the owner of the immoveable property for the beneficial enjoyment of which the right is created, or on his behalf, by any person in possession of the same.

One of two or more co-owners of immoveable property may, as such, with or without the consent of the other or others, acquire an easement for the beneficial enjoyment of such property.

No lessee of immoveable property can acquire, for the beneficial enjoyment of other immoveable property of his own, an easement in or over the property comprised in his lease.

Easements of necessity and *quasi* easements.

13. Where one person transfers or bequeaths immoveable property to another,—

(*a*) if an easement in other immoveable property of the transferor or testator is necessary for enjoying the subject of the transfer or bequest, the transferee or legatee shall be entitled to such easement; or

(*b*) if such an easement is apparent and continuous and necessary for enjoying the said subject as it was enjoyed when the transfer or bequest took effect, the transferee or legatee shall, unless a different intention is expressed or necessarily implied, be entitled to such easement;

(*c*) if an easement in the subject of the transfer or bequest is necessary for enjoying other immoveable property of the transferor or testator, the transferor or the legal representative of the testator shall be entitled to such easement; or

(*d*) if such an easement is apparent and continuous and necessary for enjoying the said property as it was enjoyed when the transfer or bequest took effect, the transferor, or the legal representative of the testator, shall, unless a different intention is expressed or necessarily implied, be entitled to such easement.

Where a partition is made of the joint property of several persons,—

(*e*) if an easement over the share of one of them is necessary for enjoying the share of another of them, the latter shall be entitled to such easement, or

(*f*) if such an easement is apparent and continuous and necessary for enjoying the share of the latter as it was enjoyed when the partition took effect, he shall, unless a different intention is expressed or necessarily implied, be entitled to such easement.

The easements mentioned in this section, clauses (*a*), (*c*) and (*e*), are called easements of necessity.

Where immoveable property passes by operation of law, the persons from and to whom it so passes are, for the purpose of this section, to be deemed, respectively, the transferor and transferee.

Illustrations.

(*a*) A sells B a field then used for agricultural purposes only. It is inaccessible except by passing over A's adjoining land or by trespassing on the land of a stranger. B is entitled to a right of way, for agricultural purposes only, over A's adjoining land to the field sold.

(*b*) A, the owner of two fields, sells one to B, and retains the other. The field retained was at the date of the sale used for agricultural purposes only and is inaccessible except by passing over the field sold to B. A is entitled to a right of way, for agricultural purposes only, over B's field to the field retained.

(*c*) A sells B a house with windows overlooking A's land, which A retains. The light which passes over A's land to the windows is necessary for enjoying the house as it was enjoyed when the grant took effect. B is entitled to the light, and A cannot afterwards obstruct it by building on his land.

(*d*) A sells B a house with windows overlooking A's land. The light passing over A's land to the windows is necessary for enjoying the house as it was enjoyed when the grant took effect. Afterwards A sells the land to C. Here C cannot obstruct the light by building on the land, for he takes it subject to the burdens to which it was subject in A's hands.

(*e*) A is the owner of a house and adjoining land. The house has windows overlooking the land. A simultaneously sells the house to B and the land to C. The light passing over the land is necessary for enjoying the house as it was enjoyed when the sale was made. Here A impliedly grants B a right to the light, and C takes the land subject to the restriction that he may not build so as to obstruct such light.

(*f*) A is the owner of a house and adjoining land. The house has windows overlooking the land. A, retaining the house, sells the land to B, without expressly reserving any easement. The light passing over the land is necessary for enjoying the house as it was enjoyed when the sale took effect. A is entitled to the light, and B cannot build on the land so as to obstruct such light.

(*g*) A, the owner of a house, sells B a factory built on adjoining land. B is entitled, as against A, to pollute the air, when necessary, with smoke and vapours from the factory.

(*h*) A, the owner of two adjoining houses, Y and Z, sells Y to B, and retains Z. B is entitled to the benefit of all the gutters and drains common to the two houses and necessary for enjoying Y as it was enjoyed when the sale was made, and A is entitled to the benefit of all the gutters and drains common to the two houses and necessary for enjoying Z as it was enjoyed when the sale was made.

(*i*) A, the owner of two adjoining buildings, sells one to B, retaining the other. B is entitled to a right to lateral support from A's building, and A is entitled to a right to lateral support from B's building.

(*j*) A, the owner of two adjoining buildings, sells one to B, and the other to C. C is entitled to lateral support from B's building, and B is entitled to lateral support from C's building.

(*k*) A grants land to B for the purpose of building a house thereon. B is entitled to such amount of lateral and subjacent support from A's land as is necessary for the safety of the house.

(*l*) Under the Land Acquisition Act, 1870, a Railway Company compulsorily acquires a portion of B's land for the purpose of making a siding. The Company is entitled to such amount of lateral support from B's adjoining land as is essential for the safety of the siding.

(*m*) Owing to the partition of joint property, A becomes the owner of an upper room in a building and B becomes the owner of the portion of the building immediately beneath it. A is entitled to such amount of vertical support from B's portion as is essential for the safety of the upper room.

(*n*) A lets a house and grounds to B for a particular business. B has no access to them other than by crossing A's land. B is entitled to a right of way over that land suitable to the business to be carried on by B in the house and grounds.

Direction of way of necessity.

14. When right to a way of necessity is created under section thirteen, the transferor, the legal representative of the testator or the owner of the share over which the right is exercised, as the case may be, is entitled to set out the way; but it must be reasonably convenient for the dominant owner.

When the person so entitled to set out the way refuses or neglects to do so, the dominant owner may set it out.

Acquisition by prescription.

15. Where the access and use of light or air to and for any building have been peaceably enjoyed therewith, as an easement, without interruption, and for twenty years,

and where support from one person's land, or things affixed thereto, has been peaceably received by another person's land subjected to artificial pressure, or by things affixed thereto, as an easement, without interruption, and for twenty years,

and where a right of way or any other easement has been peaceably and openly enjoyed by any person claiming title thereto, as an easement, and as of right, without interruption, and for twenty years,

the right to such access and use of light or air, support or other easement shall be absolute.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

Explanation I.—Nothing is an enjoyment within the meaning of this section when it has been had in pursuance of an agreement with the owner or occupier of the property over which the right is claimed, and it is apparent from the agreement that such right has not been granted as an easement, or, if granted as an easement, that it has been granted for a limited period, or subject to a condition on the fulfilment of which it is to cease.

Explanation II.—Nothing is an interruption within the meaning of this section unless where there is an actual cessation of the enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

Explanation III.—Suspension of enjoyment in pursuance of a contract between the dominant and servient owners is not an interruption within the meaning of this section.

Explanation IV.—In the case of an easement to pollute water, the said period of twenty years begins when the pollution first prejudices perceptibly the servient heritage.

When the property over which a right is claimed under this section belongs to Government this section shall be read as if, for the words "twenty years", the words "sixty years" were substituted.

Illustrations.

(*a*) A suit is brought in 1883 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption, from 1st January, 1862, to 1st January, 1882. The plaintiff is entitled to judgment.

(*b*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that for a year of that time the plaintiff was entitled to possession of the servient heritage as lessee thereof and enjoyed the right as such lessee. The suit shall be dismissed, for the right of way has not been enjoyed "as an easement" for twenty years.

(*c*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had admitted that the user was not of right and asked his leave to enjoy the right. The suit shall be dismissed, for the right of way has not been enjoyed "as of right" for twenty years.

Exclusion in favour of reversioner of servient heritage.

16. Provided that, when any land upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the said last-mentioned period of twenty years, in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C had a life-interest in the land; that on C's death B became entitled to the land; and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

Rights which cannot be acquired by prescription.

17. Easements acquired under section fifteen are said to be acquired by prescription, and are called prescriptive rights.

None of the following rights can be so acquired:—

(*a*) a right which would tend to the total destruction of the subject of the right, or the property on which, if the acquisition were made, liability would be imposed;

(*b*) a right to the free passage of light or air to an open space of ground;

(*c*) a right to surface-water not flowing in a stream and not permanently collected in a pool, tank or otherwise;

(*d*) a right to underground water not passing in a defined channel.

Customary easements.

18. An easement may be acquired in virtue of a local custom. Such easements are called customary easements.

Illustrations.

(*a*) By the custom of a certain village every cultivator of village land is entitled, as such, to graze his cattle on the common pasture. A having become the tenant of a plot of uncultivated land in the village breaks up and cultivates that plot. He thereby acquires an easement to graze his cattle in accordance with the custom.

(*b*) By the custom of a certain town no owner or occupier of a house can open a new window therein so as substantially to invade his neighbour's privacy. A builds a house in the town near B's house. A thereupon acquires an easement that B shall not open new windows in his house so as to command a view of the portions of A's house which are ordinarily excluded from observation, and B acquires a like easement with respect to A's house.

Transfer of dominant heritage passes easement.

19. Where the dominant heritage is transferred or devolves, by act of parties or by operation of law, the transfer or devolution shall, unless a contrary intention appears, be deemed to pass the easement to the person in whose favour the transfer or devolution takes place.

Illustration.

A has certain land to which a right of way is annexed. A lets the land to B for twenty years. The right of way vests in B and his legal representative so long as the lease continues.

CHAPTER III.—THE INCIDENTS OF EASEMENTS.

Rules controlled by contract or title.

20. The rules contained in this chapter are controlled by any contract between the dominant and servient owners relating to the servient heritage, and by the provisions of the instrument or decree, if any, by which the easement referred to was imposed.

Incidents of customary easements.

And when any incident of any customary easement is inconsistent with such rules, nothing in this chapter shall affect such incident.

Bar to use unconnected with enjoyment.

21. An easement must not be used for any purpose not connected with the enjoyment of the dominant heritage.

Illustrations.

(*a*) A, as owner of a farm Y, has a right of way over B's land to Y. Lying beyond Y, A has another farm Z, the beneficial enjoyment of which is not necessary for the beneficial enjoyment of Y. He must not use the easement for the purpose of passing to and from Z.

(*b*) A, as owner of a certain house, has a right of way to and from it. For the purpose of passing to and from the house, the right may be used, not only by A, but by the members of his family, his guests, lodgers, servants, workmen, visitors and customers; for this is a purpose connected with the enjoyment of the dominant heritage. So, if A lets the house, he may use the right of way for the purpose of collecting the rent and seeing that the house is kept in repair.

Exercise of easement.

22. The dominant owner must exercise his right in the mode which is least onerous to the servient owner; and when the exercise of an easement can without detriment to the dominant owner be confined to a determinate part of the servient heritage, such exercise shall, at the request of the servient owner, be so confined.

Confinement of exercise of easement.

Illustrations.

(*a*) A has a right of way over B's field. A must enter the way at either end and not at any intermediate point.

(*b*) A has a right annexed to his house to cut thatching-grass in B's swamp. A, when exercising his easement, must cut the grass so that the plants may not be destroyed.

Right to alter mode of enjoyment.

23. Subject to the provisions of section twenty-two, the dominant owner may, from time to time, alter the mode and place of enjoying the easement, provided that he does not thereby impose any additional burden on the servient heritage.

Exception.—The dominant owner of a right of way cannot vary his line of passage at pleasure, even though he does not thereby impose any additional burden on the servient heritage.

Illustrations.

(*a*) A, the owner of a saw-mill, has a right to a flow of water sufficient to work the mill. He may convert the saw-mill into a corn-mill, provided that it can be worked by the same amount of water.

(*b*) A has a right to discharge on B's land the rain-water from the eaves of A's house. This does not entitle A to advance his eaves if, by so doing, he imposes a greater burden on B's land.

(*c*) A, as the owner of a paper-mill, acquires a right to pollute a stream by pouring in the refuse-liquor produced by making in the mill paper from rags. He may pollute the stream by pouring in similar liquor produced by making in the mill paper by a new process from bamboos, provided that he does not substantially increase the amount, or injuriously change the nature, of the pollution.

(*d*) A, a riparian owner, acquires, as against the lower riparian owners, a prescriptive right to pollute a stream by throwing sawdust into it. This does not entitle A to pollute the stream by discharging into it poisonous liquor.

Right to do acts to secure enjoyment.

24. The dominant owner is entitled, as against the servient owner, to do all acts necessary to secure the full enjoyment of the easement; but such acts must be done at such time and in such manner as, without detriment to the dominant owner, to cause the servient owner as little inconvenience as possible; and the dominant owner must repair, as far as practicable, the damage (if any) caused by the act to the servient heritage.

Accessory rights.

Rights to do acts necessary to secure the full enjoyment of an easement are called accessory rights.

Illustrations.

(*a*) A has an easement to lay pipes in B's land to convey water to A's cistern. A may enter and dig the land in order to mend the pipes, but he must restore the surface to its original state.

(*b*) A has an easement of a drain through B's land. The sewer with which the drain communicates is altered. A may enter upon B's land and alter the drain, to adapt it to the new sewer, provided that he does not thereby impose any additional burden on B's land.

(*c*) A, as owner of a certain house, has a right of way over B's land. The way is out of repair, or a tree is blown down and falls across it. A may enter on B's land and repair the way or remove the tree from it.

(*d*) A, as owner of a certain field, has a right of way over B's land. B renders the way impassable. A may deviate from the way and pass over the adjoining land of B, provided that the deviation is reasonable.

(*e*) A, as owner of a certain house, has a right of way over B's field. A may remove rocks to make the way.

(*f*) A has an easement of support from B's wall. The wall gives way. A may enter upon B's land and repair the wall.

(*g*) A has an easement to have his land flooded by means of a dam in B's stream. The dam is half swept away by an inundation. A may enter upon B's land and repair the dam.

Liability for expenses necessary for preservation of easement.

25. The expenses incurred in constructing works, or making repairs, or doing any other act necessary for the use or preservation of an easement, must be defrayed by the dominant owner.

Liability for damage from want of repair.

26. Where an easement is enjoyed by means of an artificial work, the dominant owner is liable to make compensation for any damage to the servient heritage arising from the want of repair of such work.

Servient owner not bound to do anything.

27. The servient owner is not bound to do anything for the benefit of the dominant heritage, and he is entitled, as against the dominant owner, to use the servient heritage in any way consistent with the enjoyment of the easement: but he must not do any act tending to restrict the easement or to render its exercise less convenient.

Illustrations.

(*a*) A, as owner of a house, has a right to lead water and send sewage through B's land. B is not bound as servient owner to clear the watercourse or scour the sewer.

(*b*) A grants a right of way through his land to B as owner of a field. A may feed his cattle on grass growing on the way, provided that B's right of way is not thereby obstructed; but he must not build a wall at the end of his land so as to prevent B from going beyond it, nor must he narrow the way so as to render the exercise of the right less easy than it was at the date of the grant.

(c) A, in respect of his house, is entitled to an easement of support from B's wall. B is not bound as servient owner to keep the wall standing and in repair. But he must not pull down or weaken the wall so as to make it incapable of rendering the necessary support.

(d) A, in respect of his mill, is entitled to a watercourse through B's land. B must not drive stakes so as to obstruct the watercourse.

(e) A, in respect of his house, is entitled to a certain quantity of light passing over B's land. B must not plant trees so as to obstruct the passage to A's windows of that quantity of light.

Extent of easements.

28. With respect to the extent of easements and the mode of their enjoyment, the following provisions shall take effect:—

Easement of necessity.

An easement of necessity is co-extensive with the necessity as it existed when the easement was imposed.

Other easements.

The extent of any other easement and the mode of its enjoyment must be fixed with reference to the probable intention of the parties, and the purpose for which the right was imposed or acquired.

In the absence of evidence as to such intention and purpose—

Right of way.

(a) a right of way of any one kind does not include a right of way of any other kind:

Right to light or air acquired by grant.

(b) the extent of a right to the passage of light or air to a certain window, door or other opening, imposed by a testamentary or non-testamentary instrument, is the quantity of light or air that entered the opening at the time the testator died or the non-testamentary instrument was made:

Prescriptive right to light or air.

(c) the extent of a prescriptive right to the passage of light or air to a certain window, door or other opening is that quantity of light or air which has been accustomed to enter that opening during the whole of the prescriptive period irrespectively of the purposes for which it has been used:

Prescriptive right to pollute air and water.

(d) the extent of a prescriptive right to pollute air or water is the extent of the pollution at the commencement of the period of user on completion of which the right arose: and

Other prescriptive rights.

(e) the extent of every other prescriptive right and the mode of its enjoyment must be determined by the accustomed user of the right.

Increase of easement.

29. The dominant owner cannot, by merely altering or adding to the dominant heritage, substantially increase an easement.

Where an easement has been granted or bequeathed so that its extent shall be proportionate to the extent of the dominant heritage, if the dominant heritage is increased by alluvion, the easement is proportionately increased, and if the dominant heritage is diminished by diluvion, the easement is proportionately diminished.

Save as aforesaid, no easement is affected by any change in the extent of the dominant or the servient heritage.

Illustrations.

(a) A, the owner of a mill, has acquired a prescriptive right to divert to his mill part of the water of a stream. A alters the machinery of his mill. He cannot thereby increase his right to divert water.

(b) A has acquired an easement to pollute a stream by carrying on a manufacture on its banks by which a certain quantity of foul matter is discharged into it. A extends his works and thereby increases the quantity discharged. He is responsible to the lower riparian owners for injury done by such increase.

(c) A, as the owner of a farm, has a right to take, for the purpose of manuring his farm, leaves which have fallen from the trees on B's land. A buys a field and unites it to his farm. A is not thereby entitled to take leaves to manure this field.

Partition of dominant heritage.

30. Where a dominant heritage is divided between two or more persons, the easement becomes annexed to each of the shares, but not so as to increase substantially the burden on the servient heritage: provided that such annexation is consistent with the terms of the instrument, decree or revenue proceeding (if any) under which the division was made, and in the case of prescriptive rights, with the user during the prescriptive period.

Illustrations.

(a) A house to which a right of way by a particular path is annexed is divided into two parts, one of which is granted to A, the other to B. Each is entitled, in respect of his part, to a right of way by the same path.

(b) A house to which is annexed the right of drawing water from a well to the extent of fifty buckets a day is divided into two distinct heritages, one of which is granted to A, the other to B. A and B are each entitled, in respect of his heritage, to draw from the well fifty buckets a day; but the amount drawn by both must not exceed fifty buckets a day.

(c) A, having in respect of his house an easement of light, divides the house into three distinct heritages. Each of these continues to have the right to have its windows unobstructed.

Obstruction in case of excessive user.

31. In the case of excessive user of an easement the servient owner may, without prejudice to any other remedies to which he may be entitled, obstruct the user, but only on the servient heritage: provided that such user cannot be obstructed when the obstruction would interfere with the lawful enjoyment of the easement.

Illustration.

A, having a right to the free passage over B's land of light to four windows six feet by four, increases their size and number. It is impossible to obstruct the passage of light to the new windows without also obstructing the passage of light to the ancient windows. B cannot obstruct the excessive user.

CHAPTER IV.—THE DISTURBANCE OF EASEMENTS.

Right to enjoyment without disturbance.

32. The owner or occupier of the dominant heritage is entitled to enjoy the easement without disturbance by any other person.

Illustration.

A, as owner of a house, has a right of way over B's land. C unlawfully enters on B's land, and obstructs A in his right of way. A may sue C for compensation, not for the entry, but for the obstruction.

Suit for disturbance of easement.

33. The owner of any interest in the dominant heritage, or the occupier of such heritage, may institute a suit for compensation for the disturbance of the easement or of any right accessory thereto; provided that the disturbance has actually caused substantial damage to the plaintiff.

Explanation I.—The doing of any act likely to injure the plaintiff by affecting the evidence of the easement, or by materially diminishing the

value of the dominant heritage, is substantial damage within the meaning of this section and section thirty-four.

Explanation II.—Where the easement disturbed is a right to the free passage of light passing to the openings in a house, no damage is substantial within the meaning of this section unless it falls within the first Explanation, or interferes materially with the physical comfort of the plaintiff, or prevents him from carrying on his accustomed business in the dominant heritage as beneficially as he had done previous to instituting the suit.

Explanation III.—Where the easement disturbed is a right to the free passage of air to the openings in a house, damage is substantial within the meaning of this section if it interferes materially with the physical comfort of the plaintiff, though it is not injurious to his health.

Illustrations.

(*a*) A places a permanent obstruction in a path over which B, as tenant of C's house, has a right of way. This is substantial damage to C, for it may affect the evidence of his reversionary right to the easement.

(*b*) A, as owner of a house, has a right to walk along one side of B's house. B builds a verandah overhanging the way about ten feet from the ground, and so as not to occasion any inconvenience to foot-passengers using the way. This is not substantial damage to A.

When cause of action arises for removal of support.

34. The removal of the means of support to which a dominant owner is entitled does not give rise to a right to recover compensation unless and until substantial damage is actually sustained.

Injunction to restrain disturbance.

35. Subject to the provisions of the Specific Relief Act, 1877, sections 52 to 57 (both inclusive), an injunction may be granted to restrain the disturbance of an easement—

(*a*) if the easement is actually disturbed,—when compensation for such disturbance might be recovered under this chapter:

(*b*) if the disturbance is only threatened or intended,—when the act threatened or intended must necessarily, if performed, disturb the easement.

Abatement of obstruction of easement.

36. Notwithstanding the provisions of section twenty-four, the dominant owner cannot himself abate a wrongful obstruction of an easement.

CHAPTER V.—THE EXTINCTION, SUSPENSION AND REVIVAL OF EASEMENTS.

Extinction by dissolution of right of servient owner.

37. When, from a cause which preceded the imposition of an easement, the person by whom it was imposed ceases to have any right in the servient heritage, the easement is extinguished.

Exception.—Nothing in this section applies to an easement lawfully imposed by a mortgagor in accordance with section ten.

Illustrations.

(*a*) A transfers Sultánpur to B on condition that he does not marry C. B imposes an easement on Sultánpur. Then B marries C. B's interest in Sultánpur ends, and with it the easement is extinguished.

(*b*) A, in 1860, let Sultánpur to B for thirty years from the date of the lease. B, in 1861, imposes an easement on the land in favour of C, who enjoys the easement peaceably and openly as an easement without interruption for twenty-nine years. B's interest in Sultánpur then ends, and with it C's easement.

(*c*) A and B, tenants of C, have permanent transferable interests in their respective holdings. A imposes on his holding an easement to draw water from a tank for the purpose of irrigating B's land. B enjoys the easement for twenty years. Then A's rent falls into arrear and his interest is sold. B's easement is extinguished.

(*d*) A mortgages Sultánpur to B, and lawfully imposes an easement on the land in favour of C in accordance with the provisions of section ten. The land is sold to D in satisfaction of the mortgage-debt. The easement is not thereby extinguished.

Extinction by release.

38. An easement is extinguished when the dominant owner releases it, expressly or impliedly, to the servient owner.

Such release can be made only in the circumstances and to the extent in and to which the dominant owner can alienate the dominant heritage.

An easement may be released as to part only of the servient heritage.

Explanation I.—An easement is impliedly released—

(*a*) where the dominant owner expressly authorizes an act of a permanent nature to be done on the servient heritage, the necessary consequence of which is to prevent his future enjoyment of the easement, and such act is done in pursuance of such authority;

(*b*) where any permanent alteration is made in the dominant heritage of such a nature as to show that the dominant owner intended to cease to enjoy the easement in future.

Explanation II.—Mere non-user of an easement is not an implied release within the meaning of this section.

Illustrations.

(*a*) A, B and C are co-owners of a house to which an easement is annexed. A, without the consent of B and C, releases the easement. This release is effectual only as against A and his legal representative.

(*b*) A grants B an easement over A's land for the beneficial enjoyment of his house. B assigns the house to C. B then purports to release the easement. The release is ineffectual.

(*c*) A, having the right to discharge his eavesdroppings into B's yard, expressly authorizes B to build over this yard to a height which will interfere with the discharge. B builds accordingly. A's easement is extinguished to the extent of the interference.

(*d*) A, having an easement of light to a window, builds up that window with bricks and mortar so as to manifest an intention to abandon the easement permanently. The easement is impliedly released.

(*e*) A, having a projecting roof by means of which he enjoys an easement to discharge eavesdroppings on B's land permanently alters the roof, so as to direct the rainwater into a different channel and discharge it on C's land. The easement is impliedly released.

Extinction by revocation.

39. An easement is extinguished when the servient owner, in exercise of a power reserved in this behalf, revokes the easement.

Extinction on expiration of limited period or happening of dissolving condition.

40. An easement is extinguished where it has been imposed for a limited period, or acquired on condition that it shall become void on the performance or non-performance of a specified act, and the period expires or the condition is fulfilled.

Extinction on termination of necessity.

41. An easement of necessity is extinguished when the necessity comes to an end.

Illustration.

A grants B a field inaccessible except by passing over A's adjoining land. B afterwards purchases a part of that land over which he can pass to his field. The right of way over A's land which B had acquired is extinguished.

Extinction of useless easement.

42. An easement is extinguished when it becomes incapable of being at any time and under any circumstances beneficial to the dominant owner.

Extinction by permanent change in dominant heritage.

43. Where by any permanent change in the dominant heritage the burden on the servient heritage is materially increased and cannot be reduced by the servient owner without interfering with the lawful enjoyment of the easement, the easement is extinguished, unless—

(*a*) it was intended for the beneficial enjoyment of the dominant heritage, to whatever extent the easement should be used; or

(*b*) the injury caused to the servient owner by the change is so slight that no reasonable person would complain of it; or

(*c*) the easement is an easement of necessity.

Nothing in this section shall be deemed to apply to an easement entitling the dominant owner to support of the dominant heritage.

Extinction on permanent alteration of servient heritage by superior force.

44. An easement is extinguished where the servient heritage is by superior force so permanently altered that the dominant owner can no longer enjoy such easement:

Provided that, where a way of necessity is destroyed by superior force, the dominant owner has a right to another way over the servient heritage; and the provisions of section fourteen apply to such way.

Illustrations.

(*a*) A grants to B, as the owner of a certain house, a right to fish in a river running through A's land. The river changes its course permanently and runs through C's land. B's easement is extinguished.

(*b*) Access to a path over which A has a right of way is permanently cut off by an earthquake. A's right is extinguished.

Extinction by destruction of either heritage.

45. An easement is extinguished when either the dominant or the servient heritage is completely destroyed.

Illustration.

A has a right of way over a road running along the foot of a sea-cliff. The road is washed away by a permanent encroachment of the sea. A's easement is extinguished.

Extinction by unity of ownership.

46. An easement is extinguished when the same person becomes entitled to the absolute ownership of the whole of the dominant and servient heritages.

Illustrations.

(*a*) A, as the owner of a house, has a right of way over B's field. A mortgages his house, and B mortgages his field to C. Then C forecloses both mortgages and becomes thereby absolute owner of both house and field. The right of way is extinguished.

(*b*) The dominant owner acquires only part of the servient heritage: the easement is not extinguished, except in the case illustrated in section forty-one.

(*c*) The servient owner acquires the dominant heritage in connection with a third person: the easement is not extinguished.

(*d*) The separate owners of two separate dominant heritages jointly acquire the heritage which is servient to the two separate heritages: the easements are not extinguished.

(*e*) The joint owners of the dominant heritage jointly acquire the servient heritage: the easement is extinguished.

(*f*) A single right of way exists over two servient heritages for the beneficial enjoyment of a single dominant heritage. The dominant owner acquires one only of the servient heritages. The easement is not extinguished.

(*g*) A has a right of way over B's road. B dedicates the road to the public. A's right of way is not extinguished.

Extinction by non-enjoyment.

47. A continuous easement is extinguished when it totally ceases to be enjoyed as such for an unbroken period of twenty years.

A discontinuous easement is extinguished when, for a like period, it has not been enjoyed as such.

Such period shall be reckoned, in the case of a continuous easement, from the day on which its enjoyment was obstructed by the servient owner, or rendered impossible by the dominant owner; and, in the case of a discontinuous easement, from the day on which it was last enjoyed by any person as dominant owner.

Provided that if, in the case of a discontinuous easement, the dominant owner, within such period, registers, under the Indian Registration Act, 1877, a declaration of his intention to retain such easement, it shall not be extinguished until a period of twenty years has elapsed from the date of the registration.

Where an easement can be legally enjoyed only at a certain place, or at certain times, or between certain hours, or for a particular purpose, its enjoyment during the said period at another place, or at other times, or between other hours, or for another purpose, does not prevent its extinction under this section.

The circumstance that, during the said period, no one was in possession of the servient heritage, or that the easement could not be enjoyed, or that a right accessory thereto was enjoyed, or that the dominant owner was not aware of its existence, or that he enjoyed it in ignorance of his right to do so, does not prevent its extinction under this section.

An easement is not extinguished under this section—

(*a*) where the cessation is in pursuance of a contract between the dominant and servient owners;

(*b*) where the dominant heritage is held in co-ownership, and one of the co-owners enjoys the easement within the said period, or

(*c*) where the easement is a necessary easement.

Where several heritages are respectively subject to rights of way for the benefit of a single heritage, and the ways are continuous, such rights shall, for the purposes of this section, be deemed to be a single easement.

Illustration.

A has, as annexed to his house, rights of way from the high road thither over the heritages X and Z and the intervening heritage Y. Before the twenty years expire, A exercises his right of way over X. His rights of way over Y and Z are not extinguished.

Extinction of accessory rights.

48. When an easement is extinguished, the rights (if any) accessory thereto are also extinguished.

Illustration.

A has an easement to draw water from B's well. As accessory thereto, he has a right of way over B's land to and from the well. The easement to draw water is extinguished under section forty-seven. The right of way is also extinguished.

Suspension of easement.

49. An easement is suspended when the dominant owner becomes entitled to possession of the servient heritage for a limited interest therein, or when the servient owner becomes entitled to possession of the dominant heritage for a limited interest therein.

Servient owner not entitled to require continuance.

50. The servient owner has no right to require that an easement be continued; and, notwithstanding the provisions of section twenty-six, he is not entitled to compensation for damage caused to the servient heritage in consequence of the extinguishment or suspension of the easement, if the dominant owner has given to the servient owner such notice as will enable him, without unreasonable expense, to protect the servient heritage from such damage.

Compensation for damage caused by extinguishment.

Where such notice has not been given, the servient owner is entitled to compensation for damage caused to the servient heritage in consequence of such extinguishment or suspension.

Illustration.

A, in exercise of an easement, diverts to his canal the water of B's stream. The diversion continues for many years, and during that time the bed of the stream partly fills up. A then abandons his easement, and restores the stream to its ancient course. B's land is consequently flooded. B sues A for compensation for the damage caused by the flooding. It is proved that A gave B a month's notice of his intention to abandon the easement, and that such notice was sufficient to enable B, without unreasonable expense, to have prevented the damage. The suit must be dismissed.

Revival of easements.

51. An easement extinguished under section forty-five revives (*a*) when the destroyed heritage is, before twenty years have expired, restored by the deposit of alluvion; (*b*) when the destroyed heritage is a servient building and before twenty years have expired such building is rebuilt upon the same site; and (*c*) when the destroyed heritage is a dominant building and before twenty years have expired such building is rebuilt upon the same site and in such a manner as not to impose a greater burden on the servient heritage.

An easement extinguished under section forty-six revives when the grant or bequest by which the unity of ownership was produced is set aside by the decree of a competent Court. A necessary easement extinguished under the same section revives when the unity of ownership ceases from any other cause.

A suspended easement revives if the cause of suspension is removed before the right is extinguished under section forty-seven.

Illustration.

A, as the absolute owner of field Y, has a right of way thither over B's field Z. A obtains from B a lease of Z for twenty years. The easement is suspended so long as A remains lessee of Z. But when A assigns the lease to C, or surrenders it to B, the right of way revives.

CHAPTER VI.—LICENSES.

"License" defined.

52. Where one person grants to another, or to a definite number of other persons, a right to do, or continue to do, in or upon the immoveable property of the grantor, something which would, in the absence of such right, be unlawful, and such right does not amount to an easement or an interest in the property, the right is called a license.

Who may grant license.

53. A license may be granted by any one in the circumstances and to the extent in and to which he may transfer his interests in the property affected by the license.

Grant may be express or implied.

54. The grant of a license may be express or implied from the conduct of the grantor, and an agreement which purports to create an easement, but is ineffectual for that purpose, may operate to create a license.

Accessory licenses annexed by law.

55. All licenses necessary for the enjoyment of any interest, or the exercise of any right, are implied in the constitution of such interest or right. Such licenses are called accessory licenses.

Illustration.

A sells the trees growing on his land to B. B is entitled to go on the land and take away the trees.

License when transferable.

56. Unless a different intention is expressed or necessarily implied, a license to attend a place of public entertainment may be transferred by the licensee; but, save as aforesaid, a license cannot be transferred by the licensee or exercised by his servants or agents.

Illustrations.

(*a*) A grants B a right to walk over A's field whenever he pleases. The right is not annexed to any immoveable property of B. The right cannot be transferred.

(*b*) The Government grant B a license to erect and use temporary grain-sheds on Government land. In the absence of express provision to the contrary, B's servants may enter on the land for the purpose of erecting sheds, erect the same, deposit grain therein and remove grain therefrom.

Grantor's duty to disclose defects.

57. The grantor of a license is bound to disclose to the licensee any defect in the property affected by the license, likely to be dangerous to the person or property of the licensee, of which the grantor is, and the licensee is not, aware.

Grantor's duty not to render property unsafe.

58. The grantor of a license is bound not to do anything likely to render the property affected by the license dangerous to the person or property of the licensee.

Grantor's transferee not bound by license.

59. When the grantor of the license transfers the property affected thereby, the transferee is not as such bound by the license.

License when revocable.

60. A license may be revoked by the grantor, unless—

(*a*) it is coupled with a transfer of property and such transfer is in force:

(*b*) the licensee, acting upon the license, has executed a work of a permanent character and incurred expenses in the execution.

Revocation express or implied.

61. The revocation of a license may be express or implied.

Illustrations.

(*a*) A, the owner of a field, grants a license to B to use a path across it. A, with intent to revoke the license, locks a gate across the path. The license is revoked.

(*b*) A, the owner of a field, grants a license to B to stack hay on the field. A lets or sells the field to C. The license is revoked.

License when deemed revoked.

62. A license is deemed to be revoked—

(*a*) when, from a cause preceding the grant of it, the grantor ceases to have any interest in the property affected by the license:

(*b*) when the licensee releases it, expressly or impliedly, to the grantor or his representative:

(*c*) where it has been granted for a limited period, or acquired on condition that it shall become void on the performance or non-performance of a specified act, and the period expires, or the condition is fulfilled:

(*d*) where the property affected by the license is destroyed or by superior force so permanently altered that the licensee can no longer exercise his right:

(*e*) where the licensee becomes entitled to the absolute ownership of the property affected by the license:

(*f*) where the license is granted for a specified purpose and the purpose is attained, or abandoned, or becomes impracticable:

(*g*) where the license is granted to the licensee as holding a particular office, employment or character, and such office, employment or character ceases to exist:

(*h*) where the license totally ceases to be used as such for an unbroken period of twenty years, and such cessation is not in pursuance of a contract between the grantor and the licensee:

(*i*) in the case of an accessory license, when the interest or right to which it is accessory ceases to exist.

Licensee's rights on revocation.

63. Where a license is revoked, the licensee is entitled to a reasonable time to leave the property affected thereby and to remove any goods which he has been allowed to place on such property.

Licensee's rights on eviction.

64. Where a license has been granted for a consideration, and the licensee, without any fault of his own, is evicted by the grantor before he has fully enjoyed, under the license, the right for which he contracted, he is entitled to recover compensation from the grantor.

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th February, 1882, and is hereby promulgated for General information :—

ACT No. VI OF 1882.

THE INDIAN COMPANIES ACT, 1882.

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FIRST SCHEDULE.

SECOND SCHEDULE.

An Act for the incorporation, regulation and winding-up of Trading Companies and other Associations.

Preamble.

WHEREAS it is expedient to amend the law relating to the incorporation, regulation and winding-up of Trading Companies and other Associations; It is hereby enacted as follows:

PRELIMINARY.

Short title. Local extent.

1. This Act may be cited as "The Indian Companies Act, 1882": it extends to the whole of British India:

Commencement.

it shall come into force on the first day of May, 1882; and the time at which it comes into force is hereinafter referred to as the commencement of this Act.

Repeal of Act X of 1866.

2. On and from the commencement of this Act, the Indian Companies Act, 1866, shall be repealed. But such repeal shall not affect—

(*a*) the incorporation of any Company registered under the said Act or any Act thereby repealed;

(*b*) any right or privilege acquired or liability incurred under the said Act or any Act thereby repealed;

(*c*) table B in the schedule annexed to Act No. XIX of 1857 or any part thereof, so far as the same applies to any Company existing at the time of the commencement of this Act.

And all references to the said Indian Companies Act, 1866, in Acts or Regulations passed before the commencement of this Act shall be read as if made to this Act, and all rules made, fees directed, resolutions passed and other things duly done under the same Act shall be deemed to be respectively made, directed, passed and done under this Act; and all Companies under the same Act shall be deemed to be Companies under this Act.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"Insurance Company";

"Insurance Company" means a Company that carries on the business of insurance either solely or in common with any other business or businesses;

"Court";

"Court" means the principal civil Court of original jurisdiction in a district, and includes the High Court in the exercise of its ordinary original civil jurisdiction;

"District Court";

"District Court" means the principal civil Court of original jurisdiction in a district, but does not include the High Court in the exercise of its ordinary original civil jurisdiction.

Prohibition of partnerships exceeding certain number.

4. No Company, Association or Partnership consisting of more than ten persons shall be formed for the purpose of carrying on the business of banking, unless it is registered as a Company under this Act, or is formed in pursuance of an Act of Parliament or some other Act of the Governor General in Council, or by royal charter or Letters Patent; and no Company, Association or Partnership consisting of more than twenty persons shall be formed for the purpose of carrying on any other business that has for its object the acquisition of gain by the Company, Association or Partnership, or by the individual members thereof, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act or of Letters Patent.

Division of Act.

5. This Act is divided into nine Parts, relating to the following subject-matters:—

The first Part—to the constitution and incorporation of Companies and Associations under this Act;

The second Part—to the distribution of the capital and liability of members of Companies and Associations under this Act;

The third Part—to the management and administration of Companies and Associations under this Act;

The fourth Part—to the winding-up of Companies and Associations under this Act;

The fifth Part—to the registration-office;

The sixth Part—to the application of this Act to Companies registered under Act No. XIX of 1857 (*for the incorporation and regulation of Joint Stock Companies and other Associations either with or without limited liability of the members thereof*), and Act No. VII of 1860 (*to enable Joint Stock Banking Companies to be formed on the principle of limited liability*), or either of them;

The seventh Part—to Companies authorized to register under this Act;

The eighth Part—to the application of this Act to unregistered Companies;

The ninth Part—to miscellaneous provisions.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Memorandum of Association.

Mode of forming Company.

6. Any seven or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of association and otherwise complying with the requisitions of this Act in respect of registration, form an incorporated Company, with or without limited liability.

Explanation.—Foreigners are persons within the meaning of this section, although the whole or any part of the business of the proposed Company is intended to be transacted out of British India.

7. The liability of the members of a Company formed under this Act may, according to the memorandum of association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake by the memorandum of association to contribute to the assets of the Company in the event of its being wound up.

Mode of limiting liability of members.

Where a Company is formed as a Limited Company, the liability of the directors or managers of such Company, or of the managing director, may, if so provided by the memorandum of association, be unlimited.

Directors with unlimited liability.

8. Where a Company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a Company limited by shares, the memorandum of association shall contain the following things (that is to say):—

Memorandum of association of a Company limited by shares.

(a) the name of the proposed Company with the addition of the word "limited" as the last word in such name;

(b) the part of British India in which the registered office of the Company is proposed to be situate;

(c) the objects for which the proposed Company is to be established;

(d) a declaration that the liability of the members is limited;

(e) the amount of capital with which the Company proposes to be registered divided into shares of a certain fixed amount:

Subject to the following regulations:—

(f) that no subscriber shall take less than one share;

(g) that each subscriber of the memorandum of association shall write opposite to his name the number of shares he takes.

9. Where a Company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the Company in the event of the same being wound up (hereinafter referred to as a Company limited by guarantee), the memorandum of association shall contain the following things (that is to say):—

Memorandum of association of a Company limited by guarantee.

(a) the name of the proposed Company, with the addition of the word "limited" as the last word in such name;

(b) the part of British India in which the registered office of the Company is proposed to be situate;

(c) the objects for which the proposed Company is to be established

(d) a declaration that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member, or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and of the costs, charges and expenses of winding-up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required, not exceeding a specified amount.

10. Where a Company is formed on the principle of having no limit placed on the liability of its members (hereinafter referred to as an unlimited Company), the memorandum of association shall contain the following things (that is to say):—

Memorandum of association of an unlimited Company.

(a) the name of the proposed Company;

(b) the part of British India in which the registered office of the Company is proposed to be situate;

(c) the objects for which the proposed Company is to be established.

11. The memorandum of association shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. It shall, when registered, bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in the memorandum contained, on the part of himself, his heirs, executors and administrators, a contract to observe all the conditions of such memorandum subject to the provisions of this Act.

Signature and effect of memorandum of association.

12. Any Company limited by shares may so far modify the conditions contained in its memorandum of association, if authorized to do so by its regulations as originally framed, or as altered by special resolution in manner hereinafter mentioned, as to increase its capital, by the issue of new shares of such amount as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares, or to convert its paid up shares into stock; but, save as aforesaid, and save as hereinafter provided, no alteration shall be made by any Company in the conditions contained in its memorandum of association.

Power of certain Companies to alter memorandum of association.

Reduction of Capital and Shares.

13. Any Company limited by shares may, by special resolution, so far modify the conditions contained in its memorandum of association, if authorized so to do by its regulations as originally framed, or as altered by special resolution, as to reduce its capital; but no such resolution for reducing the capital of any Company shall come into operation until an order of the Court is registered by the Registrar of joint stock Companies, as is hereinafter mentioned.

Power to Company to reduce capital.

Explanation I.—The word "capital" includes paid up capital.

Explanation II.—The power to reduce capital conferred by this section includes a power to cancel any lost capital, or any capital unrepresented by available assets, or to pay off any capital which may be in excess of the wants of the Company; and paid up capital may be reduced either with or without extinguishing or reducing the liability (if any) remaining on the shares of the Company; and, to the extent to which such liability is not extinguished or reduced, it shall be deemed to be preserved, notwithstanding anything hereinafter contained.

Company to add "and reduced" to its name for a limited period.

14. The Company shall, after the date of the passing of any special resolution for reducing its capital, add to its name, until such date as the Court may fix, the words "and reduced," as the last words in its name, and those words shall, until such date, be deemed to be part of the name of the Company.

Company to apply to the Court for an order confirming reduction.

15. A Company which has passed a special resolution for reducing its capital may apply to the Court by petition for an order confirming the reduction, and, on the hearing of the petition, the Court, if satisfied that, with respect to every creditor of the Company who, under the provisions of this Act, is entitled to object to the reduction, either his consent to the reduction has been obtained, or his debt or claim has been discharged or has determined, or has been secured as hereinafter provided, may make an order confirming the reduction on such terms and subject to such conditions as it deems fit.

When the reduction does not involve either the diminution of any liability in respect of unpaid capital or the payment to any shareholder of any paid up capital, the creditors of the Company shall not, unless the Court otherwise directs, be entitled to object, or required to consent, to the reduction; and it shall not be necessary, before the presentation of any petition under this section, to add, and the Court may, if it thinks fit so to do, dispense with the addition of, the words "and reduced," as mentioned in section fourteen.

In any case that the Court thinks fit so to do, it may require the Company to publish, in such manner as the Court thinks fit, the reasons for the reduction or such other information regarding the same as the Court may think expedient with a view to give proper information to the public in relation to such reduction, and if the Court thinks fit, the cause which led thereto.

Creditors may object to reduction, and list of objecting creditors to be settled by Court.

16. Where a Company proposes to reduce its capital, every creditor of the Company who, at the date fixed by the Court, is entitled to any debt or claim which, if that date were the commencement of the winding-up of the Company, would be admissible in proof against the Company, shall be entitled to object to the proposed reduction, and to be entered in the list of creditors who are so entitled to object.

The Court shall settle a list of such creditors, and for that purpose shall ascertain as far as possible, without requiring an application from any creditor, the names of such creditors and the nature and amount of their debts or claims, and may publish notices fixing a certain day or days within which creditors of the Company who are not entered on the list are to claim to be so entered, or to be excluded from the right of objecting to the proposed reduction:

Provided that, when the reduction does not involve either the diminution of any liability in respect of unpaid capital or the payment to any shareholder of any paid up capital, the creditors of the Company shall not, unless the Court otherwise directs, be entitled to object, or required to consent, to the reduction.

Court may dispense with consent of creditor on security being given for his debt.

17. Where a creditor whose name is entered on the list of creditors, and whose debt or claim is not discharged or determined, does not consent to the proposed reduction, the Court may (if it thinks fit) dispense with such consent on the Company securing the payment of the debt or claim of such creditor by setting apart and appropriating in such manner as the Court may direct a sum of such amount as is hereinafter mentioned (that is to say):—

(*a*) If the full amount of the debt or claim of the creditor is admitted by the Company, or, though not admitted, is such as the Company are willing to set apart and appropriate, then the full amount of the debt or claim shall be set apart and appropriated.

(*b*) If the full amount of the debt or claim of the creditor is not admitted by the Company, and is not such as the Company are willing to set apart and appropriate, or if the amount is contingent or not ascertained, then the Court may, if it thinks fit, inquire into and adjudicate upon the validity of such debt or claim, and the amount for which the Company may be liable in respect thereof, in the same manner as if the Company were being wound up by the Court; and the amount fixed by the Court on such inquiry and adjudication shall be set apart and appropriated.

Order and minute to be registered.

18. The Registrar of joint stock Companies, upon the production to him of an order of the Court confirming the reduction of the capital of a Company, and the delivery to him of a copy of the order and of a minute (approved by the Court), showing, with respect to the capital of the Company as altered by the order, the amount of such capital, the number of shares in which it is to be divided, and the amount of each share, and the amount (if any) at the date of the registration of the minute proposed to be deemed to have been paid up on each share, shall register the order and minute; and, on the registration, the special resolution confirmed by the order so registered shall take effect.

Notice of such registration shall be published in such manner as the Court may direct.

The Registrar shall certify under his hand the registration of the order and minute, and his certificate shall be conclusive evidence that all the requisitions of this Act with respect to the reduction of capital have been complied with, and that the capital of the Company is such as is stated in the minute.

Minute to form part of memorandum of association.

19. The minute, when registered, shall be deemed to be substituted for the corresponding part of the memorandum of association of the Company, and shall be of the same validity, and subject to the same alterations, as if it had been originally contained in the memorandum of association; and, subject as in this Act mentioned, no member of the Company, whether past or present, shall be liable in respect of any share to any call or contribution exceeding in amount the difference (if any) between the amount which has been paid on such share and the amount of the share as fixed by the minute.

Saving of rights of creditors who are ignorant of proceedings.

20. If any creditor who is entitled in respect of any debt or claim to object to the reduction of the capital of a Company under this Act is, in consequence of his ignorance of the proceedings taken with a view to such reduction, or of their nature and effect with respect to his claim, not entered on the list of creditors, and after such reduction the Company is unable, within the meaning of this Act, to pay to the creditor the amount of such debt or claim, every person who was a member of the Company at the date of the registration of the order and minute relating to the reduction of its capital shall be liable to contribute for the payment of such debt or claim an amount not exceeding the amount which he would have been liable to contribute if the Company had commenced to be wound up on the day prior to such registration;

and, on the Company being wound up, the Court, on the application of such creditor, and on proof that he was ignorant of the proceedings taken with a view to the reduction, or of their nature and effect with respect to his claim, may, if it thinks fit, settle a list of such contributories accordingly, and make and enforce calls and orders on the contributories settled on such list in the same manner in all respects as if they were ordinary contributories in a winding-up.

Nothing in this section shall affect the rights of the contributories of the Company among themselves.

Registered minute to be embodied in memorandum of association.

21. A minute, when registered, shall be embodied in every copy of the memorandum of association issued after its registration; and, if any Company makes default in complying with the provisions of this section, it shall incur a penalty not exceeding ten rupees for each copy in respect of which such default is made; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Penalty on concealment of name of creditor.

22. If any director, manager or officer of the Company wilfully conceals the name of any creditor of the Company who is entitled to object to the proposed reduction, or wilfully misrepresents the nature or amount of the debt or claim of any creditor of the Company, or if any director or manager of the Company abets, within the meaning of the Indian Penal Code, any such concealment or misrepresentation as aforesaid, every such director, manager or officer shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Power to reduce capital by cancellation of unissued shares.

23. Any Company limited by shares may so far modify the conditions contained in its memorandum of association, if authorized so to do by its regulations as originally framed or as altered by special resolution, as to reduce its capital by cancelling any shares which, at the date of passing such resolution, have not been taken or agreed to be taken by any persons; and the provisions as to reduction of capital contained in the other sections of this Act shall not apply to any reduction made in pursuance of this section.

Sub-division of Shares.

Shares may be divided into shares of smaller amount.

24. Any Company limited by shares may, by special resolution, so far modify the conditions contained in its memorandum of association, if authorized so to do by its regulations as originally framed or as altered by special resolution, as, by sub-division of its existing shares or any of them, to divide its capital, or any part thereof, into shares of smaller amount than is fixed by its memorandum of association:

Provided that, in the sub-division of the existing shares, the proportion between the amount which is paid and the amount (if any) which is unpaid on each share of reduced amount shall be the same as it was in the case of the existing share or shares from which the share of reduced amount is derived.

Special resolution to be embodied in memorandum of association.

25. The statement of the number and amount of the shares into which the capital of the Company is divided, contained in every copy of the memorandum of association issued after the passing of any such special resolution, shall be in accordance with such resolution; and any Company which makes default in complying with the provisions of this section shall incur a penalty not exceeding twenty rupees for each copy in respect of which such default is made; and every director and manager of the Company who knowingly or wilfully authorizes or permits such default shall incur the like penalty.

Associations not for Profit.

Special provisions as to associations formed for purposes not of gain.

26. Where any association which might be formed under this Act as a limited Company proves to the Local Government that

it is formed for the purpose of promoting commerce, art, science, charity, or any other useful object, and that it is the intention of such association to apply the profits, if any, or other income of the association, in promoting its objects, and to prohibit the payment of any dividend to its members, the Local Government may, by license under the hand of one of its Secretaries, direct such association to be registered with limited liability, without the addition of the word "limited" to its name; and such association may be registered accordingly, and upon registration shall enjoy all the privileges and be subject to the obligations by this Act imposed on limited Companies; with the exceptions that none of the provisions of this Act that require a limited Company to use the word "limited" as any part of its name, or to publish its name, or to send a list of its members, directors, or managers to the Registrar, shall apply to an association so registered.

The license by the Local Government may be granted upon such conditions and subject to such regulations as the Local Government thinks fit to impose; and such conditions and regulations shall be binding on the association, and may at the option of the Local Government be inserted in the memorandum and articles of association, or in both or one of such documents.

Calls upon Shares.

Company may have some shares fully paid, and others not.

27. Nothing herein contained shall be deemed to prevent any Company under this Act, if authorized by its regulations as originally framed or as altered by special resolution, from doing any one or more of the following things, namely:—

(*a*) making arrangements on the issue of shares for a difference between the holders of such shares in the amount of calls to be paid, and in the time of payment of such calls;

(*b*) accepting from any member of the Company who assents thereto the whole or a part of the amount remaining unpaid on any share or shares held by him, either in discharge of the amount of a call payable in respect of any other share or shares held by him or without any call having been made;

(*c*) paying dividend in proportion to the amount paid up on each share in cases where a larger amount is paid up on some shares than on others.

Manner in which shares are to be issued and held.

28. Every share in any Company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless the same has been otherwise determined by a contract duly made in writing and filed with the Registrar of joint stock Companies at or before the issue of such shares.

Transfer of Shares.

Transfer may be registered at request of transferor.

29. A Company shall, on the application of the transferor of any share or interest in the Company, enter in its register of members the name of the transferee of such share or interest in the same manner and subject to the same conditions as if the application for such entry were made by the transferee.

Share-warrants to Bearer.

Warrant of limited shares fully paid up may be issued in name of bearer.

30. In the case of a Company limited by shares, the Company, if authorized so to do by its regulations as originally framed or as altered by special resolution, and subject to the provisions of such regulations, may, with respect to any share which is fully paid up, or with respect to stock, issue under their common seal a warrant (hereinafter referred to as a share-warrant) stating that the bearer thereof is entitled to the shares or stock therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on such shares or stock.

Coupons.

Effect of share-warrant.

31. A share-warrant shall entitle the bearer thereof to the shares or stock specified therein; and such shares or stock may be transferred by the delivery of the share-warrant.

Re-registration of bearer of a share-warrant in the register.

32. The bearer of a share-warrant shall, subject to the regulations of the Company, be entitled, on surrendering such warrant for cancellation, to have his name entered as a member in the register of members; and the Company shall be responsible for any loss incurred by any person by reason of the Company entering in its register of members the name of any bearer of a share-warrant in respect of the shares or stock specified therein without the share-warrant being surrendered and cancelled.

Regulations of the Company may make the bearer of a share-warrant a member.

33. The bearer of a share-warrant may, if the regulations of the Company so provide, be deemed to be a member of the Company within the meaning of this Act, either to the full extent or for such purposes as may be prescribed by the regulations:

Provided that the bearer of a share-warrant shall not be qualified in respect of the shares or stock specified in such warrant for being a director or manager of the Company in cases where such a qualification is prescribed by the regulations of the Company.

Entries in register where share-warrant issued.

34. On the issue of a share-warrant in respect of any share or stock, the Company shall strike out of its register of members the name of the member then entered therein as holding such share or stock, as if he had ceased to be a member, and shall enter in the register the following particulars:—

(*a*) the fact of the issue of the warrant;

(*b*) a statement of the shares or stock included in the warrant, distinguishing each share by its number;

(*c*) the date of the issue of the warrant.

Stamps on share-warrants.

35. There shall be charged on every share-warrant a stamp-duty of an amount equal to three times the amount of the *ad valorem* stamp-duty which would be chargeable on an instrument transferring the shares or stock specified in the warrant if the consideration for the transfer were the nominal value of such shares or stock.

Penalty for issuing share-warrant not duly stamped.

If a share-warrant is issued without being duly stamped, the Company issuing the same, and also every person who, at the time when it is issued, is the managing director or secretary or other principal officer of the Company, shall forfeit the sum of five hundred rupees.

Change of Name.

Power of Companies to change name.

36. Any Company under this Act, with the sanction of a special resolution of the Company passed in manner hereinafter mentioned, and with the approval of the Local Government testified in writing under the hand of one of the Secretaries to such Government, may change its name; and, upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company; and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

Explanation.—The issue of the certificate of incorporation is necessary to complete the change of name.

Articles of Association.

Regulations to be prescribed by articles of association.

37. The memorandum of association may, in the case of a Company limited by shares, and shall, in the case of a Company limited by guarantee or unlimited, be accompanied, when registered, by articles of association signed by the subscribers to the memorandum of association, and prescribing such regulations for the Company as the subscribers to the memorandum of association deem expedient.

The articles shall be expressed in separate paragraphs, numbered consecutively. They may adopt all or any of the provisions contained in the table marked A in the first schedule hereto. They shall, in the case of a Company, whether limited by guarantee or unlimited, that has a capital divided into shares, state the amount of capital with which the Company proposes to be registered, and in the case of a Company, whether limited by guarantee or unlimited, that has not a capital divided into shares, state the number of members with which the Company proposes to be registered, for the purpose of enabling the Registrar to determine the fees payable on registration.

In a Company limited by guarantee or unlimited, and having a capital divided into shares, each subscriber shall take one share at the least, and shall write opposite to his name in the memorandum of association the number of shares he takes.

Application of table A.

38. In the case of a Company limited by shares, if the memorandum of association is not accompanied by articles of association, or, in so far as the articles do not exclude or modify the regulations contained in the table marked A in the first schedule hereto, the last-mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the Company, in the same manner and to the same extent as if they had been inserted in articles of association and the articles had been duly registered.

Signature and effect of articles of association.

39. The articles of association shall be printed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least.

When registered, they shall bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto and as if such articles contained a contract on the part of himself, his heirs, executors and administrators to conform to all the regulations contained in such articles subject to the provisions of this Act.

All monies payable by any member to the Company in pursuance of the conditions and regulations of the Company, or any of such conditions or regulations, shall be deemed to be a debt due from such member to the Company.

General Provisions.

Registration of memorandum of association and articles of association with fees as in table B.

40. The memorandum of association, and the articles of association, if any, shall be delivered to the Registrar of joint stock Companies hereinafter mentioned, who shall retain and register the same. It is not his duty to require evidence as to whether the several subscribers to a memorandum of association so delivered are competent to contract.

There shall be paid to the Registrar by a Company having a capital divided into shares, in respect of the several matters mentioned in the table marked B in the first schedule hereto, the several fees therein specified, or such smaller fees as the Governor General in Council may from time to time direct, and by a Company not having a capital divided into shares, in respect of the several matters mentioned in the table marked C in the first schedule hereto, the several fees therein specified, or such smaller fees as the Governor General in Council may from time to time direct.

All fees paid to the said Registrar in pur-

suance of this Act shall be accounted for to Government.

Effect of registration.

41. Upon the registration of the memorandum of association, and of the articles of association in cases where articles of association are required by this Act or by the desire of the parties to be registered, the Registrar shall certify under his hand that the Company is incorporated, and in the case of a limited Company that the Company is limited: the subscribers of the memorandum of association, together with such other persons as may from time to time become members of the Company, shall thereupon be a body corporate by the name contained in the memorandum of association, capable forthwith of exercising all the functions of an incorporated Company, and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the Company, in the event of the same being wound up, as is hereinafter mentioned.

A certificate of the incorporation of any Company given by the Registrar shall be conclusive evidence that all the requisitions of this Act in respect of registration have been complied with.

Copies of memorandum and articles to be given to members.

42. A copy of the memorandum of association, having annexed thereto the articles of association, if any, shall be forwarded to every member, at his request, on payment of such sum, not exceeding one rupee, as may be prescribed by the Company for each copy; and if any Company makes default in forwarding a copy of the memorandum of association and articles of association, if any, to a member in pursuance of this section, the Company so making default shall for each such offence incur a penalty not exceeding twenty rupees.

Prohibition against identity of names in Companies.

43. No Company shall be registered under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a case where such subsisting Company is in the course of being dissolved and testifies its consent in such manner as the Registrar requires.

If any Company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the sanction of the Registrar, change its name; and, upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company, and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

PART II.

DISTRIBUTION OF CAPITAL AND LIABILITY OF MEMBERS OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Distribution of Capital.

Nature of interest in Company.

44. The shares or other interest of any member in a Company under this Act shall be moveable property, capable of being transferred in manner provided by the regulations of the Company, and shall not be of the nature of real estate or immoveable property; and each share shall, in the case of a Company having a capital divided into shares, be distinguished by its appropriate number.

Definition of "member."

45. The subscribers of the memorandum of association of any Company under this Act shall be deemed to have agreed to become members of the Company whose memorandum they have subscribed, and upon the registration of the Company shall be entered as members on the register of members hereinafter mentioned; and every other person who has agreed with a Company under this Act to become a member of such Company, and whose name is entered on the register of members, shall be deemed to be a member of the Company.

Transfer by personal representative.

46. Any transfer of the share or other interest of a deceased member of a Company under this Act, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Register of members.

47. Every Company under this Act shall cause to be kept in one or more books a register of its members, and there shall be entered therein the following particulars:—

(*a*) the names and addresses, and the occupations, if any, of the members of the Company, with the addition, in the case of a Company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number, and of the amount paid or agreed to be considered as paid on the shares of each member;

(*b*) the date at which the name of any person was entered in the register as a member;

(*c*) the date at which any person ceased to be a member.

Where a share-warrant has been issued under section thirty, until the warrant is surrendered, the particulars mentioned in section thirty-four

shall be deemed to be the particulars which are required by this section to be entered in the register of members of a Company; and, on the surrender of a warrant, the date of such surrender shall be entered as if it were the date at which a person ceased to be a member.

Any Company acting in contravention of this section shall incur a penalty not exceeding fifty rupees for every day during which its default in complying with the provisions of this section continues, and every director or manager of the Company who knowingly and wilfully authorizes or permits such contravention shall incur the like penalty.

Annual list of members.

48. Every Company under this Act and having a capital divided into shares shall make, once at least in every year, a list of all persons who, on the fourteenth day succeeding the day on which the ordinary general meeting, or, if there is more than one ordinary general meeting in each year, the first of such ordinary general meetings, is held, are members of the Company. Such list shall state the names, addresses and occupations of all the members therein mentioned, and the number of shares held by each of them, and shall contain a summary specifying the following particulars:—

(*a*) the amount of the capital of the Company and the number of shares into which it is divided;

(*b*) the number of shares taken from the commencement of the Company up to the date of the summary;

(*c*) the amount of calls made on each share;

(*d*) the total amount of calls received;

(*e*) the total amount of calls unpaid;

(*f*) the total amount of shares forfeited;

(*g*) the names, addresses and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the register, and shall be completed within seven days after such fourteenth day as is mentioned in this section; and a copy shall forthwith be forwarded to the Registrar of joint stock Companies.

Particulars to be contained in annual summary.

49. After the issue by the Company of a share-warrant, the annual summary required by section forty-eight shall contain the following particulars (namely):—the total amount of shares or stock for which share-warrants are outstanding at the date of the summary, and the total amount of share-warrants which have been issued and surrendered respectively since the last summary was made, and the number of shares or amount of stock comprised in each warrant.

Penalty on Company, &c., not keeping a proper register.

50. If any Company under this Act and having a capital divided into shares makes default in complying with the provisions of this Act with respect to forwarding such list of members or summary as is hereinbefore mentioned to the Registrar, such Company shall incur a penalty not exceeding fifty rupees for every day during which such default continues; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Company to give notice of consolidation or of conversion of capital into stock.

51. Every Company under this Act having a capital divided into shares that has consolidated and divided its capital into shares of larger amount than its existing shares, or converted any portion of its capital into stock, shall, within fifteen days of such consolidation, division or conversion, give notice to the Registrar of joint stock Companies of the same, specifying the shares so consolidated, divided or converted.

Effect of conversion of shares into stock.

52. Where any Company under this Act and having a capital divided into shares has converted any portion of its capital into stock and given notice of such conversion to the Registrar, all the provisions of this Act which are applicable to shares only shall cease as to so much of the capital as is converted into stock; and the register of members hereby required to be kept by the Company and the list of members to be forwarded to the Registrar shall show the amount of stock held by each member in the list, instead of the amount of shares and the particulars relating to shares hereinbefore required.

Entry of trusts on register.

53. No notice of any trust, express, implied or constructive, shall be entered on the register or be receivable by the Registrar in the case of Companies under this Act and registered in British India.

Certificate of shares or stock.

54. A certificate under the common seal of the Company, specifying any shares or stock held by any member of a Company, shall be *primâ facie* evidence of the title of the member to the share or shares or stock therein specified.

Inspection of register.

55. The register of members, commencing from the date of the registration of the Company, shall be kept at the registered office of the Company hereinafter mentioned. Except when closed as hereinafter mentioned, it shall, during business hours, but subject to such reasonable restrictions as the Company in general meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one rupee, or such less sum as the Company may prescribe, for each inspection.

Every such member or other person may require a copy of such register, or of any part thereof, or of such list or summary of members as is hereinbefore mentioned, on payment of two annas for every hundred words required to be copied.

If such inspection or copy is refused, the Com-

pany shall incur for each refusal a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues.

Every director and manager of the Company who knowingly authorizes or permits such refusal shall incur the like penalty.

In addition to the above penalty any Judge of a High Court may by order compel an immediate inspection of the register.

Power to close register.

56. Any Company under this Act may, upon giving notice by advertisement in some newspaper circulating in the district in which the registered office of the Company is situate and in the local official Gazette, close the register of members for any time or times not exceeding in the whole thirty days in each year.

Notice of increase of capital and of members to be given to Registrar.

57. Where a Company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and where a Company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number, shall be given to the Registrar, in the case of an increase of capital, within fifteen days from the date of the passing of the resolution by which such increase has been authorized, and in the case of an increase of members, within fifteen days from the time at which such increase of members has been resolved on or has taken place; and the Registrar shall forthwith record the amount of such increase of capital or members.

If such notice is not given within the period aforesaid, the Company in default shall incur a penalty not exceeding one hundred rupees for every day during which such neglect to give notice continues; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Remedy for improper entry or omission of entry in register.

58. If the name of any person is fraudulently or without sufficient cause entered in, or omitted from, the register of members kept by any Company under this Act, or if default is made, or unnecessary delay takes place, in entering on the register the fact of any person having ceased to be a member of the Company, the person or member aggrieved, or any member of the Company, or the Company itself, may, by application to the principal Court of original civil jurisdiction in the district or place in which the registered office of the Company is situate, apply for an order of the Court that the register may be rectified; and the Court may either refuse such application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the register, and may direct the Company to pay all the costs of such application, and any damages the party aggrieved may have sustained.

The Court may in any proceeding under this section decide any question relating to the title of any person who is a party to such proceeding to have his name entered in, or omitted from, the register, whether such question arises between two or more members or alleged members, or between any members or alleged members and the Company, and whether there has or has not been default on the part of the Company; and generally the Court may, in any such proceeding, decide any question that it may be necessary or expedient to decide for the rectification of the register: Provided that the Court may direct an issue to be tried in which any question of law may be raised; and an appeal in the manner directed by the Code of Civil Procedure shall lie.

Notice to Registrar of rectification of register.

59. Whenever any order has been made for rectifying the register in the case of a Company hereby required to send a list of its members to the Registrar, the Court shall, by its order, direct that due notice of such rectification be given to the Registrar.

Register to be evidence.

60. The register of members shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Liability of Members.

Liability of present and past members of Company.

61. In the event of a Company formed under this Act being wound up, every present and past member of such Company shall be liable to contribute to the assets of the Company to an amount sufficient for payment of the debts and liabilities of the Company and the costs, charges and expenses of the winding-up, and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves, with the qualifications following, (that is say):—

(*a*) No past member shall be liable to contribute to the assets of the Company if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding-up:

(*b*) No past member shall be liable to contribute in respect of any debt or liability of the Company contracted after the time at which he ceased to be a member:

(*c*) No past member shall be liable to contribute to the assets of the Company unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act:

(*d*) In the case of a Company limited by shares no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:

(*e*) In the case of a Company limited by guarantee, no contribution shall be required from any member exceeding the amount of the undertaking

entered into on his behalf by the memorandum of association:

(*f*) Nothing in this Act contained shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members upon any such policy or contract is restricted, or whereby the funds of the Company are alone made liable in respect of such policy or contract:

(*g*) No sum due to any member of a Company in his character of a member, by way of dividends, profits or otherwise, shall be deemed to be a debt of the Company payable to such member in a case of competition between himself and any other creditor not being a member of the Company; but any such sum may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

Explanation I.—The liability of past members is a liability to contribute to the general assets of the Company, against which assets creditors (at whatever time their debts may have been contracted) have equal rights.

Explanation II.—In estimating the debts to which a past member is liable, all dividends paid on these debts under the winding-up must be deducted.

Liability of director whose liability is unlimited.

62. With respect to the contributions to be required in the event of the winding-up of a limited Company from any director or manager whose liability is unlimited, the following modifications shall be made in the last preceding section:—

(*a*) Subject to the provisions hereinafter contained, any such director or manager, whether past or present, shall, in addition to his liability (if any) to contribute as an ordinary member, be liable to contribute as if he were at the date of the commencement of such winding-up a member of an unlimited Company:

(*b*) No contribution required from any past director or manager who has ceased to hold such office for a period of one year or upwards prior to the commencement of the winding-up shall exceed the amount (if any) which he is liable to contribute as an ordinary member of the Company:

(*c*) No contribution required from any past director or manager in respect of any debt or liability of the Company contracted after the time at which he ceased to hold such office shall exceed the amount (if any) which he is liable to contribute as an ordinary member of the Company:

(*d*) Subject to the provisions contained in the regulations of the Company, no contribution required from any director or manager shall exceed the amount (if any) which he is liable to contribute as an ordinary member, unless the Court thinks it necessary to require such contribution in order to satisfy the debts and liabilities of the Company, or the costs, charges and expenses of the winding-up.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

Registered office of Company.

63. Every Company under this Act shall have a registered office to which all communications and notices may be addressed. If any Company under this Act carries on business without having such an office, it shall incur a penalty not exceeding fifty rupees for every day during which business is so carried on.

Notice of situation of registered office.

64. Notice of the situation of such registered office and of any change therein shall be given to the Registrar and recorded by him. Until such notice is given, the Company shall not be deemed to have complied with the provisions of this Act with respect to having a registered office.

Publication of name by a limited Company.

65. Every limited Company under this Act, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible, in the English language, and also, if the registered office be situate in a district beyond the local limits of the ordinary original civil jurisdiction of a High Court, in one of the vernacular languages used in such district, and shall have its name engraven in legible characters in such language or languages on its seal, and shall have its name mentioned in legible characters in such language or languages in all notices, advertisements and other official publications of such Company, and in all bills of exchange, hundís, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices, receipts and letters of credit of the Company.

Penalties on non-publication of name.

66. If any limited Company under this Act does not paint or affix, and keep painted or affixed, its name in manner directed by this Act, it shall be liable to a penalty not exceeding fifty rupees for not so painting or affixing its name, and for every day during which such name is not so kept painted or affixed.

Every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall be liable to the like penalty.

If any director, manager or officer of such Company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorizes the issue of any notice, advertisement or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company any bill

of exchange, hundí, promissory note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, receipt or letter of credit of the Company wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of one thousand rupees, and shall further be personally liable to the holder of any such bill of exchange, hundí, promissory note, cheque or order for money or goods for the amount thereof, unless the same is duly paid by the Company.

Contracts.

Contracts how made.

67. Contracts on behalf of any Company under this Act may be made as follows (that is to say):—

(*a*) Any contract, which if made between private persons would be by law required to be in writing, and, if made according to English law, to be under seal, may be made on behalf of the Company in writing under the common seal of the Company; and such contract may be in the same manner varied or discharged:

(*b*) Any contract, which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the Company in writing signed by any person acting under the express or implied authority of the Company; and such contract may in the same manner be varied or discharged:

(*c*) Any contract, which if made between private persons would by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the Company by any person acting under the express or implied authority of the Company; and such contract may in the same way be varied or discharged. And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors or administrators, as the case may be.

Register of mortgages.

68. Every limited Company under this Act shall keep a register of all mortgages and charges specifically affecting property of the Company, and shall enter in such register, in respect of each mortgage or charge, a short description of the property mortgaged or charged, the amount of charge created, and the names of the mortgagees or persons entitled to such charge.

If any property of the Company is mortgaged or charged without such entry as aforesaid being made, every director, manager or other officer of the Company who knowingly and wilfully authorizes or permits the omission of such entry shall incur a penalty not exceeding five hundred rupees.

The register of mortgages required by this section shall be open to inspection by any creditor or member of the Company at all reasonable times. If such inspection is refused, any officer of the Company refusing the same, and every director and manager of the Company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues.

The High Court or any Judge thereof may by order compel the performance of the duty imposed by this section on a limited Company, and in addition to the above penalty may by order compel an immediate inspection of the register.

Explanation.—Omission to register under this section a mortgage or charge does not render the same invalid. But the officers of the Company cannot avail themselves as such of a mortgage or charge specifically affecting property of the Company and not so registered.

Certain Companies to publish statement entered in schedule.

69. Every limited banking Company, and every insurance Company, and deposit, provident or benefit Society under this Act, shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first schedule hereto, or as near thereto as circumstances will admit; and a copy of such statement shall be put up in a conspicuous place in the registered office of the Company and in every branch office or place where the business of the Company is carried on.

If default is made in compliance with the provisions of this section, the Company shall be liable to a penalty not exceeding fifty rupees for every day during which such default continues; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Every member and every creditor of any Company mentioned in this section shall be entitled to a copy of the above-mentioned statement on payment of a sum not exceeding eight annas.

List of directors to be sent to Registrar.

70. Every Company under this Act and not having a capital divided into shares shall keep at its registered office a register containing the names and addresses and the occupations of its directors or managers, and shall send to the Registrar of joint stock Companies a copy of such register, and shall from time to time notify to the Registrar any change that takes place in such directors or managers.

Penalty on Company not keeping register of directors.

71. If any Company under this Act and not having a capital divided into shares makes default in keeping a register of its directors or managers, or in sending a copy of such register to the Registrar in compliance with the foregoing rules, or in notifying to the Registrar any change that takes place in such directors or managers, such delinquent Company shall incur a penalty not exceeding one hundred rupees for every day during which such default continues; and every

director or manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Promissory notes, bills of exchange and hundís.

72. A promissory note, bill of exchange or hundí shall be deemed to have been made, drawn, accepted or endorsed on behalf of any Company under this Act, if made, drawn, accepted or endorsed in the name of the Company by any person acting under the authority of the Company, or if made, drawn, accepted or endorsed by or on behalf or on account of the Company by any person acting under the authority of the Company.

Prohibition against carrying on business with less than seven members.

73. If any Company under this Act carries on business when the number of its members is less than seven, for a period of six months after the number has been so reduced, every person who is a member of such Company during the time that it so carries on business after such period of six months, and is cognizant of the fact that it is so carrying on business with fewer than seven members, shall be severally liable for the payment of the whole debt of the Company contracted during such time, and may be sued for the same without the joinder in the suit of any other member.

Provisions for Protection of Members.

General meeting of Company.

74. A general meeting of every Company under this Act shall be held once at the least in every year.

Balance-sheet.

A balance-sheet shall be made out and filed with the Registrar of joint stock Companies within twelve months after the Company has been registered, and once at least in every year afterwards within twelve months from the filing of the balance-sheet immediately preceding; and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to Table A in the first schedule hereto, or as near thereto as circumstances admit.

Audit.

And once at the least in every year the accounts of the Company shall be examined and the correctness of the last balance-sheet and its conformity with the law ascertained and certified by one or more auditor or auditors.

No balance-sheet shall be filed with the Registrar unless and until its correctness and conformity with the law have been so ascertained and certified, and it has been laid before and adopted by the Company in general meeting.

If default is made in compliance with any of the provisions of this section, every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall be liable to a penalty of one thousand rupees.

Meetings.

Company to hold meeting within six months after registration.

75. Every Company formed under this Act after the commencement of this Act shall hold a general meeting within six months after its memorandum of association is registered; and, if such meeting is not held, the Company shall be liable to a penalty not exceeding fifty rupees a day for every day after the expiration of such four months, until the meeting is held; and every director or manager of the Company and every subscriber of the memorandum of Association who knowingly authorizes or permits such default shall be liable to the same penalty.

Power to alter regulations by special resolution.

76. Subject to the provisions of this Act and to the conditions contained in the memorandum of association, any Company formed under this Act or the Indian Companies Act, 1866, may, in general meeting, from time to time, by passing a special resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the articles of association, or in the table marked A in the first schedule, where such table is applicable to the Company, or make new regulations to the exclusion of or in addition to all or any of the regulations of the Company.

Any regulations so made by special resolution shall be deemed to be regulations of the Company of the same validity as if they had been originally contained in the articles of association, and shall be subject in like manner to be altered or modified by any subsequent special resolution.

Power to make liability of directors unlimited.

Any limited Company formed under this Act or the Indian Companies Act, 1866, may by a special resolution, if authorized to do so by its regulations as originally framed or as altered by special resolution, from time to time modify the conditions contained in its memorandum of association so far as to render unlimited, from and after the date of such resolution, the liability of its directors or managers, or of the managing director. Such special resolution shall be of the same validity as if it had been originally contained in the memorandum of association, and a copy thereof shall be embodied in or annexed to every copy of the memorandum of association which is issued after the passing of the resolution.

Definition of "special resolution."

77. A resolution passed by a Company under this Act shall be deemed to be special whenever a resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy (in cases where by the regulations of the Company proxies are allowed) at any general meeting of which notice specifying the intention to propose such resolution has been duly given, and such resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month, from the date of the meeting at which such resolution was first passed.

At any meeting mentioned in this section, unless a poll is demanded by at least five members, a declaration of the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same.

Notice of any meeting shall, for the purposes of this section, be deemed to be duly given, and the meeting to be duly held whenever such notice is given and meeting held in manner prescribed by the regulations of the Company.

In computing the majority under this section when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Provision where no regulations as to meetings.

78. In default of any regulations as to voting, every member shall have one vote, and, in default of any regulations as to summoning general meetings, a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the table marked A in the first schedule hereto.

In default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same, and, in default of any regulations as to who is to be chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Registration of special resolutions.

79. A copy of every special resolution that is passed by any Company under this Act shall be printed and forwarded to the Registrar of joint stock Companies and be recorded by him.

If such copy is not so forwarded within fifteen days from the date of the confirmation of the resolution, the Company shall incur a penalty not exceeding twenty rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Copies of special resolutions to be embodied in articles of association.

80. Where articles of association have been registered, a copy of every special resolution for the time being in force shall be annexed to or embodied in every copy of the articles of association that may be issued after the passing of such resolution. Where no articles of association have been registered, a copy of every special resolution shall be forwarded in print to any member requesting the same on payment of one rupee or such less sum as the Company may direct.

If any Company makes default in complying with the provisions of this section or section seventy-six, it shall incur a penalty not exceeding twenty rupees for each copy in respect of which such default is made; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Execution of deeds abroad.

81. Any Company under this Act may, by instrument in writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute deeds on its behalf in any place not situate in British India; and every deed signed by such attorney on behalf of the Company and under his seal shall be binding on the Company and have the same effect as if it were under the common seal of the Company.

Examination of affairs of Company by inspectors.

82. The Local Government may appoint one or more competent inspectors to examine into the affairs of any Company under this Act, and to report thereon in such manner as the Local Government may direct upon the applications following (that is to say):—

(*a*) In the case of a banking or any other Company that has a capital divided into shares, upon the application of members holding not less than one-fifth part of the whole shares of the Company for the time being issued:

(*b*) In the case of any Company not having a capital divided into shares, upon the application of members being in number not less than one-fifth of the whole number of persons for the time being entered on the register of the Company as members.

Application for inspection to be supported by evidence.

83. The application shall be supported by such evidence as the Local Government may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same.

The Local Government may also require the applicants to give security for payment of the costs of the inquiry before appointing any inspector or inspectors.

Inspection of books.

84. It shall be the duty of all officers and agents of the Company to produce for the examination of the inspectors all books and documents in their custody or power.

Any inspector may examine upon oath the officers and agents of the Company in relation to its business.

If any such officer or agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the Company, he shall incur a penalty not exceeding one hundred rupees in respect of each such offence.

Result of examination how dealt with.

85. Upon the conclusion of the examination, the inspectors shall report their opinions to the Local Government. Such report shall be written or printed as the Local Government directs.

A copy shall be forwarded by the Local Government to the registered office of the Company, and a further copy shall, at the request of the mem-

bers upon whose application the inspection was made, be delivered to them or to any one or more of them.

All expenses of and incidental to any such examination as aforesaid shall be defrayed by the members upon whose application the inspectors were appointed, unless the Local Government shall direct the same to be paid out of the assets of the Company, which the Local Government is hereby authorized to do.

Power of Company to appoint inspectors.

86. Any Company under this Act may, by a special resolution, appoint inspectors for the purpose of examining into the affairs of the Company.

The inspectors so appointed shall have the same powers and perform the same duties as inspectors appointed by the Local Government, with this exception, that, instead of making their report to the Local Government, they shall make the same in such manner and to such persons as the Company in general meeting directs.

The officers and agents of the Company shall incur the same penalties in case of any refusal to produce any book or document hereby required to be produced to such inspectors, or to answer any question, as they would have incurred if such inspectors had been appointed by the Local Government.

Report of inspectors to be evidence.

87. A copy of the report of any inspectors appointed under this Act, authenticated by the seal of the Company into whose affairs they have made inspection, shall be admissible in any legal proceeding as evidence of the opinion of the inspectors in relation to any matter contained in such report.

Prospectus, &c., to specify dates and names of parties to certain prior contracts.

88. Every prospectus of a Company, and every notice inviting persons to subscribe for shares in any joint stock Company, shall specify the dates and the names of the parties to any agreement enforceable by law which has been entered into by the Company, or the promoters, directors or trustees thereof, before the issue of such prospectus or notice (whether subject to adoption by the directors or the Company, or otherwise), and which might reasonably influence a person in determining whether he would or would not become a shareholder in the Company; and any prospectus or notice not specifying the same shall be deemed fraudulent on the part of the promoters, directors and officers of the Company knowingly issuing the same, as regards any person taking shares in the Company on the faith of such prospectus, unless he has had notice of such contract.

Notices.

Service of notices on Company.

89. Any summons, notice, order or other document required to be served upon the Company may be served by leaving the same, or sending it through the post by a registered letter addressed to the Company, at their registered office; and any notice to the Registrar of joint stock Companies may be served by sending it to him through the post by a registered letter, or by delivering it to him or by leaving it for him at his office.

Rules as to notices by letter.

90. Every document to be served by post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and, in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was put as a registered letter into the post office.

Authentication of notices by Company.

91. Any summons, notice, order or proceeding requiring authentication by the Company may be signed by any director, secretary or other authorized officer of the Company, and need not be under the common seal of the Company; and the same may be in writing or in print, or partly in writing and partly in print.

Legal Proceedings.

Evidence of proceedings at meetings.

92. Every Company under this Act shall cause minutes of all resolutions and proceedings of general meetings of the Company, and of the directors or managers of the Company in cases where there are directors or managers, to be duly entered in books to be from time to time provided for the purpose; and any such minute as aforesaid, if purporting to be signed by the chairman of the meeting at which such resolutions were passed or proceedings had, or by the chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings.

Until the contrary is proved, every general meeting of the Company or meeting of directors or managers in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had to have been duly passed and had, and all appointments of directors, managers or liquidators shall be deemed to be valid, and all acts done by such directors, managers or liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

Explanation.—Nothing in this section shall be deemed to give validity to acts done by a liquidator after his appointment has been shown to be invalid.

Provision as to costs in suits brought by certain limited Companies.

93. Where a limited Company is plaintiff in any suit, if it appears from the evidence adduced that there is reason to believe that, if the defendant be successful in his defence, the assets of the Company will be insufficient to pay his costs, any Judge having jurisdiction in the matter may require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Plaint in suits against members.

94. In any suit brought by the Company against any member to recover any call or other monies

due from such member in his character of member, it shall be sufficient to allege that the defendant is a member of the Company and is indebted to the Company in respect of a call made or other monies due whereby a suit has accrued to the Company.

Alteration of Forms.

Forms to be used.

95. The forms set forth in the second schedule hereto, or forms as near thereto as circumstances admit, shall be used in all matters to which such forms refer.

Governor General in Council may alter forms.

The Governor General in Council may from time to time make such alterations in the tables and forms contained in the first schedule hereto, so that he does not increase the amount of fees payable to the Registrar in the said schedule mentioned, and in the forms in the second schedule, or make such additions to the last-mentioned forms, as he deems requisite.

Any such table or form, when altered, shall be published in the *Gazette of India*, and, upon such publication being made, such table or form shall have the same force as if it were included in the schedule to this Act; but no alteration made by the Governor General in Council in the table marked A contained in the first schedule shall affect any Company registered prior to the date of such alteration, or repeal, as respects such Company, any portion of such table.

Arbitrations.

Power for Companies to refer matters to arbitration.

96. Any Company under this Act may from time to time, by writing under its common seal, agree to refer, and may refer, to arbitration any matter whatsoever in dispute between itself and any other Company or person; and the Companies, parties to the arbitration, may delegate to the person or persons, to whom the reference is made, power to settle any terms or to determine any matter capable of being lawfully settled or determined by the Companies themselves, or by the directors or other managing body of such Companies.

Power to alter or revoke agreements for reference.

97. The Companies jointly, but not otherwise, from time to time, by writing under their respective common seals, may add to, alter or revoke any agreement for reference in accordance with this Act theretofore entered into between the Companies, or any of the terms, conditions or stipulations thereof.

Agreements to be carried into effect.

98. Every reference or agreement in accordance with this Act, except so far as it is from time to time revoked or modified in accordance with this Act, shall bind the Companies, and may and shall be carried into full effect.

Reference to arbitrator.

99. Where the Companies agree, the reference shall be made to a single arbitrator.

Reference to two or more arbitrators.

100. Except where the Companies agree that the reference shall be made to a single arbitrator, the reference shall be made as follows, to wit:—

where there are two Companies, the reference shall be made to two arbitrators;

where there are three or more Companies, the reference shall be made to so many arbitrators as there are Companies.

Appointment of arbitrators by Companies.

101. Where there are to be two or more arbitrators, every Company shall by writing under their common seal appoint one of the arbitrators, and shall give notice in writing thereof to the other Company or Companies.

Appointment of arbitrators by Local Government.

102. Where there are to be two or more arbitrators, if any of the Companies fail to appoint an arbitrator within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government, instead of the Company so failing to appoint an arbitrator, may appoint an arbitrator. The arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of arbitrators by Companies to supply vacancies.

103. Where the reference is made to two or more arbitrators, if before the matters referred to them are determined any arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as arbitrator, the Company by which he was appointed shall by writing under their common seal appoint an arbitrator in his place.

Appointment of arbitrators by Local Government to supply vacancies.

104. Where the Company, by which an arbitrator ought to be appointed in the place of the arbitrator so deceased, incapable, unfit or failing to act, fails to make the appointment within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government may appoint an arbitrator.

The arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of arbitrator not revocable.

105. When any appointment of an arbitrator is made, the Company making the appointment shall have no power to revoke the same without the previous consent in writing of the other Company or every other Company in writing under their common seal.

Appointment of umpire by arbitrators.

106. Where two or more arbitrators are appointed, they shall, before entering on the business of the reference, appoint by writing under their hands

an impartial and qualified person to be their umpire.

Appointment of umpire by Local Government.

107. If the arbitrators do not appoint an umpire within seven days after the reference is made to the arbitrators, then, on the application of the Companies or any of them, the Local Government may appoint an umpire; and the umpire so appointed shall for the purposes of this Act be deemed to be appointed by the arbitrators.

Appointment of umpire by arbitrators to supply vacancy.

108. Where two or more arbitrators are appointed, if before the matters referred to them are determined their umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as umpire, the arbitrators shall by writing under their hands appoint an impartial and qualified person to be their umpire in his place.

Appointment of umpire by Local Government to supply vacancy.

109. If the arbitrators fail to appoint an umpire within seven days after notice in writing to them of the decease, incapacity, unfitness or failure to act of their umpire, then, on the application of the Companies or any of them, the Local Government may appoint an umpire.

The umpire so appointed shall for the purposes of this Act be deemed to be appointed by the arbitrators so failing.

Succeeding arbitrators and umpires to have powers of predecessors.

110. Every arbitrator appointed in the place of a preceding arbitrator, and every umpire appointed in the place of a preceding umpire, shall respectively have the like powers and authorities as his respective predecessor.

Reference to umpire.

111. Where there are two or more arbitrators, if they do not within such a time as the Companies agree on, or, failing such agreement, within thirty days next after the reference is made to the arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their umpire.

Power for arbitrators, &c., to call for books, &c., and examine witnesses on oath.

112. The arbitrator, and the arbitrators, and the umpire respectively may call for the production of any documents or evidence in the possession or power of the Companies respectively, or which they respectively can produce, and which the arbitrator, or the arbitrators or the umpire shall think necessary for determining the matters referred, and may examine the witnesses of the Companies respectively on oath.

Procedure in the arbitration.

113. Except where and as the Companies otherwise agree, the arbitrator, and the arbitrators and the umpire respectively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

Arbitration may proceed in absence of Companies.

114. The arbitrator, and the arbitrators and the umpire respectively may proceed in the absence of all or any of the Companies in every case in which, after giving notice in that behalf to the Companies respectively, the arbitrator, or the arbitrators or the umpire shall think fit so to proceed.

Several awards may be made.

115. The arbitrator, and the arbitrators and the umpire respectively may, if he and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred.

Every such award on part of the matters shall for such time as shall be stated in the award, the same being such as shall have been specified in the agreement for arbitration, or, in the event of no time having been so specified, for any time which the arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that notwithstanding the other matters or any of them be not then or thereafter awarded on.

Awards made in due time to bind all parties.

116. The award of the arbitrator, or of the arbitrators or of the umpire, if made in writing under his or their respective hand or hands and ready to be delivered to the Companies within such a time as the Companies agree on, or failing such agreement within thirty days next after the matters in difference are referred to (as the case may be) the arbitrator, or the arbitrators or the umpire, shall be binding and conclusive on all the Companies.

Power for umpire to extend period for making his award.

117. Provided always that (except where and as the Companies otherwise agree) the umpire, from time to time by writing under his hand, may extend the period within which his award is to be made. If it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

Awards not to be set aside for informality.

118. No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality.

Awards to be obeyed.

119. Except only so far as the Companies bound by any award in accordance with this Act from time to time otherwise agree, all things by every award in accordance with this Act lawfully required to be done, omitted or suffered shall be done, omitted or suffered accordingly.

Agreements, arbitrations and awards to have effect.

120. Full effect shall be given by the Courts according to their respective jurisdictions, and by the Companies respectively, and otherwise, to all agreements, references, arbitrations and awards in accordance with this Act; and

the performance or observance thereof may, where the Courts think fit, be compelled by any process against the Companies respectively or their respective property that the Courts or any Judge thereof shall direct, and where requisite frame, for the purpose.

Costs of arbitration and award.

121. Except where and as the Companies otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the arbitrator, and the arbitrators and the umpire respectively.

Payment of costs.

122. Except where and as the Companies otherwise agree, and if and so far as the award does not otherwise determine, the costs of and attending the arbitration and the award shall be borne and paid by the Companies in equal shares, and in other respects the Companies shall bear their own respective costs.

Submission to arbitration to be filed in Court.

123. On the application of any party interested, the submission to any such arbitration may be filed in the High Court, and an order of reference may be made thereon, with any directions the Court thinks fit; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

PART IV.

WINDING-UP OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Preliminary.

Meaning of "contributory."

124. The term "contributory" shall mean every person liable to contribute to the assets of a Company under this Act in the event of the same being wound up; it shall also, in all proceedings for determining the persons who are to be deemed contributories, and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory.

Nature of liability of contributory.

125. The liability of any person to contribute to the assets of a Company under this Act in the event of the same being wound up shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made as hereinafter mentioned for enforcing such liability; and it shall be lawful, in the case of the insolvency of any contributory, to prove against his estate the estimated value of his liability to future calls, as well as calls already made.

No claim founded on the liability of a contributory shall be cognizable by any Court of Small Causes situate outside the towns of Calcutta, Madras and Bombay.

Contributories in case of death.

126. If any contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs and devisees shall be liable in due course of administration to contribute to the assets of the Company in discharge of the liability of such deceased contributory; and such personal representatives, heirs and devisees shall be deemed to be contributories accordingly.

Contributories in case of insolvency.

127. If any contributory becomes insolvent, either before or after he has been placed on the list of contributories, his assignees shall be deemed to represent such insolvent for all the purposes of the winding-up, and shall be deemed to be contributories accordingly, and may be called upon to admit to prove against the estate of such insolvent, or otherwise to allow to be paid out of his assets in due course of law, any monies due from such insolvent in respect of his liability to contribute to the assets of the Company being wound up.

Winding-up by Court.

Circumstances under which Company may be wound up by Court.

128. A Company under this Act may be wound up by the Court as hereinafter defined under the following circumstances (that is to say):—

(*a*) whenever the Company has passed a special resolution requiring the Company to be wound up by the Court;

(*b*) whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year;

(*c*) whenever the members are reduced in number to less than seven;

(*d*) whenever the Company is unable to pay its debts;

(*e*) whenever for any other reason of a like nature the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when deemed unable to pay its debts.

129. A Company under this Act shall be deemed to be unable to pay its debts—

(*a*) whenever a creditor, by assignment or otherwise, to whom the Company is indebted in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at its registered office, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the reasonable satisfaction of the creditor;

(*b*) whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor in any proceeding instituted by such creditor against the Company is returned unsatisfied in whole or in part;

(*c*) whenever it is proved to the satisfaction of the Court that the Company is unable to pay its debts.

Definition of "the Court."

130. The expression "the Court" as used in this Part of this Act shall mean the principal Court having original civil jurisdiction in the place in

which the registered office of the Company is situate, unless in the regulations for the management of the Company it shall be stipulated that the Company, if wound up, shall be wound up by the High Court of Judicature at Fort William, Madras or Bombay (as the case may be), or by the Chief Court of the Panjáb, in which case the word "Court" shall mean the said High Court or Chief Court (as the case may be) in the exercise of its original civil jurisdiction.

Definition of "debts."

The expression "debts" as used in this Part of this Act means debts actually due, of which the creditor could claim immediate payment, except in the case of a Company issuing or liable under policies of assurance upon human life within British India, or granting annuities upon human life within British India. In the case of such a Company (hereinafter called a life-assurance Company), the expression "debts," as so used, includes also contingent or prospective liability under policies and annuity and other existing contracts.

Application for winding-up to be made by petition.

131. Any application to the Court for the winding-up of a Company under this Act shall be by petition, which may be presented by the Company, or by any one or more creditor or creditors, contributory or contributories, of the Company, or by all or any of the above parties, together or separately.

The petition must allege facts which, if proved, will justify an order for winding-up the Company. Every order which may be made on any such petition shall operate in favour of all the creditors and all the contributories of the Company in the same manner as if it had been made upon the joint petition of a creditor and a contributory.

In the case of a life-assurance Company the Court shall not give a hearing to the petition until security for costs for such amount as the Judge thinks reasonable is given, and until a *primâ facie* case is also established to the satisfaction of the Judge; and, where the Company has an uncalled capital of an amount sufficient, with the future premiums receivable by the Company, to make up the actual invested assets equal to the amount of the estimated liabilities, the Court shall suspend further proceedings on the petition for a reasonable time to enable the uncalled capital, or a sufficient part thereof, to be called up; and, if at the end of the original or any suspended time for which the proceedings have been suspended such an amount has not been realised by means of calls as with the already invested assets is equal to the liabilities, an order shall be made on the petition as if the Company had been proved to be unable to pay its debts.

Explanation.—Nothing in this section authorizes the presentation of a petition by a member of a Company who is indebted to the Company in respect of a call made, or other moneys due.

Contributory when not qualified to present winding-up petition.

132. No contributory of a Company under this Act shall be capable of presenting a petition for winding-up such Company unless the members of the Company are reduced in number to less than seven, or unless the shares in respect of which he is a contributory, or some of them, either were originally allotted to him, or have been held by him, and registered in his name, for a period of at least six months during the eighteen months previous to the commencement of the winding-up, or have devolved upon him through the death of a former holder:

Provided that, where a share has, during the whole or any part of the six months been held by or registered in the name of the wife of a contributory either before or after her marriage, or by or in the name of any trustee for such wife, or for the contributory, such share shall, for the purposes of this section, be deemed to have been held by and registered in the name of the contributory.

Commencement of winding-up by Court.

133. A winding-up of a Company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding-up.

Court may grant injunction.

134. The Court may, at any time after the presentation of a petition for winding-up a Company under this Act, and before making an order for winding-up the Company, upon the application of the Company or of any creditor or contributory of the Company, restrain further proceedings in any suit or proceeding against the Company, upon such terms as the Court thinks fit.

The Court may also at any time after the presentation of such petition, and before the first appointment of liquidators, appoint provisionally an official liquidator of the estate and effects of the Company.

Course to be pursued by Court on hearing petition.

135. Upon hearing the petition, the Court may dismiss the same with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order or any other order that it deems just.

Suits to be stayed after order for winding-up.

136. When an order has been made for winding-up a Company under this Act, no suit or other proceeding shall be proceeded with or commenced against the Company except with the leave of the Court and subject to such terms as the Court may impose.

Copy of order to be forwarded to Registrar.

137. When an order has been made for winding up a Company under this Act, a copy of such order shall forthwith be forwarded by the Company to the Registrar of joint stock Companies, who shall make a minute thereof in his books relating to the Company.

Such order shall be deemed to be notice of discharge to the servants of the Company, except when the business of the Company is continued.

Power of Court to stay proceedings.

138. Such Court may, at any time after an order has been made for winding-up a Company, upon the application of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such

winding-up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

Effect of order on share-capital of Company limited by guarantee.

139. When an order has been made for winding-up a Company limited by guarantee and having a capital divided into shares, any share-capital that may not have been called up shall be deemed to be assets of the Company and to be a debt due to the Company from each member to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Court.

Court may have regard to wishes of creditors or contributories.

140. The Court may, as to all matters relating to the winding-up, have regard to the wishes of creditors or contributories as proved to it by any sufficient evidence, and may, if it thinks fit, direct meetings of the creditors or contributories to be summoned, held and conducted in such manner as the Court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court.

In the case of creditors, regard is to be had to the value of the debts due to each creditor, and, in the case of contributories, to the number of votes conferred on each contributory by the regulations of the Company.

Official Liquidators.

Appointment of official liquidator.

141. For the purpose of conducting the proceedings in winding-up a Company and assisting the Court therein, there may be appointed a person or persons, to be called an official liquidator or official liquidators.

The Court may appoint such person or persons, either provisionally or otherwise, as it thinks fit, to the office of official liquidator or official liquidators.

In all cases, if more persons than one are appointed to the office of official liquidator, the Court shall declare whether any act hereby required or authorized to be done by the official liquidator is to be done by all or any one or more of such persons.

The Court may also determine whether any, and what, security is to be given by any official liquidator on his appointment.

If no official liquidator is appointed, or during any vacancy in such appointment, all the property of the Company shall be deemed to be in the custody of the Court.

A receiver shall not be appointed of assets in the hands of an official liquidator.

Resignations, removals, filling up vacancies and compensation.

142. Any official liquidator may resign or be removed by the Court on due cause shown. Any vacancy in the office of an official liquidator appointed by the Court shall be filled up by the Court. There shall be paid to the official liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and, if more liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs.

Style and duties of official liquidator.

143. The official liquidator shall be described by the style of the official liquidator of the particular Company in respect of which he is appointed, and not by his individual name. He shall take into his custody, or under his control, all the property, effects and actionable claims to which the Company is or appears to be entitled, and shall perform such duties in reference to the winding-up of the Company as may be imposed by the Court.

Power of official liquidator.

144. The official liquidator shall have power, with the sanction of the Court, to do the following things:—

(*a*) to bring or defend any suit or prosecution, or other legal proceeding, civil or criminal, in the name and on behalf of the Company;

(*b*) to carry on the business of the Company so far as may be necessary for the beneficial winding-up of the same;

(*c*) to sell the immoveable and moveable property of the Company by public auction or private contract, with power to transfer the whole thereof to any person or Company, or to sell the same in parcels;

(*d*) to do all acts, and to execute, in the name and on behalf of the Company, all deeds, receipts and other documents, and for that purpose to use, when necessary, the Company's seal;

(*e*) to prove, rank, claim and draw a dividend, in the matter of the insolvency of any contributory, for any balance against the estate of such contributory, and to take and receive dividends in respect of such balance, in the matter of the insolvency, as a separate debt due from such insolvent, and rateably with the other separate creditors;

(*f*) to draw, accept, make and endorse any bill of exchange, hundí or promissory note in the name and on behalf of the Company; also to raise, upon the security of the assets of the Company, from time to time, any requisite sum or sums of money; and the drawing, accepting, making or endorsing of every such bill, hundí or note as aforesaid on behalf of the Company shall have the same effect with respect to the liability of such Company as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such Company in the course of carrying on the business thereof;

(*g*) to take out, if necessary, in his official name, letters of administration to the estate of any deceased contributory, and to do, in his official name, any other act that may be necessary for obtaining payment of any monies due from a contributory or from his estate, and which act cannot be conveniently done in the name of the Company; and, in all cases where he takes out letters of

administration, or otherwise uses his official name for obtaining payment of any monies due from a contributory, such monies shall, for the purpose of enabling him to take out such letters or recover such monies, be deemed to be due to the official liquidator himself: Provided that nothing herein contained shall be deemed to affect the rights, duties and privileges of the Administrators General of Bengal, Madras and Bombay respectively;

(*h*) to do and execute all such other things as may be necessary for winding-up the affairs of the Company and distributing its assets.

Discretion of official liquidator.

145. The Court may provide by any order that the official liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an official liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him.

Appointment of attorney or vakíl to official liquidator.

146. The official liquidator may, with the sanction of the Court, appoint an attorney or vakíl to assist him in the performance of his duties: Provided that, where the official liquidator is an attorney, he shall not appoint his partner, unless the latter consents to act without remuneration.

Ordinary Powers of Court.

Collection and application of assets.

147. As soon as may be after making an order for winding-up the Company, the Court shall settle a list of contributories, with power to rectify the register of members in all cases where such rectification is required in pursuance of section fifty-eight, and shall cause the assets of the Company to be collected and applied in discharge of its liabilities existing at the date of the said order.

Provision as to representative contributories.

148. In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right, and persons who are contributories as being representatives of, or being liable to the debts of, others.

Power of Court to require delivery of property.

149. The Court may, at any time after making an order for winding-up a Company, require any contributory for the time being settled on the list of contributories, trustee, receiver, banker or agent or officer of the Company to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the official liquidator, any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being, and to which the Company is *primâ facie* entitled.

Power of Court to order payment of debts by contributory.

150. The Court may, at any time after making an order for winding-up the Company, make an order on any contributory for the time being settled on the list of contributories directing payment to be made, in manner in the said order mentioned, of any monies due from him or from the estate of the person whom he represents to the Company, exclusive of any monies which he, or the estate of the person whom he represents, may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this part of this Act.

The Court may, in making such order, when the Company is not limited, allow to such contributory, by way of set-off, any monies due to him or the estate which he represents from the Company on any independent dealing or contract with the Company, but not any monies due to him as a member of the Company in respect of any dividend or profits:

Provided that, when all the creditors of any Company, whether limited or unlimited, are paid in full, any monies due on any account whatever to any contributory from the Company may be allowed to him by way of set-off against any subsequent call or calls.

In the event of the winding-up of any limited Company, the Court, if it thinks fit, may make to any director or manager of such Company whose liability is unlimited the same allowance by way of set-off as under this section it may make to a contributory where the Company is not limited.

Power of Court to make calls.

151. The Court may, at any time after making an order for winding-up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company, make calls on, and order payment thereof by, all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves.

The Court may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

Power of Court to order payment into Bank.

152. The Court may order any contributory, purchaser or other person from whom money is due to the Company to pay the same into the Bank of Bengal, the Bank of Madras or the Bank of Bombay, as the case may be, or any branch thereof respectively, to the account of the official liquidator instead of to the official liquidator; and such order may be enforced in the same manner as if it had directed payment to the official liquidator.

Regulation of account with Court.

153. All monies, bills, hundís, notes and other securities paid and delivered into the Bank of Bengal, the Bank of Madras or the Bank of Bombay, or any branch thereof respectively, in the event of a Company being wound up by the Court, shall be

subject to such order and regulation for the keeping of the account of such monies and other effects, and for the payment and delivery in, or investment and payment and delivery out, of the same as the Court may direct.

Provision in case of representative contributory not paying monies ordered.

154. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the property of such deceased contributory, whether moveable or immoveable, or both, and of compelling payment thereout of the monies due.

Order conclusive evidence.

155. Any order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the monies, if any, thereby appearing to be due or ordered to be paid are due; and all other pertinent matters stated in such order are to be taken to be truly stated as against all persons and in all proceedings whatsoever.

Court may exclude creditors not proving within certain time.

156. The Court may fix a certain day or certain days on or within which creditors of the Company are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

Court to adjust rights of contributories.

157. The Court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

Court to order costs.

158. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the Company of the costs, charges and expenses incurred in winding-up any Company in such order of priority as the Court thinks just.

Dissolution of Company.

159. When the affairs of the Company have been completely wound up, the Court shall make an order that the Company be dissolved from the date of such order, and the Company shall be dissolved accordingly.

Registrar to make minute of dissolution of Company.

160. Any order so made shall be reported by the official liquidator to the Registrar, who shall make a minute accordingly in his books of the dissolution of such Company.

Penalty for not reporting dissolution of Company.

161. If the official liquidator makes default in reporting to the Registrar, in the case of a Company being wound up by the Court, the order that the Company be dissolved, he shall be liable to a penalty not exceeding one hundred rupees for every day during which he is so in default.

Extraordinary Powers of Court.

Power of Court to summon persons before it suspected of having property of Company.

162. The Court may, after it has made an order for winding-up the Company, summon before it any officer of the Company, or person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company.

If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the Court at the time appointed, having no lawful impediment (made known to the Court at the time of its sitting and allowed by it), the Court may cause such person to be apprehended and brought before the Court for examination.

The Court may require any such officer or person to produce any documents in his custody or power relating to the Company. Nevertheless, in cases where any person claims any lien on documents produced by him, such production shall be without prejudice to such lien, and the Court shall have jurisdiction in the winding-up to determine all questions relating to such lien.

Examination of parties by Court.

163. The Court may examine upon oath, either by word of mouth or upon written interrogatories, any person appearing or brought before it in manner aforesaid concerning the affairs, dealings, estate or effects of the Company, and may reduce into writing the answers of every such person, and require him to subscribe the same.

Power to arrest contributory about to abscond or to remove or conceal any of his property.

164. The Court may, at any time before or after it has made an order for winding-up a Company, upon proof being given that there is probable cause for believing that any contributory to such Company is about to quit British India or otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the Company, cause such contributory to be arrested, and his books, papers, monies, securities for monies, goods and chattels to be seized, and him and them to be safely kept until such time as the Court may order.

Powers of Court cumulative.

165. Any powers by this Act conferred on the Court shall be deemed to be in addition to, and not in restriction of, any other powers subsisting of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the Company, for the recovery of any call or other sums due from such contributory or debtor, or his estate; and such proceedings may be instituted accordingly.

Enforcement of, and Appeal from, Orders.

Power to enforce orders.

166. All orders made by a Court under this Act may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.

Order made in any Court to be enforced by other Courts.

167. Any order made by a Court for or in the course of the winding-up of a Company under this Act shall be enforced in any part of British India, other than that in which such Court is situate, in the Court that would have had jurisdiction in respect of such Company if the registered office of the Company had been situate in such other part, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

Mode of dealing with orders to be enforced by other Courts.

168. Where any order or decree made by one Court is required to be enforced by another Court as hereinbefore provided, a certified copy of the order or decree so made shall be produced to the proper officer of the Court required to enforce the same, and the production of such certified copy shall be sufficient evidence of such order or decree having been made; and thereupon such last-mentioned Court shall take such steps in the matter as may be requisite for enforcing such order or decree, in the same manner as if it were the order or decree of the Court enforcing the same.

Appeals from orders.

169. Re-hearings of, and appeals from, any order or decision made or given in the matter of the winding-up of a Company by the Court may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the same Court in cases within its ordinary jurisdiction; subject to this restriction, that no such re-hearing or appeal shall be heard unless notice of the same is given within three weeks after any order complained of has been made, in manner in which notices of appeal are ordinarily given under the Code of Civil Procedure, unless such time is extended by the Court of appeal.

Judicial notice to be taken of signature of officers.

170. In all proceedings under this Part of this Act, every Court, Judge and person judicially acting, and all other officers, judicial or ministerial, of any Court, or employed in enforcing the process of any Court, shall take judicial notice of the signature of any officer of any other Court, and also of the official seal of any other Court, when such seal is appended to any document made, issued or signed under the provisions of this Part of this Act, or any official copy thereof.

Special Commissioners for receiving evidence.

171. The Judges of the District Courts, who sit at places more than twenty English miles from the usual place of sitting of the High Court, shall be Commissioners for the purpose of taking evidence under this Act in cases where any Company is wound up in a High Court; and it shall be lawful for the High Court to refer the whole or any part of the examination of any witnesses under this Act to any person hereby appointed Commissioner, although such Commissioner is out of the jurisdiction of the Court that made the order or decree for winding-up the Company.

Every such Commissioner shall, in addition to any power of summoning and examining witnesses and requiring the production or delivery of documents and certifying or punishing defaults by witnesses, which he might lawfully exercise as a Judge of a District Court, have, in the matter so referred to him, all the same powers of summoning and examining witnesses, and requiring the production or delivery of documents, and punishing defaults by witnesses, and allowing costs and charges and expenses to witnesses, as the Court which made the order for winding-up the Company has; and the examination so taken shall be returned or reported to such last-mentioned Court in such manner as it directs.

Affidavits, &c., may be sworn in British India, Great Britain or Ireland, or abroad, before any competent Court or person.

172. If any affidavit, affirmation or declaration, required to be sworn or made under the provisions or for the purposes of this Part of this Act, be lawfully sworn or made in British India, or in Great Britain or Ireland, or in any colony, island, plantation or place under the dominion of Her Majesty in foreign parts, before any Court, Judge or person lawfully authorized to take and receive affidavits, affirmations or declarations, or before any of Her Majesty's Consuls or Vice-Consuls in any foreign parts out of Her Majesty's dominions, all Courts, Judges, Justices, Commissioners and persons acting judicially in British India shall take judicial notice of the seal or stamp or signature (as the case may be) of any such Court, Judge, person, Consul or Vice-Consul, attached, appended or subscribed to any such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Part of this Act.

Voluntary Winding-up of Company.

Circumstances under which Company may be wound up voluntarily.

173. A Company under this Act may be wound up voluntarily—

(*a*) whenever the period, if any, fixed for the duration of the Company by the articles of association expires, or whenever the event, if any, occurs upon the occurrence of which it is provided by the articles of association that the Company is to be dissolved, and the Company in general meeting has passed a resolution requiring the Company to be wound up voluntarily;

(*b*) whenever the Company has passed a special resolution requiring the Company to be wound up voluntarily;

(*c*) whenever the Company has passed an extraordinary resolution to the effect that it has been proved to its satisfaction that the Company cannot by reason of its liabilities continue its

business, and that it is advisable to wind up the same:

For the purposes of this Act any resolution shall be deemed to be extraordinary which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a special resolution as hereinbefore defined.

Commencement of voluntary winding up.

174. A voluntary winding-up shall be deemed to commence at the time of the passing of the resolution authorizing such winding-up. When the winding-up is in pursuance of a special resolution, it shall be deemed to commence at the time of the passing, under section seventy-seven, of the confirmatory resolution.

Effect of voluntary winding-up on status of Company.

175. Whenever a Company is wound up voluntarily, the Company shall, from the date of the commencement of such winding-up, cease to carry on its business except in so far as may be required for the beneficial winding-up thereof; and all transfers of shares, except transfers made to or with the sanction of the liquidators, or alteration in the status of the members of the Company, taking place after the commencement of such winding-up, shall be void; but its corporate state and all its corporate powers shall, notwithstanding that its regulations otherwise provide, continue until the affairs of the Company are wound up.

Notice of resolution to wind up voluntarily.

176. Notice of any special resolution or extraordinary resolution passed for winding-up a Company voluntarily shall be given by advertisement in the local official Gazette, and also in some newspaper (if any) circulating in the place where the registered office of the Company is situate.

Consequence of voluntary winding-up.

177. The following consequences shall ensue upon the voluntary winding-up of a Company:—

(*a*) the assets of the Company shall be applied in satisfaction of its liabilities *pari passu* as they exist at the commencement of the winding-up, and subject thereto shall, unless the regulations of the Company otherwise provide, be distributed amongst the members according to their rights and interests in the Company:

(*b*) liquidators shall be appointed for the purpose of winding-up the affairs of the Company and distributing the assets:

(*c*) the Company in general meeting shall appoint such persons as it thinks fit to be liquidators, and may fix the remuneration to be paid to them

(*d*) if one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him:

(*e*) upon the appointment of liquidators, all the powers of the directors shall cease, except in so far as the Company in general meeting, or the liquidators, may sanction the continuance of such powers:

(*f*) when several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or, in default of such determination, by any number not less than two:

(*g*) the liquidators may, without the sanction of the Court, exercise all powers by this Act given to the official liquidators:

(*h*) the liquidators may exercise the powers hereinbefore given to the Court of settling the list of contributories of the Company, and any list so settled shall be *primâ facie* evidence of the liability of the persons named therein to be contributories:

(*i*) the liquidators may, at any time after the passing of the resolution for winding-up the Company, and before they have ascertained the sufficiency of the assets of the Company, call on all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, to pay all or any sums they deem necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves; and the liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same:

(*j*) the liquidators shall pay the debts of the Company, and adjust the rights of the contributories amongst themselves.

Effect of winding-up on share-capital of Company limited by guarantee.

178. Where a Company limited by guarantee and having a capital divided into shares is being wound up voluntarily, any share-capital that may not have been called up shall be deemed to be assets of the Company, and to be a debt due from each member to the Company to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the liquidators.

Power of Company to delegate authority to appoint liquidators.

179. A Company about to be wound up voluntarily, or in the course of being wound up voluntarily, may, by an extraordinary resolution, delegate to its creditors, or to any committee of its creditors, the power of appointing liquidators or any of them, and supplying any vacancies in the appointment of liquidators, or may, by a like resolution, enter into any arrangement with respect to the powers to be exercised by the liquidators and the manner in which they are to be exercised.

Any act done by the creditors in pursuance of such delegated power shall have the same effect as if it had been done by the Company.

Arrangement when binding on creditors.

180. Any arrangement which a Company about to be wound up voluntarily, or in the course of being wound up voluntarily, shall have entered into with its creditors shall be binding on the Company if sanctioned by an extraordi-

nary resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors, subject to such right of appeal as is hereinafter mentioned.

Power of creditor or contributory to appeal.

181. Any creditor or contributory of a Company that has in manner aforesaid entered into any arrangement with its creditors may, within three weeks from the date of the completion of such arrangement, appeal to the Court against such arrangement, and the Court may thereupon, as it thinks just, amend, vary or confirm the same.

Power for liquidators or contributories in voluntary winding-up to apply to Court.

182. Where a Company is being wound up voluntarily, the liquidators or any contributory of the Company may apply to the Court to determine any question arising in the matter of such winding-up, or to exercise, as respects the enforcing of calls or in respect of any other matter, all or any of the powers which the Court might exercise if the Company were being wound up by the Court. Any such application may be made by motion. The Court, if satisfied that the determination of such question or the required exercise of power will be just and beneficial, may accede, wholly or partially, to such application, on such terms and subject to such conditions as the Court thinks fit, or it may make such other order or decree on such application as the Court thinks just.

Power of liquidators to call general meeting.

183. Where a Company is being wound up voluntarily, the liquidators may, from time to time, during the continuance of such winding-up, summon general meetings of the Company for the purpose of obtaining the sanction of the Company by special resolution or extraordinary resolution, or for any other purposes they think fit.

In the event of the winding-up continuing for more than one year, the liquidators shall summon a general meeting of the Company at the end of the first year and of each succeeding year from the commencement of the winding-up, or as soon thereafter as may be convenient, and shall lay before such meeting an account showing their acts and dealings, and the manner in which the winding-up has been conducted, during the preceding year.

Power to fill up vacancy in office of liquidators.

184. If any vacancy occurs in the office of liquidators appointed by the Company, by death, resignation or otherwise, the Company in general meeting may, subject to any arrangement they may have entered into with their creditors, fill up such vacancy; and a general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators, if any, or by any contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the regulations of the Company, or in such other manner as may, on application by the continuing liquidator, if any, or by any contributory of the Company, be determined by the Court.

Power of Court to appoint liquidators.

185. If, from any cause whatever, there is no liquidator acting in the case of a voluntary winding-up, the Court may, on the application of a contributory, appoint a liquidator or liquidators. The Court may also, on due cause shown, remove any liquidator and appoint another liquidator to act in the matter of a voluntary winding-up.

Liquidators on conclusion of winding-up to make up an account.

186. As soon as the affairs of the Company are fully wound up, the liquidators shall make up an account showing the manner in which such winding-up has been conducted and the property of the Company disposed of: and thereupon they shall call a general meeting of the Company for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators.

The meeting shall be called by advertisement, specifying the time, place and object of such meeting, and such advertisement shall be published one month at least previously to the meeting in the manner specified in section one hundred and seventy-six.

Liquidators to report meeting to Registrar.

187. The liquidators shall make a return to the Registrar of such meeting having been held, and of the date at which the same was held; and, on the expiration of three months from the date of the registration of such return, the Company shall be deemed to be dissolved.

If the liquidators make default in making such return to the Registrar, they shall incur a penalty not exceeding fifty rupees for every day during which such default continues.

Costs of voluntary liquidation.

188. All costs, charges and expenses properly incurred in the voluntary winding-up of a Company, including the remuneration of the liquidators, shall be payable out of the assets of the Company in priority to all other claims.

Saving of rights of creditors

189. The voluntary winding-up of a Company shall not be a bar to the right of any creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the rights of such creditor will be prejudiced by a voluntary winding-up.

Power of Court to adopt proceedings of voluntary winding-up.

190. Where a Company is in course of being wound-up voluntarily, and proceedings are taken for the purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an order directing the Company to be wound-up by the Court, provide in such order or in any other order for the adoption of all or any of the proceedings taken in the course of the voluntary winding-up.

Winding-up subject to the Supervision of the Court.

Power of Court, on application, to direct winding-up subject to supervision.

191. When a resolution has been passed by a Company to wind up voluntarily, the Court may make an order directing that the voluntary winding-up shall continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories or others to apply to the Court, and generally upon such terms and subject to such conditions, as the Court thinks just.

Petition for winding-up subject to supervision.

192. A petition praying wholly or in part that a voluntary winding-up shall continue, but subject to the supervision of the Court, and which winding-up is hereinafter referred to as a winding-up subject to the supervision of the Court, shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding-up the Company by the Court.

Court may have regard to wishes of creditors.

193. The Court may, in determining whether a Company is to be wound up altogether by the Court, or subject to the supervision of the Court, in the appointment of a liquidator or of liquidators, and in all other matters relating to the winding-up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may direct meetings of the creditors or contributories to be summoned, held and regulated in such manner as the Court directs for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court.

In the case of creditors, regard shall be had to the value of the debts due to each creditor, and, in the case of contributories, to the number of votes conferred on each contributory by the regulations of the Company.

Power to Court to appoint additional liquidator in winding-up subject to supervision.

194. Where any order is made by the Court for a winding-up subject to the supervision of the Court, the Court may, in such order or in any subsequent order, appoint any additional liquidator.

Any liquidator so appointed by the Court shall have the same powers, be subject to the same obligations and in all respects stand in the same position, as if he had been appointed by the Company.

The Court may, from time to time, remove any liquidator so appointed by the Court, and fill up any vacancy occasioned by such removal, or by death or resignation.

Effect of order of Court for winding-up subject to supervision.

195. Where an order is made for a winding-up subject to the supervision of the Court, the liquidator appointed to conduct such winding-up may, subject to any restrictions imposed by the Court, exercise all his powers, without the sanction or intervention of the Court, in the same manner as if the Company were being wound up altogether voluntarily.

Save as aforesaid, any order made by the Court for a winding-up subject to the supervision of the Court shall for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding-up the Company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding-up the Company altogether by the Court.

In the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour of the official liquidators, the expression "official liquidator" shall be deemed to mean the liquidator conducting the winding-up subject to the supervision of the Court.

Appointment in certain cases of voluntary liquidators to office of official liquidators.

196. Where an order has been made for the winding-up of a Company subject to the supervision of the Court, and such order is afterwards superseded by an order directing the Company to be wound up compulsorily, the Court may, in such last-mentioned order or in any subsequent order, appoint the voluntary liquidators or any of them, either provisionally or permanently, and either with or without the addition of any other person, to be official liquidators.

Supplemental Provisions.

Dispositions after the commencement of the winding up avoided.

197. Where any Company is being wound up by the Court or subject to the supervision of the Court, all dispositions of the property of the Company, and every transfer of shares or alteration in the status of the members of the Company, made between the commencement of the winding-up and the order for winding-up, shall, unless the Court otherwise orders, be void.

The books of the Company to be evidence.

198. Where any Company is being wound up, all books, accounts and documents of the Company and of the liquidators shall, as between the contributories of the Company, be *primâ facie* evidence of the truth of all matters purporting to be therein recorded.

As to disposal of books, accounts and documents of the Company.

199. Where any Company has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the Company and of the liquidator may be disposed of in the following way; that is to say, where the Company has been wound up by or subject to the supervision of the Court, in such way as the Court directs, and, where the Company has been wound up voluntarily, in such way as the Company by an extraordinary resolution directs.

But, after the lapse of five years from the date of such dissolution, no responsibility shall rest on the Company or the liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

Inspection of books.

200. Where an order has been made for winding-up a Company by the Court or subject to the supervision of the Court, the Court may make such order for the inspection by the creditors and contributories of the Company of its books and papers as the Court thinks just, and any books and papers in the possession of the Company may be inspected by creditors or contributories in conformity with the order of the Court, but not further or otherwise.

General scheme of liquidation may be sanctioned.

201. The liquidator may, with the sanction of the Court where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the Company where the Company is being wound up altogether voluntarily, pay any classes of creditors in full, or make such compromise or other arrangement as the liquidator may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, whereby the Company may be rendered liable.

Power to compromise.

202. The liquidator may, with the sanction of the Court where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the Company where the Company is being wound up altogether voluntarily, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, subsisting or supposed to subsist between the Company and any contributory or alleged contributory, or other debtor or person apprehending liability to the Company, and all questions in any way relating to or affecting the assets of the Company or the winding-up of the Company, generally upon such terms as may be agreed upon, with power for the liquidator to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts or liabilities.

Where compromise proposed, Court may order meeting of creditors, &c., to decide as to such compromise.

203. Where any compromise or arrangement shall be proposed between a Company which is, at the commencement of this Act or afterwards, in the course of being wound up either voluntarily or by or under the supervision of the Court, and the creditors of such Company, or any class of such creditors, it shall be lawful for the Court, in addition to any other of its powers, on the application in a summary way of any creditor or the liquidator, to order that a meeting of such creditors or class of creditors shall be summoned in such manner as the Court shall direct; and, if a majority in number, representing three-fourths in value, of such creditors or class of creditors present either in person or by proxy at such meeting shall agree to any arrangement or compromise, such arrangement or compromise shall, if sanctioned by an order of the Court, be binding on all such creditors or class of creditors, as the case may be, and also on the liquidator and contributories of the said Company.

Power for liquidators to accept shares, &c., as a consideration for sale of property of Company.

204. Where any Company is proposed to be, or is in the course of being, wound up altogether voluntarily, and the whole or a portion of its business or property is proposed to be transferred or sold to another Company, the liquidators of the first-mentioned Company may, with the sanction of a special resolution of the Company by whom they were appointed, conferring either a general authority on the liquidators or an authority in respect of any particular arrangement, receive, in compensation or part compensation for such transfer or sale, shares, debentures, policies or other like interests in such other Company, for the purpose of distribution amongst the members of the Company being wound up, or may enter into any other arrangement whereby the members of the Company being wound up may, in lieu of receiving cash, shares, debentures, policies or other like interests, or in addition thereto, participate in the profits of, or receive any other benefit from, the purchasing Company.

Any sale made, or arrangement entered into, by the liquidator in pursuance of this section shall be binding on the members of the Company being wound up; subject to this proviso that, if any member of the Company being wound up, who has not voted in favour of the special resolution passed by the Company of which he is a member at either of the meetings held for passing the same, expresses his dissent from any such special resolution in writing addressed to the liquidators or one of them, and left at the registered office of the Company not later than seven days after the date of the meeting at which such special resolution was passed, such dissentient member may, by writing addressed and left as last aforesaid, require the liquidator to do one of the following things as the liquidator may prefer (that is to say):—either to abstain from carrying such resolution into effect, or to purchase the interest held by such dissentient member at a price to be determined in manner hereinafter mentioned; such purchase-money to be paid before the Company is dissolved, and to be raised by the liquidator in such manner as may be determined by special resolution.

No special resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to, or concurrently with, any resolution for winding-up the Company or for appointing liquidators; but, if an order be made within a year for winding-up the Company by or subject to the supervision of the Court, such resolution shall not be of any validity unless it is sanctioned by the Court.

Mode of determining price.

205. The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration under the provisions next hereinafter contained.

Appointment of arbitrator when questions are to be determined by arbitration.

206. When any dispute so directed to be settled by arbitration has arisen, then, unless both parties concur in the appointment of a single arbitrator, each party, on the request of the other party, shall by writing under his hand nominate and appoint an arbitrator to whom such dispute shall be referred.

After any such appointment has been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation.

If for the space of fourteen days after any such dispute has arisen, and after a request in writing has been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters in dispute; and in such case the award or determination of such single arbitrator shall be final.

Vacancy of arbitrator to be supplied.

207. If, before the matters so referred are determined, any arbitrator appointed by either party die, or become incapable or refuse, or for seven days neglect, to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if, for the space of seven days after notice in writing from the other party for that purpose, he fail to do so, the remaining or other arbitrator may proceed *ex parte*; and every arbitrator so substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal or disability as aforesaid.

Appointment of umpire.

208. Where more arbitrators than one have been appointed, they shall, before entering upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ.

If such umpire die, or refuse, or for seven days neglect, to act, they shall forthwith, after such death, refusal or neglect, appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final.

Power of arbitrators to call for books, &c.

209. The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath.

Costs to be in the discretion of the arbitrators.

210. The costs of and attending every such arbitration to be determined by the arbitrators shall be in the discretion of the arbitrators or their umpire, as the case may be.

Submission to arbitration may be filed in Court.

211. On the application of either of the parties, the submission to any such arbitration may be filed in the Court, and an order of reference may be made thereon; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

Certain attachments, distresses and executions to be void.

212. Where any Company is being wound up by the Court or subject to the supervision of the Court, any attachment, distress or execution put in force, without the leave of the Court, against the estate or effects of the Company after the commencement of the winding-up shall be void.

Nothing in this section applies to proceedings by the Government.

Fraudulent preference.

213. Every conveyance, mortgage, delivery of goods, payment, execution or other act relating to property, which would, if made or done by or against any individual trader, be deemed, in the event of his insolvency, to have been made or done by way of undue or fraudulent preference of the creditors of such trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such Company, and shall be invalid accordingly.

For the purposes of this section, the making of an application for winding-up a Company shall, in the case of a Company being wound up by the Court or subject to the supervision of the Court, and a resolution for winding-up the Company shall, in the case of a voluntary winding-up, be deemed to correspond with the act of insolvency in the case of an individual trader; and any conveyance or assignment made by any Company formed under this Act, of all its estate and effects to trustees, for the benefit of all its creditors, shall be void.

Power of Court to assess damages against delinquent directors and officers.

214. Where, in the course of the winding-up of any Company under this Act, it appears that any past or present director, manager, official or other liquidator, or any officer of such Company, has misapplied or retained in his own hands, or become liable or accountable for, any monies of the Company, or been guilty of any misfeasance or breach of trust in relation to the Company, the Court may, on the application of any liquidator or of any creditor or contributory of the Company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such director, manager or other officer, and compel him to repay any monies so misapplied or retained, or for which such officer has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the Company by way of compensation in respect of such misap-

plication, retainer, misfeasance or breach of trust, as the Court thinks just.

Explanation I.—The banker of a Company is not, as such, an officer within the meaning of this section.

Explanation II.—Proceedings cannot be taken under this section against the representatives of a deceased officer.

Penalty on falsification of books.

215. If any director, officer or contributory of any Company wound up under this Act destroys, mutilates, alters, falsifies or fraudulently secretes any books, papers, writings or securities, or makes, or is privy to the making of, any false or fraudulent entry in any register, book of account or other document belonging to the Company, with intent to defraud or deceive any person, every person so offending shall be punished with imprisonment for a term which may extend to two years, and shall also be liable to fine which may extend to five hundred rupees.

Prosecution of delinquent directors in the case of winding-up by Court.

216. Where any order is made for winding-up a Company by the Court or subject to the supervision of the Court, if it appear in the course of such winding-up that any past or present director, manager, officer or member of such Company has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may, on the application of any person interested in such winding-up, or of its own motion, direct the official liquidators or the liquidators (as the case may be) to institute a prosecution for such offence, and may order the costs and expenses of such prosecution to be paid out of the assets of the Company.

Penalty for false evidence.

217. If any person, upon any examination upon oath authorized under this Act, or in any affidavit, deposition or solemn affirmation, in or about the winding-up of any Company under this Act, or otherwise in or about any matter arising under this Act, intentionally gives false evidence, he shall be liable to imprisoment for a term which may extend to seven years and shall also be liable to fine.

Winding-up may be referred to District Court.

218. Where the High Court makes an order for winding-up a Company under this Act, it may, if it thinks fit, direct all subsequent proceedings to be had in a District Court; and thereupon such District Court shall, for the purpose of winding-up the Company, be deemed to be "the Court" within the meaning of this Act, and shall have, for the purposes of such winding-up, all the jurisdiction and powers of the High Court.

As to transfer of winding-up from one District Court to another.

219. If during the progress of a winding-up in a District Court it is made to appear to the High Court that the same could be more conveniently prosecuted in any other District Court, the High Court may transfer the same to such other Court, and thereupon the winding-up shall proceed in such other District Court.

PART V.

REGISTRATION-OFFICE.

Constitution of registration-office.

220. The registration of Companies under this Act shall be conducted as follows (that is to say):—

(*a*) The Local Government may, after the sanction of the Governor General in Council to the creation of any such offices shall have been obtained, from time to time appoint such Registrars, Assistant Registrars, clerks and servants as it may think necessary for the registration of Companies under this Act, and remove them at pleasure:

(*b*) The Local Government may make such regulations as it thinks fit with respect to the duties to be performed by any such Registrars, Assistant Registrars, clerks and servants as aforesaid:

(*c*) The Local Government may from time to time determine the places at which offices for the registration of Companies are to be established, so that there be at all times maintained in each of the towns of Calcutta, Madras and Bombay at least one such office, and that no Company shall be registered except at an office within that part of British India in which, by the memorandum of association, the registered office of the Company is declared to be established:

(*d*) The Local Government may from time to time direct a seal or seals to be prepared for the authentication of any documents required for or connected with the registration of Companies:

(*e*) Every person may inspect the documents kept by the Registrar of joint stock Companies. There shall be paid for such inspection such fees as may be directed by the Local Government, not exceeding one rupee for each inspection. Any person may require a certificate of the incorporation of any Company, or a copy or extract of any other document or any part of any other document, to be certified by the Registrar. There shall be paid for such certificate of incorporation, certified copy or extract, such fees as the Local Government may direct, not exceeding three rupees for the certificate of incorporation, and not exceeding two annas for each hundred words of such copy or extract:

(*f*) The existing Registrar, Assistant Registrars, clerks and other officers and servants in the office for the registration of joint stock Companies shall, during the pleasure of the Local Government, hold the offices and receive the salaries hitherto held and received by them, but they shall in the execution of their duties conform to any regulations that may be issued by the Local Government:

(*g*) There shall be paid to any Registrar, Assistant Registrar, clerk or servant that may hereafter be employed in the registration of joint stock Companies such salary as the Local Government

may, with the sanction of the Governor General in Council, direct:

(*h*) Whenever any act is herein directed to be done to or by the Registrar of joint stock Companies, such act shall, until the Local Government otherwise directs, be done to or by the existing Registrar of joint stock Companies, or in his absence to or by such person as the Local Government may for the time being authorize. But, in the event of the Local Government altering the constitution of the existing registry-office, such act shall be done to or by such officer or officers, and at such place or places with reference to the local situation of the registered offices of the Companies to be registered, as the Local Government may appoint.

PART VI.

APPLICATION OF ACT TO COMPANIES REGISTERED UNDER THE JOINT STOCK COMPANIES ACTS.

Application of Act to Companies formed under Act XIX of 1857 or VII of 1860.

221. Subject as hereinafter mentioned, this Act, with the exception of Table A in the first schedule, shall apply to Companies formed and registered under Act No. XIX of 1857 and Act No. VII of 1860, or either of them, in the same manner, in the case of a limited Company, as if such Company had been formed and registered under this Act as a Company limited by shares, and, in the case of a Company other than a limited Company, as if such Company had been formed and registered as an unlimited Company under this Act; with this qualification, that, wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them, and the power of altering regulations by special resolution given by this Act shall, in the case of any Company formed and registered under the said Acts or either of them, extend to altering any provisions contained in the table marked B annexed to Act No. XIX of 1857, and shall also, in the case of an unlimited Company formed and registered as last aforesaid, extend to altering any regulations relating to the amount of capital or its distribution into shares, notwithstanding that such regulations are contained in the memorandum of association.

Application of Act to Companies registered under Act XIX of 1857 or VII of 1860.

222. This Act shall apply to Companies registered but not formed under the said Acts or either of them, in the same manner as it is hereinafter declared to apply to Companies registered but not formed under this Act; with this qualification, that, wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them.

Mode of transferring shares.

223. Any Company registered under the said Acts or either of them may cause its shares to be transferred in manner hitherto in use, or in such other manner as the Company may direct.

PART VII.

COMPANIES AUTHORIZED TO REGISTER UNDER THIS ACT.

Companies capable of being registered.

224. With the exceptions made in the next following section and subject to the regulations therein contained, every Company existing at the time of the commencement of this Act, including any Company registered under either of the said Acts, consisting of seven or more members, and any Company hereafter formed in pursuance of any Act of Parliament or Act of the Governor General in Council other than this Act, or of Letters Patent, or being otherwise duly constituted by law, and consisting of seven or more members, may at any time hereafter register itself under this Act as an unlimited Company, or a Company limited by shares, or a Company limited by guarantee, and no such registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

Regulations as to registration of existing Companies.

225. The following regulations shall be observed with respect to the registration of Companies under this Part of this Act (that is to say):—

(*a*) No Company having the liability of its members limited by Act of Parliament or Act of the Governor General in Council other than this Act, or by Letters Patent, and not being a joint stock Company as hereinafter defined, shall register under this Act in pursuance of this Part thereof:

(*b*) No Company having the liability of its members limited by Act of Parliament or Act of the Governor General in Council other than this Act, or by Letters Patent, shall register under this Act in pursuance of this Part thereof as an unlimited Company, or as a Company limited by guarantee:

(*c*) No life-assurance Company existing at the time of the commencement of this Act, and no Company that is not a joint stock Company as hereinafter defined, shall in pursuance of this Part of this Act register under this Act as a Company limited by shares:

(*d*) No Company shall register under this Act in pursuance of this Part thereof unless an assent to its so registering is given by a majority of such of its members as may be present personally, or by proxy in cases where proxies are allowed by the regulations of the Company, at some general meeting summoned for the purpose:

(*e*) Where a Company, not having the liability of its members limited by Act of Parliament, or Act of the Governor General in Council, or by

Letters Patent, is about to register as a limited Company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present, personally or by proxy, at such last-mentioned general meeting:

(*f*) Where a Company is about to register as a Company limited by guarantee, the assent to its being so registered shall be accompanied by a resolution declaring that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceased to be a member, and of the costs, charges and expenses of winding-up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

In computing any majority under this section, when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the regulations of the Company of which he is a member.

Definition of "joint stock Company."

226. For the purposes of this Part of this Act, so far as the same relates to the description of Companies empowered to register as Companies limited by shares, a joint stock Company shall be deemed to be a Company having a permanent paid up or nominal capital of fixed amount, divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of shares in such capital, or the holders of such stock, and no other persons; and such Company, when registered with limited liability under this Act, shall be deemed to be a Company limited by shares.

Requisitions for registration by Companies.

227. Previously to the registration, in pursuance of this Part of this Act, of any joint stock Company, there shall be delivered to the Registrar the following documents (that is to say):—

(*a*) A list showing the names, addresses and occupations of all persons who, on a day named in such list and not being more than six clear days before the day of registration, were members of such Company, with the addition of the shares held by such persons respectively, distinguishing, in cases where such shares are numbered, each share by its number:

(*b*) A copy of any Act of Parliament or Act of the Governor General in Council, Royal Charter, Letters Patent, deed of settlement, contract of copartnery or other instrument constituting or regulating the Company:

(*c*) If any such joint stock Company is intended to be registered as a limited Company, the above list and copy shall be accompanied by a statement specifying the following particulars (that is to say):—

the nominal capital of the Company and the number of shares into which it is divided;

the number of shares taken and the amount paid on each share;

the name of the Company, with the addition of the word "limited" as the last word thereof;

with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the resolution declaring the amount of the guarantee.

Requisitions for registration by existing Company not being a joint stock Company.

228. Previously to the registration in pursuance of this Part of this Act of any Company not being a joint stock Company, there shall be delivered to the Registrar a list showing the names, addresses and occupations of the directors or other managers (if any) of the Company, also a copy of any Act of Parliament, Act of the Governor General in Council, Letters Patent, deed of settlement, contract of copartnery or other instrument constituting or regulating the Company, with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the resolution declaring the amount of the guarantee.

Power for existing Company to register amount of stock instead of shares.

229. Where a joint stock Company authorized to register under this Act has had the whole or any portion of its capital converted into stock, such Company shall, as to the capital so converted, instead of delivering to the Registrar a statement of shares, deliver to the Registrar a statement of the amount of stock belonging to the Company, and the names of the persons who were holders of such stock, on some day to be named in the statement, not more than six clear days before the day of registration.

Authentication of statements of existing Companies.

230. The lists of members and directors and any other particulars relating to the Company hereby required to be delivered to the Registrar shall be verified by declaration of the directors of the Company delivering the same, or any two of them, or of any two other principal officers of the Company, made before a Justice of the Peace or a District Judge.

Registrar may require evidence as to nature of Company.

231. The Registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether an existing Company is or not a joint stock Company as hereinbefore defined.

On registration of banking Company with limited liability, notice to be given to customers.

232. Every banking Company existing at the date of the passing of this Act which registers itself as a limited Company shall, at least thirty days previous to obtaining a certificate of registration with limited liability, give notice that it is intended so to register the same to every person and

partnership firm having a banking account with the Company.

Such notice shall be given either by delivering the same to such person or firm, or leaving the same, or putting the same into the post addressed to him or them, at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company.

In case the Company omits to give any such notice as is hereinbefore required to be given, then, as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

Exemption of certain Companies from payment of fees.

233. No fees shall be charged in respect of the registration in pursuance of this Part of this Act of any Company in cases where such Company is not registered as a limited Company, or where, previously to its being registered as a limited Company, the liability of the shareholders was limited by some Act of Parliament, or Act of the Governor General in Council, or by Letters Patent.

Company to change name.

234. Any Company authorized by this Part of this Act to register with limited liability shall, for the purpose of obtaining registration with limited liability, change its name by adding thereto the word "limited."

Certificate of registration of existing Companies.

235. Upon compliance with the requisitions in this Part of this Act contained with respect to registration, and on payment of such fees, if any, as are payable under the tables marked B and C in the first schedule hereto, the Registrar shall certify under his hand that the Company so applying for registration is incorporated as a Company under this Act, and, in the case of a limited Company, that it is limited; and thereupon such Company shall be incorporated, and shall have perpetual succession and a common seal.

Certificate to be evidence of compliance with Act.

236. A certificate of incorporation given at any time to any Company registered in pursuance of this Part of this Act shall be conclusive evidence that all the requisitions herein contained in respect of registration under this Act have been complied with, and that the Company is authorized to be registered under this Act as a limited or unlimited Company, as the case may be; and the date of incorporation mentioned in such certificate shall be deemed to be the date at which the Company is incorporated under this Act.

Transfer of property to Company.

237. All such property, moveable and immoveable, including all interests and rights in, to and out of property, moveable and immoveable, and including obligations and actionable claims, as may belong to or be vested in the Company at the date of its registration under this Act, shall, on registration, pass to and vest in the Company as incorporated under this Act for all the estate and interest of the Company therein.

Registration under this Act not to affect obligations incurred previously to registration.

238. The registration in pursuance of this Part of this Act of any Company shall not affect or prejudice the liability of such Company to have enforced against it, or its right to enforce, any debt or obligation incurred, or any contract entered into, by, to, with or on behalf of, such Company previously to such registration.

Continuation of existing suits.

239. All such suits and other legal proceedings as may at the time of the registration of any Company registered in pursuance of this Part of this Act have been commenced by or against such Company, or the public officer or any member thereof, may be continued in the same manner as if such registration had not taken place. Nevertheless, execution shall not issue against the effects of any individual member of such Company upon any decree or order obtained in any suit or proceeding so commenced as aforesaid; but, in the event of the property and effects of the Company being insufficient to satisfy such decree or order, an order may be obtained for winding-up the Company.

Effect of registration under Act.

240. When a Company is registered under this Act in pursuance of this Part thereof, all provisions contained in any Act of Parliament, Act of the Governor General in Council, deed of settlement, contract of copartnery, Letters Patent or other instrument constituting or regulating the Company, including, in the case of a Company registered as a Company limited by guarantee, the resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the Company, in the same manner and with the same incidents as if they were contained in a registered memorandum of association and articles of association; and all the provisions of this Act shall apply to such Company and the members, contributories and creditors thereof, in the same manner in all respects as if it had been formed under this Act, subject to the provisions following (that is to say):—

(a) That table A in the first schedule to this Act shall not, unless adopted by special resolution, apply to any Company registered under this Act in pursuance of this Part thereof:

(b) That the provisions of this Act relating to the numbering of shares shall not apply to any joint stock Company whose shares are not numbered:

(c) That no Company shall have power to alter any provisions contained in any Act of Parliament, Act of the Legislative Council or Act of the Governor General in Council relating to the Company:

(*d*) That no Company shall have power, without the sanction of the Governor General in Council, to alter any provision contained in any Letters Patent relating to the Company :

(*e*) In the event of the Company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the Company contracted prior to registration, who is liable to pay or contribute to the payment of any debt or liability of the Company contracted prior to registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves in respect of any such debt or liability, or to pay or contribute to the payment of the costs, charges and expenses of winding-up the Company, so far as relates to such debts or liabilities as aforesaid. Every such contributory shall be liable to contribute to the assets of the Company, in the course of the winding-up, all sums due from him in respect of any such liability as aforesaid. In the event of the death or insolvency of any such contributory as last aforesaid, the provisions hereinbefore contained with respect to the representatives, heirs and devisees of deceased contributories, and with reference to the assignees of insolvent contributories, shall apply :

(*f*) Nothing herein contained shall authorize any Company to alter any such provisions contained in any deed of settlement, contract of copartnery, Letters Patent or other instrument constituting or regulating the Company, as would, if such Company had originally been formed under this Act, have been contained in the memorandum of association, and are not authorized to be altered by this Act :

But nothing herein contained shall derogate from any power of altering its constitution or regulations which may be vested in any Company registering under this Act in pursuance of this Part thereof by virtue of any Act of Parliament, Act of the Governor General in Council, deed of settlement, contract of copartnery, Letters Patent or other instrument constituting or regulating the Company.

Power of Court to restrain further proceedings.

241. The Court may, at any time after the presentation of a petition for winding-up a Company registered in pursuance of this Part of this Act, and before making an order for winding-up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or legal proceeding against any contributory of the Company as well as against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Order for winding-up Company.

242. Where an order has been made for winding-up a Company registered in pursuance of this Part of this Act, in addition to the provisions hereinbefore contained, it is hereby further provided that no suit or other legal proceeding shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

PART VIII.

APPLICATION OF ACT TO UNREGISTERED COMPANIES.

Winding-up unregistered Companies.

243. Subject as hereinafter mentioned, any Partnership, Association or Company, except Railway Companies incorporated by Act of Parliament or Act of the Governor General in Council, consisting of more than seven members and not registered under this Act, and hereinafter included under the term "unregistered Company," may be wound up under this Act, and all the provisions of this Act with respect to winding-up shall apply to such Company, with the following exceptions and additions :—

(1) An unregistered Company shall, for the purpose of determining the Court having jurisdiction in the matter of the winding-up, be deemed to be registered in that part of British India where its principal place of business is situate, or, if it has a principal place of business situate in more than one part of British India, then in each part of British India where it has a principal place of business. Moreover, the principal place of business of an unregistered Company, or (where it has a principal place of business situate in more than one part of British India) such one of its principal places of business as is situate in that part of British India in which proceedings are being instituted, shall, for all the purposes of the winding-up of such Company, be deemed to be the registered office of the Company :

(2) No unregistered Company shall be wound up under this Act voluntarily, or subject to the supervision of the Court :

(3) The circumstances under which an unregistered Company may be wound up are as follows (that is to say) :—

(*a*) whenever the Company is dissolved or has ceased to carry on business, or is carrying on business only for the purpose of winding-up its affairs ;

(*b*) whenever the Company is unable to pay its debts ;

(*c*) whenever the Court is of opinion that it is just and equitable that the Company should be wound up :

(4) An unregistered Company shall, for the purposes of this Act, be deemed to be unable to pay its debts—

(*a*) whenever a creditor to whom the Company is indebted, by assignment or otherwise, in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at the principal place of business of the Company or by delivering to the secretary or some director or

principal officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor;

(*b*) whenever any suit or other proceeding has been instituted against any member of the Company for any debt or demand due or claimed to be due from the Company, or from him in his character of member of the Company, and notice in writing of the institution of such suit or other legal proceeding having been served upon the Company by leaving the same at the principal place of business of the Company, or by delivering it to the secretary or some director, manager or principal officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, the Company has not, within ten days after service of such notice, paid, secured or compounded for such debt or demand, or procured such suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against such suit or other legal proceeding, and against all costs, damages and expenses to be incurred by him by reason of the same;

(*c*) whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor in any proceeding instituted by such creditor against the Company, or any member thereof as such, or against any person authorized to be sued as nominal defendant on behalf of the Company, is returned unsatisfied;

(*d*) whenever it is otherwise proved to the satisfaction of the Court that the Company is unable to pay its debts.

Who to be deemed a contributory in the event of Company being wound up.

244. In the event of an unregistered Company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the Company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves, or to pay or contribute to the payment of the costs, charges and expenses of winding-up the Company.

Every such contributory shall be liable to contribute to the assets of the Company in the course of the winding-up all sums due from him in respect of any such liability as aforesaid.

In the event of the death or insolvency of any contributory, the provisions hereinbefore contained with respect to the personal representatives, heirs and devisees of a deceased contributory, and to the assignees of an insolvent contributory, shall apply.

Power of Court to restrain further proceedings.

245. The Court may, at any time after the making of an application for winding-up an unregistered Company, and before making an order for winding-up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or proceeding against any contributory of the Company, or against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Effect of order for winding-up Company.

246. Where an order has been made for winding-up an unregistered Company, in addition to the provisions hereinbefore contained in the case of Companies formed under this Act, it is hereby further provided that no suit shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

Provision in case of unregistered Company.

247. If any unregistered Company has no power to sue and be sued in a common name, or if, for any reason, it appears expedient, the Court may, by the order made for winding-up such Company or by any subsequent order, direct that all such property, moveable and immoveable, including all interests, claims and rights into and out of property, moveable and immoveable, and including actionable claims, as may belong to or be vested in the Company, or to or in any person or persons on trust for or on behalf of the Company, or any part of such property, is to vest in the official liquidator or official liquidators by his or their official name or names; and thereupon the same or such part thereof as may be specified in the order shall vest accordingly, and the official liquidator or official liquidators may, in his or their official name or names, or in such name or names, and after giving such indemnity, as the Court directs, bring or defend any suits or other legal proceedings relating to any property vested in him or them, or any suits or other legal proceedings necessary to be brought or defended for the purposes of effectually winding-up the Company and recovering the property thereof.

Provisions of this Part of Act cumulative.

248. The provisions made by this Part of this Act with respect to unregistered Companies shall be deemed to be made in addition to, and not in restriction of, any provisions hereinbefore contained with respect to winding-up Companies by the Court.

The Court or official liquidator may, in addition to anything contained in this Part of this Act, exercise any powers or do any act in the case of unregistered Companies which might be exercised or done by it or him in winding-up Companies formed under this Act; but an unregistered Company shall not, except in the event of its being wound-up, be deemed to be a Company under this Act, and then only to the extent provided by this Part of this Act.

PART IX.

MISCELLANEOUS PROVISIONS.

Company not to buy its own shares.

249. No Company under this Act shall have power to buy its own shares.

Saving of existing proceedings for winding-up.

250. Where, previously to the commencement of this Act, an order has been made for winding-up a Company under the Indian Companies Act, 1866, or a resolution has been passed for winding-up a Company voluntarily, such Company shall be wound-up in the same manner and with the same incidents as if this Act were not passed; and, for the purposes of such winding-up, the Indian Companies Act, 1866, shall be deemed to remain in full force.

Saving of conveyances.

251. Where, previously to the commencement of this Act, any conveyance, mortgage-deed or other instrument has been made in pursuance of the Indian Companies Act, 1866, such instrument shall be of the same force as if this Act had not passed; and, for the purposes of such instrument, the Indian Companies Act, 1866, shall be deemed to remain in full force.

Cognizance of offences.

252. All offences under this Act may be tried by any Magistrate of the first class, unless the period of imprisonment to which the offender is liable exceeds that which such officer is competent to award under the law for the time being in force in the place in which he is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such officer, the offender shall be committed for trial before the Court of Session.

Punishment of offences committed within Presidency-towns.

If any offence which by this Act is declared to be punishable by any penalty is committed by any person within the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay, such offence shall be punishable upon summary conviction by any Presidency Magistrate of the place at which such Court is held.

Power to make orders as to costs.

253. Subject to the provisions hereinbefore contained, the Court may, in any proceedings under this Act, make such order as to costs as it thinks fit.

Power of High Court to make rules.

254. The High Court may from time to time make rules, consistent with this Act and with the Code of Civil Procedure, concerning the mode of proceeding to be had for winding-up a Company in such Court and in the Courts subordinate thereto, and for giving effect to the provisions hereinbefore contained as to the reduction of the capital and the subdivision of the shares of a Company.

Construction of "Registrar of Joint Stock Companies" in Act No. XXI of 1860.

255. In sections 1 and 18 of Act No. XXI of 1860 (*for the registration of Literary, Scientific and Charitable Societies*), the words "Registrar of Joint Stock Companies" shall be construed to mean Registrar of joint stock Companies under this Act or any Act for the time being in force.

Act not to apply to Bank of Bengal, Madras or Bombay.

256. Save as provided in sections one hundred and fifty-two and one hundred and fifty-three, nothing in this Act shall be deemed to apply to the Bank of Bengal, the Bank of Madras and the Bank of Bombay.

FIRST SCHEDULE.

TABLE A.

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Shares.

(1.) If several persons are registered as joint holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

(2.) Every member shall, on payment of eight annas or such less sum as the Company in general meeting may prescribe, be entitled to a certificate under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon.

(3.) If such certificate is worn out or lost, it may be renewed, on payment of eight annas or such less sum as the Company in general meeting may prescribe.

Calls on Shares.

(4.) The directors may from time to time make such calls upon the members in respect of all monies unpaid on their shares as they think fit, provided that twenty-one days' notice at least is given of each call; and each member shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the directors.

(5.) A call shall be deemed to have been made at the time when the resolution of the directors authorizing such call was passed.

(6.) If the call payable in respect of any share is not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same at the rate of five per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

(7.) The directors may, if they think fit, receive, from any member willing to advance the same, all or any part of the monies due upon the shares held by him beyond the sums actually called for; and, upon the monies so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the directors agree upon.

Transfers of Shares.

(8.) The instrument of transfer of any share in the Company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of such share until the name of the transferee is entered in the register-book in respect thereof.

(9.) Shares in the Company shall be transferred in the following form :—

I, *A B*, of , in consideration of the sum of rupees paid to me by *C D*

of , do hereby transfer to the said *C D* the share (*or* shares) numbered standing in my name in the books of the Company, to hold unto the said *C D*, his executors, administrators and assigns, subject to the several conditions on which I held the same at the time of the execution hereof; and I, the said *C D*, do hereby agree to take the said share (*or* shares) subject to the same conditions. As witness our hands, the day of

(10.) The Company may decline to register any transfer of shares made by a member who is indebted to them.

(11.) The transfer books shall be closed during the fourteen days immediately preceding the ordinary general meeting in each year.

Transmission of Shares.

(12.) The executors or administrators of a deceased member shall be the only persons recognized by the Company as having any title to his share.

(13.) Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member upon such evidence being produced as may from time to time be required by the Company.

(14.) Any person who has become entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such share.

(15.) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

(16.) The instrument of transfer shall be presented to the Company, together with such evidence as the directors may require to prove the title of the transferee, and thereupon the Company shall register the transferee as a member.

Forfeiture of Shares.

(17.) If any member fails to pay any call on the day appointed for payment thereof, the directors may, at any time thereafter, during such time as the call remains unpaid, serve a notice on him requiring him to pay such call together with interest and any expenses that may have accrued by reason of such non-payment.

(18.) The notice shall name a further day on or before which such call and all interest and expenses that have accrued by reason of such non-payment are to be paid. It shall also name the place where payment is to be made, the place so named being either the registered office of the Company or some other place at which calls of the Company are usually made payable. The notice shall also state that, in the event of non-payment at or before the time and at the place appointed, the shares in respect of which such call was made will be liable to be forfeited.

(19.) If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter, before payment of all calls, interest and expenses due in respect thereof has been made, be forfeited by a resolution of the directors to that effect.

(20.) Any share so forfeited shall be deemed to be the property of the Company, and may be disposed of in such manner as the Company in general meeting thinks fit.

(21.) Any member whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls owing upon such shares at the time of the forfeiture.

(22.) A solemn declaration in writing, made before a Magistrate, that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made and that the forfeiture of the share was made by a resolution of the directors to that effect, shall be sufficient evidence of the facts therein stated as against all persons entitled to such share, and such declaration and the receipt of the Company for the price of such share shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to the purchaser, and thereupon he shall be deemed the holder of such share discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase-money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Conversion of Shares into Stock.

(23.) The directors may, with the sanction of the Company previously given in general meeting, convert any paid up shares into stock.

(24.) When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein, or any part of such interest, in the same manner and subject to the same regulations as and subject to which any shares in the capital of the Company may be transferred, or as near thereto as circumstances admit.

(25.) The several holders of stock shall be entitled to participate in the dividends and profits of the Company according to the amount of their respective interests in such stock; and such interests shall, in proportion to the amount thereof, confer on the holders thereof, respectively, the same privileges and advantages for the purpose of voting at meetings of the Company and for other purposes as would have been conferred by shares of equal amount in the capital of the Company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any such aliquot part of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages.

Increase in Capital.

(26.) The directors may, with the sanction of a special resolution of the Company previously given in general meeting, increase its capital by the issue of new shares; such aggregate increase to be of such amount, and to be divided into shares of such respective amounts, as the Company in general meeting directs, or, if no direction is given, as the directors think expedient.

(27.) Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the members in proportion to the existing shares held by them, and such offer shall be made by notice specifying the number of shares to which the member is entitled and limiting a time within which the offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given that he declines to accept the shares offered, the directors may dispose of the same in such manner as they think most beneficial to the Company.

(28.) Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions, with reference to the payment of calls, and the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

General Meetings.

(29.) The first general meeting shall be held at such time, not being more than six months after the registration of the Company, and at such place, as the directors may determine.

(30.) Subsequent general meetings shall be held, once at the least in every year, at such time and place as may be prescribed by the Company in general meeting; and, if no other time or place is prescribed, a general meeting shall be held on the first Monday in February in every year, at such place as may be determined by the directors.

(31.) The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

(32.) The directors may, whenever they think fit, and they shall, upon a requisition made in writing by not less than one-fifth in number of the members of the Company, convene an extraordinary general meeting.

(33.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered office of the Company.

(34.) Upon the receipt of such requisition the directors shall forthwith proceed to convene an extraordinary general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists, or any other members amounting to the required number, may themselves convene an extraordinary general meeting.

Proceedings at General Meeting.

(35.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in general meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(36.) All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of sanctioning a dividend, and the consideration of the accounts, balance-sheets and the ordinary report of the directors.

(37.) No business shall be transacted at any general meeting, except the declaration of a dividend, unless a quorum of members is present at the time when the meeting proceeds to business. Such quorum shall be ascertained as follows, that is to say:—if the persons who have taken shares in the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed twenty.

(38.) If, within one hour from the time appointed for the meeting, a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved. In any other case, it shall stand adjourned to the same day in the next week, at the same time and place; and if, at such adjourned meeting, a quorum is not present, it shall be adjourned *sine die*.

(39.) The chairman (if any) of the board of directors shall preside as chairman at every general meeting of the Company.

(40.) If there is no such chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the members present shall choose some one of their number to be chairman.

(41.) The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(42.) At any general meeting, unless a poll is demanded by at least five members, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

(43.) If a poll is demanded by five or more

members, it shall be taken in such manner as the chairman directs, and the result of such poll shall be deemed to be the resolution of the Company in general meeting. In the case of an equality of votes at any general meeting, the chairman shall be entitled to a second or casting vote.

Votes of Members.

(44.) Every member shall have one vote for every share up to ten. He shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares beyond the first hundred shares.

(45.) If any member is a lunatic or idiot, he may vote by his committee or other legal curator; and if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(46.) If one or more persons are jointly entitled to a share or shares, the member whose name stands first in the register of members as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

(47.) No member shall be entitled to vote at any general meeting unless all calls due from him have been paid, and no member shall be entitled to vote in respect of any share that he has acquired by transfer, at any meeting held after the expiration of three months from the registration of the Company, unless he has been possessed of the share in respect of which he claims to vote for at least three months previously to the time of holding the meeting at which he proposes to vote.

(48.) Votes may be given either personally or by proxy.

(49.) The instrument appointing a proxy shall be in writing, under the hand of the appointor, or, if such appointor is a corporation, under their common seal, and shall be attested by one or more witness or witnesses. No person shall be appointed a proxy who is not a member of the Company.

(50.) The instrument appointing a proxy shall be deposited at the registered office of the Company not less than seventy-two hours before the time for holding the meeting at which the person named in such instrument proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.

(51.) Any instrument appointing a proxy shall be in the following form :—

Company, Limited.

I, , of , being a member of the Company, Limited, and entitled to vote or votes, hereby appoint , of , as my proxy, to vote for me and on my behalf at the (ordinary *or* extraordinary, *as the case may be*) general meeting of the Company to be held on the day of , and at any adjournment thereof (*or* at any meeting of the Company that may be held in the year). As witness my hand, this day of

Signed by the said in the presence of

Directors.

(52.) The number of the directors, and the names of the first directors, shall be determined by the subscribers of the memorandum of association.

(53.) Until directors are appointed, the subscribers of the memorandum of association shall be deemed to be directors.

(54.) The future remuneration of the directors, and their remuneration for services performed previously to the first general meeting, shall be determined by the Company in general meeting.

Powers of Directors.

(55.) The business of the Company shall be managed by the directors, who may pay all expenses incurred in getting up and registering the Company, and may exercise all such powers of the Company as are not by the foregoing Act, or by these articles, required to be exercised by the Company in general meeting, subject nevertheless to any regulations of these articles, to the provisions of the foregoing Act and to such regulations, being not inconsistent with the aforesaid regulations, or provisions, as may be prescribed by the Company in general meeting; but no regulation made by the Company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made.

(56.) The continuing directors may act not withstanding any vacancy in their body.

Disqualification of Directors.

(57.) The office of director shall be vacated—

if he, or any partner of his, or the firm of which he is a member, holds any other office or place of profit under the Company;

if he becomes bankrupt or insolvent;

if he is punished under any of the penal provisions of the foregoing Act;

if he is concerned in or participates in the profits of any contract with the Company.

But the above rules shall be subject to the following exceptions :—that no director shall vacate his office by reason of his being a member of any Company which has entered into contracts with or done any work for the Company of which he is director; nevertheless, he shall not vote in respect of such contract or work, and, if he does so vote, his vote shall not be counted.

Rotation of Directors.

(58.) At the first ordinary meeting after the registration of the Company, the whole of the directors shall retire from office; and at the first ordinary meeting in every subsequent year, one-third of the directors for the time being, or, if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

(59.) The one-third or other nearest number to

retire during the first and second years ensuing the first ordinary meeting of the Company shall, unless the directors agree among themselves, be determined by ballot. In every subsequent year, the one-third or other nearest number who have been longest in office shall retire.

(60.) A retiring director shall be re-eligible.

(61.) The Company at the general meeting at which any directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(62.) If, at any meeting at which an election of directors ought to take place, the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating directors are not filled up, the vacating directors, or such of them as have not had their places filled up, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

(63.) The Company may from time to time, in general meeting, increase or reduce the number of directors, and may also determine in what rotation such increased or reduced number is to go out of office.

(64.) Any casual vacancy occurring in the board of directors may be filled up by the directors, but any person so chosen shall retain his office so long only as the vacating director would have retained the same if no vacancy had occurred.

(65.) The Company in general meeting may, by a special resolution, remove any director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead. The person so appointed shall hold office during such time only as the director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66.) The directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes, the chairman shall have a second or casting vote. A director may at any time summon a meeting of the directors.

(67.) The directors may elect a chairman of their meetings, and determine the period for which he is to hold office; but, if no such chairman is elected, or if at any meeting the chairman is not present at the time appointed for holding the same, the directors present shall choose some one of their number to be chairman of such meeting.

(68.) The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit. Any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the directors.

(69.) A committee may elect a chairman of its meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

(70.) A committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present; and, in case of an equality of votes, the chairman shall have a second or casting vote.

(71.) All acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

Dividends.

(72.) The directors may, with the sanction of the Company in general meeting, declare a dividend to be paid to the members in proportion to their shares.

(73.) No dividend shall be payable except out of the profits arising from the business of the Company.

(74.) The directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserved fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the works connected with the business of the Company or any part thereof; and the directors may invest the sum so set apart as a reserved fund upon such securities as they may select.

(75.) The directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company on account of calls or otherwise.

(76.) Notice of any dividend that may have been declared shall be given to each member in manner hereinafter mentioned; and all dividends unclaimed for three years after having been declared may be forfeited by the directors for the benefit of the Company.

(77.) No dividend shall bear interest as against the Company.

Accounts.

(78.) The directors shall cause true accounts to be kept—

of the stock in trade of the Company;

of the sums of money received and expended by the Company, and the matters in respect of which such receipt and expenditure take place; and

of the credits and liabilities of the Company.

The books of account shall be kept at the registered office of the Company, and, subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the Company in general meeting, shall be open to the inspection of the members during the hours of business.

(79.) Once at the least in every year the directors shall lay before the Company in general meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

(80.) The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expenses of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and, in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

(81.) A balance-sheet shall be made out in every year and laid before the Company in general meeting, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to this table, or as near thereto as circumstances admit.

(82.) A printed copy of such balance-sheet shall, seven days previously to such meeting, be served on every member in the manner in which notices are hereinafter directed to be served.

Audit.

(83.) Once at the least in every year the accounts of the Company shall be examined, and the correctness of the balance-sheet ascertained by one or more auditor or auditors.

(84.) The first auditors shall be appointed by the directors; subsequent auditors shall be appointed by the Company in general meeting.

(85.) If one auditor only is appointed, all the provisions herein contained relating to auditors shall apply to him.

(86.) The auditors may be members of the Company; but no person is eligible as an auditor who is interested otherwise than as a member in any transaction of the Company; and no director or other officer of the Company is eligible during his continuance in office.

(87.) The election of auditors shall be made by the Company at their ordinary meeting in each year.

(88.) The remuneration of the first auditors shall be fixed by the directors; that of subsequent auditors shall be fixed by the Company in general meeting.

(89.) Any auditor shall be re-eligible on his quitting office.

(90.) If any casual vacancy occurs in the office of any auditor appointed by the Company, the directors shall forthwith call an extraordinary general meeting for the purpose of supplying the same.

(91.) If no election of auditors is made in manner aforesaid, the Local Government may, on the application of not less than five members of the Company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the Company for his services.

(92.) Every auditor shall be supplied with a copy of the balance-sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

(93.) Every auditor shall have a list delivered to him of all books kept by the Company, and shall at all reasonable times have access to the books and accounts of the Company. He may, at the expense of the Company, employ accountants or other persons to assist him in investigating such accounts, and he may, in relation to such accounts, examine the directors or any other officer of the Company.

(94.) The auditors shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations and properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs, and, in case they have called for explanations or information from the directors, whether such explanations or information have or has been given by the directors, and whether they or it have or has been satisfactory. Such report shall be read, together with the report of the directors, at the ordinary meeting.

Notices.

(95.) A notice may be served by the Company upon any member either personally or by sending it through the post in a letter addressed to such member at his registered place of abode.

(96.) All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is named first in the register of members; and notice so given shall be sufficient notice to all the holders of such share.

(97.) Any notice, if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post; and, in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office.

Balance-sheet (a) of the *Company made up to* 18

Dr.		Capital and Liabilities.	Rs.	As.			Property and Assets.	Rs.	As.
I. Capital,		Showing—			III. Property held by the Company,		Showing—		
	1	The number of shares				7	Immoveable property—distinguishing—		
	2	The amount paid per share					(a) Freehold land		
	3	If any arrears of calls, the nature of the arrear and the names of the defaulters					(b) " buildings		
II. Debts and Liabilities of the Company,	4	The particulars of any forfeited shares					(c) Leasehold		
		Showing—				8	Moveable property—distinguishing—		
	5	The amount of loans on mortgages or debenture-bonds ...					(d) Stock in trade		
	6	The amount of debts owing by the Company—distinguishing—					(e) Plant.		
		(a) Debts for which acceptances have been given ...					The cost to be stated with deductions for deterioration in value as charged to the reserve fund or profit and loss ...		
		(b) Debts to tradesmen for supplies of stock in trade or other articles					Showing—		
		(c) Debts for law-expenses			IV. Debts owing to the Company,	9	Debts considered good for which the Company hold bills or other securities		
		(d) Debts for interest on debentures or other loans ...				10	Debts considered good for which the Company hold no security ...		
		(e) Unclaimed dividends				11	Debts considered doubtful and bad		
		(f) Debts not enumerated above					Any debt due from a director or other officer of the Company to be separately stated		
VI. Reserve Fund,		Showing—			V. Cash and Investment,		Showing—		
VII. Profit and Loss,		The amount set aside from profits to meet contingencies ...				12	The nature of investment and rate of interest ...		
		Showing—				13	The amount of cash, where lodged, and if bearing interest ...		
		The disposable balance for payment of dividends, &c. ...							
Contingent Liabilities.		Claims against the Company not acknowledged as debts ...							
		Monies for which the Company is contingently liable ...							

(a) See clauses 81 and 82 of the foregoin Table A.

TABLE B.

TABLE OF FEES to be paid to the Registrar of joint stock Companies by a Company having a capital divided into shares.

	Rs.	A.	P.
For registration of a Company whose nominal capital does not exceed Rs. 20,000, a fee of ...	40	0	0
For registration of a Company whose nominal capital exceeds Rs. 20,000, the above fee of forty rupees, with the following additional fees regulated according to the amount of nominal capital; (that is to say)—			
For every 10,000 rupees of nominal capital, or part of 10,000 rupees, after the first 20,000 rupees up to 50,000 rupees	20	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees, after the first 50,000 rupees up to 10,00,000 rupees	5	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees, after the first 10,00,000 rupees ..	1	0	0
For registration of any increase of capital made after the first registration of the Company, the same fees per 10,000 rupees, or part of 10,000 rupees, as would have been payable if such increased capital had formed part of the original capital at the time of registration.			
Provided that no Company shall be liable to pay in respect of nominal capital on registration, or afterwards, any greater amount of fees than 1,000 rupees, taking into account, in the case of fees payable on an increase of capital after registration, the fees paid on registration.			
For registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association ...	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of ...	5	0	0

TABLE C.

TABLE OF FEES to be paid to the Registrar of joint stock Companies by a Company not having a capital divided into shares:—

	Rs.	A.	P.
For registration of a Company whose number of members, as stated in the articles of association, does not exceed 20	40	0	0
For registration of a Company whose number of members, as stated in the articles of association, exceeds 20, but does not exceed 100	100	0	0
For registration of a Company whose number of members, as stated in the articles of association, exceeds 100, but is not stated to be unlimited, the above fee of Rs. 100 with an additional Rs. 5 for every 50 members, or less number than 50 members, after the first 100.			
For registration of a Company in which the number of members is stated in the articles of association to be unlimited, a fee of ...	400	0	0
For registration of any increase on the number of members made after the registration of the Company, in respect of every 50 members, or less than 50 members, of such increase	5	0	0
Provided that no one Company shall be liable to pay on the whole a greater fee than Rs. 400 in respect of its number of members, taking into account the fee paid on the first registration of the Company.			
For registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association ...	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of	5	0	0

FORM D.

FORM OF STATEMENT REFERRED TO IN PART III OF THE ACT.

* The Capital of the Company is Rs. , divided into shares of . each.

The number of shares issued is . Calls to the amount of Rs. per share have been made, under which the sum of Rs. has been received.

The liabilities of the Company on the first day of January (*or* July) were :—

Debts owing to sundry persons by the Company :
- Under decree, Rs.
- On mortgages or bonds, Rs.
- On notes, bills or hundís, Rs.
- On other contracts, Rs.
- On estimated liabilities, Rs.

The assets of the Company on that day were :—
- Government securities [*stating them*], Rs.
- Bills of exchange, hundís and promissory notes, Rs.
- Cash at the bankers, Rs.
- Other securities, Rs.

* If the Company has no capital divided into shares, the portion of the statement relating to capital and shares must be omitted.

SECOND SCHEDULE.

(SEE SECTION 95.)

FORM A.

Memorandum of association of a Company limited by shares.

1st.—The name of the Company is "The Company, Limited."

2nd.—The registered office of the Company will be situate in .

3rd.—The objects for which the Company is established are " and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th.—The liability of the members is limited.

5th.—The capital of the Company is Rs. divided into shares of Rs. each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names :—

Names, addresses and description of subscribers.	Number of shares taken by each subscriber.
1. *A. B.* of ...	
2. *C. D.* ,, ...	
3. *E. F.* ,, ...	
4. *G. H.* ,, ...	
5. *I. J.* ,, ...	
6. *K. L.* ,, ...	
7. *M. N.* ,, ...	
Total shares taken ...	

Dated the day of

Witness to the above signatures.

O. P. of

FORM B.

Memorandum and articles of association of a Company limited by guarantee, and not having a capital divided into shares.

Memorandum of Association.

1st.—The name of the Company is "The Mutual Calcutta Marine Association, Limited."

2nd.—The registered office of the Company will be situate in Calcutta.

3rd.—The objects for which the Company is established are "the mutual insurance of ships belonging to members of the Company, and the doing all such other things as are incidental or conducive to the attainment of the above objects."

4th.—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding-up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 100.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses and Descriptions of Subscribers.

1. *A. B.* of
2. *C. D.* „
3. *E. F.* „
4. *G. H.* „
5. *I. J.* „
6. *K. L.* „
7. *M. N.* „

Dated the *day of*

Witness to the above signatures.

O. P. of

Articles of Association to accompany preceding Memorandum of Association.

(1.) The Company, for the purpose of registration, is declared to consist of five hundred members.

(2.) The directors hereinafter mentioned may, whenever the business of the association requires it, register an increase of members.

Definition of Members.

(3.) Every person shall be deemed to have agreed to become a member of the Company who insures any ship or share in a ship in pursuance of the regulations hereinafter contained.

General Meetings.

(4.) The first general meeting shall be held at such time, not being more than three months after the incorporation of the Company, and at such place, as the directors may determine.

(5.) Subsequent general meetings shall be held at such time and place as may be prescribed by the Company in general meeting; and, if no other time or place is prescribed, a general meeting shall be held on the first Monday in February in every year at such place as may be determined by the directors.

(6.) The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

(7.) The directors may, whenever they think fit, and they shall, upon a requisition made in writing by any five or more members, convene an extraordinary general meeting.

(8.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered office of the Company.

(9.) Upon the receipt of such requisition, the directors shall forthwith proceed to convene a general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five members may themselves convene a meeting.

Proceedings at General Meetings.

(10.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and, in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in general meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(11.) All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of the consideration of the accounts, balance-sheets and the ordinary report of the directors.

(12.) No business shall be transacted at any meeting except the declaration of a dividend unless a quorum of members is present at the commencement of such business. Such quorum shall be ascertained as follows, that is to say:—if the members of the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty; with this limitation, that no quorum shall in any case exceed thirty.

(13.) If, within one hour from the time appointed for the meeting, a quorum of members is not present, the meeting, if convened upon the requisition of the members, shall be dissolved. In any other case, it shall stand adjourned to the same day in the following week, at the same time and place; and, if at such adjourned meeting a quorum

of members is not present, it shall be adjourned *sine die*.

(14.) The chairman (if any) of the directors shall preside as chairman at every general meeting of the Company.

(15.) If there is no such chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be chairman of such meeting.

(16.) The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(17.) At any general meeting, unless a poll is demanded by at least five members, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

(18.) If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the chairman directs; and the result of such poll shall be deemed to be the resolution of the Company in general meeting.

Votes of Members.

(19.) Every member shall have one vote and no more.

(20.) If any member is a lunatic or idiot, he may vote by his committee or other legal curator: if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(21.) No member shall be entitled to vote at any meeting unless all monies due from him to the Company have been paid.

(22.) Votes may be given either personally or by proxies. A proxy shall be appointed in writing under the hand of the appointor, or, if such appointor is a corporation, under its common seal.

(23.) No person shall be appointed a proxy who is not a member, and the instrument appointing him shall be deposited at the registered office of the Company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

(24.) Any instrument appointing a proxy shall be in the following form:—

Company, Limited.

I, , of , being a member of the Company, Limited, hereby appoint , of , as my proxy, to vote for me and on my behalf at the [ordinary *or* extraordinary, *as the case may be*] general meeting of the Company to be held on the day of , and at any adjournment thereof [*or* at any meeting of the Company that may be held in the year].

As witness my hand, this day of . Signed by the said in the presence of .

Directors.

(25.) The number of the directors and the names of the first directors shall be determined by the subscribers of the memorandum of association.

(26.) Until directors are appointed, the subscribers of the memorandum of association shall be deemed to be directors.

Powers of Directors.

(27.) The business of the Company shall be managed by the directors, who may exercise all such powers of the Company as are not hereby required to be exercised by the Company in general meeting; but no regulation made by the Company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made.

Election of Directors.

(28.) The directors shall be elected annually by the Company in general meeting.

Business of Company.

(*Here insert rules as to mode in which business of insurance is to be conducted.*)

Accounts.

(29.) The accounts of the Company shall be audited by a committee of five members, to be called the audit-committee.

(30.) The first audit-committee shall be nominated by the directors out of the body of members.

(31.) Subsequent audit-committees shall be nominated by the members at the ordinary general meeting in each year.

(32.) The audit-committee shall be supplied with a copy of the balance-sheet, and it shall be their duty to examine the same with the accounts and vouchers relating thereto.

(33.) The audit-committee shall have a list delivered to them of all books kept by the Company, and they shall at all reasonable times have access to the books and accounts of the Company.

They may, at the expense of the Company, employ accountants or other persons to assist them in investigating such accounts, and they may, in relation to such accounts, examine the directors or any other officer of the Company.

(34.) The audit-committee shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing the particulars required by these regulations and properly drawn up, so as to exhibit a true and correct view of the state of the Company's affairs, and, in case they have called for ex-

planations or information from the directors, whether such explanations or information have or has been given by the directors, and whether they or it have or has been satisfactory; and such report shall be read together with the report of the directors at the ordinary meeting.

Notices.

(35.) A notice may be served by the Company upon any member, either personally, or by sending it through the post in a letter addressed to such member at his registered place of abode.

(36.) Any notice, if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post; and, in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office.

Winding-up.

(37.) The Company shall be wound up voluntarily whenever an extraordinary resolution, as defined by The Indian Companies Act, 1882, is passed, requiring the Company to be wound up voluntarily.

Names, Addresses and Descriptions of Subscribers.

1. *A. B.* of ... Merchant.
2. *C. D.* of ... „
3. *E. F.* of ... „
4. *G. H.* of ... „
5. *I. J.* of ... „
6. *K. L.* of ... „
7. *M. N.* of ... „

Dated the day of 18 .

Witness to the above signatures.

O. P. of

FORM C.

Memorandum and articles of association of a Company limited by guarantee, and having a capital divided into shares.

Memorandum of Association.

1st.—The name of the Company is "The Hotel Company, Limited."

2nd.—The registered office of the Company will be situate in .

3rd.—The objects for which the Company is established are "the facilitating travelling in by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th.—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding-up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 200.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses and Descriptions of Subscribers.

1. *A. B.* of
2. *C. D.* of
3. *E. F.* of
4. *G. H.* of
5. *I. J.* of
6. *K. L.* of
7. *M. N.* of

Dated the day of 18 .

Witness to the above signatures.

O. P. of

Articles of Association to accompany preceding Memorandum of Association.

1. The capital of the Company shall consist of five lákhs of rupees divided into five thousand shares of one hundred rupees each.

2. The directors may, with the sanction of the Company in general meeting, reduce the amount of shares.

3. The directors may, with the sanction of the Company in general meeting, cancel any shares belonging to the Company.

4. All the articles of Table A shall be deemed to be incorporated with these articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses and descriptions of subscribers.	Number of shares taken by each subscriber.
1. *A. B.* of	
2. *C. D.* of	
3. *E. F.* of	
4. *G. H.* of	
5. *I. J.* of	
6. *K. L.* of	
7. *M. N.* of	
Total shares taken	

Dated the day of 18 .

Witness to the above signatures.

O. P. of

Memorandum and articles of association of an unlimited Company having a capital divided into shares.

Memorandum of Association.

1st.—The name of the Company is "The Patent . Company."

2nd.—The registered office of the Company will be situate in .

3rd.—The objects for which the Company is established are "the working of a patent method of , of which method *O. P.* of is the sole patentee."

We, the several persons whose names are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses and Descriptions of Subscribers.

1. *A. B.* of
2. *C. D.* of
3. *E. F.* of
4. *G. H.* of
5. *I. J.* of
6. *K. L.* of
7. *M. N.* of

Dated the *day of* *18* .

Witness to the above signatures.

Q. R. of

Articles of Association to accompany the preceding Memorandum of Association.

Capital of the Company.

The capital of the Company is twenty thousand rupees divided into twenty shares of one thousand rupees each.

Application of Table A.

All the articles of Table A shall be deemed to be incorporated with these articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses and descriptions of subscribers.	Number of shares taken by subscribers.
1. *A. B.* of	
2. *C. D.* of	
3. *E. F.* of	
4. *G. H.* of	
5. *I. J.* of	
6. *K. L.* of	
7. *M. N.* of	
Total shares taken	

Dated the *day of* *18* .

Witness to the above signatures.

Q. R. of

FORM E.

As required by the second part of the foregoing Act.

Summary of capital and shares of the Company made up to the day of .

Nominal capital Rs. , divided into shares of Rs. each.

Number of shares taken up to the day of

There has been called up on each share Rs.

Total amount of calls received Rs.

Total amount of calls unpaid Rs.

List of persons holding shares in the Company on the day of and of persons who have held shares therein at any time during the year immediately preceding the said day of showing their names and addresses and an account of the shares so held.

Folio in register ledger containing particulars.	Names, Addresses and Occupations.				Account of Shares.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing members on the day of	Additional shares held by existing members during preceding year.		Shares held by persons no longer members.		
						Number.	Date of transfer.	Number.	Date of transfer.	

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th February, 1882, and is hereby promulgated for general information:—

ACT No. VII OF 1882.

An Act to amend the law relating to Powers-of-Attorney.

FOR the purpose of amending the law relating to Powers-of-Attorney; it is hereby enacted as follows:—

Short title.

1. This Act may be called "The Powers-of-Attorney Act, 1882":

Local extent.

It applies to the whole of British India;

Commencement.

and it shall come into force on the first day of May, 1882.

Execution under power-of-attorney.

2. The donee of a power-of-attorney may, if he thinks fit, execute or do any assurance, instrument or thing in and with his own name and signature, and his own seal, where sealing is required, by the authority of the donor of the power; and every assurance, instrument and thing so executed and done, shall be as effectual in law as if it had been executed or done by the donee of the power in the name, and with the signature and seal, of the donor thereof.

This section applies to powers-of-attorney created by instruments executed either before or after this Act comes into force.

Payment by attorney under power, without notice of death, &c., good.

3. Any person making or doing any payment or act in good faith, in pursuance of a power-of-attorney, shall not be liable in respect of the payment or act by reason that, before the payment or act, the donor of the power had died or become lunatic, of unsound mind, or bankrupt or insolvent, or had revoked the power, if the fact of death, lunacy, unsoundness of mind, bankruptcy, insolvency or revocation was not, at the time of the payment or act, known to the person making or doing the same.

But this section shall not affect any right against the payee of any person interested in any money so paid; and that person shall have the like remedy against the payee as he would have had against the payer, if the payment had not been made by him.

This section applies only to payments and acts made or done after this Act comes into force.

Deposit of original instruments creating powers-of-attorney.

4. (*a*) An instrument creating a power-of-attorney, its execution being verified by affidavit, statutory declaration or other sufficient evidence, may, with the affidavit or declaration, if any, be deposited in the High Court within the local limits of whose jurisdiction the instrument may be.

(*b*) A separate file of instruments so deposited shall be kept; and any person may search that file, and inspect every instrument so deposited; and a certified copy thereof shall be delivered out to him on request.

(*c*) A copy of an instrument so deposited may be presented at the office and may be stamped or marked as a certified copy, and, when so stamped or marked, shall become and be a certified copy.

(*d*) A certified copy of an instrument so deposited shall, without further proof, be sufficient evidence of the contents of the instrument and of the deposit thereof in the High Court.

(*e*) The High Court may, from time to time, make rules for the purposes of this section, and prescribing, with the concurrence of the Local Government, the fees to be taken under clauses (*a*), (*b*) and (*c*).

(*f*) Throughout British Burma, the Court of the Recorder of Rangoon shall, for the purposes of this section, be deemed to be the High Court.

(*g*) This section applies to instruments creating powers-of-attorney executed either before or after this Act comes into force.

Power-of attorney of married women.

5. A married woman, whether a minor or not, shall, by virtue of this Act, have power, as if she were unmarried and of full age, by a non-testamentary instrument, to appoint an attorney on her behalf, for the purpose of executing any non-testamentary instrument or doing any other act which she might herself execute or do; and the provisions of this Act, relating to instruments creating powers-of-attorney, shall apply thereto.

This section applies only to instruments executed after this Act comes into force.

Act XXVIII of 1866, s. 39, repealed.

6. The Trustees and Mortgagees Powers Act, 1866, section 39, is hereby repealed.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 4, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th February, 1882, and was referred to a Select Committee :—

No. 4 OF 1882.

A Bill to amend the Indian Railway Act, 1879.

Preamble.

WHEREAS it is expedient to amend the Indian Railway Act, 1879, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "The Indian Railway Act, 1882;" and it shall come into force at once.

New sections substituted for section 5 of Act IV of 1879.

2. For section five of the said Act the following sections shall be substituted, namely:—

Railway when to be opened.

"5. No Railway, or portion or extension of, or addition to, a Railway, shall be opened for the public conveyance of passengers until the Railway Administration has given to the Governor General in Council notice in writing of the intention of opening the same, and until the Governor General in Council has by an order in writing sanctioned the opening of the same.

"No such sanction shall be given until an officer, appointed by the Governor General in Council to inspect such Railway, portion, extension or addition, has, after inspection thereof, reported in writing to the Governor General in Council that in his opinion the opening of the same would not be attended with danger to the public using the same.

"Notwithstanding anything hereinbefore contained, the Governor General in Council may, in any particular case, by a special order in writing, confer on any officer so appointed power to sanction the opening of such Railway, portion, extension or addition, if in such officer's opinion the opening of the same will not be attended with danger to the public using the same.

"In such case it shall not be necessary to make the report required by the second paragraph of this section.

Governor General in Council may cause a Railway to be inspected at any time.

"5A. The Governor General in Council may at any time cause any Railway which has been opened for the public conveyance of passengers, or any portion thereof, to be inspected by an officer appointed by him to make such inspection.

Powers of inspecting officer.

"5B. Every officer so appointed shall, for the purpose of such inspection, and subject to the control of the Governor General in Council, have the following powers, namely:— 34 & 35 Vic., c. 78, s. 4.

"(a) he may enter on and inspect the Railway or portion thereof which he has been appointed to inspect;

"(b) he may by summons under his hand require the attendance of any Railway-servant whom he thinks fit to call before him and examine for the said purpose, and may require such servant to answer, or furnish returns regarding, such inquiries for the said purpose as he thinks fit to make;

"(c) he may require and enforce the production of all books, papers and documents belonging to or in the possession of any Railway Administration which in his opinion are necessary for the said purpose.

Governor General in Council empowered to close Railway.

"5C. Whenever any officer so appointed to inspect any Railway or portion thereof reports in writing to the Governor General in Council that in his opinion the use of such Railway or portion will be attended with danger to the public using the same, the Governor General in Council may, by an order in writing, direct such

Railway or portion thereof to be closed for the public conveyance of passengers.

Re-opening of Railway.

"5D. No Railway or portion thereof which has been closed under section 5C shall be re-opened for the public conveyance of passengers unless and until such Railway or portion has been inspected, and the opening thereof sanctioned, in accordance with the provisions of section five."

Amendment of, and addition to, section 8.

2. In section eight of the said Act, in clause (*d*), the word "and" shall be omitted, and after clause (*d*) the following clause shall be, and be deemed to have always been, inserted :—

"(*dd*) for regulating the conduct of the Railway-servants, and".

New section to be substituted for section 21 of Act IV of 1879.

3. For section twenty-one of the said Act the following section shall be substituted :—

Penalty for opening or re-opening Railway in contravention of sections 5 and 5D, and keeping open after order under section 5C.

"21. Any Railway Administration opening, in contravention of section five, any Railway, or any portion or extension of, or addition to, a Railway, or re-opening in contravention of section 5D any Railway or portion thereof, or keeping any Railway or portion thereof open in contravention of an order of the Governor General in Council under section 5C, shall forfeit to Government the sum of one thousand rupees for every day during which the same remains open in contravention of such section or of such order of the Governor General in Council, as the case may be."

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to make one or two amendments of the Indian Railway Act, 1879, which the experience of the last three years has shown to be desirable.

Section 5 of the Act, as it stands at present, does not show as clearly as it should that the sanction of the Governor General in Council is necessary before any railway or portion or extension of, or addition to, a railway is opened for the public conveyance of passengers. To remedy this defect, the section has been recast by the Bill, which makes it clear that the Government Inspector has of himself authority only to inspect and report on the line for the orders of the Governor General in Council. In order, however, to prevent inconvenience in special cases, an addition has been made to the section enabling the Governor General in Council to delegate to the inspecting officer in special cases the powers of sanctioning the opening of a railway conferred on the Governor General in Council by the section.

The Act does not now empower the Governor General in Council to inspect a line after it has once been opened for the public conveyance of passengers. At present, the absence of such a power is not of much importance, as the Government has full right under its contracts with the various Railway Companies to make what inspections it likes; but, if private enterprise hereafter starts railways independent of Government, it may be seriously inconvenient to be unable to inspect such lines and ascertain whether they are being maintained in a safe and efficient state. Certain provisions have, therefore, been inserted after section 5 of the Act which empower Government to cause a line to be inspected by an officer to be appointed for the purpose, define his powers for the purpose of such inspection, authorise the Government to close any line reported not to be in a safe state for the public conveyance of passengers, and provide for the re-opening of such line only after its opening has been declared to be possible without danger to the public. An addition has also been made to section 21 imposing a penalty on any Railway Administration which does not close a railway in compliance with an order by Government to that effect, or re-opens a railway which has been closed without the sanction of Government.

Lastly, the Act, as it stands at present, does not empower Railway Administrations to impose fines by their bye-laws on their servants who may be guilty of breach of duty. This power is essential for the enforcement and maintenance of discipline on railways, and the Bill (here following the English Companies Clauses Act, 1845, sections 124, 125) confers the requisite authority.

WHITLEY STOKES.

The 11th February, 1882.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd February, 1882, and was referred to a Select Committee :—

No. 5 OF 1882.

THE BURMA STEAM-BOILERS AND PRIME-MOVERS BILL, 1882.

CONTENTS.

PREAMBLE.

I.—Preliminary.

SECTIONS.

1. Short title.
   Commencement.
   Extent.
   Savings.
2. Interpretation-clause.

II.—Inspectors and Engineers.

3. Appointment of Inspectors.
4. Examination of, and grant of certificates to, engineers.

III.—Inspection of Boilers, &c.

5. Use of boiler or prime-mover without license prohibited.
6. On notice from owner, an Inspector to examine boiler or prime-mover.
7. Inspector may require owner to alter boiler or prime-mover.
8. When Inspector to grant license.
9. Revocation or suspension of license.
10. Appeal against refusal, revocation or suspension of license.
11. Power of Inspector to enter place or building.
12. Penalties.
13. Charges within what period to be brought.
14. Power to define limits of towns.
15. Power to make rules.

SCHEDULE.—FORM OF LICENSE.

A Bill to provide for the inspection of Steam-boilers and Prime-movers attached thereto in British Burma.

Preamble.

WHEREAS it is expedient to provide for the inspection of steam-boilers and prime-movers attached thereto in British Burma; It is hereby enacted as follows :—

I.—Preliminary.

Short title.

1. This Act may be called "The British Burma Steam-boilers and Prime-movers Act, 1882";

Commencement.

and it shall come into force on such day as the Local Government, with the previous sanction of the Governor General in Council, may direct by notification in the *British Burma Gazette*.

Extent.

It extends in the first instance to the towns of Rangoon, Maulmain, Akyab and Bassein;

and the Local Government may, by notification in the *British Burma Gazette*, extend it, from such date as may be specified in the notification, to any other local area in the territories administered by such Government.

Savings.

Nothing herein contained shall apply to any locomotive engine used upon a railway or to any engine on board of a ship, launch or boat.

Interpretation-clause.

2. In this Act, unless there is something repugnant in the subject or context,—

"Boiler:"

"Boiler" includes any vessel used for generating steam under pressure:

"Prime-mover:"

"Prime-mover" includes any steam-engine, and, when attached to any such engine, a fly-wheel, first driving shaft or pulley:

"Owner:"

"Owner" includes also any person using any boiler or prime-mover as agent of the owner thereof, and any person using a boiler or prime-mover which he has hired from the owner thereof.

"Inspector."

"Inspector" means a person appointed under this Act to be an Inspector.

II.—Inspectors and Engineers.

Appointment of Inspectors.

3. The Local Government may from time to time appoint such persons to be Inspectors as it thinks fit, and suspend or remove any person so appointed.

Such persons shall, within such local area as the Local Government may from time to time direct, exercise the powers, and perform the duties, conferred and imposed by this Act on an Inspector.

Examination of, and grant of certificates to, engineers.

4. The Local Government may from time to time make rules regulating the examination of, and the grant (with or without examination) of certificates to, persons to act as engineers of the first or second class under this Act, and the cancellation of certificates so granted.

III.—Inspection of Boilers, &c.

Use of boiler or prime-mover without license prohibited.

5. No boiler or prime-mover shall be used unless and until a license authorizing such use has been granted hereunder, and unless such boiler or prime-mover is in charge of an engineer to whom a certificate has been granted in accordance with the rules made under section four.

On notice from owner, an Inspector to examine boiler or prime-mover.

6. When the owner of any boiler or prime-mover desires to obtain a license in respect thereof, he shall give notice of his intention to use the same to the Inspector for the local area within which the boiler or prime-mover is situate. On receipt of such notice, the Inspector shall appoint a day and time, after sunrise and before sunset, for the inspection of such boiler or prime-mover.

The day so appointed shall be a day, if the boiler or prime-mover is situate in Rangoon, not later than seven days, and if it is situate elsewhere, not later than thirty days, from the day on which such notice is received. On the day and at the time so appointed, the Inspector shall carefully examine such boiler or prime-mover, and every part thereof; and the owner or person in charge thereof shall afford to such Inspector all reasonable facilities for such examination and all such information regarding such boiler or prime-mover as he may reasonably require.

When any boiler or prime-mover is in charge of an engineer who has obtained under section four a certificate as engineer of the first class, the Local Government may appoint such engineer to be Inspector with regard to such boiler or prime-mover, and in that case no other Inspector shall examine such boiler or prime-mover.

Inspector may require owner to alter boiler or prime-mover.

7. If, on making the examination under section six, the Inspector is of opinion that the boiler or prime-mover requires any alteration or addition, he shall refuse to grant a license until such alteration or addition is made, and shall serve on the owner of the boiler or prime-mover a written notice of such refusal specifying the alteration or addition which in such Inspector's opinion is required.

When Inspector to grant license.

8. If the Inspector is satisfied that such boiler or prime-mover is in good condition, and not so exposed as to be likely to be dangerous, and, when a notice has been served under section seven, that the alteration or addition specified in such notice has been properly made,

and that such boiler or prime-mover is in charge of an engineer to whom a certificate has been granted in accordance with the rules made hereunder,

he shall give to the owner thereof a written license signed by him in the form in the schedule hereto annexed, on payment, by such owner, of such fee as the Local Government may by rule prescribe.

Such license shall state the period for which such boiler or prime-mover may be used, and shall cease to be in force on the expiration of such period.

Revocation or suspension of license.

9. Any person authorized by the Chief Commissioner in this behalf may revoke or suspend any license granted under this Act in respect of any boiler or prime-mover when he has reason to believe—

(*a*) that such license has been fraudulently obtained, or has been granted erroneously, or without sufficient examination;

(*b*) that the boiler or prime-mover in respect of which it has been granted is not in charge of an engineer to whom a certificate has been granted hereunder or is not in good condition, or has, since the granting of such license, sustained injury.

Appeal against refusal, revocation or suspension of license.

10. The owner of any boiler or prime-mover may appeal from any order made hereunder refusing to grant, or revoking or suspending, a license. Such appeal shall, within seven days from the day on which such owner received the order appealed against, be presented to some person authorized by the Chief Commissioner to hear appeals hereunder. Every such person shall be deemed to be a public servant within the meaning of the Indian Penal Code, and may, if he thinks fit, summon to his assistance, in such manner as the Local Government may from time to time direct, two competent assessors, and such assessors shall attend and assist accordingly.

If such person is satisfied that such owner is entitled to such license, he shall, on payment of the fee, grant a license in the form in the schedule hereto annexed, or shall cancel the order revoking or suspending the license, as the case may be.

If such person is of opinion that the order appealed against is right, he shall dismiss the appeal, and the costs of the appeal incurred by Government and certified by him shall be recoverable from the appellant as a fine by any Magistrate having jurisdiction in the place where the boiler or prime-mover is situate.

Power of Inspector to enter place or building.

11. Except as provided in section six, any Inspector may at any time enter into any place or building, where he has reason to believe that a boiler or prime-mover is used, for the purpose of inspecting and examining the same.

Penalties.

12. Every owner, or person in charge, of any boiler or prime-mover who uses the same in contravention of the provisions of section five, and

every such owner or person who uses any boiler or prime-mover and who fails to produce the license granted hereunder in respect thereof when called upon at any reasonable time to do so by any Magistrate having jurisdiction in the place in which such boiler or prime-mover is situate, or by any person authorized in writing by such Magistrate to demand the production of such license, and

every person who prevents an Inspector from entering, under section eleven, any place or building,

shall be punished with fine which may extend to five hundred rupees.

Charges within what period to be brought.

13. No charge of an offence under this Act shall be brought against any person before such day as the Local Government may, by notification in the *British Burma Gazette*, appoint in this behalf, or without the previous sanction of an Inspector, or after the expiration of six months from the date of the commission of the offence.

Power to define limits of towns.

14. The Local Government may, from time to time, define what shall be deemed to be for the purposes of this Act the local limits of the towns of Rangoon, Maulmain, Akyab and Bassein, respectively.

Power to make rules.

15. The Local Government may from time to time make rules consistent with this Act for all or any of the following purposes, that is to say—

(*a*) for the appointment, suspension or removal of Inspectors;

(*b*) for prescribing the powers and duties of Inspectors;

(*c*) for fixing the fees payable on account of licenses granted hereunder;

(*d*) for determining the time for which such licenses shall be in force;

(*e*) for regulating the procedure on hearing appeals; and generally

(*f*) for carrying out the purposes of this Act.

The Local Government may from time to time cancel or vary any rule made by it hereunder.

All such rules shall be published thrice in the *British Burma Gazette*, and shall come into force on the day on which they are last so published, or on such later day as may be specified in the notification publishing them.

SCHEDULE.

(See sections 7 and 9.)

FORM OF LICENSE.

Name of owner.	Description of boiler and age.	Description of prime-mover and age.	Power.	When and where made.	When and where last repaired.	No. and date of certificate of competency or service of engineer in charge.	Time for which license to be in force.	REMARKS.

I, the undersigned, certify that I have examined the above-named boiler (*or* prime-mover), and, to the best of my judgment, the boiler (*or* prime-mover), as shown in the above statement, is in good condition, and is not so exposed as to be likely to be dangerous. The engineer in charge is possessed of a certificate of competency or service [and (*in case alterations or additions have been required*) the alterations (*or* additions) required by me have been properly made].

A. B.,
Inspector.

STATEMENT OF OBJECTS AND REASONS.

THE recent increase in the use of steam-power in British Burma for rice-mills, sawing timber and other purposes is considerable, and will probably continue. Where the steam-engines are under the control of competent European workmen, there is not much danger of accidents; but, in Rangoon and other towns in that Province, steam-engines are sometimes placed in charge of persons who have no knowledge of steam or the steam-engine. Unless while working they are tended by skilled workmen, boilers and prime-movers are liable to speedy decay through wear and tear and neglect, and become dangerous. There is also danger from repairs to boilers and prime-movers being executed by unskilled workmen.

At present, the Government has no power of ascertaining that proper precautions are taken to prevent accidents, and it is obviously desirable, in the interests of workmen and others employed in connection with steam-engines, that such power should be given. The present Bill has accordingly been prepared on the lines of Bengal Act No. III of 1879, which provides for the periodical inspection of steam-boilers and prime-movers in the town and suburbs of Calcutta and in Howrah. It empowers the Local Government to appoint an inspector to examine boilers and prime-movers and to grant licenses authorizing their use; and it prohibits the use of boilers and prime-movers for which licenses have not been granted, and which are not in charge of engineers to whom certificates have been given. The Bill also gives power to the Local Government to provide for the examination of, and the grant of certificates to, persons to act as engineers of the first or second class. Where boilers and prime-movers are in charge of a first class engineer, the Bill provides that he may be appointed inspector of such boilers and prime-movers, which will not in that case be liable to any other inspection.

WHITLEY STOKES.

The 21st February, 1882.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

SUPPLEMENT TO

The Gazette of India.

Nº 9. } CALCUTTA, SATURDAY, MARCH 4, 1882.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

[TELEGRAPH.]

ABSTRACT OF FOREIGN TRAFFIC FOR THE MONTH OF NOVEMBER 1881.

CLASS OF MESSAGES.	ROUTE.																				TOTAL.	
	WEST.								EAST.													
	VIA TEHERAN.		VIA TURKEY.		PERSIAN GULF.		VIA SUEZ.		VIA AMUR.		VIA MADRAS.		VIA RANGOON.		NATIVE BURMA.		VIA PAUMBEN.			
	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.
INDIAN.		Rs. A.		Rs. A.		Rs. A.		Rs. A.		Rs. A.		Rs. A.		Rs. A.		Rs. A.		Rs. A.		Rs. A.
Sent	398	1,792 2	72	269 13	30	89 0	6,011	20,746 9	...	...	732	1,684 10	238	769 2	252	339 10	1,730	3,492 11	9,463	29,193 9
Received	1,053	5,047 6	110	367 11	27	87 6	4,584	20,028 10	...	...	730	2,113 2	399	1,178 5	...	...	1,799	2,698 8	8,702	31,521 0
TOTAL	1,451	6,839 8	182	637 8	57	176 6	10,595	40,775 3	...	...	1,462	3,797 12	637	1,947 7	252	339 10	3,529	6,191 3	18,165	60,704 9
TRANSIT.																				
From East to West—																				
Received. *Vid* Madras	104	559 2	1	3 6	7	21 12	5,305	22,184 7	...	...	...	...	...	...	...	...	...	...	5,477	22,768 11
„ Rangoon	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
„ Lainghia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
„ Paumben	16	69 5	...	...	2	13 15	488	1,581 5	...	...	...	...	...	...	...	...	...	...	506	1,664 9
From West to East—																				
Sent. *Vid* Madras	548	2,256 4	67	232 8	5	30 6	4,630	18,332 10	...	...	...	...	...	...	...	...	...	...	5,250	20,851 12
„ Rangoon	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
„ Lainghia	...	...	...	...	...	...	1	5 14	...	...	...	...	...	...	...	...	...	...	1	5 14
„ Paumben	90	353 10	10	32 9	...	...	303	1,224 9	...	...	...	...	...	...	...	...	...	...	403	1,610 12
From West to West—																				
Vid Bombay and Karachi.	...	...	...	...	1	1 8	...	...	...	...	...	...	...	...	...	...	...	...	1	1 8
Vid Karachi and Bombay.	...	...	2	3 6	1	1 14	...	...	...	...	...	...	...	...	...	...	...	...	3	5 4
From East to East—																				
Vid Paumben	...	...	...	...	...	...	...	...	...	...	78	357 10	3	10 1	...	...	...	...	81	367 11
„ Madras	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	44	214 10	44	214 10
TOTAL	818	3,238 5	80	271 13	16	69 7	10,727	43,328 13	...	...	78	357 10	3	10 1	...	...	44	214 10	11,766	47,490 11
																		GRAND TOTAL ...	29,931	1,08,195 4

ABSTRACT OF FOREIGN TRAFFIC WITH INDIA BY THE INDO-EUROPEAN AND RED SEA ROUTES FOR THE MONTH OF NOVEMBER 1881.

ROUTE.		NUMBER OF MESSAGES BY EACH ROUTE (EXCLUSIVE OF TRANSIT).			PERCENTAGE OF NUMBER.		
		To India.	From India.	TOTAL.	To India.	From India.	TOTAL.
INDO-EUROPEAN	*Vid* Teheran	1,053	398	1,451	18·24	6·11	11·81
	„ Turkey	110	72	182	1·90	1·11	1·48
	Persian Gulf *vid* Karachi	27	30	57	0·47	0·46	0·47
RED SEA	*Vid* Suez	4,584	6,011	10,595	79·39	92·32	86·24
	TOTAL	5,774	6,511	12,285	100·00	100·00	100·00

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

Comparative Statement of the Nett Indian Sea and Land Customs Revenue (excluding Salt Revenue), for the first ten months of the official year 1881-82, and of the ten preceding years.

(IN THOUSANDS OF RUPEES.)

YEAR.	FOR THE TEN MONTHS, APRIL TO JANUARY.																									YEAR.
	BENGAL.				BOMBAY.				SINDH.				MADRAS.				BRITISH BURMA.				TOTAL BRITISH INDIA.					
	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	Total Import Revenue.	Export Revenue.	Total Revenue.	
1871-72 .	8,81	61,03	20,58	90,42	5,40	39,86	3,69	48,95	1,01	1,11	1,72	3,84	3,14	10,40	11,51	25,05	1,32	3,56	13,64	18,52	19,68	1,15,96	1,35,64	51,14	1,86,78	1871-72.
1872-73 .	9,95	57,90	22,76	90,61	4,65	37,28	2,98	44,91	89	1,04	1,73	3,66	3,23	10,13	9,25	22,61	2,51	4,21	23,24	29,96	21,23	1,10,56	1,31,79	59,96	1,91,75	1872-73.
1873-74 .	8,[illegible]	56,58	18,46	83,90	5,39	39,74	3,13	48,26	1,11	85	1,02	2,98	3,20	11,79	11,47	26,46	2,70	4,05	18,25	25,00	21,26	1,13,01	1,34,27	52,33	1,86,60	1873-74.
1874-75 .	9,76	65,37	15,03	90,16	5,63	40,48	3,68	49,79	95	76	1,25	2,96	3,10	11,38	11,09	25,57	3,12	5,74	11,68	20,54	22,56	1,23,73	1,46,29	42,73	1,89,02	1874-75.
1875-76 .	10,49	62,56	15,89	88,94	5,92	36,48	4,01	46,41	1,13	90	1,08	3,11	3,65	11,58	9,40	24,63	3,12	4,21	20,07	27,40	24,31	1,15,73	1,40,04	50,45	1,90,49	1875-76.
1876-77 .	10,84	54,88	15,17	80,89	6,93	35,18	94	43,05	1,23	65	25	2,13	4,49	10,10	5,88	20,47	3,47	4,43	15,25	23,15	26,96	1,05,24	1,32,20	37,49	1,69,69	1876-77.
1877-78 .	12,12	68,56	16,89	97,57	7,19	41,50	99	49,68	1,61	79	40	2,80	4,75	7,87	1,85	14,47	4,10	5,22	12,01	21,33	29,77	1,23,94	1,53,71	32,14	1,85,85	1877-78.
1878-79 .	10,99	55,12	16,48	82,59	7,20	38,47	1,88	47,55	1,60	52	23	2,35	4,63	7,98	3,80	16,40	5,51	5,78	16,09	27,38	29,92	1,07,97	1,37,79	38,48	1,76,27	1878-79.
1879-80 .	10,33	50,89	11,32	72,54	7,98	33,47	1,90	43,35	2,64	62	25	3,51	4,28	7,71	6,43	18,42	5,71	5,73	18,99	30,43	30,94	98,42	1,29,36	38,89	1,68,25	1879-80.
1880-81 .	10,[illegible]	49,57	12,41	72,87	7,24	46,61	2,07	55,92	4,10	1,06	21	5,37	4,39	8,86	6,38	19,63	3,98	6,81	22,70	33,49	30,60	1,13,91	1,44,51	43,77	1,88,28	1880-81.
1881-82 .	10,	45,03	14,52	70,43	8,41	40,14	1,53	50,08	3,17	1,09	32	4,58	4,18	8,20	3,95	16,33	5,89	6,73	26,13	38,75	32,53	1,01,19	1,33,72	46,45	1,80,17	1881-82.

DEPARTMENT OF FINANCE AND COMMERCE,
STATISTICAL BRANCH;
Calcutta, 25th February 1882.

T. C. HOPE,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY TRAFFIC.

RETURNS OF ACCIDENTS ON INDIAN RAILWAYS FOR THE 3RD QUARTER OF 1881.

No. 158 R. T., dated Fort William, 17th February 1882.

RESOLUTION—By the Government of India, Public Works Department.

Read again—

Public Works Department Circular No. 6 Ry., dated 9th February 1881.

" No. 1300 R. T., dated 12th November 1881.

Read also—

Returns of Accidents to trains, &c., on the open lines of Railway in India for the quarter ending 30th September 1881.

OBSERVATIONS.—As compared with the corresponding quarter of the previous year with an increase of 734¼ miles or 8·33 per cent. in the open mileage, and of 1,321,091 miles or 19·35 per cent. in the train mileage, the number of accidents to trains, rolling-stock, permanent-way, &c., shows an increase of 25 or 4·02 per cent. The principal differences occur on the following Railways:—

	Increase.	Decrease.
Great Indian Peninsula Railway (including the State lines worked by it)	10	...
Patna and Gya State Railway	11	...
Rajputana State Railway	56	...
Holkar and Sindia-Neemuch Railway	...	12
Rangoon and Irrawaddy Valley	...	13
Punjab Northern State Railway	13	...
Indus Valley and Kandahar State Railway	...	62

2. The number of accidents on the Great Indian Peninsula Railway increased from 43 to 53. There were 8 cases of "collisions between goods trains or parts of goods trains" against nil, 13 of "goods trains or parts of goods trains, engines, &c., leaving the rails" against 28 of "cattle accidents" against 26, and 12 of "slips in cuttings or embankments" against 4.

3. On the Patna and Gya State Railway there were 9 cases of "trains running over cattle on the line" against nil, and 3 of "failure of machinery, springs, &c., of engines" against nil.

4. On the Rajputana Railway the number of accidents increased from 28 to 84. Under "trains running over cattle" there were 49 cases against 18, under "failure of machinery, springs, &c, of engines" 6 against nil, under "failure of wheels" 7 against nil, and under "failure of couplings" 8 against 1.

5. The number of accidents on the Holkar and Sindia-Neemuch Railway diminished from 18 to 6. The decrease was chiefly under "trains running over cattle," the number being 2 against 6. There was not a single case of broken rails, whereas in the corresponding quarter of 1880 there were 4 accidents under this head.

6. On the Rangoon and Irrawaddy Valley State Railway the decrease appears to be mainly due to there being only 2 cattle accidents against 7, and no case of flooding of portions of permanent-way against 5.

7. On the Punjab Northern State Railway there was one case of "goods trains or parts of goods trains, engines, &c., leaving the rails" against 8, and 17 of "trains running over cattle" against 3.

8. On the Indus Valley and Kandahar State Railway the different kinds of accidents decreased considerably; the number of "cattle accidents" increased from 36 to 45, and the "failure of machinery, springs, &c.," decreased from 58 to 9. There were 5 cases of "fire in trains" against 11 in the corresponding period of the previous year.

9. The casualties resulting from accidents to trains, &c., were among passengers, 2 injured against nil, and among servants 10 killed and 24 injured against 1 killed and 8 injured. The largest number appears to have occurred on the Rajputana Railway where 3 servants were killed and 8 injured. Of these, 1 was killed and 5 were injured by a ballast train returning to Abu Station with brake-van foremost having come in contact with a cow. Three trucks out of 12 composing the train and the brake-van were derailed, injuring 2 women and 3 men severely, and the guard slightly, one of the women having eventually died. The vehicles derailed were considerably damaged, and several sleepers at

site broken. The accident was due to there being no fencing at that portion of the line between Abu Road and Roh. The other accident was caused by the trolly of a Permanent-way Sub-Inspector having come in contact with a down goods train; in this 2 trolly-men were killed, and 2 others and the Sub-Inspector slightly injured.

10. The following table exhibits the number of accidents under the different classes and the number of persons killed and injured thereby:—

	Number of Accidents.	Number of passengers and others.		Number of servants.		Total.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Collisions between passenger trains and goods, or mineral trains, engines and vehicles standing foul of the line	12	...	...	...	3	...	3
Collisions between goods trains or parts of goods trains	26	...	...	...	3	...	3
Collisions between light engines	4	...	...	...	...	...	...
Passenger trains or parts of passenger trains leaving the rails	9	...	...	...	...	...	...
Goods trains or parts of goods trains, engines, &c., leaving the rails	62	...	...	3	3	3	3
Trains or engines travelling in the wrong direction through points	12	...	...	2	...	2	...
Trains running into stations or sidings at too high a speed	3	...	...	...	...	...	...
Trains running over cattle on the line	285	...	...	1	5	1	5
Trains running over obstructions on the line	18	...	...	2	3	2	3
Trains running through gates at level crossings	12	...	...	...	2	...	2
The bursting of boilers or tubes, &c. of engines	26	...	...	...	1	...	1
The failure of machinery, springs, &c., of engines	42	...	...	...	...	...	...
The failure of tyres	3	...	...	...	...	...	...
The failure of wheels	7	...	...	...	...	...	...
The failure of axles	7	...	...	...	...	...	...
The failure of couplings	22	...	...	...	...	...	...
Broken rails	2	...	...	...	...	...	...
The flooding of portions of permanent-way	24	...	1	...	1	...	2
Slips in cuttings or embankments	12	...	...	...	...	...	...
Fire in trains	18	...	...	...	...	...	...
Fire at stations or involving injury to bridges or viaducts	3	...	...	...	...	...	...
Other accidents	38	...	1	2	3	2	4
Total	647	...	2	10	24	10	26

11. The number of collisions between "goods trains or parts of goods trains" increased from 13 to 26, of which 8 occurred on the East Indian Railway and 8 on the Great Indian Peninsula Railway.

12. The number of cases in which "goods trains or parts of goods trains, engines, &c., left the metals" was the largest on the Sind, Punjab and Delhi Railway, being 17 out of a total of 62; on the Great Indian Peninsula Railway there were 13; and on the Madras Railway 10.

13. The total number of cattle accidents, as compared with the corresponding period of the previous year, shows an increase of 60, the largest number of cases occurred on the Rajputana Railway, being 49 against 18. On the East Indian Railway there were 22 cases against 24, on the South Indian Railway 43 against 55, on the Northern Bengal Railway 13 against 7, and on the Indus Valley and Kandahar Railway 45 against 36.

14. The number of cases of "failure of machinery, springs, &c., of engines" shows a satisfactory decrease of 47 or 53 per cent. as compared with the figures for the corresponding quarter of the previous year. On the Sind, Punjab and Delhi Railway, there were 7 cases against 17, and on the Indus Valley and Kandahar Railway 9 against 58.

15. There were 3 cases of failure of tyres, of which 1 was on the Bombay, Baroda and Central India Railway, 1 on the Wardha Coal Railway, and 1 on the Indus Valley and Kandahar Railway.

16. Axles failed in 7 instances, of which 2 occurred on the East Indian Railway, 2 on the Rangoon and Irrawaddy Valley Railway, 1 on Eastern Bengal Railway, 1 on Bombay, Baroda and Central India Railway, and 1 on Indus Valley and Kandahar Railway.

17. The number of cases of failure of couplings appears large, being 22 against 7. On the East Indian Railway there were 5 cases against 1, and on the Rajputana Railway 8 against 1.

18. The cases of fire in trains decreased from 23 to 18. On the Madras Railway there were 6 cases against 5, and on the Indus Valley and Kandahar Railway 5 against 11.

19. The casualties to passengers from causes other than accidents to trains, &c., were—

	Killed.	Injured.
From falling between carriages and platforms	2	...
Falling on to the platform, ballast, &c., when getting into or out of trains	...	2
By closing of carriage doors	...	2
Falling out of carriages during the travelling of trains	4	11
Total	6	15

and the accidents to servants in the employ of railways or of contractors whilst performing duties connected directly with the transit of passengers and goods, from causes other than accidents to trains, &c., were—

	Killed.	Injured.
During shunting operations	4	11
Falling off engines, vans, wagons, &c.	5	11
Coming in contact with overbridges, &c., during the travelling of trains	...	2
Getting on or off trains, engines, &c.	6	12
Whilst loading, unloading or shunting	3	15
„ breaking, spragging or choking wheels	...	2
„ working on the permanent-way or in sidings	3	2
„ walking, crossing or standing on the line	15	13
„ passing between vehicles	1	...
„ attending to the machinery of engines, cleaning them, &c.	1	5
„ attending to gates at level crossings	3	1
Falling or being caught between vehicles and platforms	1	2
„ off ladders, scaffolds, platforms, &c.	...	2
By falling of lamps, wagon doors, timber weights, &c.	1	4
Whilst coupling or uncoupling wagons	2	7
Miscellaneous	2	27
TOTAL	47	116

20. Of other persons killed and injured by running trains, &c., 2 were killed and 1 injured whilst passing over the line at level crossings; 25 killed and 10 injured whilst trespassing on the line; 8 committed suicide; 3 were injured in attempting to commit suicide; and 3 killed and 8 injured from miscellaneous causes.

21. The following table shows the total numbers of persons killed and injured from causes connected with the working of trains as compared with those in the previous corresponding quarter:—

	THIRD QUARTER, 1880.		THIRD QUARTER, 1881.	
	Killed.	Injured.	Killed.	Injured.
Passengers.				
From causes beyond their own control	...	5	...	2
„ misconduct or want of caution	1	14	6	15
Servants.				
From causes beyond their own control	6	14	9	27
„ misconduct or want of caution	31	89	48	113
Others				
Whilst passing at level crossings	2	...	2	1
Trespassers, including suicides	36	5	33	13
Other persons	...	1	3	8
TOTAL	76	128	101	179

22. In addition to the above, 6 persons are reported to have been killed, and 23 injured in yards, workshops, &c., and 78 passengers to have met death in carriages and at stations from causes unconnected with the working of trains.

RESOLUTION.—The attention of the Government and Officers concerned should be invited to the large number of "collisions between goods trains or parts of goods trains" on the East Indian and Great Indian Peninsula Railways, the large increase in the number of cattle accidents on the Rajputana and Indus Valley and Kandahar Railways, and to the comparatively large number of failure of couplings on Rajputana Railway.

Madras, Bombay, Bengal, North-Western Provinces and Oudh.
Central Provinces, British Burma, and Hyderabad.
Director General of Railways.
Consulting Engineers to the Government of India for Guaranteed Railways.

ORDER.—Ordered, that this Resolution be forwarded to the Governments, Administrations and Officers noted in the margin for information and guidance, together with copies of the returns compiled.

Punjab, Assam, Rajputana, Central India and Beluchistan.

Ordered also, that these papers be forwarded to the Government and Administrations marginally noted for information, and that copies be forwarded to the Secretary of State for the information of Her Majesty's Government.

Ordered further, that this Resolution, with the abstract returns, be published in the Supplement to the *Gazette of India.*

W. S. TREVOR, *Colonel, R.E.,*
Deputy Secretary.

TABLE No. I.

GENERAL TOTAL.

NUMBER of PERSONS reported during the Third Quarter of 1881 as KILLED or INJURED on the several RAILWAYS open for Traffic in INDIA, distinguishing between PASSENGERS, RAILWAY SERVANTS, and OTHER PERSONS; and distinguishing also, in the case of the two former Classes, between ACCIDENTS happening from Causes beyond their own Control, and ACCIDENTS happening otherwise.

	Mean Mileage open.	RAILWAYS.		PASSENGERS. From Causes beyond their own Control.		PASSENGERS. From their own Misconduct or want of Caution.		PASSENGERS. Total.		RAILWAY SERVANTS OR SERVANTS OF CONTRACTORS. From Causes beyond their own Control.		RAILWAY SERVANTS OR SERVANTS OF CONTRACTORS. From their own Misconduct or want of Caution.		RAILWAY SERVANTS OR SERVANTS OF CONTRACTORS. Total.		OTHER PERSONS. Whilst passing over Railways at Level-Crossings.		OTHER PERSONS. Trespassers and Suicides.		OTHER PERSONS. Miscellaneous not included in preceding Columns.		OTHER PERSONS. Total.		TOTAL ALL CLASSES.	
				Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
GUARANTEED.	(a)1,569¾	East Indian	1880	...	1	...	4	...	5	...	6	9	26	9	32	...	...	8	4	...	...	8	4	17	41
	(a)1,594		1881	...	1	2	4	2	5	1	10	4	38	5	48	...	...	14	2	...	1	14	3	21	56
	(b)171¾	Eastern Bengal	1880	...	...	...	...	...	...	...	...	1	3	1	3	...	...	4	...	...	...	4	...	5	3
	171¾		1881	...	...	...	1	...	1	...	...	3	6	3	6	...	...	...	1	...	...	...	1	3	8
	547	Oudh and Rohilkhand	1880	...	...	...	...	...	...	2	2	...	...	2	2	...	...	4	...	...	...	4	...	6	2
	547		1881	...	...	...	2	...	2	...	...	1	6	1	6	...	...	5	1	1	...	6	1	7	9
	(c)663¼	Sind, Punjab and Delhi	1880	...	...	...	4	...	4	1	1	...	6	1	7	...	...	1	...	...	1	1	1	2	12
	(c)663¼		1881	...	...	...	...	...	...	...	1	5	7	5	8	...	...	1	...	...	...	1	...	6	8
	858	Madras	1880	...	...	...	1	...	1	...	...	3	4	3	4	...	...	...	...	...	...	...	...	3	5
	858		1881	...	...	...	...	...	...	3	3	1	3	4	6	...	...	2	1	...	1	2	2	6	8
	643¼	South Indian	1880	...	...	...	...	...	...	...	...	1	16	1	16	2	...	2	...	...	...	4	...	5	16
	655		1881	...	...	...	1	...	1	1	3	1	5	2	8	...	1	...	...	...	...	...	1	2	10
	1,420	Great Indian Peninsula	1880	...	...	...	1	...	1	...	...	9	17	9	17	...	...	2	...	...	...	2	...	11	18
	1,441½		1881	...	...	...	...	...	...	...	...	9	21	9	21	...	...	3	3	...	...	3	3	12	24
	444	Bombay, Baroda and Central India	1880	...	...	...	...	...	...	...	...	1	5	1	5	...	...	2	1	...	...	2	1	3	6
	444		1881	...	...	...	...	...	...	...	...	5	7	5	7	...	...	1	...	...	...	1	...	6	7
	28	Calcutta and South-Eastern	1880	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	28		1881	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	27¾	Nalháti	1880	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	27¾		1881	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	230	Northern Bengal	1880	...	...	1	...	1	...	...	...	2	2	2	2	...	...	3	...	...	...	3	...	6	2
	230		1881	...	...	...	...	...	...	...	...	1	2	1	2	...	...	1	...	...	...	1	...	2	2

STATE.

82		1881	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	1	...	1
57	Patna-Gya	1880	...	...	...	...	...	...	...	1	1	...	1	1	...	...	1	...	...	...	1	...	2	...
57		1881	...	...	...	...	...	...	...	1	1	...	1	1	...	...	3	1	...	1	3	2	4	...
29	Muttra-Háthras	1880	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
29		1881	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
...	Cawnpore-Farukhabad...	1880	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
86½		1881	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
549	Rajputana	1880	...	4	...	2	...	6	1	1	1	...	2	1	...	...	2	...	...	...	2	...	4	7
726½		1881	...	...	1	1	1	1	1	5	8	11	9	16	1	...	2	...	1	4	4	4	14	21
253½	Holkar and Sindia-Neemuch	1880	...	...	...	1	...	1	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	2
289		1881	...	...	...	1	...	1	2	...	3	...	5	...	...	...	1	...	...	...	1	...	6	1
...	Bhavnagar-Gondal	1880	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
119½		1881	...	...	...	...	...	...	1	...	3	...	4	...	...	...	...	...	...	...	...	...	4	...
45	Wardha Coal	1880	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
45		1881	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	..
53	Nágpur-Chhattísgarh	1880	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
53		1881	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	1	...	1
161	Rangoon and Irrawaddy Valley	1880	...	...	...	...	...	...	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	1
161		1881	...	...	1	...	1	...	...	1	...	...	...	1	1	...	...	1	...	...	1	1	2	2
171¾	Punjab Northern	1880	...	...	...	...	...	...	...	...	3	1	3	1	...	...	2	...	...	...	2	...	5	1
362¾		1881	...	1	1	3	1	4	...	2	3	2	3	4	...	...	..	1	...	...	...	1	4	9
(d)640	Indus Valley and Lower Section of the Kandahar Railway.	1880	...	...	...	1	...	1	2	3	...	5	2	8	...	...	5	...	...	...	5	...	7	9
641		1881	...	...	1	2	1	2	...	1	...	5	...	6	...	...	...	...	1	1	1	1	2	9
57¼	Gaekwar of Baroda's	1880	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
59¼		1881	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
121	Nizam's	1880	...	...	...	...	...	...	...	...	...	2	...	2	...	...	...	...	...	...	...	...	...	2
121		1881	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
...	Mysore	1880	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...
58		1881	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
8,816½	TOTAL	1880	...	5	1	14	1	19	8	14	31	89	37	103	2	...	36	8	...	1	38	6	76	128
9,550¾		1881	...	2	6	15	6	17	9	27	48	113	37	[illegible]	2	1	33	13	3	8	38	22	101	179

(a). Includes the mileage of the Sindia State Railway.
(b). Includes the Damukdia Branch (12 miles) of the Northern Bengal State Railway.
(c). Exclusive of 13 miles of the East Indian Railway from Ghaziabad to Delhi.
(d). Inclusive of 7 miles of the Sind, Punjab and Delhi Railway between Mooltan and Muzaffarabad worked over by the Indus Valley State Railway.
(e). Inclusive of the State lines worked by the East Indian Railway Company.

TABL

NUMBER of PERSONS reported during the Third Quarter of 1881 as KILLED or INJURED on the several RAILWAYS open
practicable, the Nature and Causes of t

PASSENGERS.

RAILWAYS.	From accidents to trains, &c. See Table No. 4.		From causes other than accidents to trains, &c. 1.—From falling between carriages and platforms.		2.—Falling on to the platform, ballast, &c., when getting into or out of trains.		3.—Whilst crossing the line at Stations.		4.—By the closing of carriage doors.		5.—Falling out of carriages during the travelling of trains.		6.—Other accidents.		Total.		Total Passengers.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
GUARANTEED. East Indian	...	1	1	..	...	1	...	...	...	...	1	3	...	...	2	4	2	5
Eastern Bengal	...	...	...	...	...	...	...	..	...	...	...	1	...	...	...	1	...	1
Oudh and Rohilkhand ...	...	...	...	...	...	...	...	...	...	1	...	1	...	...	.	2	..	2
Sind, Punjab and Delhi ...	...	...	...	...	...	...	...	...	...	...	...	.	...	...	...	...	...	...
Madras	...	...	...	...	...	...	..	...	...	..	..	...	...	...	...	...	...	...
South Indian	...	...	..	...	...	...	...	...	...	...	...	1	...	...	...	1	...	1
Great Indian Peninsula ...	...	...	...	..	...	.	...	...	...	...	...	...	...	...	...	...	...	...
Bombay, Baroda and Central India	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
STATE. Calcutta and South-Eastern ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nalháti ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Northern Bengal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tirhoot	...	...	...	...	...	...	...	...	...	..	...	...	...	.	...	...	...	...
Patna-Gya	...	...	...	..	.	...	...	...	...	..	...	...	...	..	...	...	...	...
Muttra-Háthras	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...
Cawnpore-Farukhabad ...	...	..	...	...	...	...	..	...	...	...	..	...	...	...	.	...	...	...
Rajputana	...	...	...	...	...	1	.	...	...	...	1	...	...	...	1	1	1	1
Holkar and Sindia-Neemuch ...	...	...	...	...	...	...	..	...	...	...	...	1	...	...	...	1	.	1
Bhavnagar-Gondal ...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	.	...	...
Wardha Coal	...	...	...	...	...	...	...	..	...	..	..	...	...	...	...	...	...	..
Nágpur-Chhattísgarh ...	...	...	...	...	...	.	..	..	...	..	...	.	...	...	...	...	...	..
Rangoon and Irrawaddy Valley	...	...	1	...	..	...	...	..	...	..	...	...	...	...	1	...	1	..
Punjab Northern ...	...	1	...	...	..	...	...	...	...	1	1	2	...	...	1	3	1	4
Indus Valley and Lower Section of the Kandahar Ry.	...	...	...	...	...	...	..	...	..	...	1	2	...	...	1	2	1	2
Gaekwar of Baroda's ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nizam's	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mysore	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL ... 1881	...	2	2	...	...	2	...	..	...	2	4	11	...	...	6	15	6	17
TOTAL ... 1880	...	...	...	...	...	2	...	...	...	5	1	10	...	2	1	19	1	19

RAILWAYS.	From accidents to trains, &c. See Table No. 4.		From causes other t 1.—During shunting operations.		2.—Falling off engines, vans, wagons, &c.		3.—Coming in contact with over-bridges, &c., during the travelling of trains.		4.—Coming in contact, whilst shunting, with vehicles, &c., standing in adjoining lines.		5.—Getting on or off trains, engines, &c.		6.—Whilst loading, unloading,
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.
GUARANTEED. East Indian	...	6	1	7	...	2	...	...	...	...	1	3	...
Eastern Bengal	...	...	...	..	...	1	...	...	..	...	1	...	1
Oudh and Rohilkhand ...	...	...	...	1	...	..	...	...	...	...	...	...	...
Sind, Punjab and Delhi ...	..	1	1	1	1	2	...	...	...	...	...	...	1
Madras	3	3	...	.	...	..	...	...	...	...	...	1	...
South Indian	1	3	...	..	1	1	...	...	...	...	...	1	...
Great Indian Peninsula ...	...	...	...	...	1	3	...	1	...	...	1	2	1
Bombay, Baroda and Central India	...	...	...	..	...	1	...	1	...	...	...	...	...
STATE. Calcutta and South-Eastern ...	...	...	...	..	...	...	...	...	..	...	...	...	...
Nalháti ...	...	...	...	...	...	...	...	...	...	...	...	...	...
Northern Bengal ...	...	...	...	...	1	...	...	...	...	...	...	...	...
Tirhoot	...	...	...	...	..	...	...	...	...	...	...	...	...
Patna-Gya	...	...	...	...	...	...	...	...	...	...	1	...	...
Muttra-Háthras	...	...	...	...	...	..	...	...	...	...	...	...	...
Cawnpore-Farukhabad ...	...	...	...	..	...	...	...	...	...	...	...	...	...
Rajputana	3	8	...	...	1	...	...	...	...	...	...	1	..
Holkar and Sindia-Neemuch ...	2	...	1	...	...	...	...	...	...	...	...	...	...
Bhavnagar-Gondal ...	1	...	1	...	...	...	...	...	...	...	2	...	...
Wardha Coal	...	...	...	...	...	...	...	...	...	...	...	...	.
Nágpur-Chhattísgarh ...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rangoon and Irrawaddy Valley	...	...	...	1	...	...	...	...	...	...	...	...	...
Punjab Northern ...	...	2	...	1	...	...	...	...	...	...	...	...	...
Indus Valley and Lower Section of the Kandahar Ry.	...	1	...	...	...	1	...	..	...	...	...	4	...
Gaekwar of Baroda's ...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nizam's	...	...	...	...	.	...	...	...	...	...	...	...	...
Mysore	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL ... 1881	10	24	4	11	6	11	...	2	...	...	6	12	3
TOTAL ... 1880	1	8	4	8	7	16	...	...	...	...	1	12	...

No. 2.

Traffic in INDIA, distinguishing between PASSENGERS, RAILWAY SERVANTS, and OTHER PERSONS; and classifying, as far as Accidents occasioning the Death or Injury.

| ...ANTS. | | |

TABLE No. 3.

ACCIDENTS to TRAINS, ROLLING-STOCK, PERMANENT-WAY, &c., reported during the Third Quarter of 1881 as having occurred on the several RAILWAYS open for Traffic in INDIA, distinguishing the different Classes of Accidents, and the Number of Passengers and others, and of Railway Servants, KILLED or INJURED in each Class of Accidents.

SEE ALSO TABLE No. 4.

	East Indian.							Eastern Bengal.							Oudh and Rohilkhand.							Sind, Punjab and Delhi.						
	No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
1. Collisions between passenger trains, or parts of passenger trains	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2. Collisions between passenger trains and goods or mineral trains, engines and vehicles standing foul of the line	3	...	...	...	3	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	...	...	...	...	...	...
3. Collisions between goods trains, or parts of goods trains	8	...	...	...	3	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...
4. Collisions between light engines	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...
5. Passenger trains, or parts of passenger trains, leaving the rails	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...
6. Goods trains, or parts of goods trains, engines, &c., leaving the rails	4	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	17	...	...	...	...	...	...
7. Trains or engines travelling in the wrong direction through points	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...
8. Trains running into stations or sidings at too high a speed	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
9. Ditto over cattle on the line	22	...	...	...	...	...	...	16	...	...	...	...	...	...	18	...	...	...	...	...	...	15	...	...	...	...	...	...
10. Ditto over obstructions on the line	3	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...
11. Ditto through gates at level-crossings	...	...	...	...	...	...	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
12. The bursting of boilers or tubes, &c., of engines	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	22	...	...	...	1	...	1
13. The failure of machinery, springs, &c., of engines	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	7	...	...	...	...	...	...
14. Ditto of tyres	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
15. Ditto of wheels	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
16. Ditto of axles	2	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
17. Ditto of brake apparatus	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
18. Ditto of couplings	5	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...
19. Ditto of tunnels, bridges, viaducts, culverts, &c.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	..	...	...	...	...	...	...	...	...
20. Broken rails	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
21. The flooding of portions of permanent-way	1	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...
22. Slips in cuttings or embankments	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
23 Fire in trains	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	..
24. Fire at stations, or involving injury to bridges or viaducts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
25. Other accidents	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	11	...	...	...	...	...	...
TOTAL ALL CLASSES ...	50	...	1	...	6	...	7	21	...	...	...	...	...	...	21	...	...	...	...	...	...	84	...	...	...	1	...	1
Number of Passenger-miles	147,083,815							18,863,162							32,428,195							47,045,228						
„ of Servants employed	20,769							5,361							5,119							14,805						
Train-mileage of all descriptions	2,135,637							219,633							350,175							645,220						

TABLE No. 3.—ACCIDENTS to TRAINS, ROLLING-STOCK, PERMANENT-WAY, &c., reported during the Third Quarter of 1881, &c.,—*continued.*

SEE ALSO TABLE No. 4.

	Madras.							South Indian.							Great Indian Peninsula.							Bombay, Baroda and Central India.							Calcutta and South-Eastern.						
	No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
1. Collisions between passenger trains, or parts of passenger trains	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2. Collisions between passenger trains and goods or mineral trains, engines and vehicles standing foul of the line	...	...	...	...	...	...	...	...	...	...	...	...	..	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
3. Collisions between goods trains, or parts of goods trains	...	...	...	...	...	...	...	1	...	...	...	...	...	...	8	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...
4. Collisions between light engines	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...
5 Passenger trains, or parts of passenger trains, leaving the rails	3	...	...	...	..	...	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
6. Goods trains, or parts of goods trains, engines, &c., leaving the rails	10	...	..	3	3	3	3	6	...	...	...	...	...	...	13	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
7. Trains or engines travelling in the wrong direction through points	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
8. Trains running into stations or sidings at too high a speed	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
9 Trains running over cattle on the line ...	9	...	...	...	...	...	...	43	...	...	...	...	...	...	8	...	...	...	...	...	...	1	...	...	...	...	...	...	5	...	...	...	...	...	...
10. Ditto over obstructions on the line ...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...
11. Ditto through gates at level-crossings	...	...	...	...	...	...	...	2	...	...	...	...	...	...	2	...	...	...	...	...	...	1	..	...	...	...	...	...	...	...	...	...	...	...	...
12. The bursting of boilers or tubes, &c., of engines	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
13. The failure of machinery, springs, &c., of engines	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...
14. Ditto of tyres	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
15. Ditto of wheels	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
16. Ditto of axles	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	1	...	...	...	...	...	..	...	...	...	...	...	...	...
17. Ditto of brake apparatus	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
18. Ditto of couplings	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
19. Ditto of tunnels, bridges, viaducts, culverts, &c.	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...
20. Broken rails	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...
21. The flooding of portions of permanent-way ...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
22. Slips in cuttings or embankments ...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	12	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...
23. Fire in trains	6	...	...	...	...	...	...	2	...	..	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
24. Fire at stations, or involving injury to bridges or viaducts	...	..	...	...	...	...	...	1	...	...	..	...	...	...	...	...	...	...	...	...	.	...	...	...	...	...	...	...	...	...	...	...	...	...	...
25. Other accidents	2	...	...	..	...	...	...	6	...	...	1	3	1	3	2	...	...	...	...	...	...	...	...	...	...	..	...	...	2	...	...	...	...	...	...
TOTAL ALL CLASSES ...	32	..	...	3	3	3	3	69	...	...	1	3	1	3	53	..	...	...	...	...	...	7	..	...	...	...	...	...	8	...	...	...	...	...	...
Number of Passenger-miles	48,310,269							(a) 39,378,995							71,467,405							38,407,963							1,227,780						
" of Servants employed	5,736							(a) 7,287							20,707							5,734							180						
Train-mileage of all descriptions	476,646							(a) 313,822							1,765,068							316,493							9,860						

(a) These figures do not include traffic on the Pondicherry line in French territory.

TABLE No. 3.—ACCIDENTS to TRAINS, ROLLING-STOCK, PERMANENT-WAY, &c., reported during the Third Quarter of 1881, &c.,—*continued.*

SEE ALSO TABLE No. 4.

	NALHATI.							NORTHERN BENGAL.							TIRHOOT.							PATNA-GYA.							MUTTRA-HATHRAS.						
	No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
1. Collisions between passenger trains, or parts of passenger trains	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2. Collisions between passenger trains and goods or mineral trains, engines and vehicles standing foul of the line	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
3. Collisions between goods trains, or parts of goods trains	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
4. Collisions between light engines	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
5. Passenger trains, or parts of passenger trains, leaving the rails	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
6. Goods trains, or parts of goods trains, engines, &c., leaving the rails	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
7. Trains or engines travelling in the wrong direction through points	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
8. Trains running into stations or sidings at too high a speed	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...
9. Trains running over cattle on the line ...	1	...	...	...	...	...	...	13	...	...	...	...	...	...	1	...	...	...	...	...	...	9	...	...	...	...	...	...	1	...	...	...	...	...	...
10. Ditto over obstructions on the line ...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
11. Ditto through gates at level-crossings	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
12. The bursting of boilers or tubes, &c., of engines	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
13. The failure of machinery, springs, &c., of engines	...	...	...	...	...	...	...	4	...	...	...	...	...	...	1	...	...	...	...	...	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...
14. Ditto of tyres	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
15. Ditto of wheels	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
16. Ditto of axles	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
17. Ditto of brake apparatus	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
18. Ditto of couplings	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
19. Ditto of tunnels, bridges, viaducts, culverts, &c.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
20. Broken rails	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
21. The flooding of portions of permanent-way ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
22. Slips in cuttings or embankments ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
23. Fire in trains	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
24. Fire at stations, or involving injury to bridges or viaducts	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
25. Other accidents	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL ALL CLASSES ...	2	...	...	...	...	...	...	23	...	...	...	...	...	...	4	...	...	...	...	...	...	14	...	...	...	...	...	...	2	...	...	...	...	...	...
Number of Passenger-miles	564,134							6,736,826							3,185,831							5,729,342							1,631,167						
" of Servants employed	160							1,664							812							489							95						
Train-mileage of all descriptions	10,028							125,065							35,036							31,495							11,078						

TABLE No. 3.—ACCIDENTS to TRAINS, ROLLING-STOCK, PERMANENT-WAY, &c., reported during the Third Quarter of 1881, &c.,—*continued.*

SEE ALSO TABLE No. 4.

	Cawnpore-Farukhabad.							Rajputana.							Holkar and Sindia-Neemuch.							Bhavnagar-Gondal.							Wardha Coal.						
	No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
1. Collisions between passenger trains, or parts of passenger trains	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2. Collisions between passenger trains and goods or mineral trains, engines and vehicles standing foul of the line	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
3. Collisions between goods trains, or parts of goods trains	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
4. Collisions between light engines	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
5. Passenger trains, or parts of passenger trains, leaving the rails	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
6. Goods trains, or parts of goods trains, engines, &c., leaving the rails ...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
7. Trains or engines travelling in the wrong direction through points	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	2	...	2	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...
8. Trains running into stations or sidings at too high a speed	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
9. Trains running over cattle on the line ...	3	...	...	...	...	...	...	49	...	...	1	5	1	5	2	...	...	...	...	...	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...
10. Ditto over obstructions on the line ...	...	...	...	...	...	...	...	3	...	...	2	3	2	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
11. Ditto through gates at level-crossings	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
12. The bursting of boilers or tubes, &c., of engines	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
13. The failure of machinery, springs, &c., of engines	...	...	...	...	...	...	...	6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...
14. Ditto of tyres	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...
15. Ditto of wheels	...	...	...	...	...	...	...	7	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
16. Ditto of axles	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
17. Ditto of brake apparatus	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
18. Ditto of couplings	...	...	...	...	...	...	...	8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
19. Ditto of tunnels, bridges, viaducts, culverts, &c.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
20. Broken rails	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
21. The flooding of portions of permanent-way ...	...	...	...	...	...	...	...	4	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...
22. Slips in cuttings or embankments	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
23. Fire in trains	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
24. Fire at stations, or involving injury to bridges or viaducts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
25. Other accidents	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	1	...	...	1	...	1	...	...	...	...	...	...	...	...
TOTAL ALL CLASSES ...	3	...	...	...	...	...	...	84	...	...	3	8	3	8	6	...	...	2	...	2	...	4	...	...	1	...	1	...	7	...	...	...	...	...	...
Number of Passenger-miles	3,410,543							39,231,056							13,678,610							2,164,085							447,416						
" of Servants employed	348							7,154							2,379							423							369						
Train-mileage of all descriptions	82,076							615,549							147,117							86,641							18,642						

TABLE No. 3.—ACCIDENTS to TRAINS, ROLLING-STOCK, PERMANENT-WAY, &c., reported during the Third Quarter of 1881, &c.,—*continued.*

SEE ALSO TABLE No. 4.

	Nagpur Chhattisgarh.							Rangoon and Irrawaddy Valley.							Sindia (Southern Section).							Punjab Northern.						
	No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others		Number of Servants.		Total all Classes.		No.	Number of Passengers and others		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
1. Collisions between passenger trains, or parts of passenger trains	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2. Collisions between passenger trains and goods or mineral trains, engines and vehicles standing foul of the line	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	..	..	...	...
3. Collisions between goods trains, or parts of goods trains	...	...	...	...	...	...	..	...	...	...	...	...	...	...	..	...	...	...	...	...	...	2	...	...	..	..	...	...
4. Collisions between light engines	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
5. Passenger trains, or parts of passenger trains, leaving the rails	...	..	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	1	...	...	.	...	...	...
6. Goods trains, or parts of goods trains, engines, &c., leaving the rails	1	...	...	...	...	...	...	...	..	..	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...
7. Trains or engines travelling in the wrong direction through points	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...
8. Trains running into stations or sidings at too high a speed	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
9. Ditto over cattle on the line	1	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	17	...	..	...	...	...	...
10. Ditto over obstructions on the line	...	...	...	...	..	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	3	...	...	...	..	...	..
11. Ditto through gates at level-crossings	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	1	...	1
12. The bursting of boilers or tubes, &c., of engines	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...
13. The failure of machinery, springs, &c., of engines...	...	...	...	...	...	...	...	...	...	...	..	...	.	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...
14. Ditto of tyres	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
15. Ditto of wheels	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
16. Ditto of axles	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
17. Ditto of brake apparatus	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
18. Ditto of couplings	...	...	...	...	...	.	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...
19. Ditto of tunnels, bridges, viaducts, culverts, &c.	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
20. Broken rails	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	..	...	...	...	...	...
21. The flooding of portions of permanent-way	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	...	1	...	1	...	2
22. Slips in cuttings or embankments	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
23. Fire in trains	...	...	...	...	...	.	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...
24. Fire at stations, or involving injury to bridges or viaducts	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...
25. Other accidents	...	...	...	...	..	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...
TOTAL ALL CLASSES ...	2	..	...	...	...	...	...	7	.	...	...	...	...	...	...	...	...	...	...	...	..	39	...	1	...	2	...	3
Number of Passenger-miles	1,539,160							8,006,124														22,763,674						
„ of Servants employed	977							1,251														2,640						
Train-mileage of all descriptions	19,039							81,267														239,835						

SEE ALSO TABLE No. 4.

	Indus Valley and Lower Section of the Kandahar Railway.							Gaekwar of Baroda's.							Nizam's.							Mysore.							Total all Railways.						
	No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		No.	Number of Passengers and others.		Number of Servants.		Total all Classes.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
1. Collisions between passenger trains, or parts of passenger trains	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2. Collisions between passenger trains and goods or mineral trains, engines and vehicles standing foul of the line	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	12	...	...	...	3	...	3
3. Collisions between goods trains, or parts of goods trains	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	26	...	...	...	3	...	3
4. Collisions between light engines ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	...	...	...	...	...	...
5. Passenger trains, or parts of passenger trains, leaving the rails	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	9	...	...	...	...	...	...
6. Goods trains, or parts of goods trains, engines, &c., leaving the rails ...	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	62	...	...	3	3	3	3
7. Trains or engines travelling in the wrong direction through points	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	12	...	...	2	...	2	...
8. Trains running into stations or sidings at too high a speed	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...
9. Trains running over cattle on the line ...	45	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...	285	...	...	1	5	1	5
10. Ditto over obstructions on the line	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...	18	...	...	2	3	2	3
11. Ditto through gates at level-crossings	2	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	12	...	...	...	2	...	2
12. The bursting of boilers or tubes, &c., of engines	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	26	...	...	...	1	...	1
13. The failure of machinery, springs, &c., of engines	9	...	...	...	...	...	...	...	...	...	...	...	...	...	4	...	...	...	...	...	...	...	...	...	...	...	...	...	42	...	...	...	...	...	...
14. Ditto of tyres	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...
15. Ditto of wheels	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	7	...	...	...	...	...	...
16. Ditto of axles	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	7	...	...	...	...	...	...
17. Ditto of brake apparatus	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
18. Ditto of couplings	1	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	22	...	...	...	...	...	...
19. Ditto of tunnels, bridges, viaducts, culverts, &c. ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
20. Broken rails	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...
21. The flooding of portions of permanent-way ...	6	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	24	...	1	...	1	...	2
22 Slips in cuttings or embankments ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	12	...	...	...	...	...	...
23. Fire in trains	5	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...	18	...	...	...	...	...	...
24. Fire at stations, or involving injury to bridges or viaducts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	3	...	...	...	...	...	...
25. Other accidents	5	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	38	...	1	2	3	2	4
Total all Classes ...	86	...	...	...	1	...	1	1	...	...	...	...	...	...	6	...	...	...	...	...	...	12	...	...	...	...	...	...	647	...	2	10	24	10	26
Number of Passenger-miles	18,811,616							925,391							4,341,520							1,385,561							578,764,868						
" of Servants employed	5,402							177							781							672							111,491						
Train-mileage of all descriptions	420,749							11,276							60,908							19,792							8,149,047						

TABLE

ACCIDENTS to TRAINS, ROLLING-STOCK, PERMANENT-WAY, &c., on the several RAILWAYS open for Traffic in INDIA during the
and the Number of RAILWAY SER

	RAILWAYS.	1. Collisions between passenger trains, or parts of passenger trains.	2. Collisions between passenger trains and goods or mineral trains, engines and vehicles standing foul of the line.	3. Collisions between goods trains, or parts of goods trains.	4. Collisions between light engines.	5. Passenger trains, or parts of passenger trains, leaving the rails.	6. Goods trains, or parts of goods trains, engines, &c., leaving the rails.	7. Trains or engines travelling in the wrong direction through points.	8. Trains running into stations or sidings at too high a speed.	9. Trains running over cattle on the line.	10. Trains running over obstructions on the line.	11. Trains running through gates at level-crossings.	12. The bursting of boilers or tubes, &c., of engines.	13. The failure of machinery, springs, &c., of engines.	14. The failure of tyres.	15. The failure of wheels.	16. The failure of axles.	17. The failure of brake apparatus.	18. The failure of couplings.	19. The failure of tunnels, bridges, viaducts, culverts, &c.	20. Broken rails.
GUARANTEED.	East Indian	...	3	8	...	...	4	1	...	22	3	...	...	...	...	...	2	...	5	...	...
	Eastern Bengal	...	...	...	...	...	...	...	...	16	1	1	...	...	...	...	1	...	2	...	...
	Oudh and Rohilkhand	...	...	...	1	..	1	...	...	18	...	1	...	...	...	...	...	...	...	...	...
	Sind, Punjab and Delhi	...	4	1	1	1	17	2	...	15	1	...	22	7	...	...	...	...	1	...	...
	Madras	...	...	...	...	3	10	...	...	9	1	...	...	...	...	...	...	...	...	...	...
	South Indian	...	...	1	2	1	6	...	1	43	1	2	...	1	...	...	...	...	1	...	...
	Great Indian Peninsula	...	1	8	...	1	13	...	...	8	...	2	...	...	...	...	...	...	...	...	2
	Bombay, Baroda and Central India ...	...	...	2	...	...	1	...	...	1	...	1	...	...	1	...	1	...	...	...	...
STATE.	Calcutta and South-Eastern	...	...	...	...	...	...	...	...	5	...	...	...	1	...	...	...	...	...	...	...
	Nalháti	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
	Northern Bengal	...	2	...	...	...	1	...	...	13	1	...	...	4	...	...	...	...	...	...	...
	Tirhoot	...	...	1	...	1	...	...	...	1	...	...	...	1	...	...	...	...	...	...	...
	Patna-Gya	...	...	...	...	...	...	...	...	9	...	...	...	3	...	...	...	...	1	...	...
	Muttra-Háthras	...	...	...	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	...	...
	Cawnpore-Farukhabad	...	...	...	...	...	...	...	...	3	...	...	...	...		...	...	...	...	...	...
	Rajputana	...	...	2	...	1	1	...	2	49	3	1	...	6	...	7	...	...	8	...	...
	Holkar and Sindia-Neemuch	...	...	...	...	...	2	1	...	2	...	...	...	...	...	...	...	...	...	...	...
	Bhavnagar-Gondal	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
	Wardha Coal	...	...	...	...	...	...	2	...	1	...	...	...	3	1	...	...	...	...	...	...
	Nágpur-Chhattisgarh	...	...	...	...	...	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...
	Rangoon and Irrawaddy Valley ...	...	...	...	...	...	...	...	...	2	1	...	...	...	...	...	2	...	...	...	...
	Punjab Northern	...	2	2	...	1	1	3	...	17	3	2	...	...	...	...	...	...	1	...	...
	Indus Valley and Lower Section of the Kandahar Railway.	...	...	1	...	...	4	2	...	45	...	2	4	9	1	...	1	...	1	...	...
	Gaekwar of Baroda's	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Nizam's	...	...	...	...	...	...	...	...	...	...	...	...	4	...	...	...	...	2	...	...
	Mysore	...	...	...	...	...	...	...	...	2	3	...	...	3	...	...	...	...	...	...	...
	TOTAL ... 1881	...	12	26	4	9	62	12	3	285	18	12	26	42	3	7	7	...	22	...	2
	TOTAL ... 1880	...	7	13	5	9	60	18	1	225	21	13	29	89	2	1	12	1	7	...	10

No. 4.

Third Quarter of 1881, distinguishing the different Classes of ACCIDENTS, the Number of PASSENGERS and OTHERS SERVANTS Killed or Injured thereby.

21. Fire in the moving or passing stock of Railway.	22. Slips in cuttings or embankments.	23. Fire in trains.	24. Fire at stations, or involving injury to bridges or buildings.	25. Other accidents.	Total all Classes.	Number of Passengers and Others. Killed.	Number of Passengers and Others. Injured.	Number of Servants. Killed.	Number of Servants. Injured.	Total all Classes. Killed.	Total all Classes. Injured.	Mean miles of Railway open.	Number of Passengers carried.	Train-mileage of all descriptions.	Passenger-mileage.	Per mile open. Number of Passengers carried.	Per mile open. Train-mileage of all descriptions.	Per mile open. Passenger-mileage.	Total Passengers. Per Million of Passengers. Killed.	Total Passengers. Per Million of Passengers. Injured.	Total Passengers. Per Million of Passenger Miles. Killed.	Total Passengers. Per Million of Passenger Miles. Injured.
1	...	...	...	1	50	...	1	...	6	...	7	1,594	2,141,964	2,135,637	147,083,815	1,344	1,340	92,278	...	0·466	...	0·007
...	...	...	...	...	21	...	...	...	...	...	...	171¾	566,456	219,633	18,863 162	3,298	1,279	109,829	...	...	...	...
...	...	...	...	...	21	...	...	...	...	...	...	547	637,306	350,175	32,428,195	1,165	640	59,284	...	...	...	...
...	...	1	...	11	84	...	...	...	1	...	1	663¼	995,795	645,220	47,015,228	1,501	972	70,904	...	...	...	...
1	...	6	...	2	32	...	...	3	3	3	3	858	1,087,053	476,646	48,310,269	1,267	556	56,303	...	...	...	...
1	...	2	1	6	69	...	...	1	3	1	3	655	(b)1,059,972	(b)313,822	39,378,995	1,618	479	60,121	...	...	...	...
3	12	1	...	2	53	...	...	...	...	...	...	1,441¼	1,198,504	1,765,068	71,467,405	831	1,224	49,575	...	...	...	...
...	...	...	...	...	7	...	...	...	...	...	...	444	1,564,024	316,493	38,407,963	3,523	713	86,504	...	...	...	...
...	...	...	...	2	8	...	...	...	...	...	...	28	137,300	9,860	1,227,780	4,904	352	43,849	...	...	...	...
...	...	...	...	1	2	...	...	...	...	...	...	27¼	26,401	10,028	564,134	978	371	13,445	...	...	...	...
...	...	...	1	1	23	...	...	...	...	...	...	230	170,446	125,065	6,736,826	741	544	29,291	...	...	...	...
...	...	...	...	...	4	...	...	...	...	...	...	82	103,599	35,036	3,185,831	1,263	427	38,852	...	...	...	...
...	...	...	...	1	14	...	...	...	...	...	...	57	145,932	31,495	5,729,342	2,560	553	100,515	...	...	...	...
...	...	...	...	...	2	...	...	...	...	...	...	29	93,321	11,078	1,631,167	3,218	382	56,247	...	...	...	...
...	...	...	...	...	3	...	...	...	...	...	...	86¼	128,036	32,976	3,410,543	1,480	381	39,428	...	...	...	...
4	...	...	...	...	84	...	...	3	8	3	8	726¾	656,283	615,549	39,231,056	903	847	53,981	...	...	...	...
...	...	...	...	1	6	...	...	2	...	2	...	289	301,517	147,117	13,678,610	1,043	509	47,331	...	...	...	...
2	...	...	...	1	4	...	...	1	...	1	...	119¼	71,432	36,641	2,164,085	598	307	18,110	...	...	...	...
...	...	...	...	...	7	...	...	...	...	...	...	45	29,571	18,642	447,416	657	414	9,943	...	...	...	...
...	...	...	...	...	2	...	...	...	...	...	...	53	107,963	19,039	1,539,160	2,037	359	29,041	...	...	...	...
...	...	...	...	2	7	...	...	...	...	...	...	161	261,940	81,267	8,006,124	1,627	506	49,727	...	...	...	...
4	...	1	...	2	39	...	1	...	2	...	3	362¾	482,316	(a)239,835	22,763,674	1,330	661	62,753	...	2·078	...	0·044
6	...	5	...	5	86	...	...	...	1	...	1	641	392,114	420,749	18,811,616	612	656	29,347	...	...	...	...
1	...	...	...	...	1	...	...	...	...	...	...	59¼	53,829	11,276	925,391	908	190	15,618	...	...	...	...
...	...	...	...	...	6	...	...	...	...	...	...	121	78,456	60,908	4,341,520	648	503	35,880	...	...	...	...
...	2	1	...	12		...	...	...	...	...	...	58	42,467	19,792	1,385,561	732	341	23,889	...	...	...	...
12	18	3	88	647		...	2	10	24	10	26	9,550¾	12,533,997	8,149,047	578,764,868	1,312	853	60,590	...	0·[illegible]	...	0·003
5	23	3	44	622		...	...	1	8	1	8	9,816¼	11,377,002	6,827,956	537,926,972	1,290	774	61,014	...	...	...	...

(a).—This is the traffic train mileage taken from the weekly traffic statement.
(b).—These figures do not include traffic on the Pondicherry line in French territory.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT OF FOOD-GRAINS FOR THE 2nd HALVES OF DECEMBER 1881 AND JANUARY 1882, PUBLISHED IN PAGES 86, 87, 160 AND 161 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 28th JANUARY AND 25th FEBRUARY 1882.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of last year.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of last year.	Rice. Best sort. Present fortnight.	Rice. Best sort. Past fortnight.	Rice. Best sort. Corresponding fortnight of last year.	Rice. Common. Present fortnight.	Rice. Common. Past fortnight.	Rice. Common. Corresponding fortnight of last year.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of last year.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of last year.	Lesser Millets, Ragi, &c. (Kavaru, Veragoo, Sawee, Cheena, Coraloo, Murhwa, Nurlee, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c. Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of last year.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of last year.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of last year.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of last year.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of last year.	Average wages per month. Able-bodied Agricultural Labourer.	Average wages per month. Syce or Horse-keeper.	Average wages per month. Common Mason, Carpenter, or Blacksmith.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	Rs. A. P.	Rs. A. P.	Rs. A. P.
	2nd half of December 1881.																																				
Rajpootana.	Erinpoora	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6 0 0	8 0 0	12 to 15
Rajpootana.	Sirohee	..	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4 0 0	4 0 0	10 to 15
Central India.	Goona	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4 to 5	4 to 6	10 to 15
	2nd half of January 1882.																																				
Rajpootana.	Erinpura	17 4	18 0	18 12	31 0	31 0	29 5	...	...	...	8 0	7 0	7 8	25 0	25 0	24 0	23 0	25 8	24 0	...	...	...	20 0	19 8	22 0	170 0	170 0	160 0	...	...	...	12 0	12 0	11 0	...	...	...
Rajpootana.	Sirohee	18 0	18 0	18 0	27 0	27 0	27 0	6 8	6 0	5 8	8 0	8 0	6 0	18 0	18 0	18 0	22 0	22 0	21 0	...	...	...	20 0	20 0	16 0	160 0	160 0	120 0	...	...	...	11 7	11 7	11 7	...	...	...
Rajpootana.	Abu	16 0	16 0	14 12	27 8	27 8	23 0	5 8	5 8	5 0	7 12	7 14	6 2	...	...	...	19 8	19 12	20 0	...	...	...	16 0	16 10	13 10	160 0	160 0	160 0	...	...	...	10 8	10 8	10 8	...	...	...
Rajpootana.	Anadra	18 2	18 0	16 4	34 0	34 0	26 0	6 0	6 0	5 4	8 8	8 8	7 0	...	...	...	22 8	23 0	23 0	...	...	...	17 8	18 0	15 0	...	...	...	...	...	...	11 8	11 8	11 8	...	...	...
Rajpootana.	Partabgárh	19 1	19 0	20 0	...	...	...	9 1	9 0	7 8	14 6	15 0	13 12	...	...	...	...	...	...	...	...	...	25 10	26 8	25 0	...	...	...	...	...	...	9 6	9 0	9 6	...	...	...
Rajpootana.	Bikaneer	12 4	11 12	10 0	...	...	...	2 15	3 0	2 14	7 0	6 8	6 8	...	...	...	20 9	20 12	14 0	...	...	...	16 4	16 4	15 8	...	...	...	...	...	...	11 8	11 8	11 8	...	...	...

T. C. HOPE,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 AND 25 VIC., CAP. 67.

The Council met at Government House on Thursday, the 23rd February, 1882.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I., G.M.I.E., *presiding*.
The Hon'ble Whitley Stokes, C.S.I., C.I.E.
The Hon'ble Rivers Thompson, C.S.I., C.I.E.
The Hon'ble J. Gibbs, C.S.I., C.I.E.
Major the Hon'ble E. Baring, R.A., C.S.I., C.I.E.
Major-General the Hon'ble T. F. Wilson, C.B., C.I.E.
The Hon'ble Mahárájá Jotíndra Mohan Tagore, C.S.I.
The Hon'ble L. Forbes.
The Hon'ble C. H. T. Crosthwaite.
The Hon'ble A. B. Ing'is.
The Hon'ble Rájá Siva Prasád, C.S.I.
The Hon'ble W. C. Plowden.
The Hon'ble W. W. Hunter, C.I.E., LL.D.
The Hon'ble Sayyad Ahmad Khán Bahádur, C.S.I.
The Hon'ble Durgá Charan Láhá.
The Hon'ble H. J. Reynolds.

INDIAN COMPANIES BILL.

The Hon'ble MR. STOKES moved that the Report of the Select Committee on the Bill for the incorporation, regulation and winding-up of Trading Companies and other Associations be taken into consideration. He said that the Select Committee had revised the Bill very carefully with the assistance of the two mercantile members, and they had made only four substantial alterations.

The first of these was that, in section 74, they had required the auditors to ascertain and certify that the balance-sheet was not only correct but conformable to law; and they had expressly declared that no balance-sheet should be filed with the Registrar unless and until its correctness and conformity had been so ascertained and certified.

Secondly, at the suggestion of Mr. Justice Plowden, the Committee had declared (section 125) that no claim founded on the liability of a contributory should be cognizable by a Court of Small Causes except in the Presidency-towns. This had been held to be the effect of section 6 of Act XI of 1865; but it would be well to have the law on the point expressly stated.

Thirdly, the Committee had declared that no Company under the proposed Act should have power to buy its own shares. This went a little further than the decision on *Zulueta's claim* (5 Ch. 414), where Lord Justice Giffard had held that, unless there was in plain terms, in the memorandum or articles of association, a direct authority to purchase a Company's own shares, it was clear in point of law that the Company could not do so. This decision was now the English rule on the subject. The American rule was, according to Mr. Bryce, to the contrary, and must, one would think, favour the commission of frauds on the investing public.

Lastly, in Table A, clause 57, the Committee had declared that the office of a director should be vacated if any partner of his, or any firm of which he was a member, held any other office or place of profit under the Company. The object of this, of course, was to prevent any one firm from getting the management of a Company too much into its own hands—to prevent, for example, one partner from being a director, another the attorney, and the firm secretaries and treasurers, of one and the same Company. They had also provided that a director should be disqualified if he were punished under any of the penal

clauses contained in the proposed Act. Of course, under section 76, any Company could, by passing a special resolution, alter these regulations; but MR. STOKES hoped and believed that this would not often be done.

The Motion was put and agreed to.

The Hon'ble MR. STOKES also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

POWERS-OF-ATTORNEY BILL.

The Hon'ble MR. STOKES also moved that the Report of the Select Committee on the Bill to amend the law relating to Powers-of-Attorney be taken into consideration. He said that in this little Bill the Select Committee had only made one or two unimportant changes. They had added a section equivalent to 44 & 45 Vic., c. 40, declaring that married women, whether minors or not, should have power to appoint attorneys on their behalf, for the purpose of executing a deed or doing any other act which they might themselves execute or do. They had repealed Act XXVIII of 1866, section 39, which would be rendered useless by the enactment of section 3 of the Bill. And they had postponed the commencement of the Act to the 1st May, 1882.

The Motion was put and agreed to.

The Hon'ble MR. STOKES then moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

BRITISH BURMA STEAM-BOILERS AND PRIME-MOVERS BILL.

The Hon'ble MR. STOKES also introduced the Bill to provide for the inspection of Steam-boilers and Prime-movers attached thereto in British Burma, and moved that it be referred to a Select Committee consisting of the Hon'ble Messrs. Gibbs, Crosthwaite and Inglis and the Mover.

The Motion was put and agreed to.

The Hon'ble MR. STOKES then moved that the Bill and Statement of Objects and Reasons be published in the *British Burma Gazette* in English and in such other languages as the Local Government might think fit.

The Motion was put and agreed to.

BRITISH BURMA PILOTS BILL.

The Hon'ble MR. STOKES asked for leave to postpone the introduction of the Bill to provide for the grant of licenses to, and for the holding of investigations into charges of incompetency or misconduct made against, Pilots in British Burma, and the Motion that it be referred to a Select Committee consisting of the Hon'ble Mr. Gibbs, Major the Hon'ble E. Baring, the Hon'ble Mr. Crosthwaite and the Mover.

Leave was granted.

The Hon'ble MR. STOKES also asked for leave to postpone the motion that the Bill and Statement of Objects and Reasons be published in the *British Burma Gazette* in English and in such other languages as the Local Government might think fit.

Leave was granted.

PRESIDENCY SMALL CAUSE COURTS BILL.

The Hon'ble MR. STOKES then moved that the Bill to consolidate and amend the law relating to the Courts of Small Causes established in the Presidency-towns be referred back to the Select Committee.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 2nd March, 1882.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India,
Legislative Department.

CALCUTTA;
The 23rd February, 1882.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 28th FEBRUARY 1882.

GENERAL REMARKS.—No rain fell during the week in any part of India except in Assam, Burma, and Lower Bengal. The spring crops are ripening fast in every province, and in Southern India they have either been or are being harvested.

In Madras prospects are reported to be good, though the outturn of the harvest in parts is below the average, and the standing crops have suffered from a deficient rainfall.

In Bombay the *rabi* harvest has been completed in some districts and is still going on in others. The cotton crop is also being picked. Prospects are generally good though Dharwar suffers from scarcity of water. The general rain throughout Bengal has much improved the *rabi* crops, though some damage has been done by hail.

There is no change in the North-Western Provinces and Oudh. The yield on unirrigated lands in the central tract will be light owing to failure of the winter rains, and slight damage has been sustained in parts from hail and frost.

In the Punjab, the Central Provinces and British Burma agricultural prospects and the public health are good

In Assam the showery weather has much facilitated ploughing for the *ahu* crop, and the cold-weather crops are being reaped.

There appears no cause for anxiety in the Mysore State, though water is scarce and crops which are dependent on irrigation are unsatisfactory. Dry crops are fair and prices easy.

In Berar, Hyderabad, Central India and Rajputana prospects are good and the weather seasonable.

Rain is much wanted in Nepal.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—		
Bellary ..	...	Standing crops wet generally good; dry withering in parts; harvest wet and dry grains; sugarcane yield below average; fever and small-pox in parts.
Kurnool ...	...	Standing crops dry generally good; harvest dry grains, outturn below average; small-pox and cattle disease in parts.
Ganjam ...	1·3 one station.	Gingelly and cotton thriving; harvest sugarcane and cotton one taluk, outturn average.
Kistna ...	...	Standing crops good; harvest dry grains and chillies, outturn below average; ague, small-pox, cholera and cattle disease in parts.
Chingleput (Madras) ...	...	Standing crops under larger tanks and river-channels in good condition; those dependent chiefly on rain not doing well owing to insufficient supply; harvest paddy, outturn below average; agricultural operations progressing; cholera in parts.
Coimbatore ...	...	Standing crops wet generally good; dry in parts suffering from want of rain and from insects; harvest wet and dry grains, outturn about average; fever, small-pox and cholera in parts.
Tanjore ...	...	Standing crops good; harvest wet and dry grains, outturn about average; cholera in parts.
Madura ...	...	Standing crops wet suffering from blight and deficient water-supply in parts; harvest paddy four taluks; cholera in parts.
Malabar ...	...	Fever, small-pox and cholera in parts.
Travancore ...	...	Harvest paddy progressing; fever and measles continue.
		General Remarks.—No rain except in Ganjam; general prospects good.
Bombay—		
Kurrachee ...	...	Fever still continues; two cases small-pox in Dadu; wheat, red rice and *bajri*—in Kurrachee 22, 40 and 38, in Dadu 23 and 48, in Tatta 23, 44 and 44, in Sujawal 18, 48, 56 pounds per rupee respectively.
Ahmedabad ...	...	*Rabi* harvest progressing; health good; wheat 30 pounds, *barji* 33 per rupee.
Baroda ...	...	*Rabi* crops in good condition; cotton-picking in progress; public health good; prices in Baroda city: *bajri* 31, common rice 24 pounds per rupee.
Surat ...	...	Crops healthy; fever in Pardi; *jowari* 39 and *nagli* 52 pounds per rupee.
Násik ...	...	Reaping of *rabi* still continuing; cattle disease disappeared; *bajri* 47, wheat 31, *jowari* 67 pounds per rupee.
Colaba (Bombay) ...	No rain	Abnormal temperature-cool on 22nd and 23rd, rose to 5° warm on 26th and fell to 1° cool on 28th; vapour in air in defect of normal, except on 28th; abnormal wind easterly on 25th and 26th; *nil* on all other days.
Poona ...	...	Harvesting of *rabi* crops progressing; average prices: *bajri* 49, *jowari* 62 pounds, in Poona *bajri* 41, *jowari* 52 pounds per rupee.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bombay—*contd*		
Ahmednagar ..	...	Harvesting of *rabi* nearly finished; *jowari* maximum 108 pounds in Jamkhed, minimum 66 in Kopargaon; *bajri* 72 in Jamkhed and 54 in Kopargaon.
Sholapur ...	...	*Rabi* harvest continues; *jowari* 77 pounds 4 tolas, *bajri* 60 pounds 16 tolas per rupee.
Dharwar ...	...	Wheat and gram being reaped; cotton-picking in progress; scarcity of drinking water in Navalgund, Gadag, Hangal, Karajghi, Kalghatgi and Kod; public health generally good; cattle disease in two talukas; rice 24, *jowari* 61 pounds per rupee.
Kanara ...	..	Fever prevalent in mild form in some talukas; cattle-disease less; second crop plants on coast in ear; common rice in Karwar 17 seers, in district average 17½ seers per rupee.
Rajkot ..	..	Weather cold; general health good; *bajri* 29, *jowari* 37 pounds per rupee.
		General Remarks.—*Rabi* harvest completed in some districts, in progress in others; scarcity of drinking water in parts of Dharwar continues; fever and cattle disease disappearing; prices generally steady.
Bengal—(Mar 1st)		
Chittagong ..	*Nil*	Weather seasonable; no rain in the town; a few showers in other parts of district; prospects and yield of crops fair; prices stationary; small-pox and cholera still continue; general health good.
Dacca ..	0·85	Prospects of winter crops generally good; cutting of sugarcane nearly completed, yield average; lands being prepared for sowing; public health generally good.
24-Pergunnahs (Alipore)	0·26	Harvesting of winter crops commenced, yield fair; lands being prepared for sowing; price of common rice stationary; public health generally good; cholera of a sporadic nature reported from Barrackpore Sub-division.
Moorshedabad ...	1·45	Prospects of crops on the whole continue to be good; there was a heavy rainfall attended with much hail on 24th; the hail-storm has done some mischief to standing winter crops and mango blossoms; sporadic cases of cholera still exist.
Rajshahye	0·02	Prospects of crops fair; fever prevalent; a few cases of cholera reported.
Burdwan ...	0·47	*Rabi* crops being harvested; cholera cases still reported.
Rungpore ..	0·39	Weather seasonable; prospects of crops favourable; public health good.
Bhagulpore ..	*Nil*	Prospects of crops good; cases of small-pox and cholera in the town.
Purneah ..	*Nil*	Wheat and other grains promise well; ploughing for *bhadoi* crops going on; small-pox and cholera in many parts of district.
Patna ...	*Nil*	Prospects of crops continue good; public health good.
Durbhanga ...	*Nil*	High east-wind; harvest of tobacco and mustard in progress; *rabi* promising; mango blossoming; prices falling slightly; small-pox has broken out in Madhoobani; health of head-quarters good.
Hazaribagh .	0·23	Weather getting warm; hail on 24th has done considerable damage to mango and *mohua*; other crops doing well; health generally good.
Cuttack ..	*Nil*	*Dalua* rice doing well in irrigated tracts; rain wanted; public health good.
		General Remarks.—Rain fell in many districts during the week; there were severe hail-storms in some places on 24th instant, which have much damaged mango blossoms and have also caused some injury to standing *rabi* crops; *rabi* prospects have generally much improved by the rain, but in some places the crops have already suffered from previous drought and will be below the average; ploughing for autumn crops progresses actively; sporadic cholera and small-pox continue to be reported in some districts.
N.-W. Provinces and Oudh –		
Benares (Feb 18th)	No rain	*Rabi* crops have suffered to some extent for want of rain; no disease amongst men and cow-pox amongst cattle in Chandouli tahsil has disappeared; bazars well supplied with food grains at moderate prices.
Allahabad (March 1st)	No rain	Variation in prices slight; *rabi* harvest begun; no cattle disease; slight fever here and there; occasional cholera continues.
Gorakhpur (Feb. 28th)	...	Weather fine; slight damage from hail stones, crops good; men and cattle well; prices stationary.
Jhansi („ „)	...	Harvesting has commenced; crops looking well, but the outturn will be scanty in places where no rain fell in October last; prices stationary; health good; no cattle disease.
Agra („ „)	No rain	*Sarson* and gram slightly damaged by insects; irrigation continues; crops ripening; health good; prices rising slightly.
Bareilly („ „)	No rain	Crops fair; prices almost stationary; people and cattle in good health.
Meerut („ „)	...	Weather clear; health good; crops good; prices stationary.
Kumaun („ „)	No rain	Sky cloudy; general health good; measles in some places; cattle disease continues; prices unchanged.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
N.-W. Provinces and Oudh—*contd.*		
Lucknow (Feb. 28th)	...	Weather seasonable on the whole; *rabi* prospects fair; health good; prices slightly on the rise.
Pertabgarh („ „)	...	Prospects on the whole continue favourable, but in pargana Ateha the crops have suffered somewhat; public health good.
Sitapur („ „)	No rain	Unirrigated crops poor; health good; prices stationary.
Fyzabad („ „)	No rain	Peas and beans being cut; no cattle disease; public health good.
Cawnpore („ „)	No rain	Prospects of irrigated *rabi* continue good; slight damage to *arhar* and gram from frost in two parganas; health good; prices slightly risen.
Farukhabad („ „)	No rain	Weather clear; wind easterly; health good.
Rai Bareli („ „)	...	Health good; harvest beginning; prospects excellent; prices still rising.
		General Remarks.—No rain during the week, and crops have suffered from want of it in Benares, Pertabgarh, Sitapur and Jhansi; slight damage has occurred from hail in Gorakhpur, from frost in Cawnpore and Aligarh, and from insects in Agra; otherwise prospects are generally favourable, though prices are rising in Lucknow, Rai Bareli, Cawnpore and Agra; a few cases of cholera and slight fever in Allahabad and some measles in Kumaun, but the general health continues good; cow-pock has disappeared in Benares and cattle disease in Jhansi, but the latter continues in Kumaun.
Punjab—(Feb. 28th)		
Delhi ...	No rain	Prospects good; small-pox in city; prices steady.
Hissar ...	...	Weather seasonable; crops excellent; prices stationary; health good.
Umballa ...	No rain	*Rabi* crops flourishing; health good.
Jullundur ...	No rain	Prices falling; health and crops good.
Amritsar ...	No rain	Health good; prices fluctuating.
Lahore ...	No rain	State of crops and health of district good; prices steady.
Ferozepore ...	No rain	Health good; prices steady.
Sialkot ...	No rain	Crops and health good.
Rawalpindi ...	No rain	Agricultural prospects and health good; prices falling.
Peshawar ...	No rain	Health and crops good; prices fluctuating.
Mooltan ...	No rain	State of crops favourable; health good; prices steady.
Dera Ismail Khan ...	No rain	Health good; prospects fair; prices steady.
		General Remarks.—Health and harvest prospects good; prices steady.
Central Provinces—		
Nagpur (March 1st) ...	...	Weather warm; *rabi* crops being reaped, outturn fair; health good; prices easy.
Jubbulpore ...	...	Days warm, nights cool; reaping of pulses continues; cholera abating; prices: wheat 22 seers per rupee.
Saugor (Feb. 27th) ..	...	Weather chilly; *rabi* harvest commenced in places; isolated cases of cholera; prices steady.
Seoni ...	...	Weather pleasant; reaping of *rabi* crops progressing; cholera and small-pox diminishing; cattle disease reported; prices stationary.
Hoshangabad (Feb. 28th)	...	Weather seasonable; *rabi* harvesting continues; small-pox reported; prices: wheat 20½ seers per rupee.
Raipur ..	...	Weather seasonable; *rabi* being harvested; cattle disease reported; health good; prices stationary.
Sambalpur (Feb. 23rd)	·19	Weather cloudy; prospects of crops and health good; prices: rice 56 seers per rupee.
Khandwa ...	...	Getting warm; *rabi* prospects good; preparation for *kharif* sowings in progress; small-pox reported; health good; prices: wheat 18 seers per rupee.
		General Remarks.—Weather getting warmer; *rabi* crops being reaped, good outturn expected; cholera in northern districts abating; public health generally good; prices stationary.
British Burma— (Feb. 25th)		
Akyab ...	*Nil*	Total rainfall ·40; five cases of small-pox in Akyab town; disease prevailing in Minbya township; otherwise public health good; slight cattle disease in three townships.
Rangoon ...	·34	Public health good.
Bassein ...	·62	Public health good.
Prome ...	...	A few cases of chicken pox in Prome town, otherwise public health good.
Amherst (Moulmein) ...	...	Public health in Moulmein and district good; crops fair.
Toungoo ...	...	One death from cholera in one township, otherwise public health good; reaping completed.
		General Remarks.—A little small-pox in Akyab, some cholera in Henzada and Tavoy, otherwise public health good; slight cattle disease in a few places.
Assam—		
Gauháti ...	·29	*Asu* crop in progress; public health fair.
Sylhet ...	·12	Mustard and linseed reaping finished; sugarcane reaping still going on and so is the cultivation of *amun dhan*, transplantation of *bura* also going on; cholera still prevalent.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Assam—*contd.*		
Cachar ...	·13	Weather warm; no cholera reported; common rice 24⅝ seers per rupee.
Dibrugarh ...	·92	Weather showery; ploughing for *ahu*; public health good; cattle disease still reported.
Mysore and Coorg—		
Bangalore ...	...	Standing dry crops fair condition; wet crops, except under large tanks, are withering; sugarcane and horse-gram harvested; prospects fairly good; public health good; fever and small-pox prevalent in two taluks; rise of rice 12 seers per rupee, *ragi* 24¼.
Mysore ...	...	Standing crops in good condition; prospects fair; price of rice slightly risen, of other articles of food stationary; dry crops throughout the State in good condition except in Shimoga; wet crops unsatisfactory; prospects tolerably fair; water becoming scarce; prices easy; small-pox reported from five districts.
Mercara ...	No rain	Threshing of rice continues; slight fall in price of rice; supplies imported from South Canara; further rise in the price of native coffee during the past week; no demand for cardamoms; health generally good.
Berar & Hyderabad—		
Amraoti	...	Reaping *rabi* crops progressing; wheat 18, *jowari* 36 seers per rupee.
Akola	...	*Rabi* harvesting continues; prospects good.
Hyderabad	...	*Rabi* reaping continues, *rabi* crops prospering; scarcity of water felt in some talukas; cattle disease prevalent in one taluk; prices: rice 10¼, wheat 17¼, white *jowari* 24, yellow *jowari* 30, and *tur* 32 seers per hali sicca rupee.
Central India States— (March 1st)		
Indore ...		Weather variable and much cooler than it has been; health good; grain and opium crops are being gathered; the *rabi* crop on unirrigated land has suffered from want of rain, but is not much below the average.
Morar (Gwalior) ...	No rain	Weather changeable; some fever.
Ratlam ...	...	Weather clear and cool; health and prospects good; some cholera still in Nagode.
Neemuch ...	No rain	High winds; small-pox reported in the district, but none in cantonment.
Gwalior ...	No rain	Health and prospects good; weather seasonable.
Bhopal ...		
Agar ...		
Nowgong ...		*Rabi* crops progressing favourably; weather cool; cholera reported in Punna.
Manpur ...	...	Weather clear and cold; fever and cough prevalent; prices stationary.
Rajputana—		
Abu (March 1st)	...	Seasonable winds; clouds gathering.
Sirohi (Feb. 26th)	...	Tanks fair; wells and health good; prospects very good; seasonable.
Marwar („ 24th)	...	Tanks and wells almost full; health and crops good; coldest week during this winter; sharp winds damaged crops to some extent; clouds about; prices rising.
Merwar („ 25th)	...	Tanks and wells good; small-pox decreasing, health otherwise good; prospects very good; seasonable.
Harowti („ „)	In Deloli ·05, Kotal ·05, Tonk ·09	Crops ripening; tanks and wells low; clear; health good; prospects fair.
Jhallawar („ 22nd)	...	Seasonable; health and prospects good.
Ajmere („ 28th)	...	Seasonable; health and prospects good.
Ulwar („ „)	...	High winds slightly injured crops; wells filling; health good.
Nepal—		
Nepal	*Nil*	Rain much wanted.

E. C. BUCK,

Offg Secy. to the Govt. of India.

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EXTRAORDINARY.

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CALCUTTA, MONDAY, MARCH 6, 1882.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March, 1822, and is hereby promulgated for general information :—

ACT No. VIII OF 1882.

An Act to amend the Indian Penal Code.

Preamble.

For the purpose of amending the Indian Penal Code; It is hereby enacted as follows :—

Amendment of section 40, clause 2, of Indian Penal Code.

1. In the second clause of section 40 of the said Code, before the figure "109," the figures "64, 65, 66, 71," shall be inserted.

Amendment of section 64 of same Code.

2. In section 64 of the said Code, for the first twelve words, the following shall be substituted, namely :—

"In every case of an offence punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment,

"and in every case of an offence punishable with fine only, in which the offender is sentenced to a fine."

Amendment of section 67 of same Code.

3. In section 67, after the words "fine only," the words "the imprisonment which the Court imposes in default of payment of the fine shall be simple, and" shall be inserted.

Addition to section 71 of same Code.

4. To section 71 of the said Code, the following clause shall be added:—

"Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, or

"where several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence,

"the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences."

Amendment of section 73 of same Code.

5. In section 73 of the said Code, for the words "be less than a" the words "shall not exceed one" shall be substituted.

New Exception to section 214 of same Code.

6. In section 214 of the said Code, for the Exception, the following shall be substituted, namely :—

"*Exception.*—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

Amendment of section 309 of same Code.

7. In section 309 of the said Code, for the last seven words the words "or with fine or with both" shall be substituted.

Amendment of section 335 of same Code.

8. In section 335 of the said Code, before the word "causes" the word "voluntarily" shall be inserted.

Amendment of section 410 of same Code.

9. In section 410 of the said Code, after the words "designated as 'stolen property'" the following words shall be inserted, namely :—"whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without British India"; and the words "offence of" shall be omitted.

Addition to section 435 of same Code.

10. In section 435 of the said Code, after the words "or upwards" the following words shall be inserted, namely :—

"or (where the property is agricultural produce) ten rupees or upwards."

Local extent. Commencement.

11. This Act extends to the whole of British India; and shall come into force on the first day of January, 1883.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March, 1882, and is hereby promulgated for general information :—

ACT No. IX OF 1882.

An Act to amend the Prisoners' Act, 1871.

Preamble.

WHEREAS it is expedient to amend Act No. V of 1871 (*to consolidate the laws relating to Prisoners confined by order of a Court*) ; It is hereby enacted as follows :—

Short title.

Local extent.

Commencement.

1. This Act may be called "The Prisoners' Act Amendment Act, 1882" : it extends to the whole of British India ; and it shall come into force on the first day of January, 1883.

Section substituted for section 33, Act V of 1871.

2. For section thirty-three of the said Act the following shall be substituted (namely) :—

Governor General in Council to appoint places to which persons sentenced to transportation shall be sent.

Local Government to direct removal of such persons to places appointed.

"33. The Governor General in Council may, from time to time, appoint places within British India to which persons sentenced to transportation shall be sent : and the Local Government, or some officer duly authorized in this behalf by the Local Government, shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence."

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th March, 1882, and is hereby promulgated for general information :—

ACT No. X 1882.

THE CODE OF CRIMINAL PROCEDURE, 1882.

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An Act to consolidate and amend the law relating to Criminal Procedure.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Criminal Procedure; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

CHAPTER I.

Short title. Commencement.

1. This Act may be called "The Code of Criminal Procedure, 1882": and shall come into force on the first day of January, 1883;

Local extent.

It extends to the whole of British India; but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law now in force, or shall apply to—

(*a*) the Commissioners of Police in the towns of Calcutta, Madras and Bombay, or the police in the towns of Calcutta and Bombay;

(*b*) any officer duly authorized to try petty offences in military bázárs at cantonments and stations occupied by the troops of the Presidencies of Fort St. George and Bombay respectively;

(*c*) heads of villages in the Presidency of Fort Saint George; or

(*d*) village Police-officers in the Presidency of Bombay:

(*e*) and nothing in sections 174, 175 and 176 shall apply to the police in the town of Madras.

Repeal of enactments.

2. On and from the first day of January, 1883, the enactments mentioned in the first schedule shall be repealed to the extent specified in the third column thereof, but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of any confinement which is then lawful.

Notifications, &c., under repealed Acts.

All notifications published, proclamations issued, powers conferred, forms prescribed, local limits defined, sentences passed and orders, rules and appointments made, under any enactment hereby repealed, or under any enactment repealed by any such enactment, and which are in force immediately before the first day of January, 1883, shall be deemed to have been respectively published, issued, conferred, prescribed, defined, passed and made under the corresponding section of this Code.

References to Code of Criminal Procedure and other repealed enactments.

3. In every enactment passed before this Code comes into force, in which reference is made to, or to any chapter or section of, the Code of Criminal Procedure, Act No. XXV of 1861, or Act No. X of 1872, or to any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding chapter or section.

Expressions in former Acts.

In every enactment passed before this Code comes into force the expressions "Officer exercising (or 'having') the powers (or 'the full powers') of a Magistrate", "Subordinate Magistrate, first class", and "Subordinate Magistrate, second class", shall respectively be deemed to mean "Magistrate of the first class", "Magistrate of the second class", and "Magistrate of the third class"; the expression "Magistrate of a division of a district" shall be deemed to mean "Sub-divisional Magistrate", the expression "Magistrate of the district" shall be deemed to mean "District Magistrate", and the expression "Magistrate of Police" shall be deemed to mean "Presidency Magistrate."

Interpretation-clause.

4. In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context:—

"Complaint":

(*a*) "Complaint" means the allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence; but does not include the report of a Police-officer:

"Investigation":

(*b*) "Investigation" includes all the proceedings under this Code for the collection of evidence conducted by the police or by any person (other than a Magistrate or Police-officer) who is authorized by a Magistrate in this behalf:

"Inquiry":

(*c*) "Inquiry" includes every inquiry conducted under this Code by a Magistrate or Court:

"Judicial proceeding":

(*d*) "Judicial proceeding" means any proceeding in the course of which evidence is or may be legally taken:

"Writing" and "written":

(*e*) "Writing" and "written" include "printing", "lithography", "photography", "engraving", and every other mode in which words or figures can be expressed on paper or on any substance:

"Sub-division":

(*f*) "Sub-division" means a sub-division made under this Code of a District:

"Province":

(*g*) "Province" means the territories for the time being under the administration of any Local Government:

"Presidency-town":

(*h*) "Presidency-town" means the local limits for the time being of the ordinary original civil juris-

diction of the High Court of Judicature at Fort William, Madras or Bombay:

"High Court":

(i) "High Court" means, in reference to proceedings against European British subjects or persons jointly charged with European British subjects, the High Courts of Judicature at Fort William, Madras and Bombay, the High Court of Judicature for the North-Western Provinces, the Chief Court of the Panjáb and the Recorder of Rangoon:

In other cases "High Court" means the highest Court of criminal appeal or revision for any local area;

or, where no such Court is established under any law for the time being in force, such officer as the Governor General in Council may appoint in this behalf:

"Chief Justice":

(j) "Chief Justice" includes also the senior Judge of a Chief Court:

"Advocate General":

(k) "Advocate General" includes also a Government Advocate, or, where there is no Advocate General or Government Advocate, such officer as the Local Government may, from time to time, appoint in this behalf:

"Clerk of the Crown":

(l) "Clerk of the Crown" includes any officer specially appointed by the Chief Justice to discharge the functions given by this Code to the Clerk of the Crown:

"Public Prosecutor":

(m) "Public Prosecutor" means any person appointed under section 492, and includes any person acting under the directions of a Public Prosecutor; and any person conducting a prosecution on behalf of Her Majesty in any High Court in the exercise of its original criminal jurisdiction:

"Pleader":

(n) "Pleader" used with reference to any proceeding in any Court, means a pleader authorized under any law for the time being in force to practise in such Court, and includes (1) an advocate, a vakíl and an attorney of a High Court so authorized, and (2) any mukhtár or other person appointed with the permission of the Court to act in such proceeding:

"Police-station":

(o) "Police-station" means any post declared, generally or specially, by the Local Government to be a Police-station for the purposes of this Code, and includes any local area specified by the Local Government in this behalf; and

"Officer in charge of a Police-station":

"Officer in charge of a Police-station" includes, when the officer in charge of the Police-station is absent therefrom or unable from illness to perform his duties, the Police-officer present at the Police-station who is next in rank to such officer and is above the rank of constable, or, when the Local Government so directs, any other Police-officer so present;

"Offence":

(p) "Offence" means any act or omission made punishable by any law for the time being in force:

"Cognizable offence":
"Cognizable case":

(q) "Cognizable offence" means an offence for, and "cognizable case" means a case in, which a Police-officer, within or without the Presidency-towns, may, in accordance with the second schedule, or under any law for the time being in force, arrest without warrant:

"Non-cognizable offence":
"Non-cognizable case":

"Non-cognizable offence" means an offence for, and "non-cognizable case" means a case in, which a Police-officer, within or without the Presidency-towns, may not arrest without warrant:

"Bailable offence":
"Non-bailable offence":

(r) "Bailable offence" means an offence shewn as bailable in the second schedule, or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence:

"Warrant-case":

(s) "Warrant-case" means a case relating to an offence punishable with death, transportation or imprisonment for a term exceeding six months:

"Summons-case":

(t) "Summons-case" means a case relating to an offence not so punishable:

"European British subject":

(u) "European British subject" means—

(1) any subject of Her Majesty born, naturalized or domiciled in the United Kingdom of Great Britain and Ireland, or in any of the European, American or Australian Colonies or Possessions of Her Majesty, or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal;

(2) any child or grand-child of any such person by legitimate descent:

"Chapter":
"Schedule":

(v) "Chapter" means a chapter of this Code; and "Schedule" means a schedule hereto annexed:

"Place."

(w) "Place" includes also a house, building, tent and vessel.

Words referring to acts.

Words which refer to acts done extend also to illegal omissions; and

Words to have same meaning as in Penal Code.

all words and expressions used herein and defined in the Indian Penal Code, and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them by that Code.

Trial of offences under Penal Code.

5. All offences under the Indian Penal Code shall be inquired into and tried according to the provisions hereinafter contained; and all offences under any other law shall be inquired into and tried according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of inquiring into or trying such offences.

Trial of offences against other laws.

PART II.

CONSTITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES.

CHAPTER II.

OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES.

A.—Classes of Criminal Courts.

Classes of Criminal Courts.

6. Besides the High Courts and the Courts constituted under any law other than this Code for the time being in force, there shall be five classes of Criminal Courts in British India, namely :—

I.—Courts of Session :
II.—Courts of Presidency Magistrates :
III.—Courts of Magistrates of the first class :
IV.—Courts of Magistrates of the second class :
V.—Courts of Magistrates of the third class.

B.—Territorial Divisions.

Sessions Divisions :

7. Every Province (excluding the Presidency-towns) shall be a Sessions Division, or shall consist of Sessions Divisions;

Districts.

and every Sessions Division shall, for the purposes of this Code, be a District or consist of Districts.

Power to alter Divisions and Districts.

The Local Government may alter the limits, or, with the previous sanction of the Governor General in Council, the number, of such Divisions and Districts.

Existing Divisions and Districts maintained till altered.

The Sessions Divisions and Districts existing when this Code comes into force shall be Sessions Divisions and Districts respectively, unless and until they are so altered.

Presidency-towns to be deemed Districts.

Every Presidency-town shall, for the purposes of this Code, be deemed to be a District.

Power to divide Districts into Sub-divisions.

8. The Local Government may divide any District outside the Presidency-towns into Sub-divisions, or make any portion of any such District a Sub-division, and may alter the limits of any Sub-division.

Existing Sub-divisions maintained.

All existing Sub-divisions which are now usually put under the charge of a Magistrate shall be deemed to have been made under this Code.

C.—Courts and Offices outside the Presidency-towns.

Court of Session.

9. The Local Government shall establish a Court of Session for every Sessions Division, and appoint a Judge of such Court.

It may also appoint Additional Sessions Judges, Joint Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

All Courts of Session existing when this Code comes into force shall be deemed to have been established under this Act.

District Magistrate.

10. In every District outside the Presidency-towns, the Local Government shall appoint a Magistrate of the first class, who shall be called the District Magistrate.

Officers temporarily succeeding to vacancies in office of District Magistrate.

11. Whenever, in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive administration of the District, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.

Subordinate Magistrates.

12. The Local Government may appoint as many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any District outside the Presidency-towns; and the Local Government, or the District Magistrate subject to the control of the Local Government, may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code.

Local limits of their jurisdiction.

Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such District.

Power to put Magistrate in charge of Sub-division.

13. The Local Government may place any Magistrate of the first or second class in charge of a Sub-division, and relieve him of the charge as occasion requires.

Such Magistrates shall be called Sub-divisional Magistrates.

Delegation of powers to District Magistrate.

The Local Government may delegate its powers under this section to the District Magistrate.

Special Magistrates.

14. The Local Government may confer upon any person all or any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally, in any local area outside the Presidency-towns.

Such Magistrates shall be called Special Magistrates.

With the previous sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it thinks fit, to any officer under its control the power conferred by the first paragraph of this section.

No powers shall be conferred under this section on any Police-officer below the grade of Assistant District Superintendent, and no powers shall be so conferred except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

Benches of Magistrates.

15. The Local Government may direct any two or more Magistrates in any place outside the Presidency-towns to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or such classes of cases only, and within such local limits, as the Local Government thinks fit.

Powers exercisable by Bench in absence of special direction.

Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members who is present taking part in the proceedings as a member of the Bench belongs, and as far as practicable shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

Power to frame rules for guidance of Benches.

16. The Local Government may, or, subject to the control of the Local Government, the District Magistrate may, from time to time, make rules consistent with this Code for the guidance of Magistrates' Benches in any District respecting the following subjects:—

(*a*) the classes of cases to be tried;

(*b*) the times and places of sitting;

(*c*) the constitution of the Bench for conducting trials;

(*d*) the mode of settling differences of opinion which may arise between the Magistrates in session.

Subordination of Magistrates and Benches to District Magistrate;

17. All Magistrates appointed under sections 12, 13 and 14, and all Benches constituted under section 15, shall be subordinate to the District Magistrate, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Magistrates and Benches; and

to Sub-divisional Magistrate.

every Magistrate (other than a Sub-divisional Magistrate) and every Bench exercising powers in a Sub-division shall be subordinate to the Sub-divisional Magistrate, subject, however, to the general control of the District Magistrate.

Subordination of Assistant Sessions Judges to Sessions Judge.

All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Assistant Sessions Judges.

Neither the District Magistrate nor the Magistrates or Benches appointed or constituted under sections 12, 13, 14 and 15 shall be subordinate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided.

D.—Courts of Presidency Magistrates.

Appointment of Presidency Magistrates.

18. The Local Government shall, from time to time, appoint a sufficient number of persons (hereinafter called Presidency Magistrates) to be Magistrates for each of the Presidency-towns, and shall appoint one of such persons to be Chief Magistrate for each such town.

Any two or more of such persons may (subject to the rules made by the Chief Magistrate under the power hereinafter conferred) sit together as a Bench.

Local limits of their jurisdiction.

19. Every Presidency Magistrate shall exercise jurisdiction in all places within the Presidency-town for which he is appointed and within the limits of the port of such town and of any navigable river or channel leading thereto, as such limits are defined under the law for the time being in force for the regulation of ports and port-dues.

Bombay Court of Petty Sessions.

20. Every Presidency Magistrate in the town of Bombay shall exercise all jurisdiction which, under any law in force immediately before the first day of April, 1877, was exercised in that town by the Court of Petty Sessions:

Provided that appeals under the law for the time being regulating the municipality of Bombay shall lie to the Chief Magistrate only.

Chief Magistrate.

21. Every Chief Magistrate shall exercise within the local limits of his jurisdiction all the powers conferred on him by this Code or which by any law or rule in force immediately before this Code comes into force are required to be exercised by any Senior or Chief Magistrate, and may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Code to regulate—

(*a*) the conduct and distribution of business and the practice in the Courts of the Magistrates of the town;

(*b*) the times and places at which Benches of Magistrates shall sit;

(*c*) the constitution of such Benches; and

(*d*) the mode of settling differences of opinion which may arise between Magistrates in session.

E.—Justices of the Peace.

Justices of the Peace for the Mufassal.

22. The Governor General in Council, so far as regards the whole or any part of British India outside the Presidency-towns,

and every Local Government, so far as regards the territories subject to its administration (other than the towns aforesaid),

may, by notification in the official Gazette, appoint such European British subjects as he or it thinks fit to be Justices of the Peace within and for the territories mentioned in such notification.

Justices of the Peace for the Presidency-towns.

23. The Governor General in Council or the Local Government, so far as regards the town of Calcutta,

and the Local Government, so far as regards the towns of Madras and Bombay,

may, by notification in the official Gazette, appoint to be Justices of the Peace within the limits of the town mentioned in such notification any persons resident within British India and not being the subjects of any foreign State whom such Governor General in Council or Local Government (as the case may be) thinks fit.

Present Justices of the Peace.

24. Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns, under any commission issued by a High Court, shall be deemed to have been appointed under section 22 by the Governor General in Council to act as a Justice of the Peace for the whole of British India other than the said towns.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section 23 by the Local Government.

Ex officio Justices of the Peace.

25. In virtue of their respective offices, the Governor General, the Ordinary Members of the Council of the Governor General, the Judges of the High Courts and the Recorder of Rangoon are Justices of the Peace within and for the whole of British India, and the Presidency Magistrates are Justices of the Peace within and for the towns of which they are respectively Magistrates.

F.—Suspension and Removal.

Suspension and removal of Judges and Magistrates.

26. All Judges of Criminal Courts other than the High Courts established by Royal Charter, and all Magistrates, may be suspended or removed from office by the Local Government:

Provided that such Judges and Magistrates as now are liable to be suspended or removed from office by the Governor General in Council only shall not be suspended or removed from office by any other authority.

Suspension and removal of Justices of the Peace.

27. The Governor General in Council may suspend or remove from office any Justice of the Peace appointed by him, and the Local Government may suspend or remove from office any Justice of the Peace appointed by it.

CHAPTER III.

Powers of Courts.

A.—Description of Offences cognizable by each Court.

Offences under Penal Code.

28. Subject to the other provisions of this Code, any offence under the Indian Penal Code may be tried by the High Court or Court of Session or by any other Court by which such offence is shown in the eighth column of the second schedule to be triable.

Offences under other laws.

29. Any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court.

When no Court is so mentioned, it may be tried by the High Court or by any Court constituted under this Code: Provided that—

(*a*) no Magistrate of the first class shall try any such offence which is punishable with imprisonment for a term which may exceed seven years;

(*b*) no Magistrate of the second class shall try any such offence which is punishable with imprisonment for a term which may extend to three years; and

(*c*) no Magistrate of the third class shall try any such offence which is punishable with imprisonment for a term which may extend to one year.

Offences not punishable with death.

30. In the territories respectively administered by the Lieutenant-Governor of the Panjáb and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg and Assam, and in those parts of the other Provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may, notwithstanding anything contained in section 29, invest the District Magistrate with power to try as a Magistrate all offences not punishable with death.

B.—Sentences which may be passed by Courts of various Classes.

Sentences which High Courts and Sessions Judges may pass.

31. A High Court may pass any sentence authorized by law.

A Sessions Judge, Additional Sessions Judge or Joint Sessions Judge may pass any sentence authorized by law; but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court.

An Assistant Sessions Judge may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding three years passed by an Assistant Sessions Judge shall be subject to confirmation by the Sessions Judge.

Sentences which Magistrates may pass.

32. The Courts of Magistrates may pass the following sentences, namely:—

(a) Courts of Presidency Magistrates and of Magistrates of the first class:	Imprisonment for a term not exceeding two years, including such solitary confinement as is authorized by law; Fine not exceeding one thousand rupees; Whipping.
(b) Courts of Magistrates of the second class:	Imprisonment for a term not exceeding six months, including such solitary confinement as is authorized by law; Fine not exceeding two hundred rupees; Whipping.
(c) Courts of Magistrates of the third class.	Imprisonment for a term not exceeding one month; Fine not exceeding fifty rupees.

The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorized by law to pass.

No Court of any Magistrate of the second class shall pass a sentence of whipping unless he is specially empowered in this behalf by the Local Government.

Power of Magistrates to sentence to imprisonment in default of fine.

33. The Court of any Magistrate may award such term of imprisonment in default of payment of fine as is authorized by law in case of such default: Provided that the term is not in excess of the Magistrate's powers under this Code:

Proviso as to certain cases.

Provided also that in no case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 32.

Higher powers of certain District Magistrates.

34. The Court of a District Magistrate specially empowered under section 30 may pass any sentence of imprisonment for a term not exceeding seven years, including such solitary confinement as is authorized by law, or of fine, or of whipping, or of any combination of these punishments authorized by law.

But any sentence of imprisonment for a term exceeding three years passed by any such Court shall be subject to the confirmation of the Sessions Judge.

Sentence in cases of conviction of several offences at one trial.

35. When a person is convicted, at one trial, of two or more distinct offences, the Court may sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict: such punishments, when consisting of imprisonment or transportation, to commence the one after the expiration of the other in such order as the Court may direct.

It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Maximum term of punishment.

Provided as follows:—

(a) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years:

(b) if the case is tried by a Magistrate (other than a Magistrate acting under section 34), the aggregate punishment shall not exceed twice the amount of punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

For the purpose of confirmation or appeal, aggregate sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

C.—Ordinary and Additional Powers.

Ordinary powers of Magistrates.

36. All District Magistrates, Sub-divisional Magistrates and Magistrates of the first, second and third classes have the powers hereinafter respectively conferred upon them and specified in the third schedule. Such powers are called their "ordinary powers".

Additional powers conferrible on Magistrates.

37. In addition to his ordinary powers, any Sub-divisional Magistrate or any Magistrate of the first, second or third class may be invested by the Local Government or the District Magistrate, as the case may be, with any powers specified in the fourth schedule as powers with which he may be invested by the Local Government or the District Magistrate.

Control of District Magistrates' investing power.

38. The power conferred on the District Magistrate by section 37 shall be exercised subject to the control of the Local Government.

D.—Conferment, Continuance and Cancellation of Powers.

Mode of conferring powers.

39. In conferring powers under this Code, the Local Government may by order empower persons specially by name or in virtue of their office, or classes of officials generally by their official titles.

Aid and information to Magistrates, the police and persons making arrests.

Every such order shall take effect from the date on which it is communicated to the person so empowered.

Continuance of powers of officers transferred.

40. Whenever any person holding an office in the service of Government who has been invested with any powers under this Code throughout any local area is transferred to an equal or higher office of the same nature within a like local area under the same Local Government, he shall, unless the Local Government otherwise directs, or has otherwise directed, continue to exercise the same powers in the local area to which he is so transferred.

Powers may be cancelled.

41. The Local Government may withdraw any powers conferred under this Code on any person by it or by any officer subordinate to it.

PART III.

GENERAL PROVISIONS.

CHAPTER IV.

Of Aid and Information to the Magistrates, the Police and persons making arrests.

Public when to assist Magistrates and police.

42. Every person is bound to assist a Magistrate or Police-officer reasonably demanding his aid, whether within or without the Presidency-towns,

(*a*) in the taking of any other person whom such Magistrate or Police-officer is authorized to arrest;

(*b*) in the prevention of a breach of the peace, or of any injury attempted to be committed to any railway, canal, telegraph or public property; or

(*c*) in the suppression of a riot or an affray.

Aid to person other than Police officer, executing warrant.

43. When a warrant is directed to a person other than a Police-officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

Public to give information of certain offences.

44. Every person, whether within or without the Presidency-towns, aware of the commission of, or of the intention of any other person to commit, any offence punishable under the following sections of the Indian Penal Code (namely) 121, 121A, 122, 123, 124, 124A, 125, 126, 130, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to the nearest Magistrate or Police-officer of such commission or intention.

Village-headmen, landholders and others bound to report certain matters.

45. Every village-headman, village-watchman, village-police-officer, owner or occupier of land, and the agent of any such owner or occupier, and every officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate, or to the officer in charge of the nearest Police-station, whichever is the nearer, any information which he may obtain respecting—

(*a*) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is headman, watchman or Police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;

(*b*) the resort to any place within, or the passage through, such village, of any person whom he knows, or reasonably suspects, to be a thug, robber, escaped convict or proclaimed offender;

(*c*) the commission of or intention to commit any non-bailable offence in or near such village;

(*d*) the occurrence therein of any sudden or unnatural death or of any death under suspicious circumstances.

Explanation.—In this section "village" includes village-lands.

CHAPTER V.

Of Arrest, Escape and Retaking.

A.—Arrest generally.

Arrest how made.

46. In making an arrest, the Police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Resisting endeavour to arrest.

If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such Police-officer or other person may use all means necessary to effect the arrest.

Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death, or with transportation for life.

Search of place entered by person sought to be arrested.

47. If any person acting under a warrant of arrest, or any Police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such Police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Procedure where ingress not obtainable.

48. If ingress to such place cannot be obtained under section 47, it shall be lawful in any case for a person acting under a warrant, and in any case in which a warrant may issue but cannot be obtained without affording the person to

be arrested an opportunity of escape, for a Police-officer, to enter such place and search therein, and

in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance:

Breaking open zanána.

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public, such person or Police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

Power to break open doors and windows for purposes of liberation.

49. Any Police-officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

No unnecessary restraint.

50. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Search of arrested persons.

51. Whenever a person is arrested by a Police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail, but the person arrested cannot furnish bail, and

whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the Police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel, found upon him.

Mode of searching women.

52. Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency.

Power to seize offensive weapons.

53. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Code to produce the person arrested.

B.—Arrest without Warrant.

When police may arrest without warrant.

54. Any Police-officer may, without an order from a Magistrate and without a warrant, arrest—

first—any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned;

secondly—any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of housebreaking;

thirdly—any person who has been proclaimed as an offender either under this Code or by order of the Local Government;

fourthly—any person in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing;

fifthly—any person who obstructs a Police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; and

sixthly—any person reasonably suspected of being a deserter from Her Majesty's Army or Navy.

This section applies to the police in the towns of Calcutta and Bombay.

Arrest of vagabonds, habitual robbers, &c.

55. Any officer in charge of a Police-station may, in like manner, arrest or cause to be arrested—

(*a*) any person found taking precautions to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence; or

(*b*) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or

(*c*) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.

Procedure when Police-officer deputes subordinate to arrest without warrant.

56. When any officer in charge of a Police-station requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence for which the arrest is to be made.

Refusal to give name and residence.

57. When any person in the presence of a Police-officer commits or is accused of committing a non-cognizable offence, and refuses on

demand of a Police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained; and he shall, within twenty-four hours from the arrest, be forwarded to the nearest Magistrate, unless, before the expiration of that time, his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

Pursuit of offenders into other jurisdictions.

58. A Police-officer may, for the purpose of arresting without warrant any person whom he is authorized to arrest under this chapter, pursue such person into any place in British India.

Arrest by private persons.

59. Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence, or who has been proclaimed as an offender;

Procedure on such arrest.

and shall, without unnecessary delay, make over any person so arrested to a Police-officer; or, in the absence of a Police-officer, take such person to the nearest Police-station.

If there is reason to believe that such person comes under the provisions of section 54, a Police-officer shall re-arrest him.

If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a Police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 57. If there is no reason to believe that he has committed any offence, he shall be at once discharged.

Person arrested to be taken before Magistrate or officer in charge of Police-station.

60. A Police-officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a Police-station.

Person arrested not to be detained more than 24 hours.

61. No Police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Police to report apprehensions.

62. Officers in charge of Police-stations shall report to the District Magistrate, or, if he so directs, to the Sub-divisional Magistrate, the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Discharge of person apprehended.

63. No person who has been arrested by a Police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.

Offence committed in Magistrate's presence.

64. When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Arrest by or in presence of Magistrate.

65. Any Magistrate may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

Power, on escape, to pursue and retake.

66. If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in British India.

Provisions of sections 47, 48 and 49 to apply to arrests under section 66.

67. The provisions of sections 47, 48 and 49 shall apply to arrests under section 66, although the person making any such arrest is not acting under a warrant and is not a Police-officer having authority to arrest.

CHAPTER VI.

Of Processes to compel Appearance.

A.—Summons.

Form of summons.

68. Every summons issued by a Court under this Code shall be in writing in duplicate signed and sealed by the presiding officer of such Court, or by such other officer as the High Court may, from time to time, by rule, direct.

Summons by whom served.

Such summons shall be served by a Police-officer; or, subject to such rules consistent with this Code as the Local Government may prescribe in this behalf, by an officer of the Court issuing it.

This section applies to the police in the towns of Calcutta and Bombay.

Summons how served.

69. The summons shall if practicable be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.

Signature of receipt for summons.

Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Service when person summoned cannot be found.

70. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of

his family, or, in a Presidency-town, with his servant residing with him; and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Procedure when receipt cannot be obtained.

71. If the signature mentioned in sections 69 and 70 cannot by the exercise of due diligence be obtained, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

Service on servant of Government or of Railway Company.

72. Where the person summoned is in the active service of the Government or of a Railway Company, the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by section 69, and shall return it to the Court with the endorsement required by that section.

Service of summons outside local limits.

73. When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

Proof of service in such cases, and when serving officer not present.

74. When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in manner provided by section 69 or section 70) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.

B.—Warrant of Arrest.

Form of warrant of arrest.

75. Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer, or, in the case of a Bench of Magistrates, by any member of such Bench; and shall bear the seal of the Court.

Continuance of warrant of arrest.

Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.

Court may direct security to be taken.

76. Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person execute a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

The endorsement shall state (*a*) the number of sureties, (*b*) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound, and (*c*) the time at which he is to attend before the Court.

Recognizance to be forwarded.

Whenever security is taken under this section, the officer to whom the warrant is directed shall forward the bond to the Court.

Warrants to whom directed.

77. A warrant of arrest shall ordinarily be directed to one or more Police-officers, and, when issued by a Presidency Magistrate, shall always be so directed; but any other Court issuing such a warrant may, if its immediate execution is necessary and no Police-officer is immediately available, direct it to any other person or persons; and such person or persons shall execute the same.

Warrant to several persons.

When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them.

Warrant may be directed to landholders, &c.

78. A District Magistrate or Sub-divisional Magistrate may direct a warrant to any landholder, farmer or manager of land within his district or sub-division for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued is in, or enters on, his land or farm, or the land under his charge.

When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest Police-officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under section 76.

Warrant directed to Police-officer.

79. A warrant directed to any Police-officer may also be executed by any other Police-officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

Notification of substance of warrant.

80. The Police-officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant.

Processes to compel appearance.

81. The Police-officer or other person executing a warrant of arrest shall (subject to the provisions of section 76 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person.

Person arrested to be brought before Court without delay.

82. A warrant of arrest may be executed at any place in British India.

Where warrant may be executed.

83. When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a Police-officer, forward the same by post or otherwise to any Magistrate or Commissioner of Police within the local limits of whose jurisdiction it is to be executed.

Warrant forwarded to Magistrate for execution outside jurisdiction.

The Magistrate or Commissioner to whom such warrant is so forwarded shall endorse his name thereon, and, if practicable, cause it to be executed within the local limits of his jurisdiction.

84. When a warrant directed to a Police-officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement either to a Magistrate or to a Police-officer not below the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.

Warrant directed to Police-officer for execution outside jurisdiction.

Such Magistrate or Police-officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the Police-officer to whom the warrant is directed to execute the same within such limits, and the local police shall, if so required, assist such officer in executing such warrant.

Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or Police-officer within the local limits of whose jurisdiction the warrant is to be executed will prevent such execution, the Police-officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.

This section applies to the police in the towns of Calcutta and Bombay.

85. When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles of the place of arrest, or is nearer than the Magistrate or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 76, be taken before such Magistrate or Commissioner.

Procedure on arrest of person against whom warrant issued.

86. Such Magistrate or Commissioner shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court: Provided that if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate or Commissioner, or a direction has been endorsed under section 76 on the warrant and such person is ready and willing to give the security required by such direction, the Magistrate or Commissioner shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant.

Procedure by Magistrate before whom person arrested is brought.

Nothing in this section shall be deemed to prevent a Police-officer from taking security under section 76.

C.—Proclamation and Attachment.

87. If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

Proclamation for person absconding.

The proclamation shall be published as follows:—

(*a*) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(*b*) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides, or to some conspicuous place of such town or village; and

(*c*) a copy thereof shall be affixed to some conspicuous part of the Court-house.

A statement by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

88. The Court may, after issuing a proclamation under section 87, order the attachment of any property, moveable or immoveable, or both, belonging to the proclaimed person.

Attachment of property of person absconding.

Such order shall authorize the attachment of any property belonging to such person within the district in which it is made; and it shall authorize the attachment of any property belonging to such person without such district, when endorsed by the District Magistrate within whose district such property is situate.

If the property ordered to be attached be debts or other moveable property, the attachment under this section shall be made—

(*a*) by seizure; or

(*b*) by the appointment of a receiver; or

(*c*) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or

(*d*) by all or any two of such methods, as the Court thinks fit.

If the property ordered to be attached be immoveable, the attachment under this section shall, in the case of land paying revenue to Government, be made through the Collector of the District in which the land is situate, and in all other cases—

(*e*) by taking possession; or

(*f*) by the appointment of a receiver; or

(*g*) by an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf; or

(*h*) by all or any two of such methods, as the Court thinks fit.

The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under Chapter XXXVI of the Code of Civil Procedure.

If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government; but it shall not be sold until the expiration of six months from the date of the attachment, unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold whenever it thinks fit.

Restoration of attached property.

89. If, within two years from the date of the attachment, any person whose property is or has been at the disposal of Government under the last paragraph of section 88 appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the nett proceeds of the sale, or if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

D.—Other rules regarding processes.

Issue of warrant in lieu of or in addition to summons.

90. A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person other than a juror or assessor, issue, after recording its reasons in writing, a warrant for his arrest—

(*a*) if, either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or

(*b*) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

Power to take bond for appearance.

91. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant is present in such Court, such officer may require such person to execute a bond with or without sureties for his appearance in such Court.

Arrest on breach of bond for appearance.

92. When any person who is bound by any bond taken under this Code to appear before a Court does not so appear, the officer presiding in such Court may issue a warrant directing that such person be arrested and produced before him.

Provisions in this chapter generally applicable to summonses and warrants of arrest.

93. The provisions contained in this chapter relating to a summons and warrant and their issue, service and execution shall, so far as may be, apply to every summons and every warrant of arrest issued under this Code.

CHAPTER VII.

OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVEABLE PROPERTY AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED.

A.—Summons to produce.

Summons to produce document or other thing.

94. Whenever any Court, or, in any place beyond the limits of the towns of Calcutta and Bombay, any officer in charge of a Police-station, considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.

Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he cause such document or thing to be produced instead of attending personally to produce the same.

Nothing in this section shall be deemed to affect the Indian Evidence Act, 1872, sections 123 and 124, or to apply to a letter, post-card, telegram or other document in the custody of the Postal or Telegraph authorities.

Procedure as to letters and telegrams.

95. If any document in such custody is, in the opinion of any District Magistrate, Chief Presidency Magistrate, High Court or Court of Session, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require

Processes to compel production of documents, &c.

the Postal or Telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate or Court directs.

If any such document is, in the opinion of any other Magistrate, or of any Commissioner of Police or District Superintendent of Police, wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to cause search to be made for and to detain such document, pending the orders of any such District Magistrate, Chief Presidency Magistrate or Court.

B.—Search-warrants.

When search-warrant may be issued.

96. Where any Court has reason to believe that a person to whom a summons or order under section 94 or a requisition under section 95, paragraph one, has been or might be addressed will not or would not produce the document or other thing as required by such summons or requisition,

or where such document or other thing is not known to the Court to be in the possession of any person,

or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,

it may issue a search-warrant; and the person to whom such warrant is directed may search or inspect in accordance therewith and the provisions hereinafter contained.

Nothing herein contained shall authorize any Magistrate, other than a District Magistrate or Chief Presidency Magistrate, to grant a warrant to search for a document in the custody of the Postal or Telegraph authorities.

Power to restrict warrant.

97. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

Search of house suspected to contain stolen property, forged documents, &c.

98. If a District Magistrate, Sub-divisional Magistrate, Presidency Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property,

or for the deposit or sale or manufacture of forged documents, false seals or counterfeit stamps or coin, or instruments or materials for counterfeiting coin or stamps or for forging,

or that any forged documents, false seals or counterfeit stamps or coin, or instruments or materials used for counterfeiting coin or stamps or for forging, are kept or deposited in any place,

he may by his warrant authorize any Police-officer above the rank of a constable—

(*a*) to enter, with such assistance as may be required, such place, and

(*b*) to search the same in manner specified in the warrant, and

(*c*) to take possession of any property, documents, seals, stamps or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also of any such instruments and materials as aforesaid, and

(*d*) to convey such property, documents, seals, stamps, coins, instruments or materials before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and

(*e*) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale, or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or stamps or for forging.

Disposal of things found in search beyond jurisdiction.

99. When, in the execution of a search-warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, any of the things for which search is made are found, such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Court issuing the warrant, unless such place is nearer to the Magistrate having jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate; and, unless there be good cause to the contrary, such Magistrate shall make an order authorizing them to be taken to such Court.

C.—Discovery of persons wrongfully confined.

Search for persons wrongfully confined.

100. If any Presidency Magistrate, Magistrate of the first class or Sub-divisional Magistrate has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person if found shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.

D.—General Provisions relating to searches.

Direction, &c., of search-warrants.

101. The provisions of sections 43, 75, 77, 79, 82, 83 and 84 shall, so far as may be, apply to all search-warrants issued under section 96, section 98 or section 100.

Persons in charge of closed place to allow search.

102. Whenever any place liable to search or inspection under this chapter is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 48.

Search to be made in presence of witnesses.

103. Before making a search under this chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search.

The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses, but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

Occupant of place searched may attend.

The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request.

E.—Miscellaneous.

Power to impound document, &c., produced.

104. Any Court may, if it thinks fit, impound any document or other thing produced before it under this Code.

Magistrate may direct search in his presence.

105. Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search-warrant.

PART IV.

PREVENTION OF OFFENCES.

CHAPTER VIII.

Of Security for keeping the Peace and for Good Behaviour.

A.—Security for keeping the Peace on Conviction.

Security for keeping the peace on conviction.

106. Whenever any person accused of rioting, assault or other breach of the peace, or of abetting the same, or of assembling armed men or taking other unlawful measures with the evident intention of committing the same, or any person accused of committing criminal intimidation by threatening injury to person or property, is convicted of such offence before a High Court, a Court of Session or the Court of a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class,

and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period, not exceeding three years, as it thinks fit to fix.

If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

B.—Security for keeping the Peace in other Cases and Security for Good Behaviour.

Security for keeping the peace in other cases.

107. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information that any person is likely to commit a breach of the peace, or to do any wrongful act that may probably occasion a breach of the peace, within the local limits of such Magistrate's jurisdiction, or that there is within such limits a person who is likely to commit a breach of the peace or do any wrongful act as aforesaid in any place beyond such limits, the Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding one year as the Magistrate thinks fit to fix.

Procedure of Magistrate, &c., not empowered to act under section 107.

108. When any Magistrate not empowered to proceed under section 107, or a Court of Session or High Court, has reason to believe that any person is likely to commit a breach of the peace or to do any wrongful act that may probably occasion a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by detaining such person in custody, such Magistrate or Court may issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case under section 107.

A Magistrate before whom a person is sent under this section may in his discretion detain such person in custody until the completion of the inquiry hereinafter prescribed.

Security for good behaviour from vagrants and suspected persons.

109. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information—

(*a*) that any person is taking precautions to conceal his presence within the local limits of such

Security for keeping peace and for good behaviour.

Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing an offence, or

(*b*) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding six months as the Magistrate thinks fit to fix.

Security for good behaviour from habitual offenders.

110. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class specially empowered in this behalf by the Local Government receives information that any person within the local limits of his jurisdiction is an habitual robber, housebreaker or thief, or an habitual receiver of stolen property knowing the same to have been stolen, or that he habitually commits extortion, or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding three years as the Magistrate thinks fit to fix.

Proviso as to European vagrants.

111. The provisions of sections 109 and 110 do not apply to European British subjects in cases where they may be dealt with under the European Vagrancy Act, 1874.

Order to be made.

112. When a Magistrate acting under section 107, section 109 or section 110 deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.

Procedure in respect of person present in Court.

113. If the person in respect of whom such order is made is present in Court, it shall be read over to him, or, if he so desires, the substance thereof shall be explained to him.

Summons or warrant in case of person not so present.

114. If such person is not present in Court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is to bring him, before the Court:

Provided that, whenever it appears to such Magistrate, upon the report of a Police-officer or upon other information (the substance of which report or information shall be recorded by the Magistrate), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.

Copy of order under section 112 to accompany summons or warrant.

115. Every summons or warrant issued under section 114 shall be accompanied by a copy of the order made under section 112, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.

Power to dispense with personal attendance.

116. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to show cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by a pleader.

Inquiry as to truth of information.

117. When an order under section 112 has been read or explained under section 113, to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant issued under section 114, the Magistrate shall proceed to inquire into the truth of the information upon which he has acted, and to take such further evidence as may appear necessary.

Such inquiry shall be made, as nearly as may be practicable, where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials in summons-cases; and where the order requires security for good behaviour, in the manner hereinafter prescribed for conducting trials in warrant-cases, except that no charge need be framed.

For the purposes of this section the fact that a person is an habitual offender may be proved by evidence of general repute or otherwise.

Order to give security.

118. If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties, the Magistrate shall make an order accordingly:

Provided—

first—that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 112:

secondly—that the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive:

thirdly—that when the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties.

Discharge of person informed against.

119. If, on an inquiry under section 117, it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in

respect of whom the inquiry is made should execute a bond, the Magistrate shall make an entry on the record to that effect, and, if such person is in custody only for the purposes of the inquiry, shall release him, or, if such person is not in custody, shall discharge him.

C.—Proceedings in all Cases subsequent to Order to furnish Security.

Commencement of period for which security is required.

120. If any person in respect of whom an order requiring security is made under section 106 or section 118 is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

In other cases such period shall commence on the date of such order.

Contents of bond.

121. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit, or the abetment of, any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

Power to reject sureties.

122. A Magistrate may refuse to accept any surety for good behaviour offered under this chapter, on the ground that, for reasons to be recorded by the Magistrate, such surety is an unfit person.

Imprisonment in default of security.

123. If any person ordered to give security under section 106 or section 118 does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison, be detained in prison, until such period expires or until within such period he gives the security to the Court or Magistrate which or who made the order requiring it, or to the officer in charge of the jail in which the person so ordered is detained.

Proceedings when to be laid before High Court or Court of Session.

When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison pending the orders of the Court of Session, or, if such Magistrate be a Presidency Magistrate, pending the orders of the High Court; and the proceedings shall be laid, as soon as conveniently may be, before such Court.

Such Court, after examining such proceedings and requiring any further information or evidence which it thinks necessary, may pass such order on the case as it thinks fit: Provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three years.

Kind of imprisonment.

Imprisonment for failure to give security for keeping the peace shall be simple.

Imprisonment for failure to give security for good behaviour may be rigorous or simple as the Court or Magistrate in each case directs.

Power to release persons imprisoned for failing to give security.

124. Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter, whether by the order of such Magistrate or that of his predecessor in office, or of some subordinate Magistrate, may be released without hazard to the community or to any other person, he may order such person to be discharged.

Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter as ordered by the Court of Session or High Court may be released without such hazard, such Magistrate shall make an immediate report of the case for the orders of the Court of Session or High Court, as the case may be, and such Court may, if it thinks fit, order such person to be discharged.

Power of District Magistrate to cancel any bond for keeping the peace.

125. The District Magistrate may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace executed under this chapter by order of any Court in his District not superior to his Court.

Discharge of sureties.

126. Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class to cancel any bond executed under this chapter within the local limits of his jurisdiction.

On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond, and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 121, 122, 123 and 124, be deemed to be an order made under section 106 or section 118, as the case may be.

CHAPTER IX.

Unlawful Assemblies.

Assembly to disperse on command of Magistrate or Police-officer.

127. Any Magistrate or officer in charge of a Police-station may command any unlawful assembly, or any assembly of five or more persons likely to cause a

disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

This section applies to the police in the towns of Calcutta and Bombay.

Use of civil force to disperse.

128. If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a Police-station, whether within or without the Presidency-towns, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or soldier in Her Majesty's Army or a volunteer enrolled under the Indian Volunteers Act, 1869, and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

Use of military force.

129. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by military force.

Duty of officer commanding troops required by Magistrate to disperse assembly.

130. When a Magistrate determines to disperse any such assembly by military force, he may require any Commissioned or Non-commissioned officer in command of any soldiers in Her Majesty's Army or of any volunteers enrolled under the Indian Volunteers Act, 1869, to disperse such assembly by military force, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

Every such officer shall obey such requisition in such manner as he thinks fit; but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Power of Commissioned Military officers to disperse assembly.

131. When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with, any Commissioned officer of Her Majesty's Army may disperse such assembly by military force, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but, if while he is acting under this section, it becomes practicable for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

Protection against prosecution for acts done under this chapter.

132. No prosecution against any Magistrate, Military officer Police-officer, soldier or volunteer for any act purporting to be done under this chapter shall be instituted in any Criminal Court, except with the sanction of the Governor General in Council; and

(*a*) no Magistrate or Police-officer acting under this chapter in good faith,

(*b*) no officer acting under section 131 in good faith,

(*c*) no person doing any act in good faith in compliance with a requisition under section 128 or section 130, and

(*d*) no inferior officer, or soldier, or volunteer, doing any act in obedience to any order which under military law he was bound to obey,

shall be deemed to have thereby committed an offence.

CHAPTER X.

Public Nuisances.

Conditional order for removal of nuisance.

133. Whenever a District Magistrate, a Sub-divisional Magistrate or, when empowered by the Local Government in this behalf, a Magistrate of the first class, considers, on receiving a report or other information and on taking such evidence (if any) as he thinks fit,

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that any trade or occupation, or the keeping of any goods or merchandise, by reason of its being injurious to the health or physical comfort of the community, should be suppressed or removed or prohibited, or

that the construction of any building, or the disposal of any substance as likely to occasion conflagration or explosion, should be prevented or stopped, or

that any building is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence its removal, repair or support is necessary, or

that any tank, well or excavation adjacent to any such way or public place should be fenced in such a manner as to prevent danger arising to the public,—

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, substance, tank, well or excavation, within a time to be fixed in the order,

to remove such obstruction or nuisance; or

to suppress or remove such trade or occupation; or

to remove such goods or merchandise; or

to prevent or stop the construction of such building; or

to remove, repair or support it; or

to alter the disposal of such substance; or

to fence such tank, well or excavation, as the case may be; or

to appear before himself or some other Magistrate of the first or second class, at a time and place to be fixed by the order, and move to have the order set aside or modified in manner hereinafter provided.

No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

EXPLANATION.—A "public place" includes also property belonging to the State, camping grounds, and grounds left unoccupied for sanitary and recreative purposes.

Service or notification of order.

134. The order shall, if practicable, be served on the person against whom it is made in manner herein provided for service of a summons.

If such order cannot be so served, it shall be notified by proclamation, published in such manner as the Local Government may by rule direct, and a copy thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

Person to whom order is addressed to obey, or show cause or claim jury.

135. The person against whom such order is made shall—

(*a*) perform, within the time specified in the order, the act directed thereby; or

(*b*) appear in accordance with such order, and either show cause against the same, or apply to the Magistrate by whom it was made to appoint a jury to try whether the same is reasonable and proper.

Consequence of his failing to do so.

136. If such person does not perform such act or appear and show cause or apply for the appointment of a jury as required by section 135, he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code; and the order shall be made absolute.

Procedure where he appears to show cause.

137. If he appears and shows cause against the order, the Magistrate shall take evidence in the matter.

If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.

If the Magistrate is not so satisfied, the order shall be made absolute.

Procedure where he claims jury.

138. On receiving an application under section 135 to appoint a jury, the Magistrate shall—

(*a*) forthwith appoint a jury consisting of an uneven number of persons not less than five, of whom the foreman and one half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant;

(*b*) summon such foreman and members to attend at such place and time as the Magistrate thinks fit; and

(*c*) fix a time within which they are to return their verdict.

Procedure where jury finds Magistrate's order to be reasonable.

139. If the jury or a majority of the jurors find that the order of the Magistrate is reasonable and proper as originally made, or subject to a modification which the Magistrate accepts, the Magistrate shall make the order absolute, subject to such modification (if any).

In other cases, no further proceedings shall be taken.

Procedure on order being made absolute.

140. When an order has been made absolute under section 136, section 137 or section 139, the Magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

Consequences of disobedience to order.

If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other moveable property of such person within or without the local limits of such Magistrate's jurisdiction. If such other property is without such limits, the order shall authorize its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached is found.

No suit shall lie in respect of anything done in good faith under this section.

Procedure on failure to appoint jury or omission to return verdict.

141. If the applicant by neglect or otherwise prevents the appointment of the jury, or if from any cause the jury appointed do not return their verdict within the time fixed or within such further time as the Magistrate may in his discretion allow, the Magistrate may pass such order as he thinks fit, and such order shall be executed in the manner provided by section 140.

Injunction pending inquiry.

142. If a Magistrate making an order under section 133 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public,

Temporary orders in urgent cases of Nuisance.

he may, whether a jury is to be, or has been, appointed or not, issue such an injunction to the person against whom the order was made as is required to obviate or prevent such danger or injury.

In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything done in good faith by a Magistrate under this section.

Magistrate may prohibit repetition or continuance of public nuisances.

143. A District Magistrate or Sub-divisional Magistrate, or any other Magistrate empowered by the Local Government or the District Magistrate in this behalf, may order any person not to repeat or continue a public nuisance, as defined in the Indian Penal Code or any special or local law.

CHAPTER XI.

Temporary Orders in Urgent Cases of Nuisance.

Power to issue order absolute at once in urgent cases of nuisance.

144. In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate or of any other Magistrate specially empowered by the Local Government or the District Magistrate to act under this section, immediate prevention or speedy remedy is desirable,

such Magistrate may, by a written order stating the material facts of the case and served in manner provided by section 134, direct any person to abstain from a certain act or to take certain order with certain property in his possession, or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, or danger to human life, health or safety, or a riot or an affray.

An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed *ex parte*.

An order under this section may be directed to a particular individual, or to the public generally when frequenting or visiting a particular place.

Any Magistrate may rescind or alter any order made under this section by himself or any Magistrate subordinate to him or by his predecessor in office.

No order under this section shall remain in force for more than two months from the making thereof; unless, in cases of danger to human life, health or safety, or a likelihood of a riot or an affray, the Local Government, by notification in the official Gazette, otherwise directs.

CHAPTER XII.

Disputes as to Immoveable Property.

Disputes as to Immoveable Property.

Procedure where dispute concerning land, &c., is likely to cause breach of peace.

145. Whenever a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class is satisfied from a police report or other information that a dispute likely to cause a breach of the peace exists concerning any tangible immoveable property, or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court, in person or by pleader, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute.

Inquiry as to possession.

The Magistrate shall then, without reference to the merits of the claims of any of such parties to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence, take such further evidence (if any) as he thinks necessary, and, if possible, decide whether any and which of the parties is then in such possession of the said subject.

Party in possession to retain possession until legally evicted.

If the Magistrate decides that one of the parties is then in such possession of the said subject, he shall issue an order declaring such party to be entitled to retain possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction.

Nothing in this section shall preclude any party so required to attend from showing that no such dispute as aforesaid exists or has existed; and in such case the Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed.

Power to attach subject of dispute.

146. If the Magistrate decides that none of the parties is then in such possession, or is unable to satisfy himself as to which of them is then in such possession, of the subject of dispute, he may attach it until a competent Civil Court has determined the rights of the parties thereto, or the person entitled to possession thereof.

Disputes concerning easements, &c.

147. Whenever any such Magistrate is satisfied as aforesaid that a dispute likely to cause a breach of the peace exists concerning the right to do or prevent the doing of anything in or upon any tangible immoveable property situate within the local limits of his jurisdiction, he may inquire into the matter; and may, if it appears to him that such right exists, make an order permitting such thing to be done, or direct-

ing that such thing shall not be done, as the case may be, until the person objecting to such thing being done or claiming that such thing may be done obtains the decision of a competent Civil Court adjudging him to be entitled to prevent the doing of, or to do, such thing, as the case may be:

Provided that no order shall be passed under this section permitting the doing of anything where the right to do such thing is exercisable at all times of the year, unless such right has been exercised within three months next before the institution of the inquiry; or, where the right is exercisable only at particular seasons, unless the right has been exercised during the season next before such institution.

Local inquiry.

148. Whenever a local inquiry is necessary for the purposes of this chapter, any District Magistrate or Sub-divisional Magistrate may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such written instructions consistent with the law for the time being in force as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid.

The report of the person so deputed may be read as evidence in the case.

Order as to costs.

When any costs have been incurred by any party to a proceeding under this chapter for witnesses' or pleaders' fees, or both, the Magistrate passing a decision under section 145, section 146 or section 147 may direct by whom such costs shall be paid, whether by such party or by any other party to the proceeding, and whether in whole or in part or proportion. All costs so directed to be paid may be recovered as if they were fines.

CHAPTER XIII.

PREVENTIVE ACTION OF THE POLICE.

Police to prevent cognizable offences.

149. Every Police-officer may interpose for the purpose of preventing, and shall to the best of his ability prevent, the commission of any cognizable offence.

Information of design to commit such offences.

150. Every Police-officer receiving information of a design to commit any cognizable offence shall communicate such information to the Police-officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

Arrest to prevent such offences.

151. A Police-officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Prevention of injury to public property.

152. A Police-officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immoveable, or the removal or injury of any public land-mark, or buoy or other mark used for navigation.

Inspection of weights and measures.

153. Any officer in charge of a Police-station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures, or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false.

If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to a Magistrate having jurisdiction.

PART V.

INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE.

CHAPTER XIV.

Information in cognizable cases.

154. Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a Police-station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Local Government may prescribe in this behalf.

Information in non-cognizable cases.

155. When information is given to an officer in charge of a Police-station of the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate.

Investigation into non-cognizable cases.

No Police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or commit the same for trial, or of a Presidency Magistrate.

Any Police-officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a Police-station may exercise in a cognizable case.

Investigation into cognizable cases.

156. Any officer in charge of a Police-station may, without the order of a Magistrate, investigate any cognizable case which a Court

Information to the Police and their powers to investigate.

having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

No proceeding of a Police-officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

Procedure where cognizable offence suspected.

157. If, from information received or otherwise, an officer in charge of a Police-station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report, and shall proceed in person, or shall depute one of his subordinate officers to proceed, to the spot to investigate the facts and circumstances of the case and to take such measures as may be necessary for the discovery and arrest of the offender:

Provided as follows:—

Where local investigation dispensed with.

(*a*) when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a Police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot:

Where Police-officer in charge sees no sufficient ground for investigation.

(*b*) if it appear to the officer in charge of a Police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

In each of the cases mentioned in clauses (*a*) and (*b*), the officer in charge of the Police-station shall state in his said report his reasons for not fully complying with the requirements of the first paragraph of this section.

Reports under section 157 how submitted.

158. Every report sent to a Magistrate under section 157 shall, if the Local Government so directs, be submitted through such superior officer of police as the Local Government, by general or special order, appoints in that behalf.

Such superior officer may give such instructions to the officer in charge of the Police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

Power to hold investigation or preliminary inquiry.

159. Such Magistrate, on receiving such report, may, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold an investigation or preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

Police-officer's power to require attendance of witnesses.

160. Any Police-officer making an investigation under this chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required.

Examination of witnesses by police.

161. Any Police-officer making an investigation under this chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined.

Such person shall be bound to answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Statements to police not to be signed or admitted in evidence.

162. No statement, other than a dying declaration, made by any person to a Police-officer in the course of an investigation under this chapter shall, if reduced to writing, be signed by the person making it, or be used as evidence against the accused.

Nothing in this section shall be deemed to affect the provisions of section 27 of the Indian Evidence Act, 1872.

No inducement to be offered.

163. No Police-officer or person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Indian Evidence Act, 1872, section 24.

But no Police-officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this chapter any statement which he may be disposed to make of his own free will.

Power to record statements and confessions.

164. Any Magistrate not being a Police-officer may record any statement or confession made to him in the course of an investigation under this chapter, or at any time afterwards before the commencement of the inquiry or trial.

Such statements shall be recorded in such of the manners hereinafter prescribed for recording evidence as is in his opinion best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

No Magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and when he records any confession he shall make

a memorandum at the foot of such record to the following effect:—

"I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

"(*Signed*) A. B.,
"*Magistrate.*"

Search by Police-officer.

165. Whenever an officer in charge of a Police-station, or a Police-officer making an investigation, considers that the production of any document or other thing is necessary to the conduct of an investigation into any offence which he is authorized to investigate, and there is reason to believe that a person to whom a summons or order under section 94 has been or might be issued will not or would not produce such document or other thing as directed in the summons or order, or when such document or other thing is not known to be in the possession of any person, such officer may search, or cause search to be made, for the same, in any place within the limits of the station of which he is in charge, or to which he is attached.

Such officer shall, if practicable, conduct the search in person.

If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the document or other thing for which search is to be made, and the place to be searched; and such subordinate officer may thereupon search for such thing in such place.

The provisions of this Code as to search-warrants shall, so far as may be, apply to a search made under this section.

When officer in charge of Police-station may require another to issue search-warrant.

166. An officer in charge of a Police-station may require an officer in charge of another Police-station, whether in the same or a different District, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made within the limits of his own station.

Such officer, on being so required, shall proceed according to the provisions of section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.

Procedure when investigation cannot be completed in twenty-four hours.

167. Whenever it appears that any investigation under this chapter cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation is well-founded, the officer in charge of the Police-station shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days. If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.

A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.

If such order be given by a Magistrate other than the District Magistrate or Sub-divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is immediately subordinate.

Report of investigation by subordinate Police-officer.

168. When any subordinate Police-officer has made any investigation under this chapter, he shall report the result of such investigation to the officer in charge of the Police-station.

Release of accused when evidence deficient.

169. If, upon an investigation under this chapter, it appears to the officer in charge of the Police-station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police report and to try the accused or commit him for trial.

Case to be sent to Magistrate when evidence is sufficient.

170. If, upon an investigation under this chapter, it appears to the officer in charge of the Police-station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial; or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed.

When the officer in charge of a Police-station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant, if any, and so

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many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

If the Court of the District Magistrate or Sub-divisional Magistrate be mentioned in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference be given to such complainant or persons.

The day fixed under this section shall be the day whereon the accused person is to appear, if security for his appearance has been taken, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

Complainants and witnesses not to be required to accompany Police-officer.

171. No complainant or witness on his way to the Court of the Magistrate shall be required to accompany a Police-officer,

Complainants and witnesses not to be subjected to restraint.

or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond:

Recusant complainant or witness may be forwarded in custody.

Provided that, if any complainant or witness refuses to attend or to execute a bond as directed in section 170, the officer in charge of the Police-station may forward him under custody to the Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

Diary of proceedings in investigation.

172. Every Police-officer making an investigation under this chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the Police-officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such Police-officer, the provisions of the Indian Evidence Act, 1872, section 161 or section 145, as the case may be, shall apply.

Report of Police-officer.

173. Every investigation under this chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the Police-station shall forward to a Magistrate empowered to take cognizance of the offence on a police report a report in the form prescribed by the Local Government, setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused person has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties.

Where a superior officer of police has been appointed under section 158, the report shall be submitted through him, and he may, pending the orders of the Magistrate, direct the officer in charge of the Police-station to make further investigation.

Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

Police to inquire and report on suicide, &c.

174. Every officer in charge of a Police-station, on receiving information that a person—

(*a*) has committed suicide, or

(*b*) has been killed by another, or by an animal, or by machinery, or by an accident, or

(*c*) has died under circumstances raising a reasonable suspicion that some other person has committed an offence,

shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the Local Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.

The report shall be signed by such Police-officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

When there is any doubt regarding the cause of death, or when for any other reason the Police-officer considers it expedient so to do, he shall, subject to such rules as the Local Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other medical officer appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of such

putrefaction on the road as would render such examination useless.

In the Presidencies of Fort St. George and Bombay, investigations under this section may be made by the Head of the village, who shall then report the result to the nearest Magistrate authorized to hold inquests.

The following Magistrates are empowered to hold inquests; namely, any District Magistrate or Sub-divisional Magistrate, and any Magistrate specially empowered in this behalf by the Local Government or the District Magistrate.

Power to summon persons.

175. An officer in charge of a Police-station may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

If the facts do not disclose a cognizable offence to which section 170 applies, such persons shall not be required by the Police-officer to attend a Magistrate's Court.

Inquiry by Magistrate into cause of death.

176. When any person dies while in the custody of the police, the nearest Magistrate empowered to hold inquests shall, and, in any other case mentioned in section 174, clauses (*a*), (*b*) and (*c*), any Magistrate so empowered may, hold an inquiry into the cause of death, either instead of, or in addition to, the investigation held by the Police-officer; and, if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners hereinafter prescribed, according to the circumstances of the case.

Power to disinter corpse.

Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined.

PART VI.

PROCEEDINGS IN PROSECUTIONS.

CHAPTER XV.

OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS.

A.—Place of Inquiry or Trial.

Ordinary place of inquiry and trial.

177. Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed.

Power to order cases to be tried in different Sessions Divisions.

178. Notwithstanding anything contained in section 177, the Local Government may direct that any cases or class of cases committed for trial in any district may be tried in any Sessions Division:

Provided that such direction be not repugnant to any direction previously issued under the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, or under this Code, section 526.

Accused triable in district where act is done, or where consequence ensues.

179. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

Illustrations.

(*a*) A is wounded within the local limits of the jurisdiction of Court X and dies within the local limits of the jurisdiction of Court Z. The offence of the culpable homicide of A may be inquired into or tried either by X or Z.

(*b*) A is wounded within the local limits of the jurisdiction of Court X. and is, during ten days within the local limits of the jurisdiction of Court Y, and during ten days more within the local limits of the jurisdiction of Court Z, unable in the local limits of the jurisdiction of either Court Y or Court Z to follow his ordinary pursuits. The offence of causing grievous hurt to A may be inquired into or tried by X, Y or Z.

(*c*) A is put in fear of injury within the local limits of the jurisdiction of Court X. and is thereby induced, within the local limits of the jurisdiction of Court Y, to deliver property to the person who put him in fear. The offence of extortion committed on A may be inquired into or tried either by X or Y.

Place of trial where act is offence by reason of relation to other offence.

180. When an act is an offence by reason of its relation to any other act which is also an offence, or which would be an offence if the doer were capable of committing an offence, a charge of the first-mentioned offence may be inquired into or tried by a Court within the local limits of whose jurisdiction either act was done.

Illustrations.

(*a*) A charge of abetment may be inquired into or tried either by the Court within the local limits of whose jurisdiction the abetment was committed, or by the Court within the local limits of whose jurisdiction the offence abetted was committed.

(*b*) A charge of receiving or retaining stolen goods may be inquired into or tried either by the Court within the local limits of whose jurisdiction the goods were stolen, or by any Court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.

(*c*) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into or tried by the Court within the local limits of whose jurisdiction the wrongful concealing, or by the Court within the local limits of whose jurisdiction the kidnapping, took place.

Being a thug or belonging to a gang of dacoits, escape from custody, &c.

181. The offence of being a thug, of being a thug and committing murder, of dacoity, of dacoity with murder, of having belonged to a gang of dacoits,

or of having escaped from custody, may be inquired into or tried by a Court within the local limits of whose jurisdiction the person charged is.

Criminal misappropriation and criminal breach of trust.

The offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received by the accused person, or the offence was committed.

Stealing.

The offence of stealing anything may be inquired into or tried by a Court within the local limits of whose jurisdiction such thing was stolen or was possessed by the thief or by any person who receives or retains the same knowing or having reason to believe it to be stolen.

Place of inquiry or trial where scene of offence is uncertain,

182. When it is uncertain in which of several local areas an offence was committed, or

or not in one district only;

where an offence is committed partly in one local area and partly in another, or

or where offence is continuing,

where an offence is a continuing one, and continues to be committed in more local areas than one, or

or consists of several acts.

where it consists of several acts done in different local areas,

it may be inquired into or tried by a Court having jurisdiction over any of such local areas.

Offence committed on a journey.

183. An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into or tried by a Court through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

Offences against Railway, Telegraph, Post-office and Arms Acts.

184. All offences against the provisions of any law for the time being in force relating to Railways, Telegraphs, the Post-office or Arms and Ammunition may be inquired into or tried in a Presidency-town, whether the offence is stated to have been committed within such town or not: Provided that the offender and all the witnesses necessary for his prosecution are to be found within such town.

High Court to decide, in case of doubt, district where inquiry or trial shall take place.

185. Whenever any doubt arises as to the Court by which any offence should under the preceding provisions of this chapter be inquired into or tried, the High Court within the local limits of whose appellate criminal jurisdiction the offender actually is may decide by which Court the offence shall be inquired into or tried.

In British Burma, when the offender is an European British subject, the Recorder of Rangoon, and in all other cases the Judicial Commissioner, shall for the purposes of this section be deemed to be the High Court.

Power to issue summons or warrant for offence committed beyond local jurisdiction.

186. When a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or, if he is specially empowered in this behalf by the Local Government, a Magistrate of the first class, sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits (whether within or without British India) an offence which cannot, under the provisions of sections 177 to 184 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under some law for the time being in force triable in British India, such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner hereinbefore provided to appear before him, and send such person to the Magistrate having jurisdiction to inquire into or try such offence, or, if such offence is bailable, take a bond with or without sureties for his appearance before such Magistrate.

Magistrate's procedure on arrest.

When there are more Magistrates than one having such jurisdiction and the Magistrate acting under this section cannot satisfy himself as to the Magistrate to or before whom such person should be sent, or bound to appear, the case shall be reported for the orders of the High Court.

Procedure where warrant issued by Subordinate Magistrate.

187. If the person has been arrested under a warrant issued under section 186 by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District Magistrate to whom he is subordinate, unless the Magistrate having jurisdiction to inquire into or try such offence issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police-officer executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued.

If the offence which the person arrested is alleged or suspected to have committed is one which may be inquired into or tried by any Criminal Court in the same district other than that of the Magistrate acting under section 186, such Magistrate shall send such person to such Court.

Liability of British subjects for offences committed out of British India.

188. When an European British subject commits an offence in the dominions of a Prince or State in India in alliance with Her Majesty, or

when a Native Indian subject of Her Majesty commits an offence at any place beyond the limits of British India,

he may be dealt with in respect of such offence as if it had been committed at any place within British India at which he may be found:

Provided that no charge as to any such offence shall be inquired into in British India unless the Political Agent, if there be one, for the territory in which the offence is alleged to have been committed, certifies that, in his opinion, the charge ought to be inquired into in British India:

Political Agent to certify fitness of inquiry into charge.

Provided also that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in British India shall be a bar to further proceedings against him under the Foreign Jurisdiction and Extradition Act, 1879, in respect of the same offence in any territory beyond the limits of British India.

189. Whenever any such offence as is referred to in section 188 is being inquired into or tried, the Local Government may, if it thinks fit, direct that copies of depositions made or exhibits produced before the Political Agent or a judicial officer in or for the territory in which such offence is alleged to have been committed shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

Power to direct copies of depositions and exhibits to be received in evidence.

190. In sections 188 and 189 the expression "Political Agent" means and includes—

"Political Agent" defined.

(*a*) the principal officer representing the British Indian Government in any territory beyond the limits of British India;

(*b*) any officer in British India appointed by the Governor General in Council, or the Governor in Council of the Presidency of Fort St. George or Bombay, to exercise all or any of the powers of a Political Agent under the Foreign Jurisdiction and Extradition Act, 1879, for any territory not forming part of British India.

B.—Conditions requisite for Initiation of Proceedings.

191. Except as hereinafter provided, any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, and any other Magistrate specially empowered in this behalf, may take cognizance of any offence—

Cognizance of offences by Magistrates.

(*a*) upon receiving a complaint of facts which constitute such offence;

(*b*) upon a police report of such facts;

(*c*) upon information received from any person other than a Police-officer, or upon his own knowledge or suspicion, that such offence has been committed.

The Local Government, or the District Magistrate subject to the general or special orders of the Local Government, may empower any Magistrate to take cognizance under clause (*a*) or clause (*b*) of offences for which he may try or commit for trial.

The Local Government may empower any Magistrate of the first or second class to take cognizance under clause (*c*) of offences for which he may try or commit for trial.

192. Any District Magistrate or Sub-divisional Magistrate may transfer any case, of which he has taken cognizance, for inquiry or trial to any Magistrate subordinate to him.

Transfer of cases by Magistrates.

Any District Magistrate may empower any Magistrate of the first class who has taken cognizance of any case, to transfer it for inquiry or trial to any other specified Magistrate in his District who is competent under this Code to try the accused or commit him for trial; and such Magistrate may dispose of the case accordingly.

193. Except as otherwise expressly provided by this Code or by any other law for the time being in force, no Court of Session shall take cognizance of any offence as a Court of original jurisdiction, unless the accused has been committed to it by a Magistrate duly empowered in that behalf.

Cognizance of offences by Courts of Session.

Additional Sessions Judges and Joint Sessions Judges shall try such cases only as the Local Government by general or special order directs them to try, or as the Sessions Judge of the Division makes over to them for trial.

Cases to be tried by Additional and Joint Sessions Judges;

Assistant Sessions Judges shall try such cases only as the Sessions Judge of the Division by general or special order makes over to them for trial.

by Assistant Sessions Judges.

194. The High Court may take cognizance of any offence upon a commitment made to it in manner hereinafter provided.

Cognizance of offences by High Court.

Nothing herein contained shall be deemed to affect the provisions of any letters patent granted under the twenty-fourth and twenty-fifth of Victoria, chapter 104.

195. No Court shall take cognizance—

(*a*) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code, except with the previous sanction, or on the complaint, of the public servant concerned, or of some public servant to whom he is subordinate;

Prosecution for contempts of lawful authority of public servants.

(*b*) of any offence punishable under section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the same Code, when such offence is committed in, or in relation to, any proceeding in any Court, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate;

Prosecution for certain offences against public justice.

(c) of any offence described in section 463, or punishable under section 471, 475 or 476 of the same Code, when such offence has been committed by a party to any proceeding in any Court in respect of a document given in evidence in such proceeding, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate.

Prosecution for certain offences relating to documents given in evidence.

The sanction referred to in this section may be expressed in general terms, and need not name the accused person; but it shall, so far as practicable, specify the Court or other place in which, and the occasion on which, the offence was committed.

Nature of sanction necessary.

When sanction is given in respect of any offence referred to in this section, the Court taking cognizance of the case may frame a charge of any other offence so referred to which is disclosed by the facts.

Any sanction given or refused under this section may be revoked or granted by any authority to which the authority giving or refusing it is subordinate; and no such sanction shall remain in force for more than six months from the date on which it was given.

For the purposes of this section, every Court, other than a Court of Small Causes, shall be deemed to be subordinate only to the Court to which appeals from the former Court ordinarily lie.

The Courts of Small Causes in the Presidency-towns shall be deemed to be subordinate to the High Court, and every other Court of Small Causes shall be deemed to be subordinate to the Court of Session for the Sessions Division within which such Court is situate.

196. No Court shall take cognizance of any offence punishable under Chapter VI of the Indian Penal Code, except section 127, or punishable under section 294A of the same Code, unless upon complaint made by order of, or under authority from, the Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf.

Prosecution for offences against the State.

197. When any Judge, or any public servant not removable from his office without the sanction of the Government of India or the Local Government, is accused as such Judge or public servant of any offence, no Court shall take cognizance of such offence, except with the previous sanction of the Government having power to order his removal, or of some officer empowered in this behalf by such Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power to give such sanction has not been limited by such Government.

Prosecution of Judges and public servants.

Such Government may determine the person by whom, and the manner in which, the prosecution of such Judge or public servant is to be conducted, and may specify the Court before which the trial is to be held.

Power of Government as to prosecution.

198. No Court shall take cognizance of an offence falling under Chapter XIX or Chapter XXI of the Indian Penal Code or under sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence.

Prosecution for breach of contract, defamation and offences against marriage.

199. No Court shall take cognizance of an offence under section 497 or section 498 of the Indian Penal Code, except upon a complaint made by the husband of the woman, or, in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed.

Prosecution for adultery or enticing a married woman.

CHAPTER XVI.

Of Complaints to Magistrates.

200. A Magistrate taking cognizance of an offence on complaint shall at once examine the complainant upon oath, and the substance of the examination shall be reduced to writing and shall be signed by the complainant, and also by the Magistrate:

Examination of complainant.

Provided as follows—

(a) when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under section 192:

(b) where the Magistrate is a Presidency Magistrate, such examination may be on oath or not as the Magistrate in each case thinks fit, and need not be reduced to writing; but the Magistrate may, if he thinks fit, before the matter of the complaint is brought before him, require it to be reduced to writing:

(c) when the case has been transferred under section 192 and the Magistrate so transferring it has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.

201. If the complaint has been made in writing and the Magistrate is not competent to take cognizance of the case, he shall return the complaint for presentation to the proper tribunal with an endorsement to that effect.

Procedure by Magistrate not competent to take cognizance of the case.

202. If the Chief Presidency Magistrate, or any other Presidency Magistrate whom the Local Government may from time to

Postponement of issue of process.

Commencement of Proceedings before Magistrates.

time authorize in this behalf, or any Magistrate of the first or second class, sees reason to distrust the truth of a complaint of an offence of which he is authorized to take cognizance, he may, when the complainant has been examined, record his reasons for distrusting the truth of the complaint, and may then postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case himself or direct a previous local investigation to be made by any officer subordinate to such Magistrate, or by a Police-officer, or by such other person, not being a Magistrate or Police-officer, as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

If such investigation is made by some person not being a Magistrate or a Police-officer, he shall exercise all the powers conferred by this Code on an officer in charge of a Police-station, except that he shall not have power to arrest without warrant.

This section applies to the police in the towns of Calcutta and Bombay.

Dismissal of complaint.

203. The Magistrate before whom a complaint is made or to whom it has been transferred may dismiss the complaint if, after examining the complainant and considering the result of the investigation (if any) made under section 202, there is in his judgment no sufficient ground for proceeding.

CHAPTER XVII.

OF THE COMMENCEMENT OF PROCEEDINGS BEFORE MAGISTRATES.

Issue of process.

204. If in the opinion of a Magistrate taking cognizance of an offence there is sufficient ground for proceeding and the case appears to be one in which according to the fourth column of the second schedule a summons should issue in the first instance, he shall issue his summons for the attendance of the accused. If the case appears to be one in which according to that column a warrant should issue in the first instance, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or some other Magistrate having jurisdiction.

Nothing in this section shall be deemed to affect the provisions of section 90.

Magistrate may dispense with personal attendance of accused.

205. Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

Inquiry into cases triable by Court of Session or High Court.

CHAPTER XVIII.

OF INQUIRY INTO CASES TRIABLE BY THE COURT OF SESSION OR HIGH COURT.

Power to commit for trial.

206. Any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, Magistrate of the first class or any Magistrate empowered in this behalf by the Local Government may commit any person for trial to the Court of Session or High Court for any offence triable by such Court.

But save as herein otherwise provided, no person triable by the Court of Session shall be committed for trial to the High Court.

Procedure in inquiries preparatory to commitment.

207. The following procedure shall be adopted in inquiries before Magistrates where the case is triable exclusively by a Court of Session or High Court, or, in the opinion of the Magistrate, ought to be tried by such Court.

Taking of evidence produced.

208. The Magistrate shall, when the accused appears or is brought before him, proceed to hear the complainant (if any), and take in manner hereinafter provided all such evidence as may be produced in support of the prosecution or in behalf of the accused, or as may be called for by the Magistrate.

Process for production of further evidence.

If the complainant or officer conducting the prosecution, or the accused, applies to the Magistrate to issue process to compel the attendance of any witness or the production of any document or other thing, the Magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to do so.

Nothing in this section shall be deemed to require a Presidency Magistrate to record his reasons.

When accused person to be discharged.

209. When the evidence referred to in section 208, paragraphs 1 and 2, has been taken, and he has examined the accused for the purpose of enabling him to explain any circumstances appearing in the evidence against him, such Magistrate shall, if he finds that there are not sufficient grounds for committing the accused person for trial, discharge him, unless it appears to the Magistrate that such person should be tried before himself or some other Magistrate, in which case he shall proceed accordingly.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

When charge is to be framed.

210. When, upon such evidence being taken and such examination (if any) being made, the Magistrate finds that there are sufficient grounds for committing the accused for trial, he

Inquiry into Cases triable by Court of Session or High Court.

shall frame a charge under his hand, declaring with what offence the accused is charged.

Charge to be explained, and copy furnished, to accused.

As soon as the charge has been framed, it shall be read and explained to the accused and a copy thereof shall, if he so requires, be given to him free of cost.

List of witnesses for defence on trial.

211. The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial.

Further list.

The Magistrate may in his discretion allow the accused to give in any further list of witnesses at a subsequent time; and, where the accused is committed for trial before the High Court, nothing in this section shall be deemed to preclude the accused from giving, at any time before his trial to the Clerk of the Crown a further list of the persons whom he wishes to be summoned to give evidence on such trial.

Power of Magistrate to examine such witnesses.

212. The Magistrate may in his discretion summon and examine any witness named in any list given in to him under section 211.

Order of commitment.

213. When the accused on being required to give in a list under section 211 has declined to do so, or when he has given in such list and the witnesses (if any) included therein whom the Magistrate desires to examine have been summoned and examined under section 212, the Magistrate may make an order committing the accused for trial by the High Court or the Court of Session (as the case may be), and (unless the Magistrate is a Presidency Magistrate) shall also record briefly the reasons for such commitment.

Person charged outside Presidency-towns jointly with European British subject.

214. If any person (not being an European British subject) is accused before a Magistrate other than a Presidency Magistrate of having committed an offence conjointly with an European British subject who is about to be committed for trial, or to be tried, before the High Court on a similar charge arising out of the same transaction, and the Magistrate finds that there are sufficient grounds for committing the accused for trial, he shall commit him for trial before the High Court, and not before the Court of Session.

Quashing commitments under section 213 or 214.

215. A commitment once made under section 213 or section 214 by a competent Magistrate can be quashed by the High Court only, and only on a point of law.

Summons to witnesses for defence when accused is committed.

216. When the accused has given in any list of witnesses under section 211 and has been committed for trial, the Magistrate shall summon such of the witnesses included in the list as have not appeared before himself, to appear before the Court to which the accused has been committed:

Provided that where the accused has been committed to the High Court, the Magistrate may in his discretion leave such witnesses to be summoned by the Clerk of the Crown, and such witnesses may be summoned accordingly:

Refusal to summon unnecessary witness unless deposit made.

Provided also that if the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the Magistrate may require the accused to satisfy him that there are reasonable grounds for believing that the evidence of such witness is material, and, if he is not so satisfied, may refuse to summon the witness (recording his reasons for such refusal), or may before summoning him require such sum to be deposited as such Magistrate thinks necessary to defray the expense of obtaining the attendance of the witness.

Bond of complainants and witnesses.

217. Complainants and witnesses for the prosecution and defence, whose attendance before the Court of Session or High Court is necessary, and who appear before the Magistrate, shall execute before him bonds binding themselves to be in attendance when called upon at the Court of Session or High Court, to prosecute or to give evidence, as the case may be.

Detention in custody in case of refusal to attend or to execute bond.

If any complainant or witness refuses to attend before the Court of Session or High Court, or to execute the bond above directed, the Magistrate may detain him in custody until he executes such bond, or until his attendance at the Court of Session or High Court is required, when the Magistrate shall send him in custody to the Court of Session or High Court, as the case may be.

Commitment when to be notified.

218. When the accused is committed for trial, the Magistrate shall issue an order to such person as may be appointed by the Local Government in this behalf, notifying the commitment, and stating the offence in the same form as the charge, unless the Magistrate is satisfied that such person is already aware of the commitment and the form of the charge;

Charge, &c., to be forwarded to High Court or Court of Session.

and shall send the charge, the record of the inquiry and any weapon or other thing which is to be produced in evidence, to the Court of Session or (where the commitment is made to the High Court) to the Clerk of the Crown or other officer appointed in this behalf by the High Court.

When the commitment is made to the High Court and any part of the record is not in English, an English translation of such part shall be forwarded with the record.

English translation to be forwarded to High Court.

219. The Magistrate may summon and examine supplementary witnesses after the commitment and before the commencement of the trial, and bind them over in manner hereinbefore provided to appear and give evidence.

Power to summon supplementary witnesses.

Such examination shall, if possible, be taken in the presence of the accused, and, where the Magistrate is not a Presidency Magistrate, a copy of the evidence of such witnesses shall, if the accused so require, be given to him free of cost.

220. Until and during the trial, the Magistrate shall, subject to the provisions of this Code regarding the taking of bail, commit the accused, by warrant, to custody.

Custody of accused pending trial.

CHAPTER XIX.

Of the Charge.

Form of Charges.

221. Every charge under this Code shall state the offence with which the accused is charged.

Charge to state offence.

If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only

Specific name of offence sufficient description.

If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

How stated where offence has no specific name.

The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

What implied in charge.

In the Presidency-towns the charge shall be written in English; elsewhere it shall be written either in English or in the language of the Court.

Language of charge.

If the accused has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court is competent to award, the fact, date and place of the previous conviction shall be stated in the charge. If such statement is omitted, the Court may add it at any time before sentence is passed.

Previous conviction when to be set out.

Illustrations.

(*a*) A is charged with the murder of B. This is equivalent to a statement that A's act fell within the definition of murder given in sections 299 and 300 of the Indian Penal Code; that it did not fall within any of the general exceptions of the same Code; and that it did not fall within any of the five exceptions to section 300, or that, if it did fall within Exception 1, one or other of the three provisos to that exception applied to it.

(*b*) A is charged, under section 326 of the Indian Penal Code, with voluntarily causing grievous hurt to B, by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 335 of the Indian Penal Code, and that the general exceptions did not apply to it.

(*c*) A is accused of murder, cheating, theft, extortion, adultery or criminal intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion, or adultery or criminal intimidation, or that he used a false property-mark, without reference to the definitions of those crimes contained in the Indian Penal Code; but the sections under which the offence is punishable must, in each instance, be referred to in the charge.

(*d*) A is charged, under section 184 of the Indian Penal Code, with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

222. The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

Particulars as to time, place and person.

223. When the nature of the case is such that the particulars mentioned in sections 221 and 222 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

When manner of committing offence must be stated.

Illustrations.

(*a*) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(*b*) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(*c*) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.

(*d*) A is accused of obstructing B, a public servant, in the discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(*e*) A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.

(*f*) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

Words in charge taken in sense of law under which offence is punishable.

224. In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable.

Effect of errors.

225. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or these particulars, shall be regarded at any stage of the case as material, unless the accused was misled by such error or omission.

Illustrations.

(*a*) A is charged, under section 242 of the Indian Penal Code with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(*b*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(*c*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(*d*) A is charged with the murder of Khoda Baksh on the 21st January, 1882. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January, 1882. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(*e*) A was charged with murdering Haidar Baksh on the 20th January, 1882, and Khoda Baksh (who tried to arrest him for that murder) on the 21st January, 1882. When charged for the murder of Haidar Baksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled, and that the error was material.

Procedure on commitment without charge or with imperfect charge.

226. When any person is committed for trial without a charge, or with an imperfect or erroneous charge, the Court, or, in the case of a High Court, the Clerk of the Crown, may frame a charge, or add to or otherwise alter the charge, as the case may be, having regard to the rules contained in this Code as to the form of charges.

Court may alter charge.

227. Any Court may alter any charge at any time before judgment is pronounced, or, in the case of trials before the Court of Session or High Court, before the verdict of the jury is returned or the opinions of the assessors are expressed.

Every such alteration shall be read and explained to the accused.

When trial may proceed immediately after alteration.

228. If the charge framed or alteration made under section 226 or section 227 is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence or the prosecutor in the conduct of the case, the Court may in its discretion, after such charge or alteration has been framed or made, proceed with the trial as if the new or altered charge had been the original charge.

When new trial may be directed, or trial suspended.

229. If the new or altered charge is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be necessary.

Stay of proceedings if prosecution of offence in altered charge require previous sanction.

230. If the offence stated in the new or altered charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the new or altered charge is founded.

Recall of witnesses when charge altered.

231. Whenever a charge is altered by the Court after the commencement of the trial, the prosecutor and the accused shall be allowed to recall or re-summon, and examine with reference to such alteration, any witness who may have been examined.

Effect of material error.

232. If any Appellate Court, or the High Court in the exercise of its powers of revision or of its powers under Chapter XXVII, is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge or by an error in the charge, it shall direct a new trial to be had upon a charge framed in whatever manner it thinks fit.

If the Court is of opinion that the facts of the case are such that no valid charge could be preferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration.

A is convicted of an offence under section 196 of the Indian Penal Code, upon a charge which omits to state that he knew the evidence which he corruptly used or attempted to use as true or genuine was false or fabricated. If the Court thinks it probable that A had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that A had no such knowledge, it shall quash the conviction.

Joinder of Charges.

Separate charges for distinct offences.

233. For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately, except in the cases mentioned in sections 234, 235, 236 and 239.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

Three offences of same kind within year may be charged together.

234. When a person is accused of more offences than one of the same kind, committed within the space of twelve months from the first to the last of such offences, he may be charged with, and tried at one trial for, any number of them not exceeding three.

Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Indian Penal Code, or of any special or local law.

I.—Trial for more than one offence.

235. I.—If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

II.—Offence falling within two definitions.

II.—If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with and tried at one trial for each of such offences.

III.—Acts constituting one offence, but constituting when combined a different offence.

III.—If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with and tried at one trial for the offence constituted by such acts when combined, or for any offence constituted by any one, or more, of such acts.

Nothing contained in this section shall affect the Indian Penal Code, section 71.

Illustrations

to paragraph I—

(*a*) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be charged with, and tried for, offences under sections 225 and 333 of the Indian Penal Code.

(*b*) A commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497 of the Indian Penal Code.

(*c*) A entices B, the wife of C, away from C, with intent to commit adultery with B, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497 of the Indian Penal Code.

(*d*) A has in his possession several seals knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Indian Penal Code. A may be separately charged with, and convicted of, the possession of each seal under section 473 of the Indian Penal Code.

(*e*) With intent to cause injury to B, A institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; and also falsely accuses B of having committed an offence, knowing that there is no just or lawful ground for such charge. A may be separately charged with, and convicted of, two offences under section 211 of the Indian Penal Code.

(*f*) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, A gives false evidence against B, intending thereby to cause B to be convicted of a capital offence. A may be separately charged with, and convicted of, offences under sections 211 and 194 of the Indian Penal Code.

(*g*) A, with six others, commits the offences of rioting, grievous hurt, and assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. A may be separately charged with, and convicted of, offences under sections 147, 325 and 152 of the Indian Penal Code.

(*h*) A threatens B, C and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, and convicted of, each of the three offences under section 506 of the Indian Penal Code.

The separate charges referred to in Illustrations (*a*) to (*h*) respectively may be tried at the same time.

to paragraph II—

(*i*) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code.

(*j*) Several stolen sacks of corn are made over to A and B, who know they are stolen property, for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414 of the Indian Penal Code.

(*k*) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under sections 317 and 304 of the Indian Penal Code.

(*l*) A dishonestly uses a forged document as genuine evidence, in order to convict B, a public servant, of an offence under section 167 of the Indian Penal Code. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same Code.

to paragraph III—

(*m*) A commits robbery on B, and, in doing so, voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code.

Where it is doubtful what offence has been committed.

236. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the said offences.

Illustration.

A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust or cheating.

When a person is charged with one offence, he can be convicted of another.

237. If, in the case mentioned in section 236, the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

Illustration.

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust, or of receiving stolen goods (as the case may be), though he was not charged with such offence.

When offence proved included in offence charged.

238. When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence, and such combination is proved but the remaining particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence although he is not charged with it.

Nothing in this section shall be deemed to authorize a conviction of any offence referred to in section 198 or section 199 when no complaint has been made as required by that section.

Illustrations.

(*a*) A is charged, under section 407 of the Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(*b*) A is charged under section 325 of the Indian Penal Code with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of that Code.

What persons may be charged jointly.

239. When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately, as the Court thinks fit; and the provisions contained in the former part of this chapter shall apply to all such charges.

Illustrations.

(*a*) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(*b*) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(*c*) A and B are both charged with a theft, and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

Withdrawal of remaining charges on conviction on one of several charges.

240. When more charges than one are made against the same person, and when a conviction has been had on one or more of them, the complainant, or the officer conducting the prosecution, may, with the consent of the Court, withdraw the remaining charge or charges, or the Court of its own accord may stay the inquiry into, or trial of, such charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges, unless the conviction be set aside, in which case the said Court (subject to the order of the Court setting aside the conviction) may proceed with the inquiry into or trial of the charge or charges so withdrawn.

CHAPTER XX.

OF THE TRIAL OF SUMMONS-CASES BY MAGISTRATES.

Procedure in summons-cases.

241. The following procedure shall be observed by Magistrates in the trial of summons-cases.

Substance of accusation to be stated.

242. When the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted; but it shall not be necessary to frame a formal charge.

Conviction on admission of truth of accusation.

243. If the accused admits that he has committed the offence of which he is accused, his admission shall be recorded as nearly as possible in the words used by him; and if he shows no sufficient cause why he should not be convicted, the Magistrate shall convict him accordingly.

Procedure when no such admission is made.

244. If the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence.

The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue process to compel the attendance of any witness or the production of any document or other thing.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court.

Acquittal.

245. If the Magistrate upon taking the evidence referred to in section 244 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

If he finds the accused guilty, he shall pass sentence upon him according to law.

Sentence.

246. A Magistrate may, under section 243 or section 245, convict the accused of any offence triable under this chapter which from the facts admitted or proved he appears to have committed, whatever may be the nature of the complaint or summons.

Finding not limited by complaint or summons.

247. If the summons has been issued on complaint, and upon the day appointed for the appearance of the accused or any day subsequent thereto to which the hearing may be adjourned the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks proper to adjourn the hearing of the case to some other day.

Non-appearance of complainant.

248. If a complainant, at any time before a final order is passed in any case under this chapter, satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused.

Withdrawal of complaint.

249. In any case instituted otherwise than upon complaint, a Presidency Magistrate, a Magistrate of the first class, or, with the previous sanction of the District Magistrate, any other Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and may thereupon release the accused.

Power to stop proceedings when no complainant.

250. If, in any case instituted upon complaint, a Magistrate acquits the accused under section 245 or section 247, and is of opinion that the complaint was frivolous or vexatious, he may, in his discretion, by his order of acquittal, direct the complainant to pay to the accused, or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit.

Frivolous or vexatious complaints.

The sum so awarded shall be recoverable as if it were a fine: Provided that, if it cannot be realized, the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.

Recovery of compensation.

At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section.

CHAPTER XXI.

OF THE TRIAL OF WARRANT-CASES BY MAGISTRATES.

251. The following procedure shall be observed by Magistrates in the trial of warrant-cases.

Procedure in warrant-cases.

252. When the accused appears or is brought before a Magistrate, such Magistrate shall proceed to hear the complainant (if any) and take all such evidence as may be produced in support of the prosecution.

Evidence for prosecution.

The Magistrate shall ascertain, from the complainant or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before himself such of them as he thinks necessary.

253. If upon taking all the evidence referred to in section 252, and making such examination (if any) of the accused as the Magistrate thinks necessary, he finds that no case against the accused has been made out which if unrebutted would warrant his conviction, the Magistrate shall discharge him.

Discharge of accused.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

254. If, when such evidence and examination have been taken and made, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this chapter, which such Magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

Charge to be framed when offence appears proved.

255. The charge shall then be read and explained to the accused, and he shall be asked whether he is guilty or has any defence to make.

Plea.

If the accused pleads guilty, the Magistrate shall record the plea, and may in his discretion convict him thereon.

256. If the accused refuses to plead or does not plead, or claims to be tried, he shall be called upon to enter upon his defence and to produce his evidence, and shall, at any time while he is making his defence, be allowed to recall and cross-examine any witness for the prosecution present in the Court or its precincts.

Defence.

If the accused puts in any written statement, the Magistrate shall file it with the record.

Process for compelling production of evidence at instance of accused.

257. If the accused applies to the Magistrate to issue any process for compelling the attendance of any witness (whether he has or has not been previously examined in the case) for the purposes of examination or cross-examination, or the production of any document or other thing, the Magistrate shall issue such process unless he considers that such application should be refused on the ground that it is made for the purpose of vexation or delay, or for defeating the ends of justice. Such ground shall be recorded by him in writing.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

Acquittal.

258. If in any case under this chapter in which a charge has been framed the Magistrate finds the accused not guilty, he shall record an order of acquittal.

Conviction.

If in any such case the Magistrate finds the accused guilty, he shall pass sentence upon him according to law.

Absence of complainant.

259. When the proceedings have been instituted upon complaint and upon any day fixed for the hearing of the case the complainant is absent and the offence may be lawfully compounded, the Magistrate may, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused.

CHAPTER XXII.

Of Summary Trials.

Power to try summarily.

260. Notwithstanding anything contained in this Code,

(1) the District Magistrate,

(2) any Magistrate of the first class specially empowered in this behalf by the Local Government, and

(3) any Bench of Magistrates invested with the powers of a Magistrate of the first class and specially empowered in this behalf by the Local Government may try in a summary way all or any of the following offences:—

(*a*) Offences not punishable with death, transportation or imprisonment for a term exceeding six months;

(*b*) Offences relating to weights and measures, under sections 264, 265 and 266 of the Indian Penal Code;

(*c*) Hurt, under section 323 of the same Code;

(*d*) Theft, under section 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed fifty rupees;

(*e*) Receiving or retaining stolen property, under section 411 of the same Code, where the value of such property does not exceed fifty rupees;

(*f*) Assisting in the concealment or disposal of stolen property, under section 414 of the same Code, where the value of such property does not exceed fifty rupees;

(*g*) Mischief, under section 427 of the same Code;

(*h*) House-trespass, under section 448 of the same Code;

(*i*) Insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section 506, of the same Code;

(*j*) Abetment of any of the foregoing offences;

(*k*) An attempt to commit any of the foregoing offences, when such attempt is an offence:

Provided that no case in which a District Magistrate exercises the special powers conferred by section 34 shall be tried in a summary way.

Power to invest Bench of Magistrates invested with less power.

261. The Local Government may confer on any Bench of Magistrates invested with the powers of a Magistrate of the second or third class power to try summarily all or any of the following offences:—

(*a*) Offences against the Indian Penal Code, sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341, 352, 426 and 447;

(*b*) Offences against Municipal Acts, and the conservancy-clauses of Police Acts, punishable only with fine, or with imprisonment for a term not exceeding one month;

(*c*) Abetment of any of the foregoing offences;

(*d*) An attempt to commit any of the foregoing offences, when such attempt is an offence.

Procedure for summons and warrant-cases applicable.

262. In trials under this chapter, the procedure prescribed for summons-cases shall be followed in summons-cases, and the procedure prescribed for warrant-cases shall be followed in warrant-cases, except as hereinafter mentioned.

Limit of imprisonment.

No sentence of imprisonment for a term exceeding three months shall be passed in the case of any conviction under this chapter.

Record in cases where there is no appeal.

263. In cases where no appeal lies, the Magistrate or Bench of Magistrates need not record the evidence of the witnesses or frame a formal charge; but he or they shall enter in such form as the Local Government may direct the following particulars:—

(*a*) the serial number;

(*b*) the date of the commission of the offence;

(*c*) the date of the report or complaint;

(*d*) the name of the complainant (if any);

(*e*) the name, parentage and residence of the accused;

Trials before High Courts and Courts of Session.

(*f*) the offence complained of and the offence (if any) proved, and in cases coming under clause (*d*), clause (*e*) or clause (*f*) of section 260 the value of the property in respect of which the offence has been committed;

(*g*) the plea of the accused and his examination (if any);

(*h*) the finding, and, in the case of a conviction, a brief statement of the reasons therefor;

(*i*) the sentence or other final order; and

(*j*) the date on which the proceedings terminated.

Record in appealable cases.

264. In every case tried summarily by a Magistrate or Bench in which an appeal lies, such Magistrate or Bench shall, before passing sentence, record a judgment embodying the substance of the evidence and also the particulars mentioned in section 263.

Such judgment shall be the only record in cases coming within this section.

Language of record and judgment.

265. Records made under section 263 and judgments recorded under section 264 shall be written by the presiding officer, either in English or in the language of the Court, or, if the Court to which such presiding officer is immediately subordinate so directs, in such officer's mother-tongue.

Bench may be authorized to employ clerk.

The Local Government may authorize any Bench of Magistrates empowered to try offences summarily to prepare the aforesaid record or judgment by means of an officer appointed in this behalf by the Court to which such Bench is immediately subordinate, and the record or judgment so prepared shall be signed by each member of such Bench present taking part in the proceedings.

CHAPTER XXIII.

OF TRIALS BEFORE HIGH COURTS AND COURTS OF SESSION.

A.—Preliminary.

"High Court" defined.

266. In this chapter, except in section 307, the expression "High Court" means a High Court of Judicature established or to be established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, and includes the Chief Court of the Panjáb, and such other Courts as the Governor General in Council may, by notification in the *Gazette of India*, declare to be High Courts for the purposes of this chapter.

Trials before High Court to be by jury.

267. All trials under this chapter before a High Court shall be by jury;

and, notwithstanding anything herein contained, in all criminal cases transferred to a High Court under this Code or under the Letters Patent of any High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, the trial may, if the High Court so directs, be by jury.

Trials before Court of Session to be by jury or with assessors.

268. All trials before a Court of Session shall be either by jury, or with the aid of assessors.

Local Government may order trials before Court of Session to be by jury.

269. The Local Government may, by order in the official Gazette, direct that the trial of all offences, or of any particular class of offences, before any Court of Session, shall be by jury in any District, and may revoke or alter such order.

When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for all such offences.

Trial before Court of Session to be conducted by Public Prosecutor.

270. In every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor.

B.—Commencement of Proceedings.

Commencement of trial.

271. When the Court is ready to commence the trial, the accused shall appear or be brought before it, and the charge shall be read out in Court and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Plea of guilty.

If the accused pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Refusal to plead or claim to be tried.

272. If the accused refuses to, or does not, plead, or if he claims to be tried, the Court shall proceed to choose jurors or assessors as hereinafter directed and to try the case:

Trial by same jury or assessors of several offenders in succession.

Provided that, subject to the right of objection hereinafter mentioned, the same jury may try, or the same assessors may aid in the trial of, as many accused persons successively as the Court thinks fit.

Entry on unsustainable charge.

273. In trials before the High Court, when it appears to the High Court at any time before the commencement of the trial of the person charged, that any charge or any portion thereof is clearly unsustainable, the Judge may make on the charge an entry to that effect.

Effect of entry.

Such entry shall have the effect of staying proceedings upon the charge or portion of the charge, as the case may be.

C.—Choosing a Jury.

Number of jury.

274. In trials before the High Court the jury shall consist of nine persons.

In trials by jury before the Court of Session, the jury shall consist of such uneven number not being less than three, or more than nine, as the Local Government, by order applicable to any particular district or to any particular class of offences in that district, may direct.

Trials before High Courts and Courts of Session.

Jury for trial of persons not Europeans or Americans before Court of Session.

275. In a trial by jury, before the Court of Session, of a person not being an European or an American, a majority of the jury shall, if he so desires, consist of persons who are neither Europeans nor Americans.

Jurors to be chosen by lot.

276. The jurors shall be chosen by lot from the persons summoned to act as such, in such manner as the High Court may from time to time by rule direct:

Proviso.

Provided that—

Existing practice maintained.

first, pending the issue under this section of rules for any Court, the practice now prevailing in such Court in respect to the choosing of jurors shall be followed;

Persons not summoned when eligible.

secondly, in case of a deficiency of persons summoned, the number of jurors required may, with the leave of the Court, be chosen from such other persons as may be present; and

Trials before special jurors.

thirdly, in the Presidency-towns—

(*a*) if the accused person is charged with having committed an offence punishable with death, or

(*b*) if in any other case a Judge of the High Court so directs,

the jurors shall be chosen from the special jury list hereinafter prescribed.

Names of jurors to be called.

277. As each juror is chosen, his name shall be called aloud, and, upon his appearance, the accused shall be asked if he objects to be tried by such juror.

Objection to jurors.

Objection may then be taken to such juror by the accused or by the prosecutor, and the grounds of objection shall be stated:

Objection without grounds stated.

Provided that, in the High Court, objections without grounds stated shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged.

Grounds of objection.

278. Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

(*a*) some presumed or actual partiality in the juror;

(*b*) some personal ground, such as alienage, deficiency in the qualification required by any law or rule having the force of law for the time being in force, or being under the age of twenty-one or above the age of sixty years;

(*c*) his having by habit or religious vows relinquished all care of worldly affairs;

(*d*) his holding any office in or under the Court

(*e*) his executing any duties of police or being entrusted with police-duties;

(*f*) his having been convicted of any offence which, in the opinion of the Court, renders him unfit to serve on the jury;

(*g*) his inability to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted;

(*h*) any other circumstance which, in the opinion of the Court, renders him improper as a juror.

Decision of objection.

279. Every objection taken to a juror shall be decided by the Court, and such decision shall be recorded and be final.

Supply of place of juror against whom objection allowed.

If the objection is allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons and chosen in manner provided by section 276; or, if there is no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided that no objection to such juror or other person is taken under section 278 and allowed.

Foreman of jury.

280. When the jurors have been chosen, they shall appoint one of their number to be foreman.

The foreman shall preside in the debates of the jury, deliver the verdict of the jury, and ask any information from the Court that is required by the jury or any of the jurors.

If a majority of the jury do not, within such time as the Judge thinks reasonable, agree in the appointment of a foreman, he shall be appointed by the Court.

Swearing of jurors.

281. When the foreman has been appointed, the jurors shall be sworn under the Indian Oaths Act, 1873.

Procedure when juror ceases to attend, &c.

282. If, in the course of a trial by jury, at any time before the return of the verdict, any juror, from any sufficient cause, is prevented from attending throughout the trial, or if any juror absents himself, and it is not practicable to enforce his attendance, or if it appears that any juror is unable to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted, a new juror shall be added, or the jury shall be discharged and a new jury chosen.

In each of such cases the trial shall commence anew.

Discharge of jury in case of sickness of prisoner.

283. The Judge may also discharge the jury whenever the prisoner becomes incapable of remaining at the bar.

D.—Choosing Assessors.

Assessors how chosen.

284. When the trial is to be held with the aid of assessors, two or more shall be chosen, as the Judge thinks fit, from the persons summoned to act as such.

Procedure when assessor is unable to attend.

285. If, in the course of a trial with the aid of assessors, at any time before the finding, any assessor is, from any sufficient cause, prevented from attending throughout the trial, or absents himself, and it is not practicable to enforce his attendance, the trial shall proceed with the aid of the other assessor or assessors.

If all the assessors are prevented from attending, or absent themselves, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh assessors.

E.—Trial to Close of Cases for Prosecution and Defence.

Opening case for prosecution.

286. When the jurors or assessors have been chosen, the prosecutor shall open his case by reading from the Indian Penal Code or other law the description of the offence charged, and stating shortly by what evidence he expects to prove the guilt of the accused.

Examination of witnesses.

The prosecutor shall then examine his witnesses.

Examination of accused before Magistrate to be evidence.

287. The examination of the accused duly recorded by or before the committing Magistrate shall be tendered by the prosecutor and read as evidence.

Evidence given at preliminary inquiry admissible.

288. The evidence of a witness duly taken in the presence of the accused before the committing Magistrate may, in the discretion of the presiding Judge, if such witness is produced and examined, be treated as evidence in the case.

Procedure after examination of witnesses for prosecution.

289. When the examination of the witnesses for the prosecution and the examination (if any) of the accused are concluded, the accused shall be asked whether he means to adduce evidence.

If he says that he does not, the prosecutor may sum up his case; and if the Court considers that there is no evidence that the accused committed the offence, it may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

If the accused or any one of several accused says that he means to adduce evidence and the Court considers that there is no evidence that the accused committed the offence, the Court may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

If the accused, or any one of several accused says that he means to adduce evidence, and the Court considers that there is evidence that he committed the offence, or if, on his saying that he does not mean to adduce evidence, the prosecutor sums up his case and the Court considers that there is evidence that the accused committed the offence, the Court shall call on the accused to enter on his defence.

Defence.

290. The accused or his pleader may then open his case, stating the facts or law on which he intends to rely, and making such comments as he thinks necessary on the evidence for the prosecution. He may then examine his witnesses (if any) and after their cross-examination and re-examination (if any) may sum up his case.

Right of accused as to examination and summoning of witnesses.

291. The accused shall be allowed to examine any witness not previously named by him, if such witness is in attendance; but he shall not, except as provided in sections 211 and 231, be entitled of right to have any witness summoned, other than the witnesses named in the list delivered to the Magistrate by whom he was committed for trial.

Prosecutor's right of reply.

292. If the accused, or any of the accused, has stated, when asked under section 289, that he means to adduce evidence, the prosecutor shall be entitled to reply.

View by jury or assessors.

293. Whenever the Court thinks that the jury or assessors should view the place in which the offence charged is alleged to have been committed, or any other place in which any other transaction material to the trial is alleged to have occurred, the Court shall make an order to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to such place, which shall be shown to them by a person appointed by the Court.

Such officer shall not, except with the permission of the Court, suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and, unless the Court otherwise directs, they shall, when the view is finished, be immediately conducted back into Court.

When juror or assessor may be examined.

294. If a juror or assessor is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be sworn, examined, cross-examined and re-examined in the same manner as any other witness.

Jury or assessors to attend at adjourned sitting.

295. If a trial is adjourned, the jury or assessors shall attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Trials before High Courts and Courts of Session.

Locking-up jury.

296. The High Court may, from time to time, make rules as to keeping the jury together during a trial before such Court lasting for more than one day, and, subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of the Court, or whether they shall be allowed to return to their respective homes.

F.—Conclusion of Trial in Cases tried by Jury.

Charge to jury.

297. In cases tried by jury, when the case for the defence, and the prosecutor's reply (if any) are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

Duty of Judge.

298. In such cases, it is the duty of the Judge—

(*a*) to decide all questions of law arising in the course of the trial, and especially all questions as to the relevancy of facts which it is proposed to prove, and the admissibility of evidence or the propriety of questions asked by or on behalf of the parties; and, in his discretion, to prevent the production of inadmissible evidence, whether it is or is not objected to by the parties;

(*b*) to decide upon the meaning and construction of all documents given in evidence at the trial;

(*c*) to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given;

(*d*) to decide whether any question which arises is for himself or for the jury, and upon this point his decision shall bind the jurors.

The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(*a*) It is proposed to prove a statement made by a person not being a witness in the case, on the ground that circumstances are proved which render evidence of such statement admissible.

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved.

(*b*) It is proposed to give secondary evidence of a document the original of which is alleged to have been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

Duty of jury.

299. It is the duty of the jury—

(*a*) to decide which view of the facts is true, and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned;

(*b*) to determine the meaning of all technical terms (other than terms of law) and words used in an unusual sense which it may be necessary to determine, whether such words occur in documents or not;

(*c*) to decide all questions which according to law are to be deemed questions of fact;

(*d*) to decide whether general indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure, or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

(*a*) *A* is tried for the murder of *B*.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts *A* ought to be convicted of murder, or of culpable homicide, or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(*b*) The question is whether a person entertained a reasonable belief on a particular point,—whether work was done with reasonable skill or due diligence.

Each of these is a question for the jury.

Retirement to consider.

300. In cases tried by jury, after the Judge has finished his charge, the jury may retire to consider their verdict.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

Delivery of verdict.

301. When the jury have considered their verdict, the foreman shall inform the Judge what is their verdict, or what is the verdict of a majority.

Procedure where jury differ.

302. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

Verdict to be given on each charge.

Judge may question jury.

303. Unless otherwise ordered by the Court, the jury shall return a verdict on all the charges on which the accused is tried, and the Judge may ask them such questions as are necessary to ascertain what their verdict is.

Questions and answers to be recorded.

Such questions and the answers to them shall be recorded.

Amending verdict.

304. When by accident or mistake a wrong verdict is delivered, the jury may, before or immediately after it is recorded, amend the verdict, and it shall stand as ultimately amended.

Verdict in High Court when to prevail.

305. When in a case tried before a High Court the jury are unanimous in their opinion, or when as many as six are of one opi-

nion and the Judge agrees with them, the Judge shall give judgment in accordance with such opinion.

When in any such case the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge.

Discharge of jury in other cases.

If the Judge disagrees with the majority, he shall at once discharge the jury.

If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such time as he thinks reasonable, discharge the jury.

Verdict in Court of Session when to prevail.

306. When in a case tried before the Court of Session the Judge does not think it necessary to express disagreement with the verdict of the jurors or of a majority of the jurors, he shall give judgment accordingly.

If the accused is acquitted, the Judge shall record judgment of acquittal. If the accused is convicted, the Judge shall pass sentence on him according to law.

Procedure where Sessions Judge disagrees with verdict.

307. If in any such case the Sessions Judge disagrees with the verdict of the jurors, or of a majority of the jurors, on all or any of the charges on which the accused has been tried, so completely that he considers it necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly, recording the grounds of his opinion, and, when the verdict is one of acquittal, stating the offence which he considers to have been committed.

Whenever the Judge submits a case under this section, he shall not record judgment of acquittal or of conviction on any of the charges on which the accused has been tried, but he may either remand the accused to custody or admit him to bail.

In dealing with the case so submitted the High Court may exercise any of the powers which it may exercise on an appeal; but it may acquit or convict the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it; and, if it convicts him, may pass such sentence as might have been passed by the Court of Session.

G.—Re-trial of Accused after Discharge of Jury.

Re-trial of accused after discharge of jury.

308. Whenever the jury is discharged, the accused shall be detained in custody or on bail (as the case may be), and shall be tried by another jury, unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

H.—Conclusion of Trial in Cases tried with Assessors.

Delivery of opinions of assessors.

309. When, in a case tried with the aid of assessors, the case for the defence and the prosecutor's reply (if any) are concluded, the Court may sum up the evidence for the prosecution and defence, and shall then require each of the assessors to state his opinion orally, and shall record such opinion.

Judgment.

The Judge shall then give judgment; but in doing so shall not be bound to conform to the opinions of the assessors.

If the accused is convicted, the Judge shall pass sentence on him according to law.

I.—Procedure in Case of Previous Conviction.

Procedure in case of previous conviction.

310. In the case of a trial by jury or with the aid of assessors, where the accused is charged with an offence committed after a previous conviction, for any offence, the procedure laid down in sections 271, 286, 305, 306 and 309 shall be modified as follows:—

(*a*) The part of the charge stating the previous conviction shall not be read out in Court, nor shall the accused be asked whether he has been previously convicted as alleged in the charge, unless and until he has either pleaded guilty to, or been convicted of, the subsequent offence.

(*b*) If he pleads guilty to, or is convicted of, the subsequent offence, he shall then be asked whether he has been previously convicted as alleged in the charge.

(*c*) If he answers that he has been so previously convicted the Judge may proceed to pass sentence on him accordingly; but, if he denies that he has been so previously convicted, or refuses to, or does not, answer such question, the jury or the Court and the assessors (as the case may be) shall then inquire concerning such previous conviction, and in such case (where the trial is by jury) it shall not be necessary to swear the jurors again.

J.—List of Jurors for High Court, and summoning Jurors for that Court.

Jurors' book.

311. In each Presidency-town, the jurors' book for the year current when this Code comes into force shall be taken as containing a correct list of persons liable to serve as jurors under this chapter.

Exemption of special jurors.

Those persons whose names are entered in the jurors' book as being liable to serve on special juries only shall be deemed to be persons privileged and liable to serve only as special jurors under this chapter during the year for which the said list has been prepared.

Number of special jurors.

312. The names of not more than two hundred persons shall at any one time be entered in the special jurors' list.

Lists of common and special jurors.

313. The Clerk of the Crown shall, before the first day of April in each year, and subject to such rules as the High Court from time to time prescribes, prepare—

(*a*) a list of all persons liable to serve as common jurors; and

Trials before High Courts and Courts of Session.

(*b*) a list of persons liable to serve as special jurors only.

Regard shall be had, in the preparation of the latter list, to the property, character and education of the persons whose names are entered therein.

No person shall be entitled to have his name entered in the special jurors' list merely because he may have been entered in the special jurors' list for a previous year.

The Governor General in Council in the case of the High Court at Calcutta, and, in the case of other High Courts, the Local Government, may exempt any salaried officer of Government from serving as a juror.

Discretion of officer preparing lists.

The Clerk of the Crown shall, subject to such rules as aforesaid, have full discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision.

Publication of lists, preliminary and revised.

314. Preliminary lists of persons liable to serve as common jurors and as special jurors, respectively, signed by the Clerk of the Crown, shall be published once in the local official Gazette before the fifteenth day of April next after their preparation.

Revised lists of persons liable to serve as common jurors and special jurors, respectively, signed as aforesaid, shall be published once in the local official Gazette before the first day of May next after their preparation.

Copies of the said lists shall be affixed to some conspicuous part of the Court-house.

Number of jurors to be summoned in Presidency-town.

315. Out of the persons named in the revised lists aforesaid, there shall be summoned for each sessions in each Presidency-town at least twenty-seven of those who are liable to serve on special juries, and fifty-four of those who are liable to serve on common juries.

No person shall be so summoned more than once in six months unless the number cannot be made up without him.

Supplementary summons.

If, during the continuance of any sessions, it appears that the number of persons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such sessions.

Summoning jurors outside the Presidency-towns.

316. Whenever a High Court has given notice of its intention to hold sittings at any place outside the Presidency-towns for the exercise of its original criminal jurisdiction, the Court of Session at such place shall, subject to any direction which may be given by the High Court, summon a sufficient number of jurors from its own list, in the manner hereinafter prescribed for summoning jurors to the Court of Session.

Military jurors.

317. In addition to the persons so summoned as jurors, the said Court of Session shall, if it thinks needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-commissioned officers in Her Majesty's Army resident within ten miles of its place of sitting, as the Court considers to be necessary to make up the juries required for the trial of persons charged with offences before the High Court as aforesaid.

All officers so summoned shall be liable to serve on such juries notwithstanding anything contained in this Code; but no such officer shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

Failure of jurors to attend.

318. Any person summoned under section 315, section 316 or section 317, who without lawful excuse fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court after being ordered to attend, shall be deemed guilty of a contempt and be liable by order of the Judge to such fine as he thinks fit; and, in default of payment of such fine, to imprisonment in the civil jail until the fine is paid.

K.—List of Jurors and Assessors for Court of Session, and summoning Jurors and Assessors for that Court.

Liability to serve as jurors or assessors.

319. All male persons between the ages of twenty-one and sixty shall, except as next hereinafter mentioned, be liable to serve as jurors or assessors at any trial held within the District in which they reside.

Exemptions.

320. The following persons are exempt from liability to serve as jurors or assessors, namely :—

(*a*) Officers in civil employ superior in rank to a District Magistrate;

(*b*) Judges;

(*c*) Commissioners and Collectors of Revenue or Customs;

(*d*) Persons engaged in the Preventive Service in the Customs Department;

(*e*) Persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty;

(*f*) Persons actually officiating as priests or ministers of their respective religions;

(*g*) Persons in Her Majesty's Army, except when, by any law in force for the time being, they are specially made liable to serve as jurors or assessors;

(*h*) Surgeons and others who openly and constantly practise the medical profession;

Trials before High Courts and Courts of Session.

(*i*) Persons employed in the Post-office and Telegraph Departments;

(*j*) Persons exempted from personal appearance in Court under the provisions of the Code of Civil Procedure, sections 640 and 641;

(*k*) Other persons exempted by the Local Government from liability to serve as jurors or assessors.

List of jurors and assessors.

321. The Sessions Judge, and the Collector of the District or such other officer as the Local Government appoints in this behalf, shall prepare and make out in alphabetical order a list of persons liable to serve as jurors or assessors and qualified in the judgment of the Sessions Judge and Collector or other officer as aforesaid to serve as such, and not likely to be successfully objected to under section 278, clauses (*b*) to (*h*), both inclusive.

The list shall contain the name, place of abode and quality or business of every such person; and if the person is an European or an American, the list shall mention the race to which he belongs.

Publication of list.

322. Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid, and in the Court-houses of the District Magistrate and of the District Court, and in some conspicuous place in the town or towns in or near which the persons named in the list reside.

Objections to list.

323. To every such copy shall be subjoined a notice stating that objections to the list will be heard and determined by the Sessions Judge and Collector or other officer as aforesaid, at the Sessions Court-house, and at a time to be mentioned in the notice.

Revision of list.

324. For the hearing of such objections, the Sessions Judge shall sit with the Collector or other officer as aforesaid, and shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not suitable in their judgment to serve as a juror or as an assessor, or who may establish his right to any exemption from service given by section 320, and insert the name of any person omitted from the list whom they deem qualified for such service.

In the event of a difference of opinion between the Sessions Judge and the Collector or other officer as aforesaid, the name of the proposed juror or assessor shall be omitted from the list.

A copy of the revised list shall be signed by the Sessions Judge and Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Sessions Judge and Collector or other officer as aforesaid in preparing and revising the list shall be final.

Any exemption not claimed under this section shall be deemed to be waived until the list is next revised.

Annual revision of list.

325. The list so prepared and revised shall be again revised once in every year.

The list so revised shall be deemed a new list, and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

District Magistrate to summon jurors and assessors.

326. The Sessions Judge shall ordinarily, three days at least before the day which he may from time to time fix for holding the sessions, send a letter to the District Magistrate requesting him to summon as many persons named in the said revised list as seem to the Sessions Judge to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any such trial.

The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them; and the names so drawn shall be specified in the said letter.

Power to summon another set of jurors or assessors.

327. The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section 326, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever for other reasons such direction is found to be necessary.

Form and service of summons.

328. Every summons to a juror or assessor shall be in writing, and shall require his attendance as juror or assessor, as the case may be, at a time and place to be therein specified.

When Government or Railway servant may be excused.

329. Where any person summoned to serve as a juror or assessor is in the service of Government or of a Railway Company, the Court to serve in which he is so summoned may excuse his attendance if it appears, on the representation of the head of the office in which he is employed, that he cannot serve as a juror or assessor, as the case may be, without inconvenience to the public.

Court may excuse attendance of juror or assessor.

330. The Court of Session may for reasonable cause excuse any juror or assessor from attendance at any particular session.

List of jurors and assessors attending.

331. At each session, the said Court shall cause to be made a list of the names of those who have attended as jurors and assessors at such session.

Such list shall be kept with the list of the jurors and assessors as revised under section 324.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

Trials before High Courts and Courts of Session.

General Provisions as to Inquiries and Trials.

Penalty for non-attendance of juror or assessor.

332. Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable, by order of the Court of Session, to a fine not exceeding one hundred rupees.

Such fine shall be levied by the District Magistrate by attachment and sale of any moveable property belonging to such juror or assessor within the local limits of the jurisdiction of the Court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may by order of the Court of Session be imprisoned in the civil jail for the term of fifteen days, unless such fine is paid before the end of the said term.

L.—Special Provisions for High Courts.

Power of Advocate General to stay prosecution.

333. At any stage of any trial before a High Court under this Code before the return of the verdict, the Advocate General may, if he thinks fit, inform the Court on behalf of Her Majesty that he will not further prosecute the defendant upon the charge; and thereupon all proceedings on such charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal unless the presiding Judge otherwise directs.

Time of holding sittings.

334. For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

Place of holding sittings.

335. The High Court shall hold its sittings at the place at which it now holds them, or at such other place (if any) as the Governor General in Council in the case of the High Court at Fort William, or the Local Government in the case of the other High Courts, may direct.

But it may, from time to time, in the case of the High Court at Fort William with the consent of the Governor General in Council, and in all other cases with the consent of the Local Government, hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

Notice of sittings.

Such officer as the Chief Justice directs shall give notice beforehand in the local official Gazette of all sittings intended to be held for the exercise of the original criminal jurisdiction of the High Court.

Place of trial of European British subjects.

336. The High Court may direct that all European British subjects and persons liable to be tried by it under section 214, who have been committed for trial by it within certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the Court,

or direct that they shall be tried at a particular place named.

CHAPTER XXIV.

GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS.

Tender of pardon to accomplice.

337. In the case of any offence triable exclusively by the Court of Session or High Court, the District Magistrate, a Presidency Magistrate, any Magistrate of the first class inquiring into the offence, or, with the sanction of the District Magistrate, any other Magistrate, may, with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, the offence under inquiry, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence, and to every other person concerned, whether as principal or abettor, in the commission thereof.

Every person accepting a tender under this section shall be examined as a witness in the case.

Such person, if not on bail, shall be detained in custody until the termination of the trial by the Court of Session or High Court, as the case may be.

Every Magistrate, other than a Presidency Magistrate, who tenders a pardon under this section, shall record his reasons for so doing; and when any Magistrate has made such tender and, examined the person to whom it has been made, he shall not try the case himself, although the offence which the accused appears to have committed may be triable by such Magistrate.

Power to direct tender of pardon.

338. At any time after commitment, but before judgment is passed, the Court to which the commitment is made may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, any such offence, tender, or order the committing Magistrate or the District Magistrate to tender, a pardon on the same condition to such person.

Commitment of person to whom pardon has been tendered.

339. Where a pardon has been tendered under section 337 or section 338, and any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false

evidence, not complied with the condition on which the tender was made, he may be tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the same matter.

The statement made by a person who has accepted a tender of pardon may be given in evidence against him when the pardon has been withdrawn under this section.

No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the High Court.

Right of accused to be defended.

340. Every person accused before any Criminal Court may of right be defended by a pleader.

Procedure where accused does not understand proceedings.

341. If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and, in the case of a Court other than a High Court, if such inquiry results in a commitment, or if such trial results in a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

Power to examine the accused.

342. For the purpose of enabling the accused to explain any circumstances appearing in the evidence against him, the Court may, at any stage of any inquiry or trial, without previously warning the accused, put such questions to him as the Court considers necessary, and shall, for the purpose aforesaid, question him generally on the case after the witnesses for the prosecution have been examined, and before he is called on for his defence.

The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them; but the Court and the jury (if any) may draw such inference from such refusal or answers as it thinks just.

The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.

No oath shall be administered to the accused.

No influence to be used to induce disclosures.

343. Except as provided in sections 337 and 338, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

Power to postpone or adjourn proceedings.

344. If, from the absence of a witness or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, the Court may, by order in writing, stating the reasons therefor, from time to time postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody:

Remand.

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time.

Every order made under this section by a Court other than a High Court shall be in writing signed by the presiding Judge or Magistrate.

Reasonable cause for remand.

EXPLANATION.—If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Compounding of offences.

345. The offences punishable under the sections of the Indian Penal Code described in the first two columns of the Table next following may be compounded by the persons mentioned in the third column of that Table:—

Offence.	Sections of Indian Penal Code applicable	Person by whom offence may be compounded.
Uttering words, &c., with deliberate intent to wound the religious feelings of any person	298	The person whose religious feelings are intended to be wounded.
Causing hurt ...	323, 334	The person to whom the hurt is caused.
Wrongfully restraining or confining any person	341, 342	The person restrained or confined.
Assault or use of criminal force ...	352, 355, 358	The person assaulted or to whom criminal force is used.
Unlawful compulsory labour	374	The person compelled to labour.
Mischief, when the only loss or damage caused is loss or damage to a private person ..	426, 427	The person to whom the loss or damage is caused.
Criminal trespass ...	447	The person in possession of the property trespassed upon.
House-trespass ...	448	

Offence.	Sections of Indian Penal Code applicable.	Person by whom offence may be compounded.
Criminal Breach of Contract of service ...	490, 491, 492	The person with whom the offender has contracted.
Adultery ...	497	The husband of the woman.
Enticing or taking away or detaining with a criminal intent a married woman ...	498	
Defamation ...	500	The person defamed.
Printing or engraving matter knowing it to be defamatory, ...	501	
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter ...	502	
Insult intended to provoke a breach of the peace ...	504	The person insulted.
Criminal intimidation, except when the offence is punishable with imprisonment for seven years ...	506	The person intimidated.

The offence of voluntarily causing hurt, voluntarily causing grievous hurt, causing hurt by an act which endangers life, or causing grievous hurt by an act which endangers life, punishable under section 324, section 335, section 337, or section 338 of the Indian Penal Code, may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the person to whom the hurt has been caused.

When any offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

When the person who would otherwise be competent to compound an offence under this section is a minor, an idiot or a lunatic, any person competent to contract on his behalf may compound such offence.

The composition of an offence under this section shall have the effect of an acquittal of the accused.

No offence not mentioned in this section shall be compounded.

Procedure of Provincial Magistrate in cases which he cannot dispose of.

346. If, in the course of an inquiry or a trial before a Magistrate in any district outside the Presidency-towns, the evidence appears to him to warrant a presumption that the case is one which should be tried or committed for trial by some other Magistrate in such district, he shall stay proceedings and submit the case, with a brief report explaining its nature, to any Magistrate to whom he is subordinate, or to such other Magistrate, having jurisdiction, as the District Magistrate directs.

The Magistrate to whom the case is submitted may, if so empowered, either try the case himself, or refer it to any Magistrate subordinate to him having jurisdiction, or commit the accused for trial.

Procedure when after commencement of inquiry or trial Magistrate finds case should be committed.

347. If in any inquiry before a Magistrate, or in any trial before a Magistrate before signing judgment, it appears to him at any stage of the proceedings that the case is one which ought to be tried by the Court of Session or High Court, and if he is empowered to commit for trial, he shall stop further proceedings and commit the accused under the provisions hereinbefore contained.

If such Magistrate is not empowered to commit for trial, he shall proceed under section 346.

Trial of persons previously convicted of offences against coinage, stamp-law or property.

348. Whoever, having been convicted of an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, shall ordinarily, if the Magistrate before whom he is accused considers him an habitual offender, be committed to the Court of Session or High Court, as the case may be; or, in districts in which the District Magistrate has been invested with powers under section 30, placed on his trial before such Magistrate.

Procedure when Magistrate cannot pass sentence sufficiently severe.

349. Whenever a Magistrate of the second or third class, having jurisdiction, is of opinion after hearing the evidence for the prosecution and the accused that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, or that he ought to be required to execute a bond under section 106, he may record the opinion and submit his proceedings, and forward the accused, to the District Magistrate or Sub-divisional Magistrate to whom he is subordinate.

The Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence in the case, and may call for and take any further evidence; and shall pass such judgment, sentence or order in the case as he thinks fit, and as is according to law: Provided that he shall not inflict a punishment

more severe than he is empowered to inflict under sections 32 and 33.

Conviction or commitment on evidence partly recorded by one Magistrate and partly by another.

350. Whenever any Magistrate, after having heard and recorded the whole or any part of the evidence in an inquiry or a trial, ceases to exercise jurisdiction therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-summon the witnesses and re-commence the inquiry or trial:

Provided as follows:—

(*a*) In any trial, the accused may, when the second Magistrate commences his proceedings, demand that the witnesses or any of them be re-summoned and re-heard:

(*b*) The High Court, or, in cases tried by Magistrates subordinate to the District Magistrate, the District Magistrate, may, whether there be an appeal or not, set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was had, if such Court or District Magistrate is of opinion that the accused has been materially prejudiced thereby; and may order a new inquiry or trial.

Nothing in this section applies to cases in which proceedings have been stayed under section 346.

Detention of offenders attending Court.

351. Any person attending a Criminal Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of examination, for any offence of which such Court can take cognizance and which, from the evidence, he may appear to have committed; and may be proceeded against as though he had been arrested or summoned.

When the detention takes place in the course of an inquiry under Chapter XVIII, or after a trial has been begun, the proceedings in respect of such person shall be commenced afresh and the witnesses re-heard.

Courts to be open.

352. The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

CHAPTER XXV.

OF THE MODE OF TAKING AND RECORDING EVIDENCE IN INQUIRIES AND TRIALS.

Evidence to be taken in presence of accused.

353. Except as otherwise expressly provided, all evidence taken under Chapters XVIII, XX, XXI, XXII and XXIII shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in presence of his pleader.

Manner of recording evidence outside Presidency-towns.

354. In inquiries and trials (other than summary trials) under this Code by or before a Magistrate (other than a Presidency Magistrate) or Sessions Judge, the evidence of the witnesses shall be recorded in the following manner.

Record in summons-cases, and in trials of certain offences by first and second class Magistrates.

355. In summons-cases tried before a Magistrate, other than a Presidency Magistrate, and in cases of the offences mentioned in section 260, clauses (*b*) to (*k*), both inclusive, when tried by a Magistrate of the first or second class, the Magistrate shall make a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

Such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same; and such memorandum shall form part of the record.

Record in other cases outside Presidency-towns.

356. In all other trials before Courts of Session and Magistrates (other than Presidency Magistrates), and in all inquiries under Chapters XII and XVIII, the evidence of each witness shall be taken down in writing in the language of the Court, by the Magistrate or Sessions Judge, or in his presence and hearing and under his personal direction and superintendence, and shall be signed by the Magistrate or Sessions Judge.

Evidence given in English.

When the evidence of such witness is given in English, the Magistrate or Sessions Judge may take it down in that language with his own hand, and, unless the accused is familiar with English, or the language of the Court is English, an authenticated translation of such evidence in the language of the Court shall form part of the record.

Memorandum when evidence not taken down by the Magistrate or Judge himself.

In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness

proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to make it.

Language of record of evidence.

357. The Local Government may direct that in any district or part of a district, or in proceedings before any Court of Session, or before any Magistrate or class of Magistrates, the evidence of each witness shall in the cases referred to in section 356 be taken down by the Sessions Judge or Magistrate with his own hand and in his mother-tongue, unless he is prevented by any sufficient reason from taking down the evidence of any witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

The evidence so taken down shall be signed by the Sessions Judge or Magistrate, and shall form part of the record:

Provided that the Local Government may direct the Sessions Judge or Magistrate to take down the evidence in the English language, or in the language of the Court, although such language is not his mother-tongue.

Option to Magistrate in cases under section 355.

358. In cases of the kind mentioned in section 355, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section 356, or, if within the local limits of the jurisdiction of such Magistrate the Local Government has made the order referred to in section 357, in the manner provided in the same section.

Mode of recording evidence under section 356 or section 357.

359. Evidence taken under section 356 or section 357 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

The Magistrate or Sessions Judge may in his discretion take down, or cause to be taken down, any particular question and answer.

Procedure in regard to such evidence when completed.

360. As the evidence of each witness taken under section 356 or section 357 is completed, it shall be read over to him in the presence of the accused, if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down, the evidence so taken down shall be interpreted to him in the language in which it was given, or in a language which he understands.

Interpretation of evidence to accused or his pleader.

361. Whenever any evidence is given in a language not understood by the accused and he is present in person, it shall be interpreted to him in open Court in a language understood by him.

If he appears by pleader and the evidence is given in a language other than the language of the Court, and not understood by the pleader, it shall be interpreted to such pleader in that language.

When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to interpret as much thereof as appears necessary.

Record of evidence in Presidency Magistrates' Courts.

362. In every case in which a Presidency Magistrate imposes a fine exceeding two hundred rupees, or imprisonment for a term exceeding six months, he shall either take down the evidence of the witnesses with his own hand, or cause it to be taken down in writing from his dictation in open Court. All evidence so taken down shall be signed by the Magistrate and shall form part of the record.

Evidence so taken down shall ordinarily be recorded in the form of a narrative, but the Magistrate may in his discretion take down, or cause to be taken down, any particular question or answer.

Sentences passed under section 35 on the same occasion shall, for the purposes of this section, be considered as one sentence.

Remarks respecting demeanour of witness.

363. When a Sessions Judge or Magistrate has recorded the evidence of a witness he shall also record such remarks (if any) as he thinks material respecting the demeanour of such witness whilst under examination.

Examination of accused how recorded.

364. Whenever the accused is examined by any Magistrate, or by any Court other than a High Court established by Royal Charter or the Chief Court of the Panjáb, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, in the language in which he is examined, or, if that is not practicable, in the language of the Court or English; and such record shall be shown or read to him, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

When the whole is made conformable to what he declares is the truth, the record shall be signed by the accused and the Magistrate or Judge of

such Court, and such Magistrate or Judge shall certify under his own hand that the examination was taken in his presence and hearing, and that the record contains a full and true account of the statement made by the accused.

In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, unless he is a Presidency Magistrate, as the examination proceeds, to make a memorandum thereof in the language of the Court, or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

Nothing in this section shall be deemed to apply to the examination of an accused person under section 263.

Record of evidence in High Court.

365. Every High Court established by Royal Charter and the Chief Court of the Panjáb may from time to time by general rule prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

CHAPTER XXVI.

Of the Judgment.

Mode of delivering judgment.

366. The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open Court either immediately or at some subsequent time of which due notice shall be given to the parties or their pleaders; and the accused shall, if in custody, be brought up, or if not in custody shall be required to attend, to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only, in which case it may be pronounced in the presence of his pleader.

Language of judgment.

Contents of judgment.

367. Every such judgment shall, except as otherwise expressly provided by this Code, be written by the presiding officer of the Court in the language of the Court, or in English; and shall contain the point or points for determination, the decision thereon, and the reasons for the decision; and shall be dated and signed by the presiding officer in open Court at the time of pronouncing it.

It shall specify the offence (if any) of which, and the section of the Indian Penal Code or other law under which, the accused is convicted, and the punishment to which he is sentenced.

Judgment in alternative.

When the conviction is under the Indian Penal Code, and it is doubtful under which of two sections, or under which of two parts of the same section, of that Code the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative.

If it be a judgment of acquittal, it shall state the offence of which the accused is acquitted and direct that he be set at liberty.

If the accused is convicted of an offence punishable with death, and the Court sentences him to any punishment other than death, the Court shall in its judgment state the reason why sentence of death was not passed:

Provided that, in trials by jury, the Court need not write a judgment, but the Court of Session shall record the heads of the charge to the jury.

Sentence of death.

368. When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Sentence of transportation.

No sentence of transportation shall specify the place to which the person sentenced is to be transported.

Court not to alter judgment.

369. No Court, other than a High Court, when it has signed its judgment shall alter or review the same, except as provided in section 395 or to correct a clerical error.

Presidency Magistrate's judgment.

370. Instead of recording a judgment in manner hereinbefore provided, a Presidency Magistrate shall record the following particulars:—

(*a*) the serial number of the case;

(*b*) the date of the commission of the offence;

(*c*) the name of the complainant (if any);

(*d*) the name of the accused person, and (except in the case of an European British subject) his parentage and residence;

(*e*) the offence complained of or proved;

(*f*) the plea of the accused and his examination (if any);

(*g*) the final order;

(*h*) the date of such order; and

(*i*) in all cases in which the Magistrate inflicts imprisonment, or fine exceeding two hundred rupees, or both, a brief statement of the reasons for the conviction.

Judgment to be explained and copy given to accused.

371. The judgment shall be explained to the accused, and on his application a copy of the judgment, or, when he so desires, a translation in his own language, if practicable, or in the language of the Court, shall be given to him without delay. Such copy shall, in any case other than a summons-case, be given free of cost.

Submission of Sentences for Confirmation.

In trials by jury in a Court of Session, a copy of the heads of the charge to the jury shall, on the application of the accused, be given to him without delay and free of cost.

Case of person sentenced to death.

When the accused is sentenced to death by a Sessions Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

Judgment when to be translated.

372. The original judgment shall be filed with the record of proceedings, and where the original is recorded in a different language from that of the Court, and the accused so requires, a translation thereof into the language of the Court shall be added to such record.

Court of Session to send copy of finding and sentence to District Magistrate.

373. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence (if any) to the District Magistrate within the local limits of whose jurisdiction the trial was held.

CHAPTER XXVII.

Of the Submission of Sentences for Confirmation.

Sentence of death to be submitted by Court of Session.

374. When the Court of Session passes sentence of death, the proceedings shall be submitted to the High Court, and the sentence shall not be executed unless it is confirmed by the High Court.

Power to direct further inquiry to be made or additional evidence to be taken.

375. If when such proceedings are submitted the High Court thinks that a further inquiry should be made into, or additional evidence taken upon, any point bearing upon the guilt or innocence of the convicted person, it may make such inquiry or take such evidence itself or direct it to be made or taken by the Court of Session.

Such inquiry shall not be made nor shall such evidence be taken in the presence of jurors or assessors, and, unless the High Court otherwise directs, the presence of the convicted person may be dispensed with when the same is made or taken.

When the inquiry and the evidence (if any) are not made and taken by the High Court, the result of such inquiry and the evidence shall be certified to such Court.

Power of High Court to confirm sentence or annul conviction.

376. In any case submitted under section 374, whether tried with the aid of assessors or by jury, the High Court—

(*a*) may confirm the sentence, or pass any other sentence warranted by law, or

(*b*) may annul the conviction, and convict the accused of any offence of which the Sessions Court might have convicted him, or order a new trial on the same or an amended charge, or

(*c*) may acquit the accused person :

Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

Confirmation or new sentence to be signed by two Judges.

377. In every case so submitted, the confirmation of the sentence, or any new sentence or order passed by the High Court, shall, when such Court consists of two or more Judges, be made, passed and signed by at least two of them.

Procedure in case of difference of opinion.

378. When any such case is heard before a Bench of Judges and such Judges are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge, and such Judge, after such examination and hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure in cases submitted to High Court for confirmation.

379. In cases submitted by the Court of Session to the High Court for the confirmation of a sentence of death, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order, under the seal of the High Court, and attested with his official signature, to the Court of Session.

Confirmation of sentence of Assistant Sessions Judge or Magistrate acting under section 34.

380. When a sentence passed by an Assistant Sessions Judge or by a District Magistrate acting under section 34 is submitted to a Sessions Judge for confirmation, such Sessions Judge—

(*a*) may confirm the sentence, or pass any other sentence which the lower Court might have passed; or

(*b*) may annul the conviction, and convict the accused of any offence of which the lower Court might have convicted him, or order a new trial on the same or an amended charge; or

(*c*) may acquit the accused; or

(*d*) if he thinks further inquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.

Unless the Court of Sessions otherwise directs, the presence of the convicted person may be dispensed with when such inquiry is made or evidence taken; and, when the sentence has been submitted by an Assistant Sessions Judge, such inquiry shall not be made, nor shall such evidence be taken, in the presence of jurors or assessors.

When the inquiry and the evidence (if any) are not made and taken by the Court of Sessions, the result of such inquiry and the evidence shall be certified to such Court.

CHAPTER XXVIII.

OF EXECUTION.

Execution of order passed under section 376.

381. When a sentence of death passed by a Court of Session is submitted to the High Court for confirmation, such Court of Session shall, on receiving the order of confirmation or other order of the High Court thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

Postponement of capital sentence on pregnant woman.

382. If a woman sentenced to death be found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may commute the sentence to transportation for life.

Execution of sentences of transportation or imprisonment in other cases.

383. Where the accused is sentenced to transportation or imprisonment in cases other than those provided for by section 381, the Court passing the sentence shall forthwith forward a warrant to the jail in which he is to be confined, and, unless the accused is already confined in such jail, shall forward him to such jail, with the warrant.

Direction of warrant for execution.

384. Every warrant for the execution of a sentence of imprisonment shall be directed to the officer in charge of the jail or other place in which the prisoner is, or is to be, confined.

Warrant with whom to be lodged.

385. When the prisoner is to be confined in a jail, the warrant shall be lodged with the jailor.

Warrant for levy of fine.

386. Whenever an offender is sentenced to pay a fine, the Court passing the sentence may, in its discretion, issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, although the sentence directs that, in default of payment of the fine, the offender shall be imprisoned.

Effect of such warrant.

387. Such warrant may be executed within the local limits of the jurisdiction of such Court, and it shall authorize the distress and sale of any such property without such limits, when endorsed by the District Magistrate or Chief Presidency Magistrate within the local limits of whose jurisdiction such property is found.

Suspension of execution of sentence of imprisonment.

388. When an offender has been sentenced to fine only, and to imprisonment in default of payment of the fine, and the Court issues a warrant under section 386, it may suspend the execution of the sentence of imprisonment and may release the offender on his executing a bond, with or without sureties, as the Court thinks fit, conditioned for his appearance before such Court on the day appointed for the return to such warrant, such day not being more than fifteen days from the time of executing the bond; and in the event of the fine not having been realized the Court may direct the sentence of imprisonment to be carried into execution at once.

Who may issue warrant.

389. Every warrant for the execution of any sentence may be issued either by the Judge or Magistrate who passed the sentence or by his successor in office.

Execution of sentence of whipping only.

390. When the accused is sentenced to whipping only, the sentence shall be executed at such place and time as the Court may direct.

Execution of sentence of whipping, in addition to imprisonment.

391. When the accused is sentenced to whipping in addition to imprisonment in a case which is subject to appeal, the whipping shall not be inflicted until fifteen days from the date of the sentence, or, if an appeal be made within that time, until the sentence is confirmed by the Appellate Court: but the whipping shall be inflicted as soon as practicable after the expiry of the fifteen days, or, in case of an appeal, as soon as practicable after the receipt of the order of the Appellate Court confirming the sentence.

The whipping shall be inflicted in the presence of the officer in charge of the jail: unless the Judge or Magistrate orders it to be inflicted in his own presence.

Mode of inflicting punishment.

392. In the case of a person of or over sixteen years of age, whipping shall be inflicted with a light ratan not less than half an inch in diameter, in such mode, and on such part of the person, as the Local Government directs; and, in the case of a person under sixteen years of age, it shall be inflicted in the way of school-discipline with a light ratan.

Limit of number of stripes.

In no case shall such punishment exceed thirty stripes.

Not to be executed by instalments.
Exemptions.

393. No sentence of whipping shall be executed by instalments; and none of the following persons shall be punishable with whipping (namely):—

(*a*) females;

(*b*) males sentenced to death, or to transportation, or to penal servitude, or to imprisonment for more than five years;

(*c*) males whom the Court considers to be more than forty-five years of age.

394. The punishment of whipping shall not be inflicted unless a Medical Officer, if present, certifies, or, if there is not a Medical Officer present, unless it appears to the Magistrate or officer present, that the offender is in a fit state of health to undergo such punishment.

Whipping not to be inflicted if offender not in fit state of health.

If, during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the Magistrate or officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

Stay of execution.

395. In any case in which, under section 394, a sentence of whipping is, wholly or partially, prevented from being executed, the offender shall be kept in custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either remit such sentence, or sentence the offender in lieu of whipping, or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any term not exceeding twelve months, which may be in addition to any other punishment to which he may have been sentenced for the same offence.

Procedure if punishment cannot be inflicted under section 394.

Nothing in this section shall be deemed to authorize any Court to inflict imprisonment for a term exceeding that to which the accused is liable by law, or that which the said Court is competent to inflict.

396. When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine or whipping, shall, subject to the provisions hereinbefore contained, take effect immediately, and if of imprisonment, penal servitude or transportation, shall take effect according to the following rules, that is to say :—

Execution of sentences on escaped convicts.

If the new sentence is severer in its quality than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

When the new sentence is not severer in its quality than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, penal servitude or transportation, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

EXPLANATION.—For the purposes of this section—

(*a*) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment;

(*b*) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement; and

(*c*) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

397. When a person already undergoing a sentence of imprisonment, penal servitude or transportation is sentenced to imprisonment, penal servitude or transportation, such imprisonment, penal servitude or transportation shall commence at the expiration of the imprisonment, penal servitude or transportation to which he has been previously sentenced:

Sentence on offender already sentenced for another offence.

Provided that if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction be one of transportation, the Court may, in its discretion, direct that the latter sentence shall commence immediately, or at the expiration of the imprisonment to which he has been previously sentenced.

398. Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

Saving as to sections 396 and 397.

399. When any person under the age of sixteen years is sentenced by any Criminal Court to imprisonment for any offence, the Court may direct that such person, instead of being imprisoned in a criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Local Government prescribes with regard to the discipline and training of persons confined therein.

Confinement of youthful offenders in reformatories.

All persons confined under this section shall be subject to the rules so prescribed.

400. When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.

Return of warrant on execution of sentence.

CHAPTER XXIX.

OF SUSPENSIONS, REMISSIONS AND COMMUTATIONS OF SENTENCES.

401. When any person has been sentenced to punishment for an offence, the Governor General in Council or the Local Government, may at any time without conditions, or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

Power to suspend or remit sentences.

Previous Acquittals or Convictions.

Whenever an application is made to the Governor General in Council or the Local Government for the suspension or remission of a sentence, the Governor General in Council or the Local Government, as the case may be, may require the presiding Judge of the Court before or by which the conviction was had or confirmed to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion.

If the person in whose favour a sentence has been suspended or remitted fails to fulfil the conditions prescribed by the Governor General in Council or the Local Government, the Governor General in Council or the Local Government, as the case may be, may cancel such suspension or remission, whereupon such person may, if at large, be arrested by any Police-officer without warrant and remanded to undergo the unexpired portion of the sentence.

Nothing herein contained shall be deemed to interfere with the right of Her Majesty to grant pardons, reprieves, respites or remissions of punishment.

Power to commute punishment.

402. The Governor General in Council, or the Local Government, may without the consent of the person sentenced commute any one of the following sentences for any other mentioned after it:—

death, transportation, penal servitude, rigorous imprisonment for a term not exceeding that to which he might have been sentenced, simple imprisonment for a like term, fine.

CHAPTER XXX.

OF PREVIOUS ACQUITTALS OR CONVICTIONS.

Person once convicted or acquitted not to be tried for same offence.

403. A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 236, or for which he might have been convicted under section 237.

A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 235, paragraph one.

A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

EXPLANATION.—The dismissal of a complaint, the stopping of proceedings under section 249, the discharge of the accused, or any entry made upon a charge under section 273, is not an acquittal for the purposes of this section.

Illustrations.

(*a*) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards, while the acquittal remains in force, be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

(*b*) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(*c*) A is tried for causing grievous hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide.

(*d*) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for the murder of B.

(*e*) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B on the same facts, unless the case comes within paragraph three of this section.

(*f*) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(*g*) A, B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for, dacoity on the same facts.

PART VII.

OF APPEAL, REFERENCE AND REVISION.

CHAPTER XXXI.

OF APPEALS.

Unless otherwise provided, no appeal to lie.

404. No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Appeal from order rejecting application for restoration of attached property.

405. Any person whose application under section 89 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court, may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.

Appeals.

Appeal from order requiring security for good behaviour.

406. Any person required by a Magistrate, other than the District Magistrate or a Presidency Magistrate, to give security for good behaviour under section 118, may appeal to the District Magistrate.

Appeal from sentence of Magistrate of the second or third class.

407. Any person convicted on a trial held by any Magistrate of the second or third class, or any person sentenced under section 349 by a Sub-divisional Magistrate of the second class, may appeal to the District Magistrate.

Transfer of appeals to first class Magistrate.

The District Magistrate may direct that any appeal under this section, or any class of such appeals, shall be heard by any Magistrate of the first class subordinate to him and empowered by the Local Government to hear such appeals, and thereupon such appeal or class of appeals shall be presented to such Subordinate Magistrate, or if already presented to the District Magistrate shall be transferred to such Subordinate Magistrate. The District Magistrate may withdraw from such Magistrate any appeal or class of appeals so presented or transferred.

Appeal from sentence of Assistant Sessions Judge or Magistrate of the first class.

408. Any person convicted on a trial held by an Assistant Sessions Judge, a District Magistrate or other Magistrate of the first class, or any person sentenced under section 349 by a Magistrate of the first class, may appeal to the Court of Session:

Provided as follows:—

(*a*) when in any case an Assistant Sessions Judge or a District Magistrate passes any sentence which is subject to the confirmation of the Court of Session, every appeal in such case shall lie to the High Court, but shall not be presented until the case has been disposed of by the Court of Session;

(*b*) any European British subject so convicted may at his option appeal either to the High Court or the Court of Session.

Appeals to Court of Session how heard.

409. An appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional or Joint Sessions Judge.

Appeal from sentence of Court of Session.

410. Any person convicted on a trial held by a Sessions Judge, or an Additional or a Joint Sessions Judge, may appeal to the High Court.

Appeal from sentence of Presidency Magistrate.

411. Any person convicted on a trial held by a Presidency Magistrate may appeal to the High Court if the Magistrate has sentenced him to imprisonment for a term exceeding six months or to fine exceeding two hundred rupees.

No appeal in certain cases when accused pleads guilty.

412. Notwithstanding anything hereinbefore contained, where an accused person has pleaded guilty and has been convicted by a Court of Session or a Presidency Magistrate on such plea, there shall be no appeal except as to the extent or legality of the sentence.

No appeal in petty cases.

413. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which a Court of Session or the District Magistrate or other Magistrate of the first class passes a sentence of imprisonment not exceeding one month only, or of fine not exceeding fifty rupees only, or of whipping only.

EXPLANATION.—There is no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has been passed.

No appeal from certain summary convictions.

414. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases tried summarily in which a Magistrate empowered to act under section 260 passes a sentence of imprisonment not exceeding three months only, or of fine not exceeding two hundred rupees only, or of whipping only.

Proviso to sections 413 and 414.

415. An appeal may be brought against any sentence referred to in section 413 or section 414 by which any two or more of the punishments therein mentioned are combined, but no sentence which would not otherwise be liable to appeal shall be appealable merely on the ground that the person convicted is ordered to find security to keep the peace.

EXPLANATION.—A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section.

Saving of sentences on European British subjects.

416. Nothing in sections 413 and 414 applies to appeals from sentences passed under Chapter XXXIII on European British subjects.

Appeal on behalf of Government in case of acquittal.

417. The Local Government may direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court.

Appeal on what matters admissible.

418. An appeal may lie on a matter of fact as well as a matter of law, except where the trial was by jury, in which case the appeal shall lie on a matter of law only.

EXPLANATION.—The alleged severity of a sentence shall for the purposes of this section be deemed to be a matter of law.

Petition of appeal.

419. Every appeal shall be made in the form of a petition in writing presented by the appellant or his pleader, and every such petition shall (unless the Court to which it is presented otherwise directs) be accompanied by a copy of the judgment or order appealed against, and, in cases tried by a jury, a copy of the heads of the charge recorded under section 367.

Procedure when appellant in jail.

420. If the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

Summary rejection of appeal.

421. On receiving the petition and copy under section 419 or section 420, the Appellate Court shall peruse the same, and, if it considers that there is no sufficient ground for interfering, it may reject the appeal summarily: Provided that no appeal presented under section 419 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same.

Before rejecting an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.

Notice of appeal.

422. If the Appellate Court does not reject the appeal summarily, it shall cause notice to be given to the appellant or his pleader and to such officer as the Local Government may appoint in this behalf, of the time and place at which such appeal will be heard, and shall, on the application of such officer, furnish him with a copy of the grounds of appeal;

and, in cases of appeals under section 417, the Appellate Court shall cause a like notice to be given to the accused.

Powers of Appellate Court in disposing of appeal.

423. The Appellate Court shall then send for the record of the case, if such record is not already in Court. After perusing such record, and hearing the appellant or his pleader, if he appears, and the Public Prosecutor, if he appears, and, in case of an appeal under section 417, the accused, if he appears, the Court may, if it considers there is no sufficient ground for interfering, dismiss the appeal, or may—

(*a*) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be retried or committed for trial, as the case may be, or find him guilty and pass sentence on him according to law;

(*b*) in an appeal from a conviction, (1) reverse the finding and sentence, and acquit or discharge the accused, or order him to be retried by a Court of competent jurisdiction subordinate to such Appellate Court, or committed for trial, or (2) alter the finding, maintaining the sentence, or, with or without altering the finding, reduce the sentence, or (3) with or without such reduction, and with or without altering the finding, alter the nature of the sentence, but not so as to enhance the same;

(*c*) in an appeal from any other order, alter or reverse such order:

(*d*) Nothing herein contained shall authorize the Court to alter or reverse the verdict of a jury, unless it is of opinion that such verdict is erroneous owing to a misdirection by the Judge, or to a misunderstanding on the part of the jury of the law as laid down by him.

Judgments of subordinate Appellate Courts.

424. The rules contained in Chapter XXVI as to the judgment of a Criminal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court other than a High Court:

Provided that, unless the Appellate Court otherwise directs, the accused shall not be brought up, or required to attend, to hear judgment delivered.

Order by High Court on appeal to be certified to lower Court.

425. Whenever a case is decided on appeal by the High Court under this chapter, it shall certify its judgment or order to the Court by which the finding, sentence or order appealed against was recorded or passed. If the finding, sentence or order was recorded or passed by a Magistrate other than the District Magistrate, the certificate shall be sent through the District Magistrate.

The Court to which the High Court certifies its judgment or order shall thereupon make such orders as are conformable to the judgment or order of the High Court; and, if necessary, the record shall be amended in accordance therewith.

Suspension of sentence pending appeal.

426. Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, if he is in confinement, that he be released on bail or on his own bond.

Release of appellant on bail.

The power conferred by this section on an Appellate Court may be exercised also by the High Court in the case of any appeal by a convicted person to a Court subordinate thereto.

When the appellant is ultimately sentenced to imprisonment, penal servitude or transportation, the time during which he is so released shall be excluded in computing the term for which he is so sentenced.

Arrest of accused in appeal from acquittal.

427. When an appeal is presented under section 417, the High Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to bail.

Appellate Court may take further evidence or direct it to be taken.

428. In dealing with any appeal under this chapter, the Appellate Court, if it thinks additional evidence to be necessary, may either take such evidence itself, or direct it to be taken by a Magistrate,

or, when the Appellate Court is a High Court, by a Court of Session or a Magistrate.

When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the accused or his pleader shall be present when the additional evidence is taken; but such evidence shall not be taken in the presence of jurors or assessors.

The taking of evidence under this section shall for the purposes of Chapter XXV be deemed to be an inquiry.

Procedure where Judges of Court of appeal are equally divided.

429. When the Judges composing the Court of appeal are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge of the same Court, and such Judge, after such examination and such hearing (if any) as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Finality of orders on appeal.

430. Judgments and orders passed by an Appellate Court upon appeal shall be final, except in the cases provided for in section 417 and Chapter XXXII.

Abatement of appeals.

431. Every appeal under section 417 shall finally abate on the death of the accused, and every other appeal under this chapter shall finally abate on the death of the appellant.

CHAPTER XXXII.

Of Reference and Revision.

Reference by Presidency Magistrate to High Court.

432. A Presidency Magistrate may, if he thinks fit, refer for the opinion of the High Court any question of law which arises in the hearing of any case pending before him, or may give judgment in any such case subject to the decision of the High Court on such reference; and, pending such decision, may either commit the accused to jail, or release him on bail to appear for judgment when called upon.

Disposal of case according to decision of High Court.

433. When a question has been so referred, the High Court shall pass such order thereon as it thinks fit, and shall cause a copy of such order to be sent to the Magistrate by whom the reference was made, who shall dispose of the case conformably to the said order.

Direction as to costs.

The High Court may direct by whom the costs of such reference shall be paid.

Power to reserve questions arising in original jurisdiction of High Court.

434. When any person has, in a trial before a Judge of a High Court consisting of more Judges than one and acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve and refer for the decision of a Court consisting of two or more Judges of such Court any question of law which has arisen in the course of the trial of such person, and the determination of which would affect the event of the trial.

Procedure when question reserved.

If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail, or, if the Judge thinks fit, be admitted to bail,

and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment or order as the High Court thinks fit.

Power to call for records of inferior Courts.

435. The High Court or any Court of Session, or District Magistrate, or any Sub-divisional Magistrate empowered by the Local Government in this behalf, may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction, for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court.

If any Sub-divisional Magistrate acting under this section considers that any such finding, sentence or order is illegal or improper, or that any such proceedings are irregular, he shall forward the record, with such remarks thereon as he thinks fit, to the District Magistrate.

Orders made under sections 143 and 144 and proceedings under section 176 are not proceedings within the meaning of this section.

Power to order commitment.

436. When, on examining the record of any case under section 435 or otherwise, the Court of Session or District Magistrate considers that such case is triable exclusively by the Court of Session, and that an accused person has been improperly discharged by the inferior Court, the Court of Session or District Magistrate may cause him to be arrested, and may thereupon, instead of directing a fresh inquiry, order him to be committed for trial upon the matter of which he has been, in the opinion of the Court of Session or District Magistrate, improperly discharged:

Provided as follows—

(*a*) that the accused has had an opportunity of showing cause to such Court or Magistrate why the commitment should not be made:

Reference and revision.

(*b*) that, if such Court or Magistrate thinks that the evidence shows that some other offence has been committed by the accused, such Court or Magistrate may direct the inferior Court to inquire into such offence.

Power to order inquiry.

437. On examining any record, under section 435 or otherwise, the High Court or Court of Session may direct the District Magistrate by himself or by any of the Magistrates subordinate to him to make, and the District Magistrate may himself make, or direct any subordinate Magistrate to make, further inquiry into any complaint which has been dismissed under section 203, or into the case of any accused person who has been discharged.

Report to High Court.

438. The Court of Session or District Magistrate may, if it or he thinks fit, on examining under section 435 or otherwise the record of any proceeding, report for the orders of the High Court the results of such examination, and, when such report contains a recommendation that a sentence be reversed, may order that the execution of such sentence be suspended, and if the accused is in confinement that he be released on bail or on his own bond.

High Court's powers of revision.

439. In the case of any proceeding the record of which has been called for by itself, or which has been reported for orders, or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of appeal by sections 195, 423, 426, 427 and 428, or on a Court by section 338, and may enhance the sentence, and, when the Judges composing the Court of revision are equally divided in opinion, the case shall be disposed of in manner provided by section 429.

No order under this section shall be made to the prejudice of the accused unless he has had an opportunity of being heard either personally or by pleader in his own defence.

Where the sentence dealt with under this section has been passed by a Magistrate acting otherwise than under section 34, the Court shall not inflict a greater punishment for the offence which, in the opinion of such Court, the accused has committed, than might have been inflicted for such offence by a Presidency Magistrate or a Magistrate of the first class.

Nothing in this section applies to an entry made under section 273, or shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction.

Optional with Court to hear parties.

440. No party has any right to be heard either personally or by pleader before any Court when exercising its powers of revision:

Provided that the Court may, if it thinks fit, when exercising such powers, hear any party either personally or by pleader, and that nothing in this section shall be deemed to affect section 439, paragraph two.

Statement by Presidency Magistrate of grounds of his decision to be considered by High Court.

441. When the record of any proceeding of any Presidency Magistrate is called for by the High Court under section 435, the Magistrate may submit with the record a statement setting forth the grounds of his decision or order and any facts which he thinks material to the issue; and the Court shall consider such statement before overruling or setting aside the said decision or order.

High Court's order to be certified to lower Court or Magistrate.

442. When a case is revised under this chapter by the High Court, it shall certify its decision or order to the Court by which the finding, sentence or order revised was recorded or passed, and the Court or Magistrate to which the decision or order is so certified shall thereupon make such orders as are conformable to the decision so certified; and, if necessary, the record shall be amended in accordance therewith.

PART VIII.

SPECIAL PROCEEDINGS.

CHAPTER XXXIII.

CRIMINAL PROCEEDINGS AGAINST EUROPEANS AND AMERICANS.

Criminal Proceedings against Europeans and Americans.

Magistrates who may inquire into and try charges against European British subjects.

443. No Magistrate, unless he is a Justice of the Peace, and (except in the case of a Presidency Magistrate) unless he is a Magistrate of the first class and an European British subject, shall inquire into or try any charge against an European British subject.

Sessions Judge to be an European British subject.

444. No Judge presiding in a Court of Session shall exercise jurisdiction over an European British subject unless he himself is an European British subject; and, if he is an Assistant Sessions Judge, unless he has held the office of Assistant Sessions Judge for at least three years, and has been specially empowered in this behalf by the Local Government.

Assistant Sessions Judge to have held office for three years and to be specially empowered.

Cognizance of offence committed by European British subject.

445. Nothing in section 443 or section 444 shall prevent any Magistrate from taking cognizance of an offence committed by any European British subject in any case in which he could take cognizance of a like offence if committed by another person:

Provided that, if he issues any process for the purpose of compelling the appearance of an European British subject accused of an offence, such process shall be made returnable before a Magistrate having jurisdiction to inquire into or try the case.

Criminal Proceedings against Europeans and Americans.

Sentences which may be passed by Provincial Magistrates.

446. Notwithstanding anything contained in section 32 or section 34, no Magistrate other than a Presidency Magistrate shall pass any sentence on an European British subject other than imprisonment for a term which may extend to three months, or fine which may extend to one thousand rupees, or both.

When commitment is to be to Court of Session and when to High Court.

447. When an European British subject is accused of an offence before a Magistrate, and such offence cannot, in the opinion of such Magistrate, be adequately punished by him, and is not punishable with death or with transportation for life, such Magistrate shall, if he thinks that the accused ought to be committed, commit him to the Court of Session, or, in the case of a Presidency Magistrate, to the High Court.

When the offence which appears to have been committed is punishable with death or with transportation for life, the commitment shall be to the High Court.

Trial of offences of which one is, and the others are not, punishable with death or transportation for life.

448. Where any person committed to the High Court under section 447 is charged with several offences of which one is punishable with death or transportation for life and the others with a less punishment, and the High Court considers that he should not be tried for the offence punishable with death or transportation, the High Court may nevertheless try him for the other offences.

Sentences which may be passed by Court of Session.

449. Notwithstanding anything contained in section 31, no Court of Session shall pass on any European British subject any sentence other than a sentence of imprisonment for a term which may extend to one year, or fine, or both.

Procedure when Sessions Judge finds his powers inadequate.

If, at any time after the commitment and before signing judgment, the presiding Judge thinks that the offence which appears to be proved cannot be adequately punished by such a sentence, he shall record his opinion to that effect and transfer the case to the High Court. Such Judge may either himself bind over, or direct the committing Magistrate to bind over, the complainant and witnesses to appear before the High Court.

Procedure when Sessions Judge is not an European British subject.

450. If the Judge of the Sessions Division within which the offence is ordinarily triable is not an European British subject, the case shall be reported by the committing Magistrate for the orders of the highest Court of criminal appeal for the province within which such division is situate.

In British Burma the Court of the Recorder of Rangoon shall, for the purposes of this section, be deemed to be the highest Court of criminal appeal.

Mixed jury for trial of European British subjects.

451. In trials of European British subjects before a High Court or Court of Session, if, before the first juror is called and accepted, or the first assessor is appointed, as the case may be, any such subject requires to be tried by a mixed jury, or by a mixed set of assessors, not less than half the number of the jurors or assessors shall be Europeans or Americans, or both Europeans and Americans.

Trial of European British subject and Native jointly accused.

452. In any case in which an European British subject is accused jointly with a person not being an European British subject, and such European British subject is committed for trial before a High Court or Court of Session, such subject and person may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately:

When native may claim separate trial.

Provided that, if the European British subject requires under section 451 to be tried by a mixed jury, or by a mixed set of assessors, and the person not being an European British subject requires that he shall be tried separately, the latter person shall be tried separately in accordance with the provisions of Chapter XXIII.

Procedure on claim of person to be dealt with as European British subject.

453. When any person claims to be dealt with as an European British subject, he shall state the grounds of such claim to the Magistrate before whom he is brought for the purposes of the inquiry or trial; and such Magistrate shall inquire into the truth of such statement, and allow the person making it a reasonable time within which to prove that it is true, and shall then decide whether he is or is not an European British subject, and shall deal with him accordingly. If any such person is convicted by such Magistrate and appeals from such conviction, the burden of proving that the Magistrate's said decision was wrong shall lie upon him.

When any such person is committed by the Magistrate for trial before the Court of Session, and such person before such Court claims to be dealt with as an European British subject, such Court shall, after such further inquiry, if any, as it thinks fit, decide whether he is or is not an European British subject, and shall deal with him accordingly. If he is convicted by such Court and appeals from such conviction, the burden of proving that the Court's said decision was wrong shall lie upon him.

When the Court before which any person is tried decides that he is not an European British subject, such decision shall form a ground of appeal from the sentence or order passed in such trial.

Failure to plead status a waiver.

454. If an European British subject does not claim to be dealt with as such by the Magistrate before whom he is tried or by whom he is committed, or if, when such claim has been made before, and disallowed by, the committing Magistrate, it is not again made before the Court to which such subject is committed, he shall be held to have relinquished his right to be dealt with as such European British subject, and shall not assert it in any subsequent stage of the same case.

Criminal proceedings against Europeans and Americans.

Unless the Magistrate has reason to believe that any person brought before him is not an European British subject, the Magistrate shall ask such person whether he is such a subject or not.

Trial under this chapter of person not an European British subject.

455. Where a person who is not an European British subject is dealt with as such under this chapter, and does not object, the inquiry, commitment, trial or sentence (as the case may be) shall not, by reason of such dealing, be invalid.

Right of European British subject unlawfully detained to apply for order to be brought before High Court.

456. When any European British subject is unlawfully detained in custody by any person, such European British subject or any person on his behalf may apply to the High Court which would have jurisdiction over such European British subject in respect of any offence committed by him at the place where he is detained, or to which he would be entitled to appeal from any conviction for any such offence, for an order directing the person detaining him to bring him before the High Court to abide such further order as it may pass.

Procedure on such application.

457. The High Court, if it thinks fit, may, before issuing such order, inquire, on affidavit or otherwise, into the grounds on which it is applied for, and grant or refuse such application; or it may issue the order in the first instance, and, when the person applying for it is brought before it, it may make such further order in the case as it thinks fit, after such inquiry (if any) as it thinks necessary.

Territories throughout which High Court may issue such orders.

458. The High Court may issue such orders throughout the territories within the local limits of its appellate criminal jurisdiction, and such other territories as the Governor General in Council may direct.

Application of Acts conferring jurisdiction on Magistrates or Courts of Session.

459. Unless there is something repugnant in the context, all enactments heretofore or hereafter made by the Governor General in Council, which confer on Magistrates or on the Court of Session jurisdiction over offences, shall be deemed to apply to European British subjects, although such persons be not expressly referred to therein.

Nothing in this section shall be deemed to authorize any Court to exceed the limits prescribed by this chapter as to the amount of punishment which it may inflict on an European British subject, or to confer jurisdiction on any Magistrate not being a Justice of the Peace or on any Magistrate or Sessions Judge outside the Presidency-towns not being an European British subject.

Jury for trial of Europeans or Americans.

460. In every case triable by jury or with the aid of assessors, in which an European (not being an European British subject) or an American is the accused person, or one of the accused persons, not less than half the number of jurors or assessors shall, if practicable and if such European or American so claims, be Europeans or Americans.

Jury when European or American charged jointly with one of another race.

461. Whenever an European or American is charged before the Court of Session jointly with a person not an European or American, and in compliance with a claim made under section 460 is tried by a jury, or with the aid of a set of assessors, of which at least one-half consists of Europeans and Americans, the latter person shall, if he so claims, be tried separately.

Summoning and empanelling jurors under section 451 or 460.

462. When a trial is to be held before the Court of Session in which the accused person, or one of the accused persons, is entitled to be tried by a jury constituted under the provisions of section 451 or section 460, the Court shall, three days at least before the day fixed for holding such trial, cause to be summoned, in the manner hereinbefore prescribed, as many European and American jurors as are required for the trial.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons has been already summoned for trials by jury at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be chosen by lot in the manner prescribed in section 276, until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as practicable, has been obtained:

Provided that in any case in which the proper number of Europeans and Americans cannot otherwise be obtained, the Court may, in its discretion, for the purpose of constituting the jury, summon any person excluded from the list on the ground of his being exempted under section 320.

Conduct of criminal proceedings against European British subjects, &c.

463. Criminal proceedings against European British subjects, Europeans not being European British subjects, and Americans, before the Court of Session and High Court, shall, except as otherwise expressly provided, be conducted according to the provisions of this Code.

CHAPTER XXXIV.

LUNATICS.

Lunatics.

Procedure in case of accused being lunatic.

464. When a Magistrate holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the District or such other medical officer as the Local Government directs, and thereupon shall examine such Surgeon or other officer as a witness, and shall reduce the examination to writing.

If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he shall postpone further proceedings in the case.

Procedure in case of person committed before Court of Session or High Court being lunatic.

465. If any person committed for trial before a Court of Session or a High Court appears to the Court at his trial to be of unsound mind and consequently incapable of making his defence, the jury or the Court with the aid of assessors shall, in the first instance, try the fact of such unsoundness and incapacity, and, if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial shall be postponed.

The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.

Release of lunatic pending investigation or trial.

466. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court, as the case may be, if the case is one in which bail may be taken, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf.

Custody of lunatic.

If the case is one in which bail may not be taken, or if sufficient security is not given, the Magistrate or Court shall report the case to the Local Government, and the Local Government may order the accused to be confined in a lunatic asylum or other suitable place of safe custody, and the Magistrate or Court shall give effect to such order.

Resumption of inquiry or trial.

467. Whenever an inquiry or a trial is postponed under section 464 or section 465, the Magistrate or Court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such Magistrate or Court.

When the accused has been released under section 466, and the sureties for his appearance produce him to the officer whom the Magistrate or Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

Procedure on accused appearing before Magistrate or Court.

468. If, when the accused appears or is again brought before the Magistrate or the Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed.

If the Magistrate or Court considers the accused person to be still incapable of making his defence, the Magistrate or Court shall again act according to the provisions of section 464 or section 465, as the case may be.

When accused appears to have been insane.

469. When the accused appears to be of sound mind at the time of inquiry or trial, and the Magistrate is satisfied from the evidence given before him that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate shall proceed with the case, and, if the accused ought to be committed to the Court of Session or High Court, send him for trial before the Court of Session or High Court, as the case may be.

Judgment of acquittal on ground of lunacy.

470. Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not.

Person acquitted on such ground to be kept in safe custody.

471. Whenever such judgment states that the accused person committed the act alleged, the Magistrate or Court before whom or which the trial has been held shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody in such place and manner as the Magistrate or Court thinks fit, and shall report the case for the orders of the Local Government.

The Local Government may order such person to be confined in a lunatic asylum, jail or other suitable place of safe custody.

Lunatic prisoners to be visited by Inspector General.

472. When any person is confined under the provisions of section 466 or section 471, the Inspector General of Prisons, if such person is confined in a jail, or the visitors of the lunatic asylum, or any two of them, if he is confined in a lunatic asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such visitors as aforesaid; and such Inspector General or visitors shall make a special report to the Local Government as to the state of mind of such person.

Procedure where lunatic prisoner is reported capable of making his defence.

473. If such person is confined under the provisions of section 466, and such Inspector General or visitors shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court, as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall deal with such person under the provisions of section 468; and the

Proceedings in case of certain offences affecting Administration of Justice.

certificate of such Inspector General or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic confined under section 466 or 471 is declared fit to be discharged.

474. If such person is confined under the provisions of section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon order him to be discharged, or to be detained in custody, or to be transferred to a public lunatic asylum if he has not been already sent to such an asylum; and, in case it orders him to be transferred to an asylum, may appoint a commission, consisting of a judicial and two medical officers.

Such commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government, which may order his discharge or detention as it thinks fit.

Delivery of lunatic to care of relative.

475. Whenever any relative or friend of any person confined under the provisions of section 466 or section 471 desires that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and on his giving security to the satisfaction of such Government that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relative or friend.

Whenever such person is so delivered, it shall be upon condition that he shall be produced for the inspection of such officer and at such times as the Local Government directs.

The provisions of sections 472 and 474 shall, *mutatis mutandis*, apply to persons delivered under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be receivable as evidence.

CHAPTER XXXV.

PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE.

Procedure in cases mentioned in section 195.

476. When any Civil, Criminal or Revenue Court is of opinion that there is ground for inquiring into any offence referred to in section 195, and committed before it or brought under its notice in the course of a judicial proceeding, such Court, after making any preliminary inquiry that may be necessary, may send the case for inquiry or trial to the nearest Magistrate of the first class, and may send the accused in custody, or take sufficient security for his appearance, before such Magistrate; and may bind over any person to appear and give evidence on such inquiry or trial.

Such Magistrate shall thereupon proceed according to law, and may, if he is authorized under section 192 to transfer cases, transfer the inquiry or trial to some other competent Magistrate.

Power of Court of Session as to such offences committed before itself.

477. Subject to the provisions of section 444, a Court of Session may charge a person for any offence referred to in section 195 and committed before it, or brought under its notice in the course of a judicial proceeding, and may commit, or admit to bail and try, such person upon its own charge.

Such Court may direct the Magistrate to cause the attendance of any witnesses for the purposes of the trial.

Power of Civil and Revenue Courts to complete investigation and commit to High Court or Court of Session.

478. When any such offence is committed before any Civil or Revenue Court, or brought under the notice of any Civil or Revenue Court in the course of a judicial proceeding, and the case is triable exclusively by the High Court or Court of Session, or such Civil or Revenue Court thinks that it ought to be tried by the High Court or Court of Session, such Civil or Revenue Court may, instead of sending the case under section 476 to a Magistrate for inquiry, itself complete the inquiry, and commit or hold to bail the accused person to take his trial before the High Court or Court of Session, as the case may be.

For the purposes of an inquiry under this section, the Civil or Revenue Court may, subject to the provisions of section 443, exercise all the powers of a Magistrate; and its proceedings in such inquiry shall be conducted as nearly as may be in accordance with the provisions of Chapter XVIII, and shall be deemed to have been held by a Magistrate.

Procedure of Civil Court in such cases.

479. When any such commitment is made by a Civil or Revenue Court, the Court shall send the charge with the order of commitment and the record of the case to the Presidency Magistrate, District Magistrate or other Magistrate authorized to commit for trial; and such Magistrate shall bring the case before the High Court or Court of Session, as the case may be, together with the witnesses for the prosecution and defence.

Procedure in certain cases of contempt.

480. When any such offence as is described in section 175, section 178, section 179, section 180, or section 228 of the Indian Penal Code is committed in the view or presence of any Civil, Criminal or Revenue Court, the Court may cause the offender, whether he is an European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day may, if it thinks fit, take cognizance of the offence and sentence the offender to fine not exceeding two hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

Proceedings in case of certain offences affecting Administration of Justice.

Nothing in section 443 or section 444 shall be deemed to apply to proceedings under this section.

Record in such cases.

481. In every such case, the Court shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult.

Procedure where Court considers that case should not be dealt with under section 480.

482. If the Court in any case considers that a person accused of any of the offences referred to in section 480 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 480, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, shall forward such person under custody to such Magistrate.

The Magistrate to whom any case is forwarded under this section shall proceed to hear the complaint against the accused person in manner hereinbefore provided.

When Registrar or Sub-Registrar to be deemed a Civil Court within sections 480 and 482.

483. When the Local Government so directs, any Registrar or any Sub-Registrar appointed under the Indian Registration Act, 1877, shall be deemed to be a Civil Court within the meaning of sections 480 and 482.

Discharge of offender on submission or apology.

484. When any Court has under section 480 adjudged an offender to punishment for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Imprisonment or committal of person refusing to answer or produce document.

485. If any witness before a Criminal Court refuses to answer such questions as are put to him, or to produce any document in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, for reasons to be recorded in writing, sentence him to simple imprisonment, or by warrant under the hand of the presiding Magistrate or Judge commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer, or to produce the document. In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 480 or section 482, and, in the case of a Court established by Royal Charter, shall be deemed guilty of a contempt.

Appeals from convictions in contempt-cases.

486. Any person sentenced by any Court under section 480 or section 485 may, notwithstanding anything hereinbefore contained, appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.

The provisions of Chapter XXXI shall, so far as they are applicable, apply to appeals under this section, and the Appellate Court may alter or reverse the finding or reduce or reverse the sentence appealed against.

An appeal from such conviction by a Court of Small Causes in a Presidency-town shall lie to the High Court, and

an appeal from such conviction by any other Court of Small Causes shall lie to the Court of Session for the Sessions Division within which such Court is situate.

An appeal from such conviction by any officer as Registrar or Sub-Registrar appointed as aforesaid may, when such officer is also Judge of a Civil Court, be made to the Court to which it would, under the preceding portion of this section, be made if such conviction were a decree by such officer in his capacity as such Judge, and in other cases may be made to the District Judge, or, in the Presidency-towns, to the High Court.

Certain Judges and Magistrates not to try offences referred to in section 195 when committed before themselves.

487. Except as provided in sections 477, 480 and 485, no Judge of a Criminal Court or Magistrate, other than a Judge of a High Court, the Recorder of Rangoon, and the Presidency Magistrates, shall try any person for any offence referred to in section 195, when such offence is committed before himself or in contempt of his authority, or is brought under his notice as such Judge or Magistrate in the course of a judicial proceeding.

Nothing in section 476 or section 482 shall prevent a Magistrate empowered to commit to the Court of Session or High Court from himself committing any case to such Court, or shall prevent a Presidency Magistrate from himself disposing of any case instead of sending it for inquiry to another Magistrate.

CHAPTER XXXVI.

OF THE MAINTENANCE OF WIVES AND CHILDREN.

Maintenance of Wives and Children.

Order for maintenance of wives and children.

488. If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the District Magistrate, a Presidency Magistrate, a Sub-divisional Magis-

trate, or a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate, not exceeding fifty rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs.

Such allowance shall be payable from the date of the order.

Enforcement of order.

If any person so ordered wilfully neglects to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in manner hereinbefore provided for levying fines, and may sentence such person, for the whole or any part of each month's allowance remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month:

Proviso.

Provided that, if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her; and may make an order under this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

On proof that any wife in whose favour an order has been made under this section is living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent, the Magistrate shall cancel the order.

All evidence under this chapter shall be taken in the presence of the husband or father, as the case may be, or, when his personal attendance is dispensed with, in the presence of his pleader, and shall be recorded in the manner prescribed in the case of summons-cases.

Alteration in allowance.

489. On proof of a change in the circumstances of any person receiving under section 488 a monthly allowance, or ordered under the same section to pay a monthly allowance to his wife or child, the Magistrate may make such alteration in the allowance as he thinks fit, provided the monthly rate of fifty rupees be not exceeded.

Enforcement of order of maintenance.

490. A copy of the order of maintenance shall be given without payment to the person in whose favour it is made, or to his guardian, if any, or to the person to whom the allowance is to be paid; and such order shall be enforceable by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance due.

CHAPTER XXXVII.

Directions of the Nature of a Habeas Corpus.

Power to issue directions of the nature of a *habeas corpus*.

491. Any of the High Courts of Judicature at Fort William, Madras and Bombay may, whenever it thinks fit, direct—

(*a*) that a person within the limits of its ordinary original civil jurisdiction be brought up before the Court to be dealt with according to law;

(*b*) that a person illegally or improperly detained in public or private custody within such limits be set at liberty;

(*c*) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;

(*d*) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners acting under the authority of any Commission from the Governor General in Council for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively;

(*e*) that a prisoner within such limits be removed from one custody to another for the purpose of trial; and

(*f*) that the body of a defendant within such limits be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment.

Each of the said High Courts may, from time to time, frame rules to regulate the procedure in cases under this section.

Nothing in this section applies to persons detained under Bengal Regulation III of 1818, Madras Regulation II of 1819 or Bombay Regulation XXV of 1827, or the Acts of the Governor General in Council No. XXXIV of 1850 or No. III of 1858.

PART IX.

SUPPLEMENTARY PROVISIONS.

CHAPTER XXXVIII.

Of the Public Prosecutor.

Power to appoint Public Prosecutors.

492. The Governor General in Council or the Local Government may appoint, generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called Public Prosecutors.

In any case committed for trial to the Court of Session, the District Magistrate, or, subject to the control of the District Magistrate, the Sub-divisional Magistrate, may, in the absence of the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of police below the rank of Assistant District Superintendent, to be Public Prosecutor for the purpose of such case.

Public Prosecutor may plead in all Courts in cases under his charge.

493. The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under inquiry, trial or appeal; and, if any private person instructs a pleader to prosecute in any Court any person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall act therein under his directions.

Pleaders, privately instructed, to be under his direction.

Effect of withdrawal from prosecution.

494. Any Public Prosecutor appointed by the Governor General in Council or the Local Government may, with the consent of the Court, in cases tried by jury before the return of the verdict, and in other cases before the judgment is pronounced, withdraw from the prosecution of any person; and, upon such withdrawal,

(*a*) if it is made before a charge has been framed, the accused shall be discharged;

(*b*) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted.

Permission to conduct prosecution.

495. Any Magistrate inquiring into or trying any case may permit any person other than an officer of police below the rank of Police Inspector to conduct the prosecution; but no person, other than the Advocate General, Standing Counsel, Government Solicitor, Public Prosecutor or other officer generally or specially empowered by the Local Government in this behalf shall be entitled to do so without such permission.

Any person conducting the prosecution may do so personally or by a pleader.

CHAPTER XXXIX.

Of Bail.

Bail to be taken in case of bailable offence.

496. When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a Police-station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such Court to give bail, such person shall be released on bail: Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

When bail may be taken in case of non-bailable offence.

497. When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a Police-station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

Any Court may, at any subsequent stage of any proceeding under this Code, cause any person who has been released under this section to be arrested, and may commit him to custody.

Power to direct admission to bail or reduction of bail.

498. The amount of every bond executed under this chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the High Court or Court of Session may in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a Police-officer or Magistrate be reduced.

Bond of accused and sureties.

499. Before any person is released on bail or released on his own bond, a bond for such sum of money as the Police-officer or Court, as the case may be, thinks sufficient shall be executed by such person, and, when he is released on bail, by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the Police-officer or Court, as the case may be.

If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

Discharge from custody.

500. As soon as the bond has been executed, the person for whose appearance it has been executed shall be released; and when he is in jail the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

Nothing in this section, section 496 or section 497 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

Power to order sufficient bail when that first taken is insufficient.

501. If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it, and may order him to find sufficient sureties, and on his failing so to do may commit him to jail.

Discharge of sureties.

502. All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond either wholly or so far as relates to the applicants.

On such application being made, the Magistrate shall issue his warrant of arrest, directing that the person so released be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to custody.

CHAPTER XL.

Of Commissions for the Examination of Witnesses.

When attendance of witness may be dispensed with.

503. Whenever, in the course of an inquiry, a trial or any other proceeding under this Code, it appears to a Presidency Magistrate, a District Magistrate, a Court of Session or the High Court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate or Magistrate of the first class, within the local limit of whose jurisdiction such witness resides, to take the evidence of such witness.

Issue of commission, and procedure thereunder.

When the witness resides in the dominions of any Prince or State in alliance with Her Majesty in which there is an officer representing the British Indian Government, the commission may be issued to such officer.

The Magistrate or officer to whom the commission is issued, or, if he is the District Magistrate, he or such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is, or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code,

Commission in case of witness being within Presidency-town.

504. If the witness is within the local limits of the jurisdiction of any Presidency Magistrate, the Magistrate or Court issuing the commission may direct the same to the said Presidency Magistrate, who thereupon may compel the attendance of, and examine, such witness as if he were a witness in a case pending before himself.

Nothing in this section shall be deemed to affect the power of the High Court to issue commissions under the thirty-ninth and fortieth of Victoria, chapter 46, section 3.

Parties may examine witness.

505. The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the Magistrate or Court directing the commission may think relevant to the issue, and the Magistrate or officer to whom the commission is directed shall examine the witness upon such interrogatories.

Any such party may appear before such Magistrate or officer by pleader, or, if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

Power of Provincial Subordinate Magistrate to apply for issue of commission.

506. Whenever, in the course of an inquiry or a trial or any other proceeding under this Code before any Magistrate other than a Presidency Magistrate or District Magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate shall apply to the District Magistrate, stating the reasons for the application; and the District Magistrate may either issue a commission in the manner hereinbefore provided or reject the application.

Return of commission.

507. After any commission issued under section 503 or section 506 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

Adjournment of inquiry or trial.

508. In every case in which a commission is issued under section 503 or section 506, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

CHAPTER XLI.

SPECIAL RULES OF EVIDENCE.

Deposition of medical witness.

509. The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate in the presence of the accused, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

Power to summon medical witness.

The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

Report of Chemical Examiner.

510. Any document purporting to be a report under the hand of the Chemical Examiner or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.

Previous conviction or acquittal how proved.

511. In any inquiry, trial or other proceeding under this Code a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force,—

(*a*) by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had to be a copy of the sentence or order; or

(*b*) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered;

together with, in each of such cases, evidence as to the identity of the accused person with the person so convicted or acquitted.

Record of evidence in absence of accused.

512. If it be proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions. Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into or trial for the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

CHAPTER XLII.

PROVISIONS AS TO BONDS.

Deposit instead of recognizance.

513. When any person is required by any Court or officer to execute a bond, with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix in lieu of executing such bond.

Procedure on forfeiture of bond.

514. Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a Presidency Magistrate or Magistrate of the first class,

or, when the bond is for appearance before a Court, to the satisfaction of such Court,

that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person.

Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the distress and sale of any moveable property belonging to such person without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

If such penalty be not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

The Court may at its discretion remit any portion of the penalty mentioned and enforce payment in part only.

Appeals from, and revision of, orders under section 514.

515. All orders passed under section 514 by any Magistrate other than a Presidency Magistrate or District Magistrate shall be appealable to the District Magistrate, or, if not so appealed, may be revised by him.

Power to direct levy of amount due on certain recognizances.

516. The High Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court or Court of Session.

CHAPTER XLIII.

Of the Disposal of Property.

Order for disposal of property regarding which offence committed.

517. When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal of any document or other property produced before it regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

When a High Court or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the District Magistrate.

When an order is made under this section in a case in which an appeal lies, such order shall not (except when the property is livestock or is subject to speedy and natural decay) be carried out until the period allowed for presenting such appeal has passed, or, when such appeal is presented within such period, until such appeal has been disposed of.

Explanation.—In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

Order may take form of reference to District or Sub-divisional Magistrate.

518. In lieu of itself passing an order under section 517, the Court may direct the property to be delivered to the District Magistrate or to a Sub-divisional Magistrate, who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

Payment to innocent purchaser of money found on accused.

519. When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Stay of order under section 517, 518 or 519.

520. Any Court of appeal, confirmation, reference or revision may direct any order under section 517, section 518 or section 519, passed by a Court subordinate thereto, to be stayed pending consideration by the former Court; and may modify, alter or annul such order.

Destruction of libellous and other matter.

521. On a conviction under the Indian Penal Code, section 292, section 293, section 501 or section 502, the Court may order the destruction of all the copies of the thing in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted.

The Court may in like manner, on a conviction under the Indian Penal Code, section 272, section 273, section 274 or section 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed.

Power to restore possession of immoveable property.

522. Whenever a person is convicted of an offence attended by criminal force, and it appears to the Court that, by such force, any person has been dispossessed of any immoveable property, the Court may, if it thinks fit, order such person to be restored to the possession of the same.

No such order shall prejudice any right or interest to or in such immoveable property which any person may be able to establish in a civil suit.

Procedure by police upon seizure of property taken under section 51 or stolen.

523. The seizure by any Police-officer of property taken under section 51, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the delivery of such property to the person entitled to the possession thereof, or, if such person cannot be ascertained, respecting the custody and production of such property.

If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it, and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before him and establish his claim within six months from the date of such proclamation.

Procedure where owner of property seized unknown.

Procedure where no claimant appears within six months.

524. If no person within such period establishes his claim to such property, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government, and may be sold under the orders of the Presidency Magistrate, District Magistrate or Sub-divisional Magistrate or of a Magistrate of the first class empowered by the Local Government in this behalf.

In the case of every order passed under this section, an appeal shall lie to the Court to which appeals against sentences of the Court passing such order would lie.

Power to sell perishable property.

525. If the person entitled to the possession of such property is unknown or absent, and the property is subject to speedy and natural decay, or the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, the Magistrate may at any time direct it to be sold; and the provisions of sections 523 and 524 shall, as nearly as may be practicable, apply to the nett proceeds of such sale.

CHAPTER XLIV.

Of the Transfer of Criminal Cases.

High Court may transfer case, or itself try it.

526. Whenever it is made to appear to the High Court—

(*a*) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(*b*) that some question of law of unusual difficulty is likely to arise, or

(*c*) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or

(*d*) that an order under this section will tend to the general convenience of the parties or witnesses,

it may order—

(1) that any offence be inquired into or tried by any Court not empowered under sections 177 to 184 (both inclusive), but in other respects competent to inquire into or try such offence;

(2) that any particular criminal case or appeal, or class of such cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal of superior jurisdiction; or

(3) that any particular criminal case or appeal be transferred to and tried before itself.

When the High Court withdraws for trial before itself any case from any Court other than the Court of a Presidency Magistrate, it shall, except as provided in section 267, observe in such trial the same procedure which that Court would have observed if the case had not been so withdrawn.

Every application for the exercise of the power conferred by this section shall be made by motion which shall, except when the applicant is the Advocate General, be supported by affidavit or affirmation.

When an accused person makes an application under this section, the High Court may direct him to execute a bond, with or without sureties, conditioned that he will, if convicted, pay the costs of the prosecutor.

Notice to Public Prosecutor of application under this section.

Every accused person making any such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

Nothing in this section shall be deemed to affect any order made under section 197.

Power of Governor General in Council to transfer criminal cases and appeals.

527. The Governor General in Council may, by notification in the *Gazette of India*, direct the transfer of any particular criminal case or appeal from one High Court to another High Court, or from any Criminal Court subordinate to one High Court to any other Criminal Court of equal or superior jurisdiction subordinate to another High Court, whenever it appears to him that such transfer will promote the ends of justice, or tend to the general convenience of parties or witnesses.

The Court to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in, or presented to, such Court.

District or Sub-divisional Magistrate may withdraw or refer cases.

528. Any District Magistrate or Sub-divisional Magistrate may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

Power to authorize District Magistrate to withdraw classes of cases.

The Local Government may authorize the District Magistrate to withdraw from the Magistrates subordinate to him either such classes of cases as he thinks proper, or particular classes of cases.

CHAPTER XLV.

Of Irregular Proceedings.

Irregularities which do not vitiate proceedings.

529. If any Magistrate not empowered by law to do any of the following things, namely:—

(*a*) to issue a search-warrant, under section 98;

(*b*) to order, under section 155, the police to investigate an offence;

(*c*) to hold an inquest under section 176;

(*d*) to issue process, under section 186, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits;

Irregular Proceedings.

(*e*) to take cognizance of an offence under section 191, clause (*a*) or clause (*b*);

(*f*) to transfer a case under section 192;

(*g*) to tender a pardon under section 337 or section 338;

(*h*) to sell property under section 524 or section 525; or

(*i*) to withdraw a case and try it himself under section 528;

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

Irregularities which vitiate proceedings.

530. If any Magistrate, not being empowered by law in this behalf, does any of the following things (namely):—

(*a*) attaches and sells property under section 88;

(*b*) issues a search-warrant for a letter in the Post-office, or a telegram in the Telegraph Department;

(*c*) demands security to keep the peace;

(*d*) demands security for good behaviour;

(*e*) discharges a person lawfully bound to be of good behaviour;

(*f*) cancels a bond to keep the peace;

(*g*) makes an order under section 133 as to a local nuisance;

(*h*) prohibits under section 143 the repetition or continuance of a public nuisance;

(*i*) issues an order under section 144;

(*j*) makes an order under Chapter XII;

(*k*) takes cognizance under section 191, clause (*c*), of an offence;

(*l*) passes a sentence under section 349, on proceedings recorded by another Magistrate;

(*m*) calls under section 435, for proceedings;

(*n*) makes an order for maintenance;

(*o*) revises under section 515, an order passed under section 514;

(*p*) tries an offender;

(*q*) tries an offender summarily; or

(*r*) decides an appeal;

his proceedings shall be void.

Proceedings in wrong place.

531. No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding in the course of which it was arrived at or passed took place in a wrong Sessions Division, District, Sub-division or other local area, unless it appears that such error occasioned a failure of justice.

When irregular commitments may be validated.

532. If any Magistrate or other authority purporting to exercise powers duly conferred, which were not so conferred, commits an accused person for trial before a Court of Session or High Court, the Court to which the commitment is made may, after perusal of the proceedings, accept the commitment if it considers that the accused has not been injured thereby, unless, during the inquiry and before the order of commitment, objection was made on behalf either of the accused or of the prosecution to the jurisdiction of such Magistrate or other authority.

If such Court considers that the accused was injured, or if such objection was so made, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

Non-compliance with provisions of section 164 or 364.

533. If any Court before which a confession or other statement of an accused person recorded under section 164 or section 364 is tendered in evidence finds that the provisions of such section have not been fully complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded; and, notwithstanding anything contained in the Indian Evidence Act, section 91, such statement shall be admitted if the error has not injured the accused as to his defence on the merits.

Omission to ask question prescribed by section 454, clause 2.

534. An omission to ask any person whether he is an European British subject in a case to which the second clause of section 454 applies shall not affect the validity of any proceeding.

Effect of omission to prepare charge.

535. No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of the Court of appeal or revision, a failure of justice has been occasioned thereby.

If the Court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge shall be framed, and that the trial be recommenced from the point immediately after the framing of the charge.

Trial by jury of offence triable with assessors.

536. If an offence triable with the aid of assessors is tried by a jury, the trial shall not on that ground only be invalid.

Trial with assessors of offence triable by jury.

If an offence triable by a jury is tried with the aid of assessors, the trial shall not on that ground only be invalid, unless the objection is taken before the Court records its finding.

Finding or sentence when reversible by reason of error or omission in charge or other proceedings.

537. Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered under Chapter XXVII or on appeal or revision on account—

of any error, omission or irregularity in the complaint, summons, warrant, charge, judgment or

other proceedings before or during trial or in any inquiry or other proceeding under this Code, or

of the want of any sanction required by section 195, or

of the omission to revise any list of jurors or assessors in accordance with section 324, or

of any misdirection in any charge to a jury;

unless such error, omission, irregularity, want or misdirection has occasioned a failure of justice.

Distress not illegal nor distrainer a trespasser for defect or want of form in proceedings.

538. No distress made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of distress or other proceedings relating thereto.

CHAPTER XLVI.

MISCELLANEOUS.

Courts and persons before whom affidavits may be sworn.

539. Affidavits and affirmations to be used before any High Court or any officer of such Court may be sworn and affirmed before such Court or the Clerk of the Crown, or any Commissioner or other person appointed by such Court for that purpose, or any Judge, or any Commissioner for taking affidavits in any Court of Record in British India, or any Commissioner to administer oaths in Chancery in England or Ireland, or any Magistrate authorized to take affidavits or affirmations in Scotland.

Power to summon material witness, or examine person present.

540. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

Power to appoint place of imprisonment.

541. Unless when otherwise provided by any law for the time being in force, the Local Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined.

Power of Presidency Magistrate to order prisoner in jail to be brought up for examination.

542. Notwithstanding anything contained in the Prisoners' Testimony Act, 1869, any Presidency Magistrate desirous of examining, as a witness or an accused person, in any case pending before him, any person confined in any jail within the local limits of his jurisdiction, may issue an order to the officer in charge of the said jail requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Magistrate for examination.

The officer so in charge, on receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from the jail for the purpose aforesaid.

Interpreter to be bound to interpret truthfully.

543. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

Expenses of complainants and witnesses.

544. Subject to any rules made by the Local Government with the previous sanction of the Governor General in Council, any Criminal Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this Code.

Power of Court to pay expenses or compensation out of fine.

545. Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which fine forms a part, the Court may when passing judgment order the whole or any part of the fine recovered to be applied—

(*a*) in defraying expenses properly incurred in the prosecution;

(*b*) in compensation for the injury caused by the offence committed, where substantial compensation is, in the opinion of the Court, recoverable by civil suit.

If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

Payments to be taken into account in subsequent suit.

546. At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under section 545.

Moneys ordered to be paid recoverable as fines.

547. Any money (other than a fine) payable by virtue of any order made under this Code shall be recoverable as if it were a fine.

Copies of proceedings.

548. If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of the Judge's charge to the jury, or of any order or deposition or other part of the record, he shall, on applying for such copy, be furnished therewith: Provided that he pay for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

Delivery to Military authorities of persons liable to be tried by Court-martial.

549. The Governor General in Council may make rules, consistent with this Code and the Army Act, 1881, or any similar law for the time being in force, as to the cases in which persons subject to military law shall be tried by a Court to which this Code applies or by Court-martial; and when any person is brought before a Magistrate and charged with an offence for which he is liable, under the Army Act, 1881, section 41, to be tried by a Court-martial, such Magistrate shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the regiment, corps or detachment to which he belongs, or to the commanding officer of the nearest military station, for the purpose of being tried by Court-martial.

Apprehension of such persons.

Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of troops stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

Powers of superior officers of police.

550. Police-officers superior in rank to an officer in charge of a Police-station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.

Power to compel restoration of abducted females.

551. Upon complaint made to a Presidency Magistrate or District Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

Compensation to person groundlessly given in charge in Presidency-town.

552. Whenever any person causes a Police-officer to arrest another person in a Presidency-town, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding fifty rupees, to be paid by the person so causing the arrest to the person so arrested for his loss of time and expenses in the matter, as the Magistrate thinks fit.

In such cases, if more persons than one are arrested or complained against, the Magistrate may in like manner, award to each of them such compensation, not exceeding fifty rupees, as such Magistrate thinks fit.

All compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid.

Power of chartered High Courts to make rules for inspection of records of subordinate Courts.

553. With the previous sanction of the Governor General in Council, the High Court at Fort William, and, with the previous sanction of the Local Government, any other High Court established by Royal Charter, may, from time to time, make rules for the inspection of the records of subordinate Courts.

Power of other High Courts to make rules for other purposes.

Every High Court not established by Royal Charter may, from time to time, and with the previous sanction of the Local Government,

(*a*) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts;

(*b*) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided;

(*c*) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it; and

(*d*) make rules for regulating the execution of warrants issued under this Code for the levy of fines:

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

All rules made under this section shall be published in the local official Gazette.

Forms.

554. Subject to the power conferred by section 553, and by the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, the forms set forth in the fifth schedule with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

Case in which Judge or Magistrate is personally interested.

555. No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from his Court, try or commit for trial any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear an appeal from any judgment or order passed or made by himself.

Explanation.—A Judge or Magistrate shall not be deemed to be a party or personally interested, within the meaning of this section, to or in any case, merely because he is a Municipal Commissioner.

Power to decide language of Courts.

556. The Local Government may determine what, for the purposes of this Code, shall be deemed to be the language of each Court within the territories administered by such Government, other than the High Courts established by Royal Charter.

Powers of Governor General in Council and Local Government exercisable from time to time.

557. All powers conferred by this Code on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Pending cases.

558. The provisions of this Code shall apply, so far as may be, to all cases pending in any Criminal Court when this Code comes into force.

SCHEDULE I.

ENACTMENTS REPEALED.

(*a*).—*Statute.*

Year, reign and chapter.	Title.	Extent of repeal.
13 Geo. III, chapter 63	An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Section 38.

(*b*).—*Acts of the Governor General in Council.*

Number and year.	Subject.	Extent of repeal.
XXIII of 1840 ...	Execution of process	So much as has not been repealed.
XLV of 1860 ...	Penal Code	The illustrations to section 214.
V of 1861 ...	Police Act	Section 6 and the last nine words of section 24. Section 35, down to and including the words "Provided that."
XVIII of 1862 ...	Criminal Procedure, Supreme Courts ...	So much as has not been repealed.
VI of 1864 ...	Whipping	Section 7.
II of 1869 ...	Justices of the Peace	So much as has not been repealed.
XXII of 1870 ...	Application to European British subjects of Acts conferring summary jurisdiction.	So much as has not been repealed.
IV of 1872 ...	Panjáb Laws	So far as it relates to Bengal Regulation XX of 1825.
X of 1872 ...	The Code of Criminal Procedure ...	So much as has not been repealed..
XI of 1874 ...	Amending the Code of Criminal Procedure	The whole.
XV of 1874 ...	Laws Local Extent	So far as it relates to Bengal Regulation XX of 1825.
X of 1875 ...	High Courts' Criminal Procedure ...	The whole Act, except section 144 and so much of section 146 as relates to informations.

SCHEDULE I—*continued.*

ENACTMENTS REPEALED—(*continued*).

(*b*).—*Acts of the Governor General in Council*,—continued.

Number and year.	Subject.	Extent of repeal.
XX of 1875 ...	Central Provinces Laws	So far as it relates to Bengal Regulation XX of 1825.
XVIII of 1876 ...	Oudh Laws	Ditto.
IV of 1877 ...	Presidency Magistrates	The whole Act except section 57.
XXI of 1879 ...	Extradition	Chapter III.
X of 1881 ...	Coroners	Sections 8 and 9.

(*c*).—*Regulations.*

Number and year.	Subject.	Extent of repeal.
Bengal Regulation XX of 1825.	Jurisdiction of Courts Martial ...	So much as has not been repealed.
III of 1872 ...	Santhál Parganas Settlement	So far as it relates to Act X of 1872.
IX of 1874 ...	Arakan Hills District Laws	So far as it relates to Acts II of 1869, X of 1872 and XI of 1874.
III of 1877 ...	Ajmer Laws	So far as it relates to Bengal Regulation XX of 1825.

(*d*).—*Act of the Governor of Fort St. George in Council.*

Number and year.	Subject.	Extent of repeal.
VIII of 1867 ...	Police	Section 9.

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

EXPLANATORY NOTE.—The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

The third column of this schedule applies to the police in the towns of Calcutta and Bombay.

CHAPTER V.—ABETMENT.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	The same punishment as for the offence abetted.	The Court by which the offence abetted is triable.
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence intended to be abetted.	Ditto.
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	Ditto ..	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence committed.	Ditto.
114	Abetment of any offence, if abettor is present when offence is committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 14 years and fine.	Ditto.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER V.—ABETMENT—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
117	Abetting the commission of an offence by the public, or by more than ten persons.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	Imprisonment of either description for 3 years, or fine, or both.	The Court by which the offence abetted is triable.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed ..	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation for life.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years.	Ditto.

	If the offence be not committed ...	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
20	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If the offence be not committed...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to one-eighth part of the longest term, and of the description, provided for the offence, or fine, or both.	Ditto.

CHAPTER VI.—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, or transportation for life, and forfeiture of property.	Court of Session.
121A	Conspiring to commit certain offences against the State.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life or any shorter term, or imprisonment of either description for 10 years.	Ditto.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER VI.—OFFENCES AGAINST THE STATE—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
124A	Exciting, or attempting to excite, disaffection.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine.	Ditto.
125	Waging war against any Asiatic Power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any Power in alliance or at peace with the Queen.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

129	Public servant negligently suffering prisoner of State or War in his custody to scape.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Simple imprisonment for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
130	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny, or attempting to seduce an officer, soldier or sailor from his allegiance or duty.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
132	Abetment of mutiny, if mutiny is committed in consequence thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, or transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
133	Abetment of an assault by an officer, soldier or sailor on his superior officer, when in the execution of his office.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
134	Abetment of such assault, if the assault is committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
135	Abetment of the desertion of an officer, soldier or sailor.	May arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
136	Harbouring such an officer, soldier or sailor who has deserted.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
137	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Fine of 500 rupees ...	Ditto.
138	Abetment of act of insubordination by an officer, soldier or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being member of an unlawful assembly.	May arrest without warrant.	Summons ..	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
147	Rioting ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
148	Rioting, armed with a deadly weapon.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	Ditto ...	The same as for the offence ..	The Court by which the offence is triable.
150	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged or employed.	Ditto ...	Ditto ...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.

SCHEDULE II—*continued.*

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Fine of 1,000 rupees ...	Presidency Magistrate or Magistrate of the first or second class.

155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	Or to go armed	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ...	Ditto ...	Ditto ..	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.

167	Public servant framing an incorrect document with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
168	Public servant unlawfully engaging in trade.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
169	Public servant unlawfully buying or bidding for property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant ...	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If the notice or information required respects the commission of an offence, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
	If the information required respects the commission of an offence, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
178	Refusing oath when duly required to take oath by a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
179	Being legally bound to state truth, and refusing to answer questions.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto	...	Summons	...	Ditto	...	Ditto	...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If such disobedience causes danger to human life, health or safety, &c.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	Giving or fabricating false evidence in any other case.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.

194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
	If innocent person be thereby convicted and executed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, or as above ...	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	The same as for the offence ...	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto ...	Ditto ...	According as the offence of giving such evidence is bailable or not.	Ditto ...	The same as for giving or fabricating false evidence.	Court of Session, Presidency Magistrate or Magistrate of the first class.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	The same as for giving false evidence.	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
199	False statement made in any declaration which is by law receivable as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
200	Using as true any such declaration known to be false.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with less than 10 years' imprisonment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

203	Giving false information respecting an offence committed.	Ditto	...	Warrant	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Presidency Magistrate or Magistrate of the first class.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Presidency Magistrate or Magistrate of the first class.
209	False claim in a Court of Justice...	Ditto	...	Ditto	..	Ditto	...	Ditto	...	Imprisonment of either description for 2 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
211	False charge of offence made with intent to injure.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If offence charged be capital, or punishable with transportation for life, or with imprisonment for a term exceeding 7 years.	Ditto ...	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
212	Harbouring an offender, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto

	If punishable with imprisonment for 1 year and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
214	Offering gift or restoration of property in consideration of screening offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If with imprisonment for less than 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, with or without fine.	Ditto.

	If with imprisonment for 1 year, and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding corruptly making and pronouncing an order, report, verdict or decision which he knows to be contrary to law.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If punishable with transportation for life, or imprisonment for 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, with or without fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, with or without fine.	Presidency Magistrate or Magistrate of the first or second class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation or penal servitude for life, or transportation, imprisonment or penal servitude for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.

	If under sentence of imprisonment for less than 10 years; or lawfully committed to custody.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
223	Escape from confinement negligently suffered by a public servant.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If charged with a capital offence...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude or imprisonment for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*concluded*).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
	If under sentence of death ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
225A	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
226	Unlawful return from transportation	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Court of Session.
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Punishment of original sentence, or, if part of the punishment has been undergone, the residue.	The Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV.*

229	Personation of a juror or assessor...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting, or performing any part of the process of counterfeiting, coin.	May arrest without warrant.	Warrant	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
232	Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying or selling instrument for the purpose of counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
234	Making, buying or selling instrument for the purpose of counterfeiting the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If Queen's coin	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(*continued*).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
236	Abetting in British India the counterfeiting out of British India of coin.	May arrest without warrant.	Warrant ...	Not bailable . .	Not compoundable.	The punishment provided for abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
238	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
239	Having any counterfeit coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate, or Magistrate of the first class.
240	The same with respect to the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.

241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Presidency Magistrate or Magistrate of the first or second class.
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
243	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years and fine.	Ditto.
244	Person employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Ditto	...	Ditto	...	Ditto	...	Ditto	..	Ditto	Court of Session.
245	Unlawfully taking from a Mint any coining instrument.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any coin.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
247	Fraudulently diminishing the weight or altering the composition of the Queen's coin.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years and fine.	Ditto.
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
249	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
250	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
251	Delivery of Queen's coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
253	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	Presidency Magistrate or Magistrate of the first or second class.

255	Counterfeiting a Government stamp.	Ditto	...	Ditto	...	Bailable	...	Ditto	...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years and fine.	Ditto.
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
258	Sale of counterfeit Government stamp.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
262	Using a Government stamp known to have been before used.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
263	Erasure of mark denoting that stamp has been used.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
265	Fraudulent use of false weight or measure.	Ditto	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
272	Adulterating food or drink intended for sale, so as to make the same noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink knowing the same to be noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Fine of 500 rupees ...	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first or second class.
281	Exhibition of a false light, mark or buoy.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
283	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine of 200 rupees ...	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.

285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Any Magistrate.
286	So dealing with any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first or second class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Any Magistrate.
290	Committing a public nuisance ...	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Fine of 200 rupees ...	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
292	Sale, &c., of obscene books, &c. ...	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
293	Having in possession obscene book, &c., for sale or exhibition.	May arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
294	Obscene songs	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
294A	Keeping a lottery-office ...	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine of 1,000 rupees ...	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

297	Trespassing in place of worship or sepulchre, disturbing funeral, with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture or placing any object in the sight, of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Compoundable.	Ditto ...	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Of offences affecting Life.

302	Murder	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, or transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death	Ditto.
304	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
304A	Causing death by rash or negligent act.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of offences affecting Life—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, or transportation for life, or imprisonment for 10 years, and fine.	Court of Session.
306	Abetting the commission of suicide	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
307	Attempt to murder ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto.
	If such act cause hurt to any person	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
	Attempt by life-convict to murder, if hurt is caused.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, or as above ...	Ditto.
308	Attempt to commit culpable homicide.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
309	Attempt to commit suicide ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year or fine or both.	Presidency Magistrate or Magistrate of the first or second class.
311	Being a thug ...	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life and fine.	Court of Session.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.

312	Causing miscarriage	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If act done without woman's consent.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine	Ditto.
317	Exposure of a child under 12 years of age by parent or person having care of it, with intention of wholly abandoning it.	May arrest without warrant.	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
318	Concealment of birth by secret disposal of dead body.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
323	Voluntarily causing hurt ...	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ...	Ditto ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
325	Voluntarily causing grievous hurt	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.

328	Administering stupefying drug with intent to cause hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons ...	Bailable ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
336	Doing any act which endangers human life or the personal safety of others.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.

Of Wrongful Restraint and Wrongful Confinement.

341	Wrongfully restraining any person.	May arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

342	Wrongfully confining any person	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 2 years and fine.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret ...	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Criminal Force and Assault.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ...	Ditto ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Compoundable.	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.

358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Compoundable	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

Of Kidnapping, Abduction, Slavery and Forced Labour.

363	Kidnapping	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
364	Kidnapping or abducting in order to murder.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*concluded*).

Of Kidnapping, Abduction, Slavery and Forced Labour—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
371	Habitual dealing in slaves ...	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
372	Selling or letting to hire a minor for purposes of prostitution, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
373	Buying or obtaining possession of a minor for the same purposes.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
374	Unlawful compulsory labour ...	Ditto ...	Ditto ...	Bailable ...	Compoundable	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
			Of Rape.				
376	Rape	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

Of Unnatural Offences.

377	Unnatural offences ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent or vessel	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Extortion.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
384	Extortion	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life ...	Ditto.

389	Putting a person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life ...	Ditto.
	Of Robbery and Dacoity.						
392	Robbery	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Rigorous imprisonment for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If committed on the highway between sunset and sunrise.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 14 years and fine.	Ditto.
393	Attempt to commit robbery ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
395	Dacoity	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session.
396	Murder in dacoity	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for not less than 7 years.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Robbery and Dacoity—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Rigorous imprisonment for not less than 7 years.	Court of Session.
399	Making preparation to commit dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.

404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If by clerk or person employed by deceased.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
407	Criminal breach of trust by a carrier, wharfinger, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Criminal Breach of Trust—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
409	Criminal breach of trust by public servant or by banker, merchant or agent, &c.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Of the Receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto

414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
				Of Cheating.			
417	Cheating	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
418	Cheating a person whose interest the offender was bound, either by law, or by legal contract, to protect.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
419	Cheating by personation ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the making, alteration or destruction of a valuable security.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Fraudulent Deeds and Dispositions of Property.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Mischief.

426	Mischief	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable when the only loss or dam-	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.

					age caused is loss or damage to a private person.		
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
428	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or upwards.	* May arrest without warrant.	Ditto ...	Ditto ...	Not compoundable.	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
431	Mischief by injury to public road, bridge, navigable river or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
432	Mischief by causing inundation or obstruction to public drainage, attended with damage.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
433	Mischief by destroying or moving or rendering less useful a lighthouse or seamark, or by exhibiting false lights.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.

* See Act XI of 1874, section 4.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Mischief—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards, or, in case of agricultural produce, 10 rupees or upwards.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.

440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
			Of Criminal Trespass.				
447	Criminal trespass	May arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
448	House-trespass	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto ...	Ditto ...	Not bailable ...	Not compoundable.	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 2 years and fine.	Any Magistrate.
	If the offence is theft ...	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*concluded*).

Of Criminal Trespass—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
453	Lurking house-trespass or house-breaking.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 2 years and fine.	Presidency Magistrate or Magistrate of the first or second class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If the offence is theft ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 5 years and fine.	Ditto.
	If the offence is theft ...	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 14 years and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto	...	Ditto	...	Bailable	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
465	Forgery	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of births, &c., kept by a public servant.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
468	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Punishment for forgery ...	Ditto.

	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto ...	Ditto ...	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine; if the document is one of the description mentioned in section 466 of the Indian Penal Code.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If the document is one of the description mentioned in section 467 of the Indian Penal Code.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years, and fine.	Court of Session.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
	Of Trade and Property-Marks.						
482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto	...	Summons	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
488	Making use of any such false mark.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
489	Removing, destroying or defacing any property-mark with intent to cause injury.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XIX.—CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employé is conveyed at the expense of the employer, and voluntarily deserting the service or refusing to perform the duty.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 10 years and fine.	Court of Session.

494	Marrying again during the lifetime of a husband or wife.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto ...	Ditto	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
497	Adultery ...	Ditto ...	Ditto ...	Bailable ...	Compoundable.	Imprisonment of either description for 5 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

CHAPTER XXI.—DEFAMATION.

500	Defamation	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Simple imprisonment for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
501	Printing or engraving matter knowing it to be defamatory.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XXI.—DEFAMATION—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Simple imprisonment for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

CHAPTER XXII.—CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumour, &c., circulated with intent to cause mutiny or offence against the public peace.	Ditto ...	Ditto ...	Not bailable ...	Not compoundable.	Ditto	Presidency Magistrate or Magistrate of the first or second class.
506	Criminal intimidation ...	Ditto ...	Ditto ...	Bailable ...	Compoundable.	Ditto	Ditto.
	If threat be to cause death or grievous hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
509	Uttering any word or making any gesture intended to insult the modesty of a woman, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 24 hours, or fine of 10 rupees, or both.	Any Magistrate.

CHAPTER XXIII.—ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Compoundable when the offence attempted is compoundable.	Transportation or imprisonment not exceeding half of the longest term, and of any description, provided for the offence, or fine, or both.	The Court by which the offence attempted is triable.

SCHEDULE II—*concluded.*

OFFENCES AGAINST OTHER LAWS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If punishable with death, transportation or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	.....	According to the provisions of section 29 of this Code.
	If punishable with imprisonment for three years and upwards but less than seven.	Ditto ...	Ditto ...	Ditto ... Except in cases under the Indian Arms Act, 1875, section 19, which shall be bailable.	Ditto ...	.....	
	If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons ...	Bailable ...	Ditto ...	.....	
	If punishable with fine only ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	.....	

SCHEDULE III.

ORDINARY POWERS OF PROVINCIAL MAGISTRATES.

I.—Ordinary Powers of a Magistrate of the Third Class.

(1) Power to arrest, or direct the arrest in his presence of, an offender; section 65.
(2) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant; sections 83, 84 & 86.
(3) Power to issue proclamations in cases judicially before him, section 87.
(4) Power to attach and sell property in cases judicially before him, section 88.
(5) Power to restore attached property, section 89.
(6) Power to issue search-warrant, section 96.
(7) Power to endorse a search-warrant and order delivery of thing found, section 99.
(8) Power to record statements or confessions during a police investigation, section 164.
(9) Power to authorize detention of a person during a police-investigation, section 167.
(10) Power to detain an offender found in Court, section 351.
(11) Power to sell perishable property of a suspected character, section 525.

II.—Ordinary Powers of a Magistrate of the Second Class.

(1) The ordinary powers of a Magistrate of the third class.
(2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, section 155.

III.—Ordinary Powers of a Magistrate of the First Class.

(1) The ordinary powers of a Magistrate of the second class.
(2) Power to issue search-warrant otherwise than in course of an inquiry, section 98.
(3) Power to issue search-warrant for discovery of persons wrongfully confined, section 100.
(4) Power to require security to keep the peace, section 107.
(5) Power to require security for good behaviour, section 109.
(6) Power to make orders, &c., in possession cases; sections 145, 146 and 147.
(7) Power to commit for trial, section 206.
(8) Power to stop proceedings when no complainant, section 249.
(9) Power to make orders of maintenance, sections 488 and 489.

IV.—Ordinary Powers of a Sub-divisional Magistrate.

(1) The ordinary powers of a Magistrate of the first class.
(2) Power to direct warrants to landholders, section 78.
(3) Power to make orders as to local nuisances, section 133.
(4) Power to make orders prohibiting repetitions of nuisances, section 143.
(5) Power to make orders under section 144.
(6) Power to hold inquests, section 174.
(7) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.
(8) Power to entertain complaints, section 191.
(9) Power to receive police-reports, section 191.
(10) Power to entertain cases without complaint, section 191.
(11) Power to transfer cases to a Subordinate Magistrate, section 192.
(12) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, section 349.
(13) Power to sell property alleged or suspected to have been stolen, &c. section 524.
(14) Power to withdraw cases other than appeals, and to try or refer them for trial; section 528.

V.—Ordinary Powers of a District Magistrate.

(1) The ordinary powers of a Sub-divisional Magistrate, being a Magistrate of the first class.
(2) Power to issue search-warrants for documents in custody of Postal or Telegraph authorities, section 96.
(3) Power to discharge persons bound to keep the peace or to be of good behaviour, section 124.
(4) Power to cancel bond for keeping the peace, section 125.
(5) Power to try summarily, section 260.
(6) Power to quash convictions in certain cases, section 350.
(7) Power to hear appeals from orders requiring security for good behaviour, section 406.
(8) Power to hear or refer appeals from convictions by Magistrates of the second and third classes, section 407.
(9) Power to call for records, section 435.
(10) Power to revise orders passed under section 514; section 515.

SCHEDULE IV.

ADDITIONAL POWERS WITH WHICH PROVINCIAL MAGISTRATES MAY BE INVESTED.

POWERS WITH WHICH A MAGISTRATE OF THE FIRST CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to require security for good behaviour, section 110: (2) Power to make orders as to local nuisances, section 133: (3) Power to make orders prohibiting repetitions of nuisances, section 143: (4) Power to make orders under section 144: (5) Power to hold inquests, section 174: (6) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186: (7) Power to take cognizance of offences upon complaint, section 191: (8) Power to take cognizance of offences upon police reports, section 191: (9) Power to take cognizance of offences upon information, section 191: (10) Power to try summarily, section 260: (11) Power to hear appeals from convictions by Magistrates of the second and third classes, section 407: (12) Power to sell property alleged or suspected to have been stolen, &c., section 524.
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191: (6) Power to transfer cases, section 192.
POWERS WITH WHICH A MAGISTRATE OF THE SECOND CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to pass sentences of whipping, section 32: (2) Power to make orders prohibiting repetitions of nuisances, section 143: (3) Power to make orders under section 144: (4) Power to hold inquests, section 174: (5) Power to take cognizance of offences upon complaint, section 191: (6) Power to take cognizance of offences upon police reports, section 191: (7) Power to take cognizance of offences upon information, section 191: (8) Power to commit for trial, section 206.
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191.

SCHEDULE IV—*concluded.*

POWERS WITH WHICH A MAGISTRATE OF THE THIRD CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191: (6) Power to commit for trial, section 206.
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191.
POWERS WITH WHICH A SUB-DIVISIONAL MAGISTRATE MAY BE INVESTED	BY THE LOCAL GOVERNMENT	Power to call for records, section 435.

SCHEDULE V.

FORMS.

I.—SUMMONS TO AN ACCUSED PERSON.

(*See section 68.*)

To of

WHEREAS your attendance is necessary to answer to a charge of (*state shortly the offence charged*), you are hereby required to appear in person (*or* by pleader, *as the case may be*), before the (*Magistrate*) of , on the day of .

Herein fail not.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

II.—WARRANT OF ARREST.

(*See section 75.*)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS of stands charged with the offence of (*state the offence*), you are hereby directed to arrest the said , and to produce him before me. Herein fail not.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

(*See section 76.*)

This warrant may be endorsed as follows:—

If the said shall give bail himself in the sum of , with one surety in the sum of (*or* two sureties each in the sum of), to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

Dated this day of 18

(*Signature.*)

FORMS. SCHEDULE V—*continued.*

III.—BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT.

(*See section 86.*)

I, (*name*), of , being brought before the District Magistrate of (*or, as the case may be*) under a warrant issued to compel my appearance to answer to the charge of , do hereby bind myself to attend in the Court of on the day of next to answer to the said charge, and to continue so to attend until otherwise directed by the Court; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18

(*Signature.*)

I do hereby declare myself surety for the abovenamed of , that he shall attend before in the Court of on the day of next to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Court; and, in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of , 18

(*Signature.*)

IV.—PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED.

(*See section 87.*)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of , punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said of is required to appear at (*place*) before this Court (*or* before me) to answer the said complaint within days from this date.

Dated this day of , 18

(*Seal.*)

(*Signature.*)

V.—PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS.

(*See section 87.*)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of (*mention the offence concisely*) and a warrant has been issued to compel the attendance of (*name, description and address of the witness*) before this Court to be examined touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said (*name*) is required to appear at (*place*) before the Court of on the day of next at o'clock, to be examined touching , the offence complained of.

Dated this day of , 18

(*Seal.*)

(*Signature.*)

VI.—ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A WITNESS.

(*See section 88.*)

To the Police-officer in charge of the Police-station at

WHEREAS a warrant has been duly issued to compel the attendance of (*name, description and address*) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant); and thereupon a Proclamation was duly issued and published requiring the said to appear and give evidence at the time and place mentioned therein, and he has failed to appear;

This is to authorize and require you to attach by seizure the moveable property belonging to the said to the value of rupees which you may find within the District of and to hold the said property under attachment

SCHEDULE V—*continued.* FORMS

pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18

(*Seal.*) (*Signature.*)

ORDER OF ATTACHMENT TO COMPEL THE APPEARANCE OF A PERSON ACCUSED.

(*See section 88.*)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant), and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days; and whereas the said is possessed of the following property other than land paying revenue to Government in the village (*or* town) of , in the District of , *viz.*, , and an order has been made for the attachment thereof;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

ORDER AUTHORIZING AN ATTACHMENT BY THE DEPUTY COMMISSIONER AS COLLECTOR.

(*See section 88.*)

To the Deputy Commissioner of the District of

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant), and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days, but he has not appeared; and whereas the said is possessed of certain land paying revenue to Government in the village (*or* town) of in the District of ;

You are hereby authorized and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

VII.—WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS.

(*See section 90.*)

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*mention the offence concisely*), and it appears likely that (*name and description of witness*) can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorize and require you to arrest the said (*name*) and on the day of to bring him before this Court, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

FORMS. SCHEDULE V—*continued.*

VIII.—WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE.

(*See section 96.*)

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS information has been laid (*or* complaint has been made) before me of the commission (*or* suspected commission) of the offence of (*mention the offence concisely*), and it has been made to appear to me that the production of (*specify the thing clearly*) is essential to the inquiry now being made (*or* about to be made) into the said offence (*or* suspected offence);

This is to authorize and require you to search for the said (*the thing specified*) in the (*describe the house or place, or part thereof, to which the search is to be confined*), and, if found, to produce the same forthwith before this Court; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

IX.—WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT.

(*See section 98.*)

To (*name and designation of a Police-officer above the rank of a Constable*).

WHEREAS information has been laid before me, and on due inquiry thereupon had I have been led to believe that the (*describe the house or other place*) is used as a place for the deposit (*or* sale) of stolen property (*or, if for either of the other purposes expressed in the section, state the purpose in the words of the section*);

This is to authorize and require you to enter the said house (*or other place*) with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house (*or other place, or, if the search is to be confined to a part, specify the part clearly*) and to seize and take possession of any property (*or* documents, *or* stamps, *or* seals, *or* coins, *as the case may be*)—[Add (*when the case requires it*) and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, *or* counterfeit stamps, *or* false seals, *or* counterfeit coin (*as the case may be*)] and forthwith to bring before this Court such of the said things as may be taken possession of; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

X.—BOND TO KEEP THE PEACE.

(*See section 106.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and, in case of my making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of

(*Signature.*)

XI.—BOND FOR GOOD BEHAVIOUR.

(*See sections 109 and 110.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects for the term of (*state the period*), I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term; and, in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

(*Where a bond with sureties is to be executed, add*) We do hereby declare ourselves sureties for the abovenamed that he will be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects during the said term; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to Her Majesty the sum of rupees .

Dated this day of 18

(*Signature.*)

SCHEDULE V—*continued.* FORMS.

XII.—SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE.

(*See section 114.*)

To of

WHEREAS it has been made to appear to me by credible information that (*state the substance of the information*) and that you are likely to commit a breach of the peace (*or* by which act a breach of the peace will probably be occasioned), you are hereby required to attend in person (*or* by a duly authorized agent) at the Office of the Magistrate of on the day of , 18 , at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees [*when sureties are required, add* and also to give security by the bond of one (*or* two, *as the case may be*) surety (*or* sureties) in the sum of rupees (*each, if more than one*)], that you will keep the peace for the term of

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XIII.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE.

(*See section 123.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name and address*) appeared before me in person (*or* by his authorized agent) on the day of in obedience to a summons calling upon him to show cause why he should not enter into a bond for rupees with one surety (*or* a bond with two sureties each in rupees), that he the said (*name*) would keep the peace for the period of months; and whereas an order was then made requiring the said (*name*) to enter into and find such security (*state the security ordered when it differs from that mentioned in the summons*), and he has failed to comply with the said order;

This is to authorize and require you the said Superintendent (*or* Keeper) to receive the said (*name*) into your custody together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*) unless he shall in the meantime comply with the said order by himself and his surety (or sureties) entering into the said bond, in which case the same shall be received, and the said (*name*) released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XIV.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY FOR GOOD BEHAVIOUR.

(*See section 123.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS it has been made to appear to me that (*name and description*) has been and is lurking within the District of having no ostensible means of subsistence (*or*, and that he is unable to give any satisfactory account of himself);

or

WHEREAS evidence of the general character of (*name and description*) has been adduced before me and recorded from which it appears that he is an habitual robber (*or* house-breaker, &c., *as the case may be*);

And whereas an order has been recorded stating the same and requiring the said (*name*) to furnish security for his good behaviour for the term of (*state the period*) by entering into bond with one surety (*or* two or more sureties, *as the case may be*), himself for rupees , and the said surety (*or* each of the said sureties) for rupees , and the said (*name*) has failed to comply with the said order, and for such default has been adjudged imprisonment for (*state the term*) unless the said security be sooner furnished;

This is to authorize and require you the said Superintendent (*or* Keeper) to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), unless he shall in the meantime comply

FORMS. SCHEDULE V—*continued.*

with the said order by himself and his surety (*or* sureties) entering into the said bond, in which case the same shall be received and the said (*name*) released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XV.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See sections 123 and 124.*)

To the Superintendent (*or* Keeper) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since duly given security under section of the Code of Criminal Procedure,

or

and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XVI.—ORDER FOR THE REMOVAL OF NUISANCES.

(*See section 133.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you have caused an obstruction (*or* nuisance) to persons using the public roadway (*or other public place*), which, &c. (*describe the road or public place*), by, &c. (*state what it is that causes the obstruction or nuisance*), and that such obstruction (*or* nuisance) still exists;

or

WHEREAS it has been made to appear to me that you are carrying on as owner, or manager, the trade or occupation of (*state the particular trade or occupation and the place where it is carried on*), and that the same is injurious to the public health (*or* comfort) by reason (*state briefly in what manner the injurious effects are caused*), and should be suppressed or removed to a different place;

or

WHEREAS it has been made to appear to me that you are the owner (*or* are in possession of *or* have the control over) a certain tank (*or* well *or* excavation) adjacent to the public way (*describe the thoroughfare*), and that the safety of the public is endangered by reason of the said tank (*or* well *or* excavation) being without a fence (*or* insecurely fenced);

or

WHEREAS, &c., &c. (*as the case may be*);

I do hereby direct and require you within (*state the time allowed*) to (*state what is required to be done to abate the nuisance*) or to appear at in the Court of on the day of next, and to show cause why this order should not be enforced;

or

I do hereby direct and require you within (*state the time allowed*) to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the place where it is now carried on, or to appear, &c.;

or

I do hereby direct and require you within (*state the time allowed*) to put up a sufficient fence (*state the kind of fence and the part to be fenced*), or to appear, &c.

or

I do hereby direct and require you, &c., &c. (*as the case may be*).

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

SCHEDULE V—*continued.* FORMS.

XVII.—MAGISTRATE'S ORDER CONSTITUTING A JURY.

(*See section 138.*)

WHEREAS on the day of , 18 , an order was issued to (*name*) requiring him (*state the effect of the order*), and whereas the said (*name*) has applied to me by a petition bearing date the day of for an order appointing a Jury to try whether the said recited order is reasonable and proper; I do hereby appoint (*the names, &c., of the five or more Jurors*) to be the Jury to try and decide the said question, and do require the said Jury to report their decision within days from the date of this order at my office at .

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XVIII.—MAGISTRATE'S NOTICE AND PEREMPTORY ORDER AFTER THE FINDING BY A JURY.

(*See section 140.*)

To (*name, description and address*).

I HEREBY give you notice that the Jury duly appointed on the petition presented by you on the day of have found that the order issued on the day of requiring you (*state substantially the requisition in the order*) is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within (*state the time allowed*) on peril of the penalty provided by the Indian Penal Code for disobedience thereto.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIX.—INJUNCTION TO PROVIDE AGAINST IMMINENT DANGER PENDING INQUIRY BY JURY.

(*See section 142.*)

To (*name, description and address*).

WHEREAS the inquiry by a Jury appointed to try whether my order issued on the day of , 18 , is reasonable and proper is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section 142 of the Code of Criminal Procedure, direct and enjoin you forthwith to (*state plainly what is required to be done as a temporary safeguard*), pending the result of the local inquiry by the Jury.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XX.—MAGISTRATE'S ORDER PROHIBITING THE REPETITION, &c., OF A NUISANCE.

(*See section 143.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that, &c. (*state the proper recital, guided by* Form No. XVI or Form No. XXI, *as the case may be*);

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, &c. (*as the case may be*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXI.—MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT, &c.

(*See section 144.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you are in possession (*or* have the management) of (*describe clearly the property*), and that, in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road;

or

WHEREAS it has been made to appear to me that you and a number of other persons (*mention the class of persons*) are about to meet and proceed in a religious procession along the public

FORMS. SCHEDULE V—*continued.*

street, &c. (*as the case may be*), and that such procession is likely to lead to a riot or an affray;

or

WHEREAS, &c., &c. (*as the case may be*);

I do hereby order you not to place or permit to be placed any of the earth or stones dug from your land in any part of the said road;

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (*or, as the case recited may require*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXII.—MAGISTRATE'S ORDER DECLARING PARTY ENTITLED TO RETAIN POSSESSION OF LAND, &C., IN DISPUTE.

(*See section 145.*)

IT appearing to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between (*describe the parties by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and being satisfied by due inquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said (*name or names or description*) is true,

I do decide and declare that he is (*or* they are) in possession of the said (*the subject of dispute*) and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (*or* their) possession in the meantime.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XXIII.—WARRANT OF ATTACHMENT IN THE CASE OF A DISPUTE AS TO THE POSSESSION OF LAND, &C.

(*See section 146.*)

To the Police-officer in charge of the Police-station at [*or*, To the Collector of] .

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace existed between (*describe the parties concerned by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and whereas, upon due inquiry into the said claims, I have decided that neither of the said parties was in possession of the said (*the subject of dispute*) [*or* I am unable to satisfy myself as to which of the said parties was in possession as aforesaid];

This is to authorize and require you to attach the said (*the subject of dispute*) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*)

(*Signature.*)

XXIV.—MAGISTRATE'S ORDER PROHIBITING THE DOING OF ANY THING ON LAND OR WATER.

(*See section 147.*)

A DISPUTE having arisen concerning the right of use of (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, the possession of which land (*or* water) is claimed exclusively by (*describe the person or persons*), and it appearing to me, on due inquiry into the same, that the said land (*or* water) has been open to the enjoyment of such use by the public (*or if by an individual or a class of persons, describe him or them*), and (*if the use can be enjoyed throughout the year*) that the said use has been enjoyed within three months of the

SCHEDULE V—*continued.* FORMS.

institution of the said inquiry (*or if the use is enjoyable only at particular seasons, say* "during the last of the seasons at which the same is capable of being enjoyed");

I do order that the said (*the claimant or claimants of possession*), or any one in their interest, shall not take (*or* retain) possession of the said land (*or* water) to the exclusion of the enjoyment of the right of use aforesaid, until he (*or* they) shall obtain the decree or order of a competent Court adjudging him (*or* them) to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*)

(*Signature.*)

XXV.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A POLICE-OFFICER.

(*See section 169.*)

I, (*name*), of , being charged with the offence of , and after inquiry required to appear before the Magistrate of

or

and after inquiry called upon to enter into my own recognizance to appear when required,

do hereby bind myself to appear at , in the Court of , on the day of next (*or* on such day as I may hereafter be required to attend) to answer further to the said charge, and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or* We jointly and severally declare ourselves and each of us) surety (*or* sureties) for the above-said that he shall attend at , in the Court of , on the day of next (*or* on such day as he may hereafter be required to attend), further to answer to the charge pending against him, and, in case of his making default therein, I hereby bind myself (*or* we hereby bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVI.—BOND TO PROSECUTE OR GIVE EVIDENCE.

(*See section 170.*)

I, (*name*), of (*place*), do hereby bind myself to attend at , in the Court of , at o'clock on the day of next, and then and there to prosecute (*or*, to prosecute and give evidence, *or* to give evidence) in the matter of a charge of against one *A. B.*, and, in case of making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVII.—NOTICE OF COMMITMENT BY MAGISTRATE TO GOVERNMENT PLEADER.

(*See section 218.*)

The Magistrate of hereby gives notice that he has committed one for trial at the next Sessions; and the Magistrate hereby instructs the Government Pleader to conduct the prosecution of the said case.

The charge against the accused is that, &c. (*state the offence as in the charge*).

Dated this day of , 18 .

(*Signature.*)

XXVIII.—CHARGES.

(*See sections 221, 222, 223.*)

(I).—CHARGES WITH ONE HEAD.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows:—

(*b*) That you, on or about the day of , at , waged war against Her Majesty the Queen, Empress of India, and thereby committed an offence punishable under section 121 of the Indian

On Penal Code, section 121.

FORMS. SCHEDULE V—*continued.*

Penal Code, and within the cognizance of the Court of Session [*when the charge is framed by a Presidency Magistrate, for* Court of Session *substitute* High Court].

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

[*To be substituted for* (*b*) :—]

On section 124.

(2) That you, on or about the day of , at , with the intention of inducing the Honourable *A. B.*, Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 161.

(3) That you, being a public servant in the Department, directly accepted from [*state the name*], for another party [*state the name*], a gratification, other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 166.

(4) That you, on or about the day of , at , did [*or* omitted to do, *as the case may be*] , such conduct being contrary to the provisions of Act , section , and known by you to be prejudicial to , and thereby committed an offence punishable under section 166 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 193.

(5) That you, on or about the day of , at , in the course of the trial of , before stated in evidence that " ", which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 304.

(6) That you, on or about the day of , at , committed culpable homicide not amounting to murder, causing the death of , and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 306.

(7) That you, on or about the day of , at , abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 325.

(8) That you, on or about the day of , at , voluntarily caused grievous hurt to , and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 392.

(9) That you, on or about the day of , at , robbed [*state the name*] and thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 395.

(10) That you, on or about the day of , at , committed dacoity, an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

[*In cases tried by Magistrates, substitute* "within my cognizance" *for* "within the cognizance of the Court of Session," *and in* (*c*) *omit* "by the said Court."]

(II).—CHARGES WITH TWO OR MORE HEADS.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows:—

On section 241.

(*b*) *First.*—That you, on or about the day of , at , knowing a coin to be counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Secondly.—That you, on or about the day of , at , knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as

SCHEDULE V—*continued.* FORMS.

genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

[*To be substituted for* (*b*) :—]

On sections 302 and 304.

(2) *First.*—That you, on or about the day of , at , committed murder by causing the death of , and thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Secondly.—That you, on or about the day of , at , by causing the death of , committed culpable homicide not amounting to murder, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On sections 379 and 382.

(3) *First.*—That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Secondly.—That you, on or about the day of , at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Thirdly.—That you, on or about the day of , at , committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Fourthly.—That you, on or about the day of , at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Alternative charges on section 193.

(4) That you, on or about the day of , at , in the course of the inquiry into before , stated in evidence that " ", and that you, on or about the day of , at , in the course of the trial of , before , stated in evidence that " ", one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

[*In cases tried by Magistrates, substitute* " within my cognizance " *for* " within the cognizance of the Court of Session," *and in* (*c*) *omit* " by the said Court. "]

(III).—CHARGE FOR THEFT AFTER A PREVIOUS CONVICTION.

I (*name and office of Magistrate, &c.,*) hereby charge you (*name of accused person*) as follows :—

That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code and within the cognizance of the Court of Session [*or* { High Court, / Magistrate, } *as the case may be.*]

And you the said (*name of accused*) stand further charged that you, before the committing of the said offence, that is to say, on the day of , had been convicted by the (*state Court by which conviction was had*) at of an offence punishable under

FORMS. SCHEDULE V—*continued.*

Chapter XVII of the Indian Penal Code with imprisonment for a term of three years, that is to say, the offence of house-breaking by night (*describe the offence in the words used in the section under which the accused was convicted*), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 75 of the Indian Penal Code.

And I hereby direct that you be tried, &c,

XXIX.—WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE.

(*See sections 245 and 258.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar for 18 , was convicted before me (*name and official designation*) of the offence of (*mention the offence or offences concisely*) under section (*or* sections) of the Indian Penal Code (*or* of Act), and was sentenced to (*state the punishment fully and distinctly*);

This is to authorize and require you, the said Superintendent (*or* Keeper) to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXX.—WARRANT OF IMPRISONMENT ON FAILURE TO RECOVER AMENDS BY DISTRESS.

(*See section 250.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name and description*) has brought against (*name and description of the accused person*) the complaint that (*mention it concisely*), and the same has been dismissed as frivolous (*or* vexatious), and the order of dismissal awards payment by the said (*name of complainant*) of the sum of rupees as amends; and whereas the said sum has not been paid and cannot be recovered by distress of the moveable property of the said (*name of complainant*) and an order has been made for his simple imprisonment in jail for the period of days, unless the aforesaid sum be sooner paid;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), subject to the provisions of section 69 of the Indian Penal Code, unless the said sum be sooner paid, and on the receipt thereof forthwith to set him at liberty; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signat*

XXXI.—SUMMONS TO A WITNESS.

(*See sections 68 and 252.*)

To of .

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*state the offence concisely, with time and place*) and it appears to me that you are likely to give material evidence for the prosecution;

SCHEDULE V—*continued.* FORMS.

You are hereby summoned to appear before this Court on the day of next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XXXII.—PRECEPT TO DISTRICT MAGISTRATE TO SUMMON JURORS AND ASSESSORS.

(*See section 326.*)

To the District Magistrate of .

WHEREAS a Criminal Session is appointed to be held in the Court-house at on the day of next, and the names of the persons herein stated have been duly drawn by lot from among those named in the revised list of jurors and assessors furnished to this Court; you are hereby required to summon the said persons to attend at the said Court of Session at 10 A. M. on the said date, and, within such date, to certify that you have done so in pursuance of this precept.

(*Here enter the names of Jurors and Assessors.*)

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XXXIII.—SUMMONS TO ASSESSOR OR JUROR.

(*See section 328.*)

To (*name*) of (*place*).

PURSUANT to a precept directed to me by the Court of Session of requiring your attendance as an Assessor (*or* a Juror) at the next Criminal Session, you are hereby summoned to attend at the said Court of Session at (*place*) at ten o'clock in the forenoon on the day of next.

Given under my hand and seal of office, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXIV.—WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH.

(*See section 374.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS at the Session held before me on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under section of the Indian Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the Court of ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said Court.

Given under my hand and the seal of the Court, this day of 18 .

(*Seal.*) (*Signature.*)

FORMS. SCHEDULE V—*continued.*

XXXV.—WARRANT OF EXECUTION ON A SENTENCE OF DEATH.

(*See section 381.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the Session held before me on the day of , 18 , has been by a warrant of this Court, dated the day of , committed to your custody under sentence of death, and whereas the order of the Court of confirming the said sentence has been received by this Court;

This is to authorize and require you the said Superintendent (*or* Keeper) to carry the said sentence into execution by causing the said to be hanged by the neck until he be dead, at (*time and place of execution*), and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature*)

XXXVI.—WARRANT AFTER A COMMUTATION OF A SENTENCE.

(*See sections 381 and 382.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS at a Session held on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session, was convicted of the offence of , punishable under section of the Indian Penal Code, and sentenced to , and was thereupon committed to your custody; and whereas by the order of the Court of (a duplicate of which is hereunto annexed) the punishment adjudged by the said sentence has been commuted to the punishment of transportation for life (*or, as the case may be*);

This is to authorize and require you, the said Superintendent (*or* Keeper), safely to keep the said (*prisoner's name*) in your custody in the said jail, as by law is required, until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the said order,

or

if the mitigated sentence is one of imprisonment, say, after the words "custody in the said jail," "and there to carry into execution the punishment of imprisonment under the said order according to law."

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XXXVII.—WARRANT TO LEVY A FINE BY DISTRESS AND SALE.

(*See section 386.*)

To (*name and designation of the Police-officer or other person, or persons, who is or are to execute the warrant*).

WHEREAS (*name and description of the offender*) was on the day of , 18 , convicted before me of the offence of (*mention the offence concisely*) and sentenced to pay a fine of rupees , and whereas the said (*name*), although required to pay the said fine, has not paid the same or any part thereof;

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the District of ; and, if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or* forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said fine; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

SCHEDULE V—*continued.*

FORMS

XXXVIII.—WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT WHEN A FINE IS IMPOSED.

(*See section 480.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS at a Court holden before me on this day (*name and description of the offender*) in the presence (*or* view) of the Court committed wilful contempt;

And whereas for such contempt the said (*name of offender*) has been adjudged by the Court to pay a fine of rupees , or in default to suffer simple imprisonment for the space of (*state the number of months or days*);

This is to authorize and require you, the Superintendent (*or* Keeper) of the said Jail, to receive the said (*name of offender*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), unless the said fine be sooner paid; and, on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XXXIX.—MAGISTRATE'S OR JUDGE'S WARRANT OF COMMITMENT OF WITNESS REFUSING TO ANSWER.

(*See section 485.*)

To (*name and designation of officer of Court*)

WHEREAS (*name and description*), being summoned (*or* brought before this Court) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (*or* certain questions) put to him touching the said alleged offence, and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (*term of detention adjudged*);

This is to authorize and require you to take the said (*name*) into custody, and him safely keep in your custody for the space of days unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XL.—WARRANT OF IMPRISONMENT ON FAILURE TO PAY MAINTENANCE.

(*See section 488.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS (*name, description and address*) has been proved before me to be possessed of sufficient means to maintain his wife (*name*) [*or* his child (*name*), who is by reason of (*state the reason*) unable to maintain herself (*or* himself)] and to have neglected (*or* refused) to do so, and an order has been duly made requiring the said (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of rupees ; and whereas it has been further proved that the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or* months) of : And thereupon an order was made adjudging him to undergo simple (*or* rigorous) imprisonment in the said jail for the period of ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody in the said jail, together with this warrant, and there carry the said

FORMS. SCHEDULE V—*continued.*

order into execution according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XLI.—WARRANT TO ENFORCE THE PAYMENT OF MAINTENANCE BY DISTRESS AND SALE.

(*See section 488.*)

To (*name and designation of the Police-officer or other person to execute the warrant*).

WHEREAS an order has been duly made requiring (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of rupees , and whereas the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or* months) of ;

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the district of , and if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or* forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said sum; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLII.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A MAGISTRATE.

(*See sections 496 and 499.*)

I, (*name*), of (*place*), being brought before the Magistrate of (*as the case may be*) charged with the offence of , and required to give security for my attendance in his Court and at the Court of Session, if required, do bind myself to attend at the Court of the said Magistrate on every day of the preliminary inquiry into the said charge, and should the case be sent for trial by the Court of Session, to be, and appear, before the said Court when called upon to answer the charge against me; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or* We jointly and severally declare ourselves and each of us) surety (*or* sureties) for the said (*name*) that he shall attend at the Court of on every day of the preliminary inquiry into the offence charged against him, and, should the case be sent for trial by the Court of Session, that he shall be, and appear, before the said Court to answer the charge against him, and in case of his making default therein, I bind myself (*or* we bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XLIII.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See section 500.*)

To the Superintendent (*or* Keeper) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since with his surety (*or* sureties) duly executed a bond under section 499 of the Code of Criminal Procedure;

SCHEDULE V—*continued.* FORMS.

This is to authorize and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other matter.

Given under my hand and the seal of the Court, this day of , 18 .

(*Signature.*)

XLIV.—WARRANT OF ATTACHMENT TO ENFORCE A BOND.

(*See section 514.*)

To the Police-officer in charge of the Police-station at

WHEREAS (*name, description and address of person*) has failed to appear on (*mention the occasion*) pursuant to his recognizance, and has by such default forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (*the penalty in the bond*); and whereas the said (*name of person*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him.

This is to authorize and require you to attach any moveable property of the said (*name*) that you may find within the District of , by seizure and detention, and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLV.—NOTICE TO SURETY ON BREACH OF A BOND.

(*See section 514.*)

To of .

WHEREAS on the day of , 18 , you became surety for (*name*) of (*place*) that he should appear before this Court on the day of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas the said (*name*) has failed to appear before this Court, and by reason of such default you have forfeited the aforesaid sum of rupees ;

You are hereby required to pay the said penalty or show cause, within days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVI.—NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See section 514.*)

To of .

WHEREAS on the day of , 18 , you became surety by a bond for (*name*) of (*place*) that he would be of good behaviour for the period of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas the said (*name*) has been convicted of the offence of (*mention the offence concisely*) committed since you became such surety, whereby your security-bond has become forfeited;

You are hereby required to pay the said penalty of rupees , or to show cause within days why it should not be paid.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVII.—WARRANT OF ATTACHMENT AGAINST A SURETY.

(*See section 514.*)

To .

WHEREAS (*name, description and address*) has bound himself as surety for the appearance of (*mention the condition of the bond*), and the said (*name*) has made default, and thereby forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (*the penalty in the bond*);

FORMS. SCHEDULE V—*continued.*

This is to authorize and require you to attach any moveable property of the said (*name*) which you may find within the District of , by seizure and detention; and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVIII.—WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL.

(*See section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at .

WHEREAS (*name and description of surety*) has bound himself as a surety for the appearance of (*state the condition of the bond*), and the said (*name*) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Her Majesty the Queen, Empress of India; and whereas the said (*name of surety*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of moveable property of his, and an order has been made for his imprisonment in the Civil Jail for (*specify the period*);

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody with this warrant and him safely to keep in the said Jail for the said (*term of imprisonment*), and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XLIX.—NOTICE TO THE PRINCIPAL OF FORFEITURE OF A BOND TO KEEP THE PEACE.

(*See section 514.*)

To (*name, description and address*).

WHEREAS on the day of , 18 , you entered into a bond not to commit, &c. (*as in the bond*), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees , or to show cause before me within days why payment of the same should not be enforced against you.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

L.—WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE.

(*See section 514.*)

To (*name and designation of Police-officer*) at the Police-station of .

WHEREAS (*name and description*) did on the day of , 18 , enter into a bond for the sum of rupees , binding himself not to commit a breach of the peace, &c. (*as in the bond*), and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

SCHEDULE V—*continued.* FORMS.

This is to authorize and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the District of , and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realize the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

LI.—WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE.

(*See Section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at

WHEREAS proof has been given before me and duly recorded that (*name and description*) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ; and whereas the said (*name*) has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*);

This is to authorize and require you, the said Superintendent (*or* Keeper), of the said Civil Jail to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*); and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LII.—WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 514.*)

To the Police-officer in charge of the Police-station at

WHEREAS (*name, description and address*) did on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, &c., of the principal*), and proof has been given before me and duly recorded of the commission by the said (*name*) of the offence of , whereby the said bond has been forfeited; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorize and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the District of , and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realize the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

LIII.—WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at

WHEREAS (*name, description and address*) did on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, &c., of the principal*), and proof of the breach of the said bond has been given before me and duly

FORMS. SCHEDULE V—*concluded.*

recorded, whereby the said (*name*) has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ; and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*) ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) ; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 18

(*Seal.*) (*Signature.*)

R. J. CROSTHWAITE,
Offg. Secy. to the Govt of India.

Printed & published for the GOVT. OF INDIA *at the Office of* SUPDT. GOVT. PRINTING, *166, Dhurrumtollah Street, Calcutta.*

The Gazette of India

EXTRAORDINARY.

Published by Authority.

CALCUTTA, FRIDAY, MARCH 10, 1882.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATION.

SEPARATE REVENUE.

Salt.

Calcutta, the 10th March 1882.

No. 1449.

In exercise of the powers conferred by Section 7 of the Indian Salt Act, 1882, the Governor General in Council directs that on and after the date of this Notification the duty to be paid on salt manufactured in or imported by land into any part of British India, except Burma and that portion of the territories administered by the Lieutenant-Governor of the Punjab which lies west of the river Indus, shall be rupees two for each maund of 82$\frac{2}{7}$ lbs. avoirdupois weight.

2. The Governor General in Council further directs that not less than two copies of a notice, in the vernacular language of the district, stating that the salt duty has been reduced from Rs. 2-14 (or Rs. 2-8 as the case may be) to Rs. 2 per maund, shall be issued by each Local Government to every town and village within its jurisdiction to which the reduction applies, and shall also be made public in such other manner as the Local Government may deem fit.

T. C. HOPE,

Secretary to the Govt. of India.

ished for the GOVT. OF INDIA *at the Office of* SUPDT. GOVT. PRINTING, *166, Dhurrumtollah Street, Calcutta.*

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Nº 10.} CALCUTTA, SATURDAY, MARCH 11, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Fort William, the 8th March, 1882.

No. 361.—The Notification of the Home, Revenue and Agricultural Department, No. 1560, dated the 1st October 1880, is cancelled from this date. Arms, ammunition, and military stores brought into an Indian port, and declared under manifest to be consignments without transhipment to any port on the seaboard of the Persian Gulf, will, in terms of the Notification of the Home Department, No. 1572, dated 29th August 1879, be exempt, until further orders, from the prohibitions and directions contained in Section 6 of the Indian Arms Act, 1878.

ESTABLISHMENTS.

The 8th March 1882.

No. 76.—In consequence of the transfer to the Bombay Presidency of Mr. P. C. H. Snow, C.S., Officiating Assistant Commissioner, 2nd Grade, in British Burma, the following temporary promotions are made, with effect from the 27th November 1881:—

Mr. H. T. White, C.S., Assistant Commissioner, 4th Grade, to officiate as Assistant Commissioner, 2nd Grade.

Mr. G. W. Shaw, C.S., Assistant Commissioner, 4th Grade, to officiate as Assistant Commissioner, 3rd Grade.

No. 77.—In consequence of the transfer to the Bombay Presidency of Mr. E. C. Morrieson, C.S., Officiating Assistant Commissioner, 2nd Grade, in British Burma, and of the return to duty of Mr. K. G. Burne, Assistant Commissioner, 3rd Grade, the following alterations of rank are made, with effect from the 16th December 1881:—

Mr. K. G. Burne, Assistant Commissioner, 3rd Grade, to officiate as Assistant Commissioner, 1st Grade.

Mr. D. J. A. Campbell, C.S., Assistant Commissioner, 4th Grade, to officiate as Assistant Commissioner, 2nd Grade.

Mr. H. L. Eales, C.S., Assistant Commissioner, 4th Grade, to officiate as Assistant Commissioner, 3rd Grade.

The 9th March 1882.

No. 80.—In consequence of the retirement of Colonel H. N. Davies, Deputy Commissioner, 1st Grade, the following promotions are made in the British Burma Commission, with effect from the 14th January 1882:—

Lieutenant-Colonel W. W. Pemberton, Deputy Commissioner, 2nd Grade, to be Deputy Commissioner, 1st Grade.

Major H. R. Sherman, Deputy Commissioner, 3rd Grade, to be Deputy Commissioner, 2nd Grade.

Major C. H. A. Gower, Deputy Commissioner, 4th Grade, to be Deputy Commissioner, 3rd Grade.

Mr. G. L. Weidemann, C. S., Assistant Commissioner, 1st Grade, to be Deputy Commissioner, 4th Grade.

Mr. W. C. Midwinter, Assistant Commissioner, 2nd Grade, to be Assistant Commissioner, 1st Grade.

Mr. K. G. Burne, Assistant Commissioner, 3rd Grade, to be Assistant Commissioner, 2nd Grade.

Captain T. N. Jenkins, Assistant Commissioner, 4th Grade, to be Assistant Commissioner, 3rd Grade.

Mr. J. K. Macrae, Deputy Commissioner, 2nd Grade, to officiate as Deputy Commissioner, 1st Grade.

Mr. M. C. Pyne, Deputy Commissioner, 4th Grade, to officiate as Deputy Commissioner, 3rd Grade.

EXAMINATIONS.

The 7th March 1882.

No. 25.—The Reverend T. C. Shepherd, of the Bengal Ecclesiastical Establishment, at present Chaplain of Hyderabad in Sind, has passed the Lower Standard Examination in Hindustani.

JUDICIAL.

The 4th March 1882.

No. 314.—Under the provisions of Section 5 of Act XVII of 1877 (The Punjab Courts' Act, 1877), the Governor General in Council is pleased to appoint Mr. W. H. Rattigan, M.A., Ph.D., Barrister-at-Law, to officiate as a Judge of the Chief Court of the Punjab, during the absence on furlough of Mr. H. M. Plowden, Barrister-at-Law, or until further orders.

The 9th March 1882.

No. 349.—In exercise of the power conferred by Section 64A of the Code of Criminal Procedure (Act X of 1872), the Governor General in Council is pleased to direct the transfer of the Criminal appeals specified below from the Court of the Judicial Commissioner of Oudh to the High Court of the North-Western Provinces:—

Appellant.	*Respondent.*	*Charge.*		*Date of decision.*
1. Ramadhin	Queen Empress.	Sec. 232	I. P. C.	20-7-1881.
2. Madar Bux	"	" 376	"	20-7-1881.
3. Mt. Menda	"	" 318	"	26-7-1881.
4. Sheodial *alias* Matadin	"	" 413-75	"	10-8-1881.
5. Yusuf	"	" 457-75	"	18-8-1881.
6. Lala Pasi	"	" 457-75	"	30-8-1881.
7. Chand Khan	"	" 381,109-75 & 411	"	21-8-1881.
8. D. F. Beam	"	" 406-75	"	5-9-1881.
9. Haidar Khan	"	" 411-75 & 224	"	20-9-1881.
10. Parorani	"	" 318	"	11-10-1881.
11. Mehrban	"	" 318	"	11-10-1881.
12 Sita Ram	"	" 318	"	11-10-1881.
13. Bhairam Bihkh	"	" 376	"	19-10-1881.
14. Khuda Bux	"	" 392-75	"	26-10-1881.
15. Laltua	"	" 454-75	"	31-10-1881.
16. Mt. Dulia *alias* Deoki	"	" 317	"	31-10-1881.
17. Bakhtawar	"	" 411-75	"	14-11-1881.
18. Rajjab	"	" 379-75	"	14-11-1881.
19. Bismallah	"	" 380-75	"	16-11-1881.
20. Ghuru	"	" 454-75	"	23-11-1881.
21. Pusu	"	" 454-75	"	23-11-1881.
22. Surju	"	" 379-75	"	

POLICE.

The 6th March 1882.

No. 78.—The services of Mr. D. W. Ritchie, District Superintendent of Police, Noakholly, in the Lower Provinces, are placed at the disposal of the Chief Commissioner of Assam.

A. MACKENZIE,

Offg. Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—METEOROLOGY.

Fort William, the 10th March 1882.

No. 19 *Met.*—Mr. H. F. Blanford, having returned from the privilege leave granted to him in Notification No. 60, dated the 16th December 1881, received charge of the office of Meteorological Reporter to the Government of India from Mr. J. Eliot on the forenoon of the 6th March 1882.

E. C. BUCK,

Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Fort William, the 7th March 1882.

No. 329 *G. G.*—The following appointment is made, with effect from the 11th February 1882:—

Captain D. W. K. Barr, Political Agent, 2nd Class, sub. *pro tem.*, to be Superintendent of the Rewa State, in addition to his duties as Political Agent in Baghelkhand.

The 10th March 1882.

No. 355 *G. G.*—Mr. J. Lambert, Deputy Commissioner of Police, Calcutta, is appointed to officiate as a Political Resident of the 2nd Class and as General Superintendent of the Operations for the Suppression of Thuggee and Dacoity, *vice* Lieutenant Colonel P. D. Henderson, proceeding on furlough.

No. 357 *G. G.*—The services of Surgeon J. Scully are, on his return from furlough, placed at the disposal of the Department of Finance and Commerce.

No. 359 *G. G.*—C. Bhima Rao, Attaché to the Resident at Hyderabad, is appointed to officiate in the 3rd Class of Assistant Commissioners in the Hyderabad Assigned Districts, *vice* Maulvi Muhammad Nizam-ud-din Hasan Khan, B.A., B.L., appointed Assistant Commissioner, 3rd Class, sub. *pro tem.*

No. 361 *G. G.*—Mir Ihsan ul Hakk is appointed to officiate as an Attaché to the Resident at Hyderabad, *vice* C. Bhima Rao.

No. 364 *G. G.*—Syed Shams-ud-din Ali, Khan Bahadur, Assistant Superintendent of Police at Secunderabad, is appointed to be an Assistant Commissioner of the 3rd class in the Hyderabad Assigned Districts and Assistant Cantonment Magistrate and Judge in Secunderabad, *vice* Sheikh Hissam-ud-din, retired.

POLITICAL.

The 10th March 1882.

No. 73 *G. P.*—With reference to Notification No. 898 P. of the 30th April 1877, Mr. H. Furrer, Consul for Sweden and Norway at Aden, resumed charge of his office on the 8th February 1882.

C. GRANT,

Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

For Financial Statement published in "Gazette of India Extraordinary" of Wednesday, 8th March 1882, see Gazette Supplement of this day's date:—Report of Proceedings of Legislative Department.

NOTIFICATIONS.

Fort William, the 3rd March 1882.

No. 1288.—In exercise of the powers conferred by Sections nine, fifteen, seventeen, thirty-two, fifty-one, and fifty-six of the Indian Stamp Act, 1879, the Governor General in Council is pleased to make the following Rules:—

CHAPTER I.—*Preliminary.*

1. These Rules shall come into force throughout British India on the 1st April 1882 in supersession of the Rules promulgated by Notifications No. 875, dated 26th February, and No. 966, dated 4th June 1881.

2. All words and expressions used in these Rules and defined in the Indian Stamp Act, 1879, shall be deemed to have the meaning attached to them respectively by the said Act.

3. There shall be two kinds of stamps for indicating the payment of duty on instruments under the Indian Stamp Act, 1879, namely—

(*a*) Impressed Stamps—including—

Impressed Sheets,—that is to say, sheets of paper bearing the impression of Stamps of different values engraved thereon, and sold to the public for use by them in accordance with these Rules.

Impressed Labels,—to be affixed and impressed by Government Officers as directed in Chapter III of these Rules.

(*b*) Adhesive Stamps sold to the public for use by them in accordance with these Rules.

CHAPTER II.—*Of Impressed Sheets.*

4. All instruments chargeable with duty, except Hundís, may be written on Impressed Sheets, and, except as provided by Section ten of the said Act and by these Rules, shall be so written.

5 (*a*). When any instrument is to be written on an Impressed Sheet, if the amount of duty with which such instrument is chargeable does not exceed one hundred rupees, a single sheet shall be used, unless—

where the application for the required stamp is made at a treasury, the officer in charge of such treasury, or, where such application is made to a stamp-vendor, the vendor certifies that he is unable to furnish a single stamp of the required value.

(*b*). When the amount of duty chargeable in respect of any instrument exceeds one hundred rupees, or a treasury officer or stamp-vendor has certified under clause (*a*) that he is unable to furnish a single stamp of the required value, the number of sheets used for indicating the payment of duty shall not exceed the number which the treasury officer or the stamp-vendor certifies in either case to be the smallest number which he can furnish so as to make up the required amount.

(*c*). No certificate shall be made under clause (*a*) or clause (*b*) by a stamp-vendor in any case in which the stamp duty required exceeds the highest value of the stamps which such vendor is authorised to sell.

(*d*). When, under this Rule, two or more Impressed Sheets are used to make up the amount of duty chargeable in respect of any instrument, a portion of such instrument shall be written on each sheet so used.

(*e*). When a single sheet used under this Rule is found insufficient to admit of the entire instrument being written on the side of the paper which bears the stamp, so much plain paper may be subjoined thereto as may be necessary for the complete writing of such instrument: provided that in every such case the side of the sheet which bears the stamp must be covered by a substantial part of the instrument before any part of the latter can be written on the plain paper joined to such sheet. Provided further, that the part of the instrument written on the plain paper must be attested by the signatures or marks of all the persons executing the document and the witnesses to the same.

6 (*a*). Hundís other than hundís which can be stamped with an adhesive stamp under Section ten of the said Act shall be written as follows :—

(1) Hundís payable otherwise than on demand, but not more than one year after date or sight, and for amounts not exceeding Rs. 30,000 in individual value, on impressed sheets bearing the word Hundí;

(2) Hundís exceeding Rs. 30,000 in individual value, and Hundís payable at more than one year after date or sight, on paper supplied for sale by the Government, and to which labels have been affixed by one of the officers mentioned in Rule nine, clause (*b*), or by the Superintendent of Stamps, Calcutta, and impressed by him in manner provided by Rule ten.

(*b*). Every sheet of such stamped paper shall be of a size not less than $8\frac{5}{8} \times 5\frac{1}{8}$ inches, and no plain paper shall be joined to it.

(*c*). The provisions in Rule five as to use of two or more sheets of stamped paper when a single stamp of the required value is not procurable apply also to Hundí stamps used under this Rule.

7. The duty payable on any instrument chargeable with a duty of one anna may be denoted by a coloured impression marked on a skeleton form of such instrument by the Superintendent of Stamps at Calcutta, Bombay, Madras, or Rangoon.

CHAPTER III.—*Of Impressed Labels.*

8. Impressed labels may be used for the following instruments and counterparts thereof, namely,—

(1) Administration-bonds:
(2) Affidavits:
(3) Appointments made in execution of a power:
(4) Articles of Association of a Company:
(5) Articles of clerkship;
(6) Bills of lading:
(7) Charter-parties:

(8) Declarations of trust:
(9) Instruments evidencing an agreement to secure the repayment of a loan made upon the deposit of title-deeds or other valuable security, or upon the hypothecation of moveable property:
(10) Leases printed or lithographed in an Oriental language, when the written matter filled in does not exceed one-fourth of the printed matter:
(11) Memoranda of Association of Companies:
(12) Notes of Protest:
(13) Petitions for leave to file a specification of an invention, &c.:
(14) Policies of insurance:
(15) Revocations of trust:
(16) Warrants for Goods:

and for the following—when written in any European language, provided that any instrument written in any European language other than English shall have attached to it a translation in the English language—

(17) Agreements or memoranda of Agreements, which in the opinion of the officer empowered to affix the label cannot conveniently be written on Impressed Sheets:
(18) Instruments engrossed on parchment and written in the English style, which in the opinion of such officer cannot conveniently be written on Impressed Sheets:
(19) Awards:
(20) Bills of Exchange payable otherwise than on demand and drawn in British India
(21) Bonds:
(22) Certificates of sale:
(23) Composition-deeds:
(24) Conveyances:
(25) Instruments imposing a further charge on mortgaged property:
(26) Instruments of apprenticeship:
(27) Instruments of co-partnership:
(28) Instruments of dissolution of partnership:
(29) Instruments of exchange:
(30) Instruments of gift:
(31) Instruments of partition:
(32) Leases:
(33) Letters of license:
(34) Mortgage-deeds:
(35) Powers of Attorney:
(36) Reconveyances of mortgaged property:
(37) Releases:
(38) Settlements:
(39) Transfers of the description mentioned in Article No. 60, clauses (*b*), (*c*), and (*d*) of the First Schedule of the said Act.

9. The following officers are empowered to affix these labels to the instruments mentioned in Rule eight, namely,—

(*a*) the Collectors of Calcutta and Karáchí;
(*b*) the Superintendents of Stamps at Madras, Bombay, Lahore, Rangoon, Maulmain, and Akyab;
(*c*) the Commissioner of Stamps, North-Western Provinces and Oudh;
(*d*) the Superintendent of Stamps (Political Resident), Aden.

10 (*a*). Every such officer shall, upon any instrument mentioned in Rule eight being brought to him before it is executed, and application being made to him for that purpose, affix thereto a label or labels of such value as the applicant may desire and pay for, and impress such label or labels by means of a stamping-machine, and also stamp or write on the face of the label or labels the date of impressing the label or labels before returning the instrument to the applicant. In the case of instruments written on parchment, the labels must be further secured by metallic eyelets.

(*b*). When the stamp duty amounts to five rupees or upwards, such officer shall further write on the face of the label or labels his initials, and, when the stamp duty amounts to rupees twenty or upwards, shall also attach his usual signature to the instrument immediately under the labels.

11 (*a*). The payment of duty on instruments (other than Bills of Exchange, Cheques, and Promissory Notes) executed out of British India and requiring to be stamped after their receipt in British India, shall be indicated only by impressed labels.

(*b*). When any such instrument is taken to the Collector under Section seventeen of the said Act, the Collector, unless he be Collector of Calcutta or Karáchí, shall send the instrument to one of the officers mentioned in Rule nine, remitting the amount of duty paid in respect of such instrument; and such officer shall stamp the instrument in the manner prescribed by Rules 10 (*a*) and 10 (*b*) and return the same to the Collector for delivery to the person by whom it was produced.

CHAPTER IV.—*Adhesive Stamps.*

12. Bills of Exchange, payable otherwise than on demand and drawn in sets, when the amount of stamp duty does not exceed one anna for each part of the set, may be stamped with adhesive stamps.

13. Except as otherwise provided in these Rules, the adhesive stamp used to denote the duty of one anna shall bear the words "one anna."

14. The following instruments when stamped with adhesive stamps shall be stamped as follows:—

(*a*) Bills of Exchange, Cheques, and Promissory Notes drawn or made out of British India, with adhesive stamps bearing the words "Foreign Bill."

(*b*) Transfers of shares of Public Companies and Associations, with adhesive stamps bearing the words "Share Transfer."

(*c*) An entry as an Advocate, Vakil, or Attorney on the roll of any High Court, with an adhesive stamp bearing the word "Advocate," "Vakil," or "Attorney."

(Such stamp shall be affixed under the superintendence and responsibility of a gazetted officer of the High Court, who shall obtain the stamp from the Superintendent of Stamps and account to him for it. The gazetted officer who affixes the stamp shall write on the face of it his usual signature and the date of signature before parting with the instrument.)

(*d*) Notarial Acts, with adhesive Foreign Bill stamps bearing the word "Notarial" printed over them.

CHAPTER V. —*Miscellaneous.*

15. When it is necessary under Section fifteen of the said Act to denote upon one instrument the payment of duty in respect of another, such payment shall be denoted by an endorsement under the hand of the Collector on the former instrument.

16. Every payment made under Section thirty of the said Act shall be made in cash.

17. The Collector may require every person claiming a refund or renewal under Chapter VI of the said Act, or his duly authorised agent, to make an oral deposition on oath or affirmation, or to put in an affidavit, setting forth the circumstances under which the claim has arisen. The Collector may also, if he thinks fit, call for the evidence of witnesses in support of the statement set forth in the deposition or affidavit of the claimant or his Agent.

18. Any Magistrate convicting or trying an offender under Chapter VIII of the Stamp Act may grant to any person, who may have contributed to the conviction, a reward within a limit to be fixed by the local Government.

The 10th March 1882.

No. 1449.—In exercise of the powers conferred by Section 7 of the Indian Salt Act, 1882, the Governor General in Council directs that on and after the date of this Notification the duty to be paid on salt manufactured in or imported by land into any part of British India, except Burma and that portion of the territories administered by the Lieutenant-Governor of the Punjab which lies west of the river Indus, shall be rupees two for each maund of 82$\frac{2}{7}$ lbs. avoirdupois weight.

2. The Governor General in Council further directs that not less than two copies of a notice, in the vernacular language of the district, stating that the salt duty has been reduced from Rs. 2-14 (or Rs. 2-8 as the case may be) to Rs. 2 per maund, shall be issued by each Local Government to every town and village within its jurisdiction to which the reduction applies, and shall also be made public in such other manner as the Local Government may deem fit.

No. 1403.—Babu Ishan Chandra Basu, M.A., appointed to officiate as Assistant Accountant General, Bombay, received charge of that office, before noon, on the 1st March 1882.

No. 1469.—In exercise of the powers conferred by the Opium Act I of 1878, the Governor General in Council is pleased to direct that the said Act shall come into force in the Province of Coorg on the 1st day of April 1882.

No. 1487.—Mr. W. H. Egerton, appointed to be Assistant Accountant General, Punjab, received charge of that office, before noon, on the 3rd March 1882.

No. 1488.—*Abstract of the Accounts of the Department of Issue of Paper Currency on the 28th February 1882, published as required by Section 23 of the Indian Paper Currency Act, 1871.*

Circles of Issue.	Whole amount of Notes in circulation.	Reserve in Silver Coin and Bullion.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta	6,86,79,995	1,32,78,214	45,28,070	1,78,06,284
Madras	1,35,61,435	69,67,680	11,30,000	80,97,680
Bombay	3,2 ,30,695	1,02,80,518	35,26,642	1,38,07,160
Allahabad	1,06,76,130	1,42,86,340	...	1,42,86,340
Lahore	73,41,255	1,74,15,425	...	1,74,15,425
Calicut	16,01,985	12,40, 90	...	12,40,190
Coconada	2,35,745	2,45,560	...	2,45,560
Nagpore	2,70,910	5,51,875	...	5,51,875
Kurrachee	28,40,845	36,08,035	40,700	36,48,735
Akola	1,77,300	3,17,080	..	3,17,080
Total	13,74,16,295	6,81,90,917	92,25,412	7,74,16,329
Invested in Government Securities under Section 17 of the Act				5,99,99,966
Grand Total				13,74,16,295

T. C. HOPE,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 10th March, 1882.

APPOINTMENTS.

No. 110.—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Right Hon'ble the Secretary for State of India:—

Lieutenant Philip Barber Lindsell, Royal Irish Regiment, Officiating Squadron Officer, 2nd Bengal Cavalry,—11th June, 1880.

Lieutenant Henry Templer, Somersetshire Regiment, Officiating Squadron Officer, 2nd Punjab Cavalry,—20th November, 1880.

Lieutenant Ralph Champneys Broome, Leinster Regiment, Officiating Squadron Officer, 4th Bengal Cavalry,—4th January, 1881.

No. 111.—ARMY STAFF—

Major S. W. Tyndall, Durham Light Infantry, to be Inspector of Gymnasia in India, in succession to Major H. J. Hallowes, who vacates on promotion. Dated 22nd February, 1882.

No. 112.—COMMISSARIAT DEPARTMENT—

Captain E. F. J. deC. Rennick and Lieutenant W. R. Yeilding, Sub-Assistant Commissaries General, 3rd class, on probation, are confirmed in their appointments, with effect from the 13th November, 1880, and 29th January, 1881, respectively.

No. 113.—MEDICAL DEPARTMENT—

Surgeon-General Sir A. D. Home, K.C.B., V.C., Army Medical Department, appointed to the Bengal Presidency, having reported his arrival at Fort William, is to be Surgeon-General, Her Majesty's Forces, Bengal, with effect from the 13th March, 1882, *vice* Surgeon-General T. Crawford, M.D., transferred to the Home establishment.

No. 114.—MILITARY WORKS DEPARTMENT—

Colonel J. J. McL. Innes, V. C., R.E., Deputy Inspector General, to be Inspector General of Military Works, *vice* Major-General A. Cadell, who retires. Dated 13th March, 1882.

No. 115.—PUNJAB FRONTIER FORCE—

No. 4 Mountain Battery.

Captain W. M. Campbell, R.A., Officiating Commandant, No. 2 Mountain Battery, to be Commandant, *vice* Captain G. T. Carré, who vacates on promotion.

1st Punjab Cavalry.

Lieutenant J. S. E. Western, Madras S.C., Officiating Wing Officer, 6th Punjab Infantry, to be Squadron Officer, *vice* Captain A. M. Muir, seconded.

6th Punjab Infantry.

Lieutenant R. P. Grove, Cheshire Regiment, a candidate for the Bengal Staff Corps, to be Officiating Wing Officer, on probation, with effect from date of joining.

FURLOUGH AND LEAVE.

No. 116.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Major C. E. Macaulay, Bengal S.C., Assistant Commissioner, 2nd class, Officiating Deputy Commissioner, Dera Ismael Khan, Punjab, (p. a.) for two years, under rule IX of the regulations of 1868.

Major (Brevet Lieutenant-Colonel) D. M. Strong, General List, Infantry, Squadron Commander and 2nd-in-Command, 10th Bengal (The Duke of Cambridge's Own) Lancers, (m. c.) for one year—156 days under rules IX and XV and the remaining period under rule XIV, clause (2) of the regulations of 1868.

Captain A. J. Brander, Bengal S.C., Wing Officer, 19th Native Infantry, (p. a.) for two years, under rule IX of the regulations of 1868.

Lieutenant A. F. Cotton, Bengal S.C., Wing Officer and Adjutant, 35th Native Infantry, (m. c.) for one year—353 days under rules IX and XV and the remaining period under rule XIV, clause (2), of the regulations of 1868.

Deputy Surgeon-General W. H. Adley, (p. a.) for 46 days—the period up to 31st March 1882 under the provisions of G. G. O. No. 872 of 1876 and the remaining period under rule IX of the regulations of 1868.

Brigade Surgeon A. Garden, M.D., (m. c.) for one year, under the regulations of 1854.

Surgeon-Major R. Jameson, M.D., Superintendent of the Central Prison, Fatehgarh, (p. a.) for 236 days, under rule IX of the regulations of 1868.

Conductor A. Anderson, Ordnance Department, (m. c.) for one year, under rule VI of the regulations of 1875.

Sub-Conductor W. Jeffreys, Commissariat Department, (m. c.) for one year, under the regulations of 1868.

No. 117.—The undermentioned officer has been granted an extension of furlough by the Right Hon'ble the Secretary of State for India:—

Lieutenant-Colonel (Brevet Colonel) J. J. H. Gordon, C.B., Bengal S.C., (p.a.) for 89 days.

No. 118.—Mr. A. J. Whitten, Assistant to the Controller of Military Accounts, Bengal, is granted furlough to Europe for twelve months, under Section 49, Civil Leave Code.

LONDON GAZETTE.

No. 119.—The following extracts are published for general information:—

"London Gazette," dated the 7th February, 1882, pages 488 and 489.

War Office, Pall Mall, 7th February, 1882.

BREVET.

MEMORANDA.

His Highness Maharajah Rana Piara, Bahadur of Dholpur, to have the honorary rank of Major. Dated 8th February, 1882.

Deputy Commissary and Honorary Lieutenant James Greatorex, Madras Establishment, to have the honorary rank of Captain. Dated 22nd September, 1881.

India Office, 7th February, 1882.

HER Majesty has approved of the following Admissions to the Staff Corps made by the Governments in India:—

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant Robert Alfred Baker, from the East Kent Regiment. Dated 12th September, 1879, but to rank from 24th March, 1876.

Lieutenant George Edward Hyde Cates, from the East Kent Regiment. Dated 6th January, 1880, but to rank from 11th September, 1876.

Lieutenant Godfrey Beckett Hodgson, from the Cheshire Regiment. Dated 15th September, 1880, but to rank from 13th November, 1878.

Lieutenant Walter Harding Allen, from the Cheshire Regiment. Dated 5th March, 1880, but to rank from 3rd January, 1879.

Lieutenant Rullion Hare Rattray, from the Cheshire Regiment. Dated 23rd April, 1880, but to rank from 1st January, 1880.

Lieutenant William James Knowles Dobbin, from the Devonshire Regiment. Dated 20th August, 1880, but to rank from 25th February, 1880.

Second Lieutenant Arthur Fountaine Hogge, from the West Yorkshire Regiment. Dated 14th April, 1880.

Second Lieutenant Francis George Rodney Ostrehan, from the Royal Warwickshire Regiment. Dated 1st May, 1880.

Second Lieutenant Walter Ernest Phillips, from the North Lancashire Regiment. Dated 14th July, 1880.

Second Lieutenant William Edwin Bunbury, from the Royal West Surrey Regiment. Dated 14th September, 1880.

PENSIONS.

No. 120.—Conductor James Townsend, Commissariat Department, is transferred to the Pension establishment.

PROMOTIONS.

No. 121.—The following promotion is made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major Alfred Bloomfield,—7th March, 1882.

No. 122.—Under the provisions of the Royal Warrant of the 10th November, 1881, the undermentioned officers of the Staff Corps are placed on the Indian Gradation List, as specified:—

Colonel A. Ritherdon, Madras S.C., is placed on the list of Major-Generals,

Major (now Lieutenant-Colonel) A. R. Chapman, Bengal S.C., is placed on the list of Lieutenant Colonels,

in consequence of the transfer to the Unemployed Supernumerary List, of Colonel (Major-General) W. A. Riach, Madras S. C. Dated 1st January, 1882.

Colonel J. I. Murray, C.B., Bengal S.C., is placed on the list of Major-Generals,

Major (now Lieutenant-Colonel) F. C. St. John, Madras S.C., is placed on the list of Lieutenant-Colonels,

in consequence of the transfer to the Unemployed Supernumerary List, of Major-General C. C. McCallum, Madras S.C. Dated 10th January, 1882.

No. 123.—COMMISSARIAT DEPARTMENT—

The promotion to the grade of Deputy-Assistant Commissary of Conductor and Honorary Lieutenant John Henry Sharpe, as notified in G. G. O. No. 504 of 1881, is antedated to the 21st January, 1881: such antedate not to carry back allowances.

No. 124.—MILITARY WORKS DEPARTMENT—

Lieutenant S. A. E. Hickson, R.E., Assistant Engineer, 1st grade, Military Works Department, is promoted to Executive Engineer, 4th grade, temporary rank, with effect from 7th October 1881.

No. 125.—The following promotions are made in the Barrack Department Establishment of the Military Works Department, with effect from the 23rd January, 1882:—

Sub-Conductor J. McClure, Assistant Barrack Master, to Barrack Master, 2nd class, permanent.

Sub-Conductor J. Inglis, Assistant Barrack Master, to Barrack Master, 2nd class, temporary.

RETIREMENTS.

No. 126.—Major George Constable Gregory, Bengal S. C., is permitted to retire from the service, with effect from the 9th March, 1882, subject to Her Majesty's approval.

No. 127.—Surgeon Alfred John Wall, M.D., has been transferred to the Half Pay List, with effect from the 26th February, 1882, subject to Her Majesty's approval.

REWARDS.

No. 128.—ORDER OF BRITISH INDIA—

His Excellency the Governor General in Council is pleased to admit the undermentioned Native officer to the 1st class of the Order of British India from the date specified:—

BOMBAY.

To the 1st class, with title "Sirdar Bahadur."

Subadar Major Shaik Ebrahim, 20th Native Infantry, *vice* pensioned Ressaldar Major Bennee Sing, "Sirdar Bahadur," deceased,—9th July, 1881.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 10th March, 1882.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned Commissioned Officer, on the date specified, was received in the Military Department from the 3rd February to the 9th March, 1882:—

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate	REMARKS.
Army Medical Department.	Surgeon F. E. C. Hood ...	15th February, 1882.	Agra ...	Intestate.	

Statement of Deposits on account of Estates from the 10th February to the 9th March, 1882.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
British Military Service.							
Arthur Major Brabazon (a) ...	Lieutenant	1st Battalion, The Suffolk Regiment.	13th November, 1881.	Intestate ...	726 1 0	...	10th May, 1882.
Army Medical Department.							
Robert Powell Murphy (b) ...	Surgeon-Major.	Army Medical Department.	1st September, 1881.	Testate ...	1,175 2 2	...	10th May, 1882.

(a) *Next-of-kin.—Mother*—Mrs. Brabazon.
Brother.—Henry Moore Brabazon.
Address.—Parcelstown lodge, Mullingar, County Westmeath, Ireland.

(b) *Next-of-kin.—Widow*—Edith.
Father.—M. E. Murphy.
Address.—Bank of Ireland, Limerick.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

MILITARY (MARINE) DEPARTMENT.

Fort William, the 10th March, 1882.

APPOINTMENTS.

No. 9.—Under the authority of the Right Hon'ble the Secretary of State for India, the Governor General in Council is pleased to notify the following apnointments:—

Captain H. W. Brent, R. N., to be Director of the Indian Marine, with effect from the 7th March, 1882.

Captain G. O'B. Carew, late I. N., Superintendent of Marine, Bombay, to be Deputy Director of the Indian Marine, with effect from the 1st April, 1882.

No. 10.—The Governor General in Council is pleased to appoint Lieutenant F. Warden, late I. N., Assistant Port Officer, Calcutta, to be Port Officer, Rangoon, with effect from the 1st April, 1882, *vice* Lieutenant Arnot, retired.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 3rd March 1882.

No. 75.—Mr. C. E. Ross is appointed an Apprentice in the Superior Account Establishment, and posted to the Office of the Examiner, Public Works Accounts, Punjab.

The 6th March 1882.

No. 76.—Babu Kali Krishna Mukhopadhyay, Apprentice Engineer, Punjab Public Works Department, is promoted to Assistant Engineer, 3rd Grade, with effect from 1st February 1882.

The 8th March 1882.

No. 77.—Lieutenant-Colonel C. H. Luard, R.E., Superintending Engineer, Class I, is appointed to officiate as Consulting Engineer to the Government of India for Guaranteed Railways, Lucknow, during the absence on furlough of Lieutenant-Colonel R. C. B. Pemberton, R.E., or until further orders.

No. 78.—Captain R. Gardiner, R.E., Executive Engineer, 3rd Grade, is, on return from furlough, posted to the Establishment under the Director General of Railways.

No. 79.—Mr. N. M. Carnell, Traffic Probationer on the Punjab Northern State Railway, is appointed Assistant Traffic Superintendent in Class IV of the Revenue Scale.

The 9th March 1882.

No. 80.—Captain W. W. B. Whiteford, R. E., Executive Engineer, 3rd Grade, is transferred from the Establishment under the Director General of Railways, to that under the Government of Bombay, Railway Branch.

The 10th March 1882.

No. 81.—With reference to Foreign Department Notification No. 310 G. G., dated the 3rd March 1882, the services of Mr. H. W. Clift, Executive Engineer, 2nd Grade, are placed at the disposal of the Government of Bombay for employment in the Railway Branch.

No. 82.—The Government of India has no further need of the services of Babu Sarat Chunder Rai, Apprentice Engineer, Bengal.

TELEGRAPH.

The 10th March 1882.

No. 83.—The Governor General in Council is pleased to sanction, with effect from the 1st of April 1882, the following revision of Rule 37 of the "Rules and Rates for Inland Telegrams," and to cancel the foot-notes to that Rule:—

Prepayment of Reply.

Rule 37.—The sender of a message can prepay a reply, depositing for this purpose a sum not exceeding *ten times* the cost of his original telegram, but the message to which a reply is prepaid must not be addressed to more than one person. He must add to his message the words "*Reply prepaid*" or "*Answer paid.*" These must form the concluding words of the message, but will not be charged for. On depositing the corresponding sum, the sender can add (free) to the words "*Reply paid*" or "*Answer paid,*" the amount to which he wishes the reply to be limited. When the words "*Reply paid*" alone are given, without any specified amount, it will be understood that the minimum charge only for an "Ordinary" message has been prepaid. The Terminal Station pays to the Receiver in Telegraph stamps, or in money, the amount prepaid, leaving it to him to send his answer how and when and to what address he pleases, or not to send one at all. The reply, if sent, is considered in every respect as a fresh message.

In the case of a message to which a reply is prepaid addressed to a station where there is no Telegraph Office, the amount is forwarded to destination from the nearest Government Telegraph Office, not in Telegraph stamps, but by currency notes and postage stamps in an insured cover, the sender must accordingly prepay the postal insurance fees.

Reply deposits exceeding Rs. 2 in value cannot be received at or delivered from any Railway Telegraph Office. Messages addressed to stations on Railways to which replies exceeding Rs. 2 in value are prepaid are not transferred to the Railway Telegraph, *but posted* with currency notes and postage stamps enclosed from the nearest Government Telegraph Office, direct to the addressee. In the case of such messages also, the postal insurance fees are payable by the sender.

Should it be impossible to effect delivery of a "*Reply paid*" message, the Terminal Station sends a service telegram to that effect to the sender, and the amount deposited will be refunded, on application being made to the Telegraph Check Office, Calcutta. The words "*Reply paid*" or "*Answer paid*" *entitle the Addressee to receive the equivalent of the minimum charge only.*

It should be distinctly understood that it is not compulsory on the Addressee to send a reply. The duty of the Terminal Station consists simply in paying to him in Telegraph stamps or in money, the amount prepaid, leaving him at liberty to do what he pleases with it.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 11, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 11th March 1882.

From the 8th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 1st April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

Parts II and III and the Supplement will continue to be published in Calcutta.

From the 1st January 1882, Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts will be Rs. 5 per annum, payable in advance. When sent by post, Rs. 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

	Rs.	A.	P.
Subscription for *Gazette* and Supplement per annum	15	0	0
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Postage on single copies varies according to weight.

E. J. DEAN,

Publisher, Gazette of India.

NOTICE.

The Office of Superintendent of Government Printing having been removed to No. 166, Dhurrumtollah Street, all communications intended for that Office should be sent to that address.

E. J. DEAN,

Supdt. of Govt. Printing, India.

NOTICE TO MARINERS.

No. 6 of 1882.

HINDOSTAN—WEST COAST.

NORTH CANARA.

Sunken danger off Modeshwur Cape.

Notice is hereby given that a dangerous rock has been discovered lying three miles westward of Modeshwur Cape, North Canara Coast.

This danger (*Dart rock*) is reported to consist of rock about a quarter of a cable in extent in a N. N. W. and S. S. E. direction. It has a depth of about 10 feet on it at low water, and lies with the following bearings and distances:—

Jali Kund, or Hog island, S. S. E., distant 5·4 miles;

Modeshwur Cape, E. by N., distant 3·0 miles;

Netrun or Pigeon island, S. W. by W., distant 7·0 miles;

which place the rock in Latitude 14° 4′ 55″ N., Longitude 74° 25′ 10″ E.

A depth of 7 to 8 fathoms, mud, was obtained round the rock, with the exception of a shoal east

of 3½ fathoms rock, about a cable's length to the eastward of it.

NOTE. This danger, unless the sea is actually breaking upon it, is not discernible: great caution is therefore necessary when navigating in its vicinity.

(*Bearings are Magnetic. Variation 1° 0′ Easterly in 1882.*)

By direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Marine Survey Department,
Calcutta,
The 24th February 1882.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 774, 2737, 826 and 827; West Coast of Hindostan Pilot (1880), page 106.

INDIAN MARINE SURVEY Charts, Nos. 15, 15*a* and 125*ia*. *See* also Taylor's Sailing Directory, Vol. I, page 399.

If this Notice is received on board-ship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

NOTICE TO MARINERS.

No. 7 of 1882.

HINDOSTAN—WEST COAST.

BOMBAY HARBOUR APPROACHES.

Fishing Stakes.

The Port Officer, Bombay, has notified that the whole area of the sea off the entrance to the Port of Bombay, comprehended between the Kenery and Prongs Island Light-houses, bearing East respectively, is now preserved clear of fishing-stakes, and will be so maintained; but that to the north and south of this area there is no restriction as to the position in which fishing-stakes may be placed: consequently, the passage, with the Prongs Light-house bearing N. N. E. ½ E., which formerly existed, should not now be used.

When coming from the southward, vessels must bring Kenery Light to southward of East before steering for the Outer Light-ship.

When approaching from the northward, vessels must bring the Prongs Light to northward of East before steering in.

(*Bearings are Magnetic. Variation 1° 7′ Easterly in 1882.*)

By direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Marine Survey Department,
Calcutta,
The 25th February 1882.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 2621, 737, 2735 and 826. Also Sailing Directions, West Coast of Hindostan Pilot (1880), pages 150 and 174.

INDIAN MARINE SURVEY Charts, Nos. 15 and 125*a* and cancels Chart No. 67. *See* also Taylor's Sailing Directory, Vol. I, page 374.

If this Notice is received on board-ship, the substance of it should be inserted on the Charts affected by it and introduced into the Sailing Directions to which it relates.

NOTICE TO MARINERS.

No. 8 of 1882.

HINDOSTAN—WEST COAST.

BEYPORE.

Erection of Pillar marking Southern boundary of Port.

The southern boundary pillar of the port of Beypore, situated about 1¼ miles S. S. E. ½ E. from Beypore flagstaff, having been destroyed by the encroachment of the sea,

Notice is hereby given that a new pillar is to be erected 55 feet east, or inshore, of the old site, and 216 feet west of the local fund road.

By direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Marine Survey Department,
Calcutta,
The 3rd March 1882.

This Notice affects the following:—

BRITISH ADMIRALTY Chart, No. 64.

If this Notice is received on board-ship, the substance of it should be inserted on the Chart affected by it, and introduced into the Sailing Directions to which it relates.

SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 8th March 1882.

No. 263.—The following promotion is made, with effect from the forenoon of the 7th instant, consequent on the appointment of Mr. W. H. Patterson, Surveyor, 1st Grade, as Chief Draftsman in the Surveyor General's Office, Calcutta, *vice* Mr. J. F. Baness, seconded on transfer to the Office of the Director General of Statistics to the Government of India:—

Mr. G. A. McGill, Surveyor, 2nd Grade, to be Surveyor, 1st Grade.

J. T. WALKER, *Lieut.-Genl., R.E.,*
Surveyor General of India.

REVENUE BRANCH. SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 7th March 1882.

No. 3.—Mr. S. M. Smylie, Surveyor, 3rd, Grade, is granted privilege leave for one month with effect from the forenoon of the 23rd February 1882, under the provisions of Chapter X, Section 136, of the Civil Leave Code.

J. SCONCE, *Lieut.-Col.,*
Deputy Surveyor General.

BANK OF BENGAL.

Calcutta, the 2nd March 1882.

The Directors have made the following changes in the Bank's Establishment :—

Mr. W. Craw has been appointed to act as Agent at Agra, *vice* Mr. E. Fishbourne, who has been appointed Agent at Lahore.

R. HARDIE,
Secretary & Treasurer.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 3rd March 1882.

Offices opened and closed during the month of February 1882 :—

Name of Station.	Where situated.	Date.	REMARKS.
Allahabad Cantonment.	Suburbs of Allahabad.	14th	Opened.
Allahabad Fort	Suburbs of Allahabad.	24th	Ditto.
Dhar	Central India	1st	Ditto.
Dum-Duma	Upper Assam	17th	Ditto.
Ganeshkhind	Bombay Presdy.	4th	Closed.
Hubli	Dharwar District, Bombay Presdy.	20th	Opened.
Parell	Governor's Office, Bombay.	4th	Ditto.
Ruksoul	Chumparun District, Frontier of Nepaul, Bengal.	11th	Ditto.
Sogowlie	Chumparun District Bengal.	2nd	Ditto.
Tanjore	Madras Presdy.	20th	Ditto.

No. 17.—Sir W. M. N. Young, Bart., an Assistant Superintendent of the 1st Grade, is allowed furlough for six months under Section 49 of the Civil Leave Code, with effect from the forenoon of the 1st March 1882.

R. MURRAY, *Col.*,
Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 28th February 1882.

No. 506 *G.*—Colonel C. R. Blair and Lieutenant-Colonel Conolly, respectively, made over and assumed command of the Meywar Bhil Corps, and charge of the Office of Political Superintendent, Hilly Tracts, Meywar, on the afternoon of the 14th February 1882.

No. 515 *G.*—Lieutenant-Colonel T. E. Law, and Major H. P. Peacock, respectively, delivered over and received charge of the Ulwar Political Agency, on the forenoon of the 18th February 1882.

The 3rd March 1882.

No. 529 *G.*—Surgeons G. W. P. Dennys and D. ffrench Mullen, respectively, delivered over and received medical charge of the Meywar Bhil Corps, on the forenoon of the 11th February 1882.

No. 531 *G.*—Surgeon D. ffrench Mullen, M.D., in medical charge of the Meywar Bhil Corps, is granted thirty days' privilege leave, with effect from 14th February 1882.

By Order,
F. T. HEWSON,
for 1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF AJMIR-MERWARA.

NOTIFICATIONS.

Mount Abu, the 28th February 1882.

No. 149.—The following rules and orders passed by the Chief Commissioner of Ajmir-Merwara under the Arms Act (XI of 1878), are hereby notified for general information :—

I.—The authority to detain arms and ammunition contemplated in clause 2 of Section 6 of the Arms Act may be exercised by any Magistrate, Justice of the Peace, or District Superintendent of Police and any Police Officer being not lower in rank than an Officer in charge of a reporting Police Station.

II.—Magistrates in granting licenses under Rule 21 of the rules framed by the Government of India to manufacture, convert or sell, ammunition and military stores, or to keep and sell the same shall deliver to each licensee two books in the Forms A and C or B and D (as the case may be) hereto appended, the one to be kept up as showing his stock-in-trade, and the other for the purpose of showing the sales of each day. The pages of these books shall be numbered in print from beginning to end, and the first and last page shall be signed by the Magistrate, or some European subordinate. The licensee will be required to pay the cost of these books. The Magistrate in delivering these books to the licensee will explain to him the necessity for keeping them up regularly, and the penalties attaching to failure to do so. The shop, premises and stock, of every licensed vendor shall be inspected once in every half-year by a Police Officer not below the rank of Inspector, and once in every year by the Magistrate of the District or one of his subordinates or by the District Superintendent of Police. Every officer making such inspection shall initial the stock and sale book of the licensee, and at once report to the Magistrate of the District any irregularity or breach of rules which may have come to his notice.

III.—License holders under Rule 11 of the rules framed by the Government of India shall store all consignments of arms, ammunition, or sulphur, in a place to be settled by the local Authorities.

IV.—Storage fees and the proportionate cost of such guard as may be necessary shall be borne by the license holders.

V.—Arms, ammunition, or sulphur will be taken out only according to the requirements of sale at the discretion of the Magistrate of the District.

VI.—No license holder under Rule XI shall be allowed to keep more than 50 1-lb. tins of gunpowder, and 50 boxes of caps on his shop premises.

VII.—Every license holder under Rule 11 will be required to have a fire-proof cellar in his shop, closed with an air-proof plug for the storing of gunpowder.

VIII.—Every Magistrate shall keep a register of the licenses granted by him under Rule 11 of the rules framed by the Government of India to manufacture, convert, or sell ammunition and military stores; such register shall be in the form E annexed. A copy of this register shall be furnished by the Magistrate to the District Superintendent of Police. The District Superintendent of Police will furnish to each officer in charge of a Police Station an extract (columns 1 to 6) giving the names of the persons living within his jurisdiction who hold licenses. And each Circle Inspector shall receive from the District Superintendent of Police an extract giving the names of all persons living in his circle who holds licenses. Every Inspector when making the inspection directed in Rule 11 shall enter in his copy of the register, in one of the subordinate columns of column 8, the date on which he made the inspection.

If the inspection disclose no irregularity or breach of the rules, no report will be made. But if at the inspection any fact is brought to light which it is advisable that the Magistrate shall know, the Inspector shall send a special report to the Magistrate through the District Superintendent of Police noting in the column of remarks in his register the date on which the report was sent. Every Subordinate Magistrate and District Superintendent of Police making an inspection as directed in Rule 11 shall send to the Magistrate of the District a report of the result of his inspection for incorporation in the register, column 8 (5). At the close of the calendar year the Circle Inspectors will send their registers to the District Superintendent of Police for transmission to the Magistrate, who will enter in his register the facts recorded by the Inspectors opposite to the name of each licensee, and he will furnish each Political Agent with a copy of the return referring to his State, so that he may know exactly what ammunition has been bought during the year by the residents of the State to which he is accredited.

IX.—A register in the Form F shall be kept by the Magistrate of all licenses to keep and sell arms, ammunition and military stores, and the same rules shall *mutatis mutandis* be observed with regard to this register as are laid down in Rule 11 for the register in Form E.

X.—Every person licensed to sell arms and ammunition shall affix a board on a conspicuous part of his shop or usual place of business and shall cause to be painted thereon, in large letters in English and the vernacular of the district, his name and the words "license to manufacture" or "license to deal in arms, ammunition or military stores," as the case may be.

XI.—He shall also have a copy of Section 28 of the Indian Arms Act posted up in the vernacular of the District and in English on some conspicuous part of his usual place of business.

XII.—License holders under Rule 11 of the rules framed by the Government of India violating any of these rules shall be subject to the penalties enjoined in Section 23 of Arms Act XI of 1878.

Form A.

Store book of _____ *son of* _____ *caste* _____
resident of Mauza _____ *Pargana* _____ *District* _____
licensed to manufacture, convert or sell or keep arms, ammunition and military stores.

1	2	Description								
		3			4				5	6
		Fire Arms.			Other Weapons.					
Date.		Guns.	Pistols.	Others.	Swords.	Bayonets.	Daggers.	Others.	Ammunition.	Military stores.
January 1st .	In store . . .									
	Added to store . .									
	Disposed of . .									
January 2nd .	In store . . .									

NOTE.—Details not provided for in columns 3, 4, 5, and 6 should be entered in manuscript.

Form B.

Store book of _____ *son of* _____ *caste* _____
resident of Mauza _____ *Pargana* _____ *District* _____
licensed to keep and sell arms, ammunition and military stores.

1	2	Description.								
		3			4				5	6
		Fire Arms.			Other Weapons.					
Date.		Guns.	Pistols.	Others.	Swords.	Bayonets.	Daggers.	Others.	Ammunition.	Military stores.
January 1st .	In Store . . .									
	Added to store . .									
	Disposed of . .									
January 2nd .	In store . .									

NOTE.—Details not provided for in columns 3, 4, 5, and 6 should be entered in manuscript.

Form C.

Day book of _____ *son of* _____ *caste* _____
resident of Mauza _____ *Pargana* _____ *District* _____
licensed to manufacture, convert or sell or keep arms, ammunition or military stores.

1	2	3	4	5	6
Date.	Name of purchaser, with father's name.	Caste.	State and residence.	Articles purchased.	Price paid.

Form D.

Day book of _____ *son of* _____ *caste* _____
resident of Mauzah _____ *Pargana* _____ *District* _____
licensed to keep and sell arms, ammunition, and military stores.

1	2	3	4	5	6
Date.	Name of purchaser, with father's name.	Caste.	State and residence.	Articles purchased.	Price paid.

Form E.

Register of licenses to manufacture, convert, or sell, or keep arms, ammunition, and military stores in District _____

1	2	3	4	5	6	7					8
						RESULT OF INSPECTIONS					
						By Inspector of Police.				By Magistrate or Superintendent of Police.	
						Quarter.					
Tahsil.	Number.	Name of licensee.	Father's name, caste, &c.	Place of business.	Date.	1st.	2nd.	3rd.	4th.		Remarks.

Form F.

Register of licenses to keep and sell arms, ammunition and military stores, District _____

1	2	3	4	5	6	7					8
						RESULT OF INSPECTIONS.					
						By Inspector of Police.				By Magistrate or Superintendent of Police.	
						Quarter.					
Tahsil.	Number.	Name of licensee.	Father's name, caste, &c.	Place of business	Date of license.	1st.	2nd.	3rd.	4th.		Remarks.

The 9th February 1882.

CITATION UNDER SECTION 250 OF ACT X OF 1865.

In the Court of the Commissioner and District Judge, Ajmir-Merwara.

In the matter of application of Mr. W. Coke, for probate of the will of the late Sergeant Robert Macaulay, Foreman, Ajmir, No. 2142, of the 1-5th Fusiliers Regiment of Foot.

Whereas Mr. William Coke, of Ajmir, has this day made application to this Court for grant of probate of the will executed by the late Sergeant Robert Macaulay, Foreman, Ajmir, No. 2142, of the 1-5th Fusiliers Regiment of Foot, this citation is issued calling upon persons interested in the estate of the deceased to take notice of the same, and come and see the proceedings before the grant of the probate on the 11th of March 1882, which is the date fixed for the hearing of the application.

L. S. SAUNDERS,

Commissioner and District Judge, Ajmir-Merwara.

AJMIR,
the 30th January 1882.

By Order,

F. T. HEWSON,

for *1st Asst. to the Chief Commr.*

MILITARY DEPARTMENT—
Military Works.

NOTIFICATIONS.

Simla, the 2nd March 1882.

No. 3.—With reference to Government of India, Military Department, Notification No. 87, dated 24th February 1882, Captain S. J. Lambert, R.E., Assistant Engineer, 1st Grade, and Lieutenant H. F. Chesney, R.E., Assistant Engineer, 2nd Grade, are posted to the Meerut Command, Military Works, and Lieutenants J. G. Lutyens, R.E., and W. Huskissen, R.E., Assistant Engineers, 2nd Grade, to the Sirhind and Lahore Command, Military Works.

No. 4.—With reference to Government of India, Military Department, Notification No. 88, dated 24th February 1882, Lieutenant T. Digby, R.E., Assistant Engineer, 1st Grade, is posted to the Presidency and Oudh Command, Military Works.

No. 5.—Mr. P. McKenzie, Assistant Engineer, officiated as Executive Engineer of the Chakrata Division, Military Works, from the forenoon of the 17th December 1881, to the forenoon of 2nd January 1882.

A. CADELL, *Major-Genl., R.E.,*

Inspr. Genl. of Military Works.

MEERUT CEMETERY.

Ruinous Tombs.

Notice is hereby given that the tombs enumerated below are in a ruinous condition, and that they will be demolished unless repaired by any relatives or friends of the persons deceased. Notice of intended repairs should reach the Chaplain not later than the 31st March 1882.

Name.	Rank or occupation.	Date of death.
1. Bayes, Thomas	Child, Horse Artillery	29th June 1813.
2. Black, George	Sergeant-Major, Kumaon Battalion	25th January 1814.
3. Berney, Henry	Sergeant, 14th Foot	22nd May 1820.
4. Bramley, Thomas	Hospital Steward, 14th Foot	6th February 1819.
5. Bowden, William	14th Foot	20th August (about 1820).
6. Brearley, John	8th Light Dragoons	10th August 1817.
7. Brown, Henry Curwen ...	Son of Captain Brown, 8th Light Dragoons ...	24th February 1820.
8. Brown, Eleanor	Wife of Sergeant Brown, 14th Foot	12th October 1818.
9. Brutten, Frances Russell ...	Wife of Major Brutten, 8th Light Dragoons ...	25th January 1817.
10. Buck, Andrew	53rd Regiment	3rd April 1813.
11. Burke, Mary	Wife of Luke Burke, 67th Regiment	10th November 1816.
12. Bygram, George	Lieutenant, 8th Light Dragoons	Illegible (about 1820).
13. Cockburn, George	24th Light Dragoons	31st August 1811.
14. Connelly, Lawrence ...	Pensioner, 53rd Regiment	9th December 1850.
15. Cox, Joshua Henry ...	Child, 14th Foot	19th August 1819.
16. Davis, Richard	Child, 8th Light Dragoons	4th March 1816.
17. Davis, Edward	Sergeant, 14th Foot	30th August 1819.
18. Devlin, Thos.	Infant son of W. Devlin, 8th Light Dragoons ...	6th October 1818.
19. Dison, Simon	8th Light Dragoons	1817 (day illegible).
20. Downey, James	8th Light Dragoons	1817 (day illegible).
21. Farrell, Bernard	53rd Regiment	31st May 1813.
22. Font, John	67th Regiment	19th July 1817.
23. Franklin, Thomas... ...	14th Regiment	24th August 1819.
24. French, John William ...	Son of John French, 14th Foot	28th August 1819.
25. Goodfellow, Christiana ...	Child, 14th Foot	20th September 1825.
26. Goose, Charlotte Hords ...	11th Dragoons	4th September 1825.
27. Grant, Charles	14th Foot	13th September 1818.
28. Guant, Mary	Wife of James Guant	13th November 1818.
29. Gwatkin, Theophila Palmer ...	Daughter of Edward Gwatkin	1st August 1813.
30. Hartman, Sarah	Wife of Fred. Hartman	20th September 1819.
31. Hendy, Cecelia	Child, Horse Artillery	3rd April 1817.
32. Heyman, Elizabeth ...	Daughter of Lieutenant Heyman, 8th Light Dragoons	21st September 1820.
33. Holiday, Eleanor	Child, 14th Foot	2nd August (about 1819).
34. Huggins, Alfred	Child, 14th Foot	13th June 1823.
35. Hunt, Anne	Child, 14th Foot	12th July 1819.
36. Jenkins, Robert	Child of Captain Jenkins	19th November 1824.
37. Johnson, John	Child, 24th Light Dragoons	9th September 1813.
38. Johnson, James	14th Foot	5th January 1820.
39. Johnson, John	14th Foot	13th September 1818.
40. King (illegible)	14th Foot	2nd December 1818.
41. Lang, Thomas	Apothecary	28th July 1819.
42. Leonard, Susannah ...	Daughter of Peter Leonard, 14th Foot	29th July 1818.
43. Leonard, Mary	Wife of Peter Leonard, 14th Foot	December 1818.
44. Little, John	8th Light Dragoons	15th August 1818.
45. Martin, Selina Elizabeth ...	Daughter of Lieutenant Martin, 52nd Native Infantry	6th September 1834.
46. Martin, Samuel	Son of Lieutenant Martin, 52nd Native Infantry ...	21st November 1834.
47. Martin, Charles Paton ...	Son of Lieutenant Martin, 52nd Native Infantry ...	15th October 1834.
48. Maycock, Eleanor... ...	Wife of Hiram Maycock, 14th Foot	25th December 1819.
49. Maycock, George	Child of Hiram Maycock, 14th Foot	22nd August 1819.
50. McAndrews, John ...	8th Light Dragoons	Illegible.
51. McKinnerley, James ...	Son of James McKinnerley, 8th Light Dragoons ...	14th April 1818.
52. Moore, Hannah	Wife of Joseph Moore, 14th Foot	August 1819.
53. Mulkern, William	Child of Lieutenant Mulkern, 11th Dragoon Guards]...	28th June 1823.
54. Over, Maria	Wife of Wm. Over, 14th Foot	9th May 1819.
55. Noulan, Mary	Wife of John Noulan, 18th Royal Irish	28th April 1850.
56. Pritchard, Alice	Wife of Corporal Pritchard, 14th Foot	24th November 1818.
57.*Payne, William	14th Regiment	17th May 1821.
58. Sandham, Marianne ...	Wife of Surgeon B. L. Sandham, 11th Light Dragoons	19th January 1830.
59. Smith, Mary	Wife of Color Sergeant A. Smith, 29th Regiment ...	27th December 1850.
60. Smith, Oswald	Child, 14th Foot	31st July 1823.
61. Smail, Richard	14th Foot	25th August 1819.
62. Stewart, Daniel	Cornet, 24th Light Dragoons	4th December 1812.
63. Sulivan, James	67th Regiment	9th August 1817.
64. Tierney, Thomas	3rd Troop, Horse Brigade	3rd June 1820.
65. Vernon, John	Sergeant, 67th Regiment	31st October 1816.
66. Ward, Elizabeth	Daughter of Jonathan Ward, 11th Light Dragoons ...	24th July 1824.
67. Webb, Sarah	Wife of William Webb, 16th Regiment	29th August 1829.
68. Waller, William	Child, 14th Foot	July 1819.
69. Widders, William Frederick ...	Child, 11th Light Dragoons	16th September 1822.
70. Williams, William... ...	Child, 14th Foot	19th July 1819.
71. Wing, Jemima	Wife of John Wing, 14th Foot	10th April 1818.
72. Wing, John	Child of John Wing, 14th Foot	28th September 1819.

* Only the pillars ruinous. Tomb requires simple repairs.

OSCAR D. WATKINS,
Chaplain of Meerut.

The 15th February 1882.

COMPTROLLER GEN

No. 2303.—*Account of Revenue and Expenditure of the Government of India for the*

N.B.—Amounts are converted into

REVENUE.	Estimates, 1881-82.	April to Nov. 1880.	April to Nov. 1881.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
I.—Land Revenue	22,495,000	10,096,752	10,457,174	360,422	...
II.—Tributes	705,000	417,206	259,414	...	157,792
III.—Forest	768,100	293,639	364,349	70,710	...
IV.—Excise on Spirits and Drugs	3,031,000	2,006,075	2,210,939	204,864	...
V.—Assessed Taxes	550,000	466,226	469,883	3,657	...
VI.—Provincial Rates	2,863,000	1,492,634	1,568,361	75,727	...
VII.—Customs	2,367,000	1,529,864	1,512,642	...	17,222
VIII.—Salt	7,153,000	4,405,480	4,854,167	448,687	...
IX.—Opium	8,763,000	6,671,287	6,744,294	73,007	...
X.—Stamps	3,290,000	2,171,825	2,202,573	30,748	...
XI.—Registration	290,000	195,658	191,266	...	4,392
XII.—Mint	89,000	82,661	6,884	...	75,777
XIII.—Post Office	967,000	704,858	637,611	...	67,247
XIV.—Telegraph	452,600	327,492	263,447	...	64,045
XV.—Minor Departments	62,500	42,899	41,691	...	1,208
XVI.—Law and Justice	664,000	423,886	398,983	...	24,903
XVII.—Police	236,000	155,793	159,648	3,855	...
XVIII.—Marine	210,000	122,904	130,855	7,951	...
XIX.—Education	143,000	102,956	120,200	17,244	...
XX.—Medical Services	37,700	23,421	21,788	...	1,633
XXI.—Stationery and Printing	61,000	34,861	31,263	...	3,598
XXII.—Interest	668,000	380,276	543,735	163,459	...
XXIII.—Pensions	215,600	99,266	99,483	217	...
XXIV.—Miscellaneous	265,000	152,154	246,021	93,867	...
XXX.—Gain by Exchange	412,000	146,980	171,032	24,052	...
TOTAL	56,758,500	32,547,053	33,707,703	1,160,650	...
XXV.—Railways — *Guaranteed Railways.* Traffic Receipts	7,489,800	4,462,016	4,895,228	433,212	...
XXV.—Railways — *State Railways.* Gross Traffic Earnings	2,420,000	1,238,993	1,451,083	212,090	...
XXV.—Railways — Net Traffic Receipts, East Indian	2,800,000	1,422,346	1,924,922	502,576	...
XXVI.—Irrigation and Navigation, including Net Traffic Receipts, &c., Madras Irrigation.	902,500	412,265	506,770	94,505	...
XXVII.—Other Public Works	472,500	272,528	316,165	43,637	...
XXVIII.—Provincial and Local Deficits	821,000	...	...	...	...
XXIX.—Army	777,000	698,408	644,341	247,014	...
Military Operations in Afghanistan	61,000		301,081		
TOTAL	72,502,300	41,053,609	43,747,293	2,693,684	...
England, including Army, Public Works, &c.	3,238,700	229,146	748,018	518,872	...
GRAND TOTAL	75,741,000	41,282,755	44,495,311	3,212,556	...

COMPTROLLER GENL.'S OFFICE,
CALCUTTA;
The 10th March 1882.

ERAL'S OFFICE.

Eighth month of the year 1881-82, as compared with the corresponding period of 1880-81.

sterling @ Rs. 10 to the Pound Sterling.

EXPENDITURE.	Estimates, 1881-82.	April to Nov. 1880.	April to Nov. 1881.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
1.—Interest on Funded and Unfunded Debt	3,576,700	2,270,148	2,453,818	183,670	...
2.—Interest on Service Funds and other Accounts	407,300	226,729	296,203	69,474	...
3.—Refunds and Drawbacks	350,000	228,064	275,429	47,365	...
4.—Land Revenue	3,031,100	1,850,850	1,871,526	20,676	...
5.—Forests	565,800	231,432	285,647	54,215	...
6.—Excise on Spirits and Drugs	99,000	84,917	62,402	...	22,515
7.—Assessed Taxes	15,000	16,405	9,890	...	6,515
8.—Provincial Rates	48,000	31,814	33,419	1,605	...
9.—Customs	206,000	131,693	128,657	...	3,036
10.—Salt	428,000	252,416	314,786	62,370	...
11.—Opium	2,262,500	1,779,077	1,788,299	9,222	...
12.—Stamps	74,000	51,114	51,350	236	...
13.—Registration	186,000	116,913	117,846	933	...
14.—Mint	85,200	55,899	51,107	...	4,792
15.—Post Office	997,900	820,897	681,402	...	139,495
16.—Telegraph	459,600	237,706	259,518	21,812	...
17.—Administration	1,298,900	818,414	805,421	...	12,993
18.—Minor Departments	438,700	216,971	341,369	124,398	...
19.—Law and Justice	3,349,600	2,117,064	2,085,914	...	31,150
20.—Police	2,571,000	1,621,559	1,638,691	17,132	...
21.—Marine	432,100	248,862	245,836	...	3,026
22.—Education	1,057,600	636,188	679,698	43,510	...
23.—Ecclesiastical	158,200	102,663	105,816	3,153	...
24.—Medical Services	690,500	417,765	426,109	8,344	...
25.—Stationery and Printing	424,400	270,487	287,855	17,368	...
26.—Political	535,700	245,522	333,961	88,439	...
27.—Allowances and Assignments	1,881,900	977,452	949,559	...	27,893
28.—Civil Furlough and Absentee Allowances	4,000	3,700	2,720	...	980
29.—Superannuation, Retired and Compassionate Allowances	708,000	578,097	512,219	...	65,878
30.—Miscellaneous	251,000	169,354	172,800	3,446	...
31.—Famine Relief	1,500,000	166	44,466	44,300	...
37.—Loss by Exchange	3,475,000	1,974,454	2,202,906	228,452	...
TOTAL	31,568,700	18,784,792	19,516,639	731,847	...
32.—Railways — *Guaranteed Railways.*					
Working Expenses	4,760,000	2,461,647	2,330,110	...	131,537
Land and Supervision	78,900	30,724	51,837	21,113	...
Interest in India	4,800	11,191	12,072	881	...
Surplus Profits paid to Railway Companies	165,300	300,434	57,609	...	242,825
State Railways.					
Working Expenses, &c.	2,086,000	2,262,755	1,737,735	...	991,202
Surplus Profits, &c., East Indian Railway	204,600		82,977		
Frontier Railways	386,000		—149,159		
33.—Irrigation and Navigation, including Madras Irrigation Interest, &c.	1,351,700	541,729	612,635	70,906	...
34.—Other Public Works	4,939,400	1,850,886	2,201,610	350,724	...
35.—Provincial and Local Surpluses	114,000	...	...	...	...
36.—Army	12,392,000	13,0[illegible]9,985	8,438,907	...	3,328,138
Military Operations in Afghanistan	2,271,600		1,322,940		
TOTAL	60,322,400	39,334,143	35,815,912	...	3,518,231
England, including Army, Public Works and Guaranteed Interest, &c.	14,563,600	9,654,299	9,725,547	71,248	...
TOTAL	74,886,000	48,988,442	45,541,459	...	3,446,983
38.—*Productive Public Works*—					
Capital Expenditure in India	3,010,000	1,742,651	1,306,471	...	436,180
Ditto ditto in England	1,863,000	350,551	210,665	...	139,886
TOTAL	4,873,000	2,093,202	1,517,136	...	576,066
GRAND TOTAL	79,759,000	51,081,644	47,058,595	...	4,023,049

E. W. KELLNER,
Depy. Comptroller General.

J. WESTLAND,
Comptroller General.

Statement of the Affairs of the Bank of Bengal for the week ending 7th March 1882.

LIABILITIES.	Rs.	A.	P.	ASSETS.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0	Government Securities	67,55,284	2	0
Reserve Fund	30,11,966	4	4	Other authorized Investments	40,06,665	0	0
Public Deposits at Head Office (Rs. 66,35,394 2 4)	2,36,74,824	8	8	Loans on Government and other authorized Securities	73,91,941	13	7
Public Deposits at Branches (Rs. 1,70,39,430 6 4)				Accounts of Credit on Government and other authorized Securities	80,94,838	15	10
Other Deposits at Head Office and Branches	2,51,00,761	8	3	Bills discounted and purchased	2,16,81,517	9	4
Bank Post Bills, &c.	4,97,510	1	4	Balances with other Banks	7,72,207	3	5
Sundries	10,17,820	8	0	Bullion	6,29,394	11	10
				Dead Stock	11,86,696	0	8
				Stamps	7,882	11	0
				Sundries	4,70,153	7	7
					5,09,96,581	11	3
				Cash and Currency Notes at Head Office (Rs. 60,99,702 12 7) / Cash and Currency Notes at Branches (Rs. 1,62,06,598 6 9)	2,23,06,301	3	4
RUPEES	7,33,02,882	14	7	RUPEES	7,33,02,882	14	7

By order of the Directors,

BANK OF BENGAL,
Calcutta, 9th March 1882.

J. GORDON,
Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secy. & Treasurer.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The undermentioned Students have passed the Medical Examinations :—

SECOND M. B. EXAMINATION.

SECOND DIVISION.

In Alphabetical Order.

Bagchi, Kalikrishna	...	Medical College.
Basu, Narayanchandra	...	Ditto.
Chattopadhyay, Bipinbihari	...	Ditto.
Das, Siddheswar	...	Ditto.
„ Sundarimohan	...	Ditto.
De, Birchand	...	Ditto.
Mukhopadhyay, Sasibhushan	...	Ditto.
Pal, Umeschandra	...	Ditto.
Ray, Girijasankar	...	Ditto.
Sen, Khagendranath	...	Ditto.

SECOND L. M. S. EXAMINATION.

In Alphabetical Order.

Basu, Bibhudasankar	...	Medical College.
Chakrabarti, Bamacharan	...	Ditto.
Chattopadhyay, Jaykrishna	..	Ditto.
Das, Brajanath	...	Ditto.
Datta, Abinaschandra	...	Ditto.
Ghosh, Annadaprasad	...	Ditto.
Gupta, Nirmalchandra	...	Ditto.
„ Priyanath	...	Ditto.
Mukhopadhyay, Gopalchandra	...	Ditto.
Sengupta, Bishnupada	...	Ditto.

SENATE HOUSE,
The 9th March 1882.

CHARLES H. TAWNEY,
Registrar.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The following changes in the Regulations in Arts and Medicine having been sanctioned by the Senate and approved by His Excellency the Governor General of India in Council, are published for general information.

For the Regulations for the First Examination in Arts, for the degree of Bachelor o Arts, for Honours in Arts, and for the degree of M.A., the following Regulations have been substituted, with effect, as regards the First Examination in Arts, from the 1st of January 1884, and as regards the B. A. and M. A. Examinations, from the 1st of January 1885.

FIRST EXAMINATION IN ARTS.

1. The First Examination in Arts shall commence annually at such time as the Syndicate shall determine (the date to be approximately notified in the Calendar for the year), and shall be held in Calcutta and in such other places* as shall from time to time be appointed by the Syndicate.

2. Any undergraduate of the University may be admitted to this Examination, provided he has prosecuted a regular course of study in any affiliated institution for not less than two academical years after passing the Entrance Examination.†

3. Every candidate for admission shall send his application with a certificate in the form entered in Appendix A, either to the Registrar or to a local officer recognised by the Syndicate. Every such application must reach the office of the Registrar at least thirty days before the date fixed for the commencement of the Examination.

4. A fee of twenty rupees shall be payable by each candidate. No candidate shall be admitted, unless he shall have paid this fee to the Registrar or to the local officer recognised by the Syndicate. A candidate who fails to pass or to present himself for examination shall not be entitled to claim a refund of the fee. A candidate may be admitted to any one or more subsequent First Examinations in Arts on payment of a like fee of twenty rupees on each occasion, provided he produces a certificate from the head of an affiliated institution showing that he has prosecuted a regular course of study for six months since the date of the last examination to which he was admitted.

5. The First Examination in Arts shall be conducted by means of printed papers, the same papers being used at every place at which the Examination is held.

6. At such time as the Syndicate shall determine (the date to be approximately notified in the Calendar for the year), the Syndicate shall publish a list of the candidates who have passed, arranged in three divisions, the first in order of merit, and the second and third in alphabetical order. Every candidate shall on passing receive a certificate in the form entered in Appendix A.

7. At the First Examination in Arts every candidate shall be examined in the following subjects, and the number of papers in each shall be as follows:—

I.—English	...	Two papers.
II.—A Second Language	...	" "
III.—Mathematics ...	...	" "
IV.—Elementary Physics	...	" "
V.—History ...	...	One paper.
VI.—Logic ...	...	" "

I & II.—LANGUAGES.*

The Second language shall be one of the following languages:—

Greek.	Arabic.
Latin.	Persian.
Sanskrit.	Pali.
Hebrew.	

Any other classical language may be added to this list by the Syndicate. Sentences in each language in which the candidate is examined shall be given for translation into the other language.

The papers in each language shall include questions on Grammar and Idiom.

III.—MATHEMATICS.

(a) *Arithematic.*

(b) *Algebra.*—Quadratic equations; theory of quadratic equations and expressions; imaginary expressions; arithmetical, geometrical, and harmonical progressions; permutations and combinations; binomial and exponential theorems.

(c) *Plane Geometry.*—Simple problems in the geometry of the straight line, triangle, and circle, treated according to modern methods. The more important properties of the parabola and ellipse.

(d) *Trigonometry*—Methods of measuring angles.
Trigonometrical ratios, and the simple relations connecting them.
Relations between trigonometrical ratios of angles differing by multiples of right angles.
Trigonometrical transformations.
Solution of triangles.
Properties of triangles.
Area of a circle.

(e) *Logarithms*—The properties of logarithms.
Logarithmic series.
The use of logarithmic tables.
Proportional parts.

IV.—ELEMENTARY PHYSICS.

(a) *General Ideas*—
Units of measurement, and definitions of mass, force, motion.
Laws of motion.
Work and energy,—measurement of each.
Chief forces of nature.
General properties of solids, liquids, and gases.
Conditions of equilibrium of a mass acted on by forces.
Motions of translation and rotation.
Pressure of fluids and gases: measurement of pressure.
Equilibrium of floating bodies.
Specific gravity and its determination.
Motion of pendulum, and of the torsion pendulum or balance.

(b) *Heat*—
Laws of expansion of solids, liquids, and gases under heat.
Determination of co-efficients of expansion.
Measurement of temperature.
Maximum density of water.
Changes of molecular state, and latent heat of molecular changes of state.
Influence of change of pressure on the boiling point and melting point.
Regelation.
Laws of pressure of gases.
Elastic force of vapour; dew point, and its determination.
Formation of dew and clouds.
Radiation, conduction and convection of heat.
Phenomena of combustion.
Steam engines.

(c) *Light*—
Laws of transmission of light and of its intensity.
Shadows.
Images produced by small apertures.
Photometry.
Reflection of light.

* The following places have already been appointed:—
Hughli, Berhampore, Kishnaghur, Dacca, Patna, Benares, Agra, Delhi, Bareilly, Ajmere, Lahore, Lucknow, Colombo, Simla, Darjeeling, Sehore, Allahabad, Mussoorie, Cuttack, Chittagong, Jubbulpore, Batticaloa, Indore, Midnapore, Rampore Baulia, Nowgong, Rangoon, Nagpur.

† The Syndicate have power to make exceptions to this rule in favour of Deputy Inspectors of Schools and Schoolmasters.

* The text-books will be fixed from time to time by the Syndicate. *See* Appendix B.

Refraction of light.
Images by reflection and refraction, and their position.
Critical angle.
Properties of prisms and lenses.
Telescope, microscope, spectroscope, the human eye.
Decomposition of light.

(*d*) *Frictional Electricity*—
Electrical attractions and repulsions.
Properties of conductors and non-conductors.
Electrical induction.
Electrical force and density.
Electrical distribution on conductors.
Power of points.
Ramsden's and Armstrong's electrical machines.
Condenser; electrophorus; Leyden jar.
Electric discharges.
Atmospheric electricity.

(*e*) *Dynamic Electricity*—
Voltaic pile, its modifications.
Effects of the current.
Electro-dynamics.
Electro-magnetism.
Voltaic Induction.
Thermo-electricity.

V.—HISTORY.

The outlines of the History of Greece and Rome.

The historical questions shall include questions relating to the geography of the countries to which they refer.

The text books will be fixed from time to time by the Syndicate. (*See* Appendix B.)

VI.—LOGIC.

Deductive Logic.

BACHELOR OF ARTS.

1. An Examination for the degree of Bachelor of Arts shall be held annually in Calcutta and Agra, and shall commence at such time as the Syndicate shall determine, the date to be approximately notified in the Calendar for the year.

2. Any undergraduate of the University may be admitted to the Examination, provided he has prosecuted a regular course of study in any affiliated institution for not less than two academical years after passing the First Examination in Arts.*

3. Any candidate may be examined either for a pass or for honours in any branch. A candidate who desires to be examined for honours in any branch, must take up instead of the pass subject the corresponding honour subject. A candidate who obtains honours in any branch will be considered to have also passed in that branch. Should a candidate not have deserved honours in any branch, the examiners shall be authorized to declare that he has passed in that branch, if they consider that his attainments come up to the pass standard.

4. Every candidate shall send his application, with a certificate in the form entered in Appendix A, to the Registrar at least thirty days before the date fixed for the commencement of the Examination. If he desires to be examined for Honours, he shall state in his application the subject or subjects in which he desires to be so examined.

5. A fee of thirty rupees shall be payable by each candidate. No candidate shall be admitted to the examination, unless he shall have paid this fee to the Registrar. A candidate who fails to pass or to present himself for examination shall not be entitled to claim a refund of the fee. A candidate may be admitted to one or more subsequent examinations for the degree of Bachelor of Arts on payment of a like fee of thirty rupees on each occasion, provided he produces a certificate from the head of an affiliated institution showing that he has prosecuted a regular course of study for six months since the date of the last Examination to which he was admitted.

* The Syndicate has power to make exceptions to this rule in favour of Deputy Inspectors of Schools and Schoolmasters.

6. The Examination for the degree of Bachelor of Arts shall be conducted by means of printed papers.

7. At such time as the Syndicate shall determine, (the date to be approximately notified in the Calendar for the year) the Syndicate shall publish a list of the candidates who have passed arranged in alphabetical order, together with a list of those who have obtained Honours in each branch, arranged in two divisions both in order of merit. At the examination for the degree of Bachelor of Arts every candidate shall be examined in one or other of the two following courses marked A and B:—

A.*

Pass Subjects.	*Corresponding Honour Subjects.*
I.—English.	I.—In addition to the pass subjects, a further course in English and the history of the English language and literature.
II.—Mental and Moral Science, *i. e.*, Psychology, including the Psychology of Ethics and the History of Moral Systems.	II.—In addition to the pass course, the History of Modern European Philosophy and either (*a*) Pure Logic *or* (*b*) Natural Theology.
And one of the following—	
III.—A second language (defined as in F. A. course).	III.—In addition to the pass course, Comparative Grammar and either a second course in the classical language or a second classical language.
IV.—History of England and History either of India or of Greece and Rome. Elements of Political Economy.	IV.—History of England, India, Greece and Rome, a fuller course of Political Economy than the pass course, and Arnold's Lectures on Modern History, *or* Mill on Representative Government, *or* History of the Jews.
V.—Mathematics as in the B Course.	V.—Mathematics as in the B. Honour Course.

B.*

Pass Subjects.	*Corresponding Honour Subjects.*
I.—English.	I.—In addition to the pass course, a course of prose works on scientific subjects.
II.—Mathematics. Statics. Dynamics. Hydrostatics.	II.—In addition to the pass course, Analytical Plane Geometry and the Differential and Integral Calculus as defined below.
And one of the following—	
III.—Physics and the Elements of Chemistry as defined below.	III.—The full course in Physics and Chemistry together with the Doctrine of Scientific Method.
IV.—Chemistry and the Elements of Physics as defined below.	IV.—The full course in Physics and Chemistry together with the Doctrine of Scientific Method.
V.—Physiology and either Botany or Zoology as defined below.	V.—Physiology, Botany and Zoology together with the Doctrine of Scientific Method.
VI.—Geology and either Mineralogy or Physical Geography as defined below.	VI.—Geology, Mineralogy and Physical Geography together with the Doctrine of Scientific Method.

DEFINITION OF SUBJECTS.

II.—Mathematics.

The pass subjects shall include—

(*a*) *Statics*—
Parallelogram and triangle of forces.
Resultant of parallel forces.

* The text-books are fixed from time to time by the Syndicate. *See* Appendix B.

Couples.
Moments.
Equilibrium. Conditions of equilibrium of any forces acting on a particle or rigid body.
Centre of parallel forces.
Centre of gravity, or centroids.
Friction.
Simple cases of tension of strings.
Levers; pulley; wheel and axle; inclined plane; screw.
Virtual velocities.

(b) *Dynamics*—

Definition and measurement of mass, force, velocity, acceleration, momentum, work, and energy.
Laws of motion.
Uniform of motion.
Uniformly accelerated motion—
(1) In a straight line.
(2) In a parabola.
(3) In a circle.
Simple cases of impact.

(c) *Hydrostatics*—

The transmission and intensity of fluid pressure.
Determination of component and resultant fluid pressure in simple cases.
Centre of pressure.
Conditions of equilibrium of floating bodies.
Metacentre.
Properties of elastic fluids and determination of pressure.
Specific gravity, and the methods of determining it.
Measurement of heights by the barometer.
Mixture of gases.
Description of the barometer, air-pump, common and force pumps, the diving-bell, the balloon, siphon, and Bramah's press, as applications of hydrostatical principles.

The Honour subjects shall include—

(a) *Analytical Plane Geometry.*

Rectangular and polar co-ordinates.
Transformation of co-ordinates.
The straight line.
The circle.
The parabola.
The ellipse.
The hyperbola.
The general equation of the second degree.

(b) *Differential Calculus.*

Definition of differential co-efficients.
Differentiation of functions of a single variable.
Successive differentiation.
Taylor's and Maclaurin's theorems, and their simpler applications.
Evaluation of functions which assume an indeterminate form.
Differentiation of functions and implicit functions.
Maxima and minima values of functions of one variable.
Tangents, normals, asymptotes, curvature, singular points, evolutes, involutes.
Tracing of curves.

(c) *Integral Calculus.*

Integration of simple functions of a single variable.
Integration of rational fractions.
Integration by formulæ of reduction.
Determination of lengths and areas of curves.

III, IV.—Physics and Chemistry.

The elements of Physics shall include the following considered with special reference to Chemistry :—

(a) *Heat*—

Heat of combustion, absolute thermal effects and pyrometric thermal effects of chemical combination, theory of flame, theories of the source of light in luminous flames.

(b) *Light*—

Reflection and refraction, dispersion, spectrum analysis, chemistry of light, photography, fluorescence, double refraction and polarization, saccharimeters.

(c) *Magnetism*—

Magnetism, magnetic polarity, natural and artificial magnets, diamagnetism.

(d) *Electricity*—

Two kinds of electricity, insulators and conductors; sources of electricity, electricity developed by chemical action, voltaic electricity, various batteries, electrolysis, laws of electrolysis, electroplating, electro-gilding.

Physics shall include—

(a) *General Ideas*—

1.—Wave motion :—
Measurement of simple or harmonic wave motions.
Combination of wave motions.
Resolution of complex wave motions into simple or harmonic wave motions.

2.—Potential :—
Definition of potential.
Calculation of potential in simple cases.
Determination of force from potential.
Fundamental propositions respecting lines of force, equipotential surfaces, and tubes of force.

3.—Elasticity :—
Definition of elasticity.
Measurement of elasticity in the cases of solids, liquids, and gases.
Distinction between, and determination of, elasticity of constant temperature and of constant entropy for gases.

(b) *Heat*—

In addition to a more thorough acquaintance with the subject than that required for the First Arts Examination and a greater power of working problems on heat, an elementary knowledge of the principles of thermo-dynamics will be required.

(c) *Light*—

In this subject, more difficult questions in the determination of foci, focal lengths, &c., will be required than for the First Arts Examination. Also the following :—
Spherical aberration.
Dispersion.
The formation of rainbows.

(d) *Frictional Electricity*—

This subject must now be taken up in connection with potential.

(e) *Sound*—

The laws of the production and propagation of sound determined experimentally.
Intensity, pitch, and quality of sounds.
The velocity of sound in air and other media: Doppler's principle.
Reflection and refraction of sound.
Measurement of sound vibrations and wave lengths of air.
Resonance.
Interference of sound waves. Beats.
Harmonic tones; their generation and function in sound.
Longitudinal vibration of rods and of columns of air.
Transverse vibration of strings.
Formation of Chladni's figures.
Vibrations of tuning-forks and bells.
Nature of musical sounds.
Vocal organs of man.

(f) *Dynamical Electricity*—

Voltaic batteries as sources of electric currents.
Action of currents on magnetic needles. Galvanometers.
Thermo-electric currents.
Definition and measurement of electric force, conductivity, resistance, and current.
Ohm's law, and its simpler applications.
Laws of action of currents on currents, and their simpler applications.
Solenoids. Ampère's theory of magnetism.
Electro-magnets.
Mechanical, chemical, and heating effects of currents. Electrolysis.
Induced currents, their modes of generation and laws of action.
Ruhmkorff's coil.
Electro-magnetic currents.
Electro-magnetic machines; the more important details of the working of telegraphs.
Theories of electricity.

(g) *Magnetism*—

Properties of permanent and artificial magnets.
Magnetic induction.
Phenomena of terrestrial magnetism.
Determination of declination, dip, and intensity of the magnetic force of the earth.
The compass needle.
Methods of magnetisation.
Determination of magnetic laws of action by the torsion balance.
Magnetic Potential.

(h) *Polarization of Light*—

Undulatory theory of light.
Reflection and refraction of light.
Prismatic analysis of light.
Achromatism.
Explanation of lines in the solar and other spectra.
Interference of light.
Diffraction of light.
Measurements of wave lengths of light.
Colours of thin plates.
Double refraction.
Polarization of light by reflection, refraction, and double refraction.
Interference of polarized light as shown by double refracting crystals. Polariscopes.
Elliptic and circular polarization.
Rotary polarization.

The Elements of Chemistry shall include:—

(a) The following general considerations:—

Definition of Chemistry; differences between chemical action and the action of the physical forces; simple and compound matter; different modes of chemical action; combining weights, volume weights; principles of chemical nomenclature, symbolic notation, graphic notation; chemical equations; atoms and molecules; general knowledge of atomicity of elements; simple and compound radicals; classification of elements.

(b) A fairly complete knowledge of the modes of occurrence, methods of preparation, properties, uses, and general characters of the following non-metallic elements, of their allotropic modifications, and of their principal and best known compounds:—

Hydrogen, fluorine, chlorine, bromine, iodine.
Oxygen (and ozone).
Boron.
Carbon, silicon.
Nitrogen, phosphorus, arsenic.
Sulphur.

(c) A general knowledge of:—

The distinctions between non-metals and metals.
Acids, bases, and salts.
The constitution of salts.
The principles of crystallography.

(d) A knowledge of the methods of preparation, properties, and uses of the following metals and their principal salts:—

Sodium, potassium, ammonium, silver.
Calcium (glass manufacture, &c.), magnesium, zinc, copper, mercury.
Gold.
Lead, tin, platinum, aluminium (porcelain, pottery, &c.).
Antimony, bismuth.
Chromium, manganese, iron.

Chemistry shall include, in addition to a fuller knowledge of the subjects specified under the head Elements of Chemistry—

Inorganic Chemistry—

(a) General considerations:—

Laws of chemical combination, equivalents, atomic weights, physical and chemical relations of atomic weights, specific or atomic volumes, a more complete knowledge of the subject of atomicity; or quantivalence, artiads, perissads, &c.; variations of atomicity; absolute, latent, and active atomicity; relations between atomic weight and quantivalence, chemical affinity, influence of pressure on chemical action, relations of heat to chemical affinity, &c., physical properties of metals, chemical relations of metals, alloys, general characters and general methods of preparation of compounds of metals with non-metals, theory of normal, acid and basic salts, isomorphism, the principles of qualitative analysis.

(b) Study of the following elements:—

Selenium, tellurium, lithium, cæsium, rubidium, barium, strontium, thecarth metals, cadmium, indium, gallium, titanium, vanadium, uranium, tungsten, molybdinum, nickel, cobalt, and the platinum metals.

(c) A knowledge of the methods used in the preparation of the more important acids, salts, &c., employed in the arts and manufactures.

(d) A knowledge of metallurgical operations, such as are employed in the preparations of iron, zinc, copper, lead, tin, mercury, silver, and aluminium.

Organic Chemistry—

(a) The following general considerations:—

Definition of organic bodies, synthesis from inorganic materials, decompositions and transformations of organic compounds, analysis of organic bodies.
Determination of the specific gravity of gases and vapours.
Determination of empirical, rational, and constitutional formulæ; theory of types, classification of organic compounds, organic series, constitutional formulæ of organic compounds.

(b) Isomerism, metamarism, and polymerism, physical properties of organic compounds.

A knowledge of some few typical compounds in each of the different classes of organic compounds.

V. Physiology shall include:—

(1) A course of practical instruction in Elementary Biology.
(2) General Physiology.
(3) Special Physiology of the Vertebrata.
(4) Special Physiology of the Invertebrata.

Botany shall include:—

(a) The morphology and histology of flowering plants; the general principles of their classification on the systems of Linnæus and de Candolle, with a detailed acquaintance with the characters of the following natural orders:—

Anonaceæ.	Apocyneæ.
Menispermaceæ.	Asclepiadaceæ.
Nymphæaceæ.	Convolvulaceæ.
Papaveraceæ.	Solanaceæ.
Cruciferæ.	Boragineæ.
Malvaceæ.	Acanthaceæ.
Sterculiaceæ.	Verbenaceæ.
Tiliaceæ.	Labiatæ.
Aurantiaceæ.	Amarantaceæ.
Ampelideæ.	Urticaceæ.
Anacardiaceæ.	Euphorbiaceæ.
Leguminosæ.	Palmeæ.
Myrtaceæ.	Aroideæ.
Combretaceæ.	Commelynaceæ.
Cucurbitaceæ.	Orchidaceæ.
Umbelliferæ.	Scitamineæ.
Rubiaceæ.	Cyperaceæ.
Compositæ.	Gramineæ.

(b) A general acquaintance with the morphology, histology and classification of cryptogams.

(c) Vegetable physiology.

Zoology shall include:—

Embryonic development and comparative anatomy of the principal orders of animals, ordinal classification of the animal kingdom, and generic classification of one selected order of Vertebrata and one of Invertebrata, to be notified beforehand. The geographical distribution and habitats of animals. The species of the mammals of India, omitting the micro-mammalia, *viz.*, Insectivora, Rodentia, and Chiroptera; and the Indian genera of one order of Reptilia and on of Aves, to be previously notified.

VI. Geology shall include:—

The classification, structure, and formation of rocks. The evidence of past changes afforded by their present condition, and a practical acquaintance with their mineral characteristics, to be tested by specimens. The generic determination of the most characteristic fossil forms, and the indication of age and habitat which they afford. A practical knowledge of fossil forms, to be tested by specimens. A general knowledge of the geology of Great Britain and Western Europe, and a more detailed knowledge of the geology of India. An acquaintance with geological maps, to be tested by the construction of a geological section from a given map.

Mineralogy shall include:—

(a) General characteristics of minerals.
(b) Crystallography of the structure of minerals, fundamental forms of crystals, cleavage, secondary forms, compound crystals, dimorphism, irregularities of crystals, measuring angles of crystals, massive minerals, columnar structure, lamellar and granular structure, pseudomorphous crystals.
(c) Physical properties of minerals; lustre, colour, diaphaneity, refractions and polarization, phosphorescence, electricity and magnetism, specific gravity, hardness, state of aggregation, fracture, taste, odour.
(d) Chemical properties of minerals; action of acids, &c., on minerals; blow-pipe re-actions of minerals.
(e) Classification of minerals.
(f) Description and recognition of the more important minerals and rocks or mineral aggregates.
(g) Chemical composition and formulæ of minerals.

Physical Geography shall include:—

The form and density of the earth, and modes of ascertaining them. The distribution and characteristics of geographical phenomena of land and water. Climate and its determining causes. The inorganic physical geography of India Meteorology.

EXAMINATION FOR THE DEGREE OF M. A.

1. An Examination for the degree of Master of Arts shall be held annually in Calcutta, commencing at such time as the Syndicate shall determine, the date to be approximately notified in the Calendar for the year.

2. Any candidate who has passed the B. A Examination may be examined for the degree of M. A. in one or more of the following branches:

(1) Languages.
(2) History.
(3) Mental and Moral Philosophy.
(4) Mathematics.
(5) Natural and Physical Science.

3. A fee of rupees fifty shall be payable by each candidate. No candidate shall be examined unless he shall have paid this fee to the Registrar. A candidate who fails to pass or to present himself for Examination shall not be entitled to claim a refund of the fee.

4. Every candidate shall intimate to the Registrar the branch or branches in which he desires to be examined. Such intimation must reach the office of the Registrar at such time as the Syndicate shall determine, the date to be approximately notified in the Calendar for the year.

5. The Examination in languages shall be in English for candidates whose vernacular is not English, or in any one of the following classical languages, *viz.*, Greek, Latin, Sanskrit, Arabic, Persian, Hebrew and Pali.

The subjects in languages shall be selected by the Syndicate two years before the Examination.

The Examination shall include written answers in English to questions relating to the books selected for the Examination.

It shall also include questions on comparative grammar, with special reference to the language professed by the candidate.

Every candidate shall be required to write an Essay in English on a subject connected with the History or Literature of the Language professed by him.

The Examination in English shall include the elements of Anglo-Saxon grammar.

The Examination in the classical languages shall include translation into English from the language professed by the candidate, and into that language from English.

6. The Examination in History* shall be in the following subjects:—

(a) The History of England (including Scotland, Ireland and the British Colonies and Dependencies) to the accession of Queen Victoria.
(b) The Constitutional History of England.
(c) A selected period of History—Indian or European, Ancient, Mediæval, or Modern—to be studied with reference to original sources.
(d) Political Philosophy, General Jurisprudence, and International Law.
(e) Political Economy and Economic History.

Candidates shall also be required to write an Essay in English on some subject included in the foregoing course.

7. The Examination in Mental and Moral Philosophy shall be in the following subjects:—

Logic, Deductive and Inductive.
Psychology.
Ethics.
Natural Theology, or the Evidences of Christianity.

The above subjects shall be studied historically in the works of the principal authorities *

8. The Examination in Mathematics shall be in the following subjects:—

(1) Algebra.
(2) Plane Trigonometry.
(3) Theory of Equations and the Elements of Determinants.
(4) Analytical Plane Geometry.
(5) Analytical Solid Geometry.
(6) Differential Calculus.
(7) Integral Calculus, omitting elliptic integrals and the calculus of variations.
(8) Differential Equations.
(9) Statics.
(10) Dynamics of a Particle, omitting the more complicated problems of constrained motion upon surfaces, and also propositions involving the application of the calculus of variations.
(11) Hydromechanics, omitting the theory of sound.
(12) Geometrical Optics, omitting the formulæ for the calculation of spherical aberration, and reflection and refraction at surfaces in any manner.
(13) Spherical Trigonometry, omitting the parts which are not required in Astronomy.
(14) Practical and Spherical Astronomy.
(15) Newton's Principia, sections I to III.
(16) Rigid Dynamics, including the motion of Rigid Bodies in two dimensions.

9. Candidates in Natural and Physical Science shall be allowed to select alternatively two out of the following group of subjects:—

(A) Chemistry.
(B) Electricity and Magnetism.
(C) Heat and the elements of Molecular Physics.

Or two out of the following group:—

(D) Botany.
(E) Physiology and Zoology.
(F) Geology and Mineralogy.

(A) The course in chemistry shall be both theoretical and practical. In the practical Examination candidates ought to shew a good knowledge of chemical manipulation and ought to be able to qualitatively analyse complex inorganic substances. They should also be acquainted with the principles of quantitative analysis.*

(B) The course in Electricity and Magnetism shall include questions presupposing a moderate acquaintance with the principles and methods of the Differential Calculus, Integral Calculus and Differential Equations. The candidate shall be required to show that he has a competent practical knowledge of the instruments and apparatus employed in Magnetism and Electricity, and to execute experiments in the presence of the Examiner.*

(C) The course in Heat shall include questions presupposing acquaintance with the principles and methods of the Differential Calculus, Integral Calculus, and Differential Equations. The candidate should also show himself thoroughly acquainted with the various instruments and apparatus employed in Heat, and should be prepared to perform measurements and experiments in the presence of the Examiner.*

(D) Botany* shall include the following:—

(a) General and special Morphology and Physiology.
(b) Systematic Botany.
(c) Palæobotany.
(d) Practical knowledge of indigenous Indian plants, and identification of specimens of them by Roxburgh's *Flora Indica* (Clarke's edition).

* For text-books *see* Appendix B.

* For text-books *see* Appendix B.

(E) Zoology* shall include the subjects of (a) Comparative Anatomy and Physiology, (b) Distribution and (c) Evolution.

(F) Geology and Mineralogy* shall include the subjects of (a) Stratigraphical Geology, (b) Palæontology, (c) Mineralogy, (d) Crystallography, (e) Elementary Inorganic Chemistry.

10. As soon as possible after each Examination for the degree of M. A., the Syndicate shall publish a list of candidates who have passed, arranged in three classes, each in order of merit. Candidates shall be bracketed together, unless the Examiners are of opinion that there is clearly a difference in their merits. Each successful candidate shall receive with his degree of M. A. a certificate setting forth the subject in which he was examined, and the class in which he was placed.

11. The candidate who shall be placed first in the first class in each branch shall receive a Gold Medal and a prize of books to the value of one hundred rupees, and the second student of the first class in each branch shall receive a Silver Medal and a prize of books to the value of one hundred rupees.

12. Any Master of Arts may, on payment of a fee of fifty rupees, be admitted to the M. A. Examination in any branch other than that in which he was previously examined, and may, if his attainments come up to the standard prescribed for the degree of M. A., be granted a certificate to that effect, stating the class in which he has passed. A candidate who fails to pass, or to present himself for Examination, shall not be entitled to claim a refund of the fee.

In paragraph 15 of the Regulations for the degree of Bachelor of Medicine the word "two" has been substituted for the word "three," so that the paragraph will henceforth run as follows:—"Any Licentiate of two years' standing may be admitted to this degree, &c."

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 4th March 1882.

CALCUTTA UNIVERSITY.

NOTICE.

It is hereby notified for general information that a Convocation of the University of Calcutta for conferring degrees will be held at the Senate House on Saturday, the 11th March, at 4 P.M.

Graduates of the University in academic costume are admissible on presenting themselves at the Senate House at 3 P.M.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 1st March 1882.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 9th March 1882.

No. 20.—The undermentioned Assistant Engineers, 2nd Grade, attached to the Rajputana-Malwa State Railway, have passed the Professional Examination prescribed in Public Works Department Code, Chapter II, Section i, paragraphs 16 to 18:—

Mr. G. A. Savielle.
" J. E. Gabbett.
" H. P. Burt.
" F. J. Pope.
" J. R. Tickell.

The 10th March 1882.

No. 21.—Mr. N. M. Carnell, Assistant Traffic Superintendent in Class IV of the Revenue Scale, is transferred from the Punjab Northern to the Indus Valley State Railway.

No. 22.—With reference to Public Works Department Notification No. 78 of the 8th March 1882, Captain R. Gardiner is posted to the Rajputana-Malwa State Railway.

F. S. STANTON, *Col., R.E.,*
Director General of Railways.

Report of a Deserter from the 7-10th Royal Regiment of Artillery, dated at Colaba, this 3rd day of March 1882.

Number, Rank, and Name,—No. 3844—8, Gunner William Raithby.	Coat or Jacket,— Waistcoat,— ... Breeches or Trowsers,— ... (Regimentals.)
Age,—27 years 8 months.	Date of Desertion,—25th February 1882.
Size,—5 feet 7½ inches.	Place of Desertion,—Colaba, Bombay.
Colour of— Complexion, fresh; Hair, sandy; Eyes, blue.	Date of Enlistment,—12th June 1877.
Parish and County in which Born,—Hull, Hull, Yorkshire.	Place of Enlistment,—Sunderland.
Marks,—*Nil.*	REMARKS,—
Trade,—Engineer.	Under 5 years' service.

——————, *Major, R.A.,*
Comdg. 7-10th Royal Regt. of Artillery.

Report of a Deserter from the 1st Battalion, West Riding Regiment of Foot, dated at Lucknow, this 3rd day of March 1882.

Number, Rank, and Name,—No. 9Bde.—1799, Private James Cunningham.	Date of Enlistment,—11th February 1879.
Age,—27 years.	At what Place Enlisted,—Halifax, Yorkshire.
Size,—5 feet 6½ inches.	Parish and County in which Born,—St. Anthonys, Liverpool, Lancashire.
Colour of— Complexion, fair; Hair, brown; Eyes, blue.	Marks,—None.
Date of Desertion,—27th February 1882.	Trade,—Bricklayer.
Place of Desertion,—Lucknow.	Coat or Jacket,— Waistcoat,— ... Breeches or Trowsers,— ... (Regimentals.)
	REMARKS,—

F. J. CASTLE, *Lieut.-Colonel,*
Comdg. 1st Battn., West Riding Regt. of Foot.

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, about the 28th of December 1881, treasure, consisting of 560 gold coins, valued at Rs. 82-8, was found in a house said to belong to Muthusami Iyen, situated in the village of Nadar, Nachiargudi Maganam, Combaconum Taluk, Tanjore District, in the Presidency of Fort St. George.

All persons claiming the treasure, or any part thereof, are required to appear personally, or by agent, before the Collector of Tanjore, at his Office on the 15th of August 1882, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

BANNATYNE MACLEOD,
for Acting Collector.

TANJORE,
The 25th February 1882.

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, in or about the month of August 1881, treasure, consisting of certain jewels as below, valued at about Rs. 121-8, was found in field No. 501, belonging to one Guruvammal of Bodinaickenur hamlet of Dodampatti, in Udumalpet Taluk, Coimbatore District, in the Presidency of Fort St. George.

List of Ornaments found in a field belonging to Guruvammal of Bodinaickenur, Udumalpet Taluk.

Description.	Amount or Value.		
	Rs.	A.	P.
314 Veera royan fanams	78	8	0
2 Emerald stones	0	4	6
3 Golden earrings worn by females...	16	4	0
3 Golden earrings worn by males ...	8	8	0
6 Golden fixtures	3	10	0
2 Golden beads	0	4	0
8 Golden pottus—round plates ...	2	8	0
2 Golden pottus—deep ones ...	0	10	0
1 Golden pagoda	3	0	0
4 Golden araslais (for females) ...	1	0	0
3 Nunjakai plates	1	0	0
3 Tops of koppu, trinket for the upper part of the ear for females	1	0	0
2 Silver pieces	0	3	0
3 Silver bangles, worn by females ...	2	4	0
6 Silver bangles, worn by males ...	1	6	0
1 Silver toe ring, worn by females ...	0	4	0
1 Silver ring (for finger) ...	0	2	0
8 Silver veppankoi sattus (armlets) ...	0	4	0
1 Sultan rupee	0	8	0
22 Good corals	0	1	0
10 Pati (white and green) ...	.....		
1 Blue stone	.....		
RUPEES ...	121	8	6

All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the Collector of Coimbatore at his Office, on 3rd of July 1882, with a view to the matter being enquired into and determined in accordance with provisions of the said Act.

,
Acting Collector.

COIMBATORE COLLECTOR'S OFFICE,
CAMP PALLADAM;
The 17th February 1882.

COMMISSARIAT NOTICE.

Owing to a reduction of establishment the following Government elephants are for sale :—

1 male on view at Saugor.

1 male on view at Dinapore.

2. Descriptive rolls of these elephants have been distributed to chiefs, noblemen and heads of Civil Departments through Local Governments, Administrations, &c.

3. For particulars and offers for purchase of the elephants at Saugor, address the Executive Commissariat Officer, Jabalpur, and that for the one at Dinapore, the Executive Commissariat Officer there.

W. R. BUNBURY, *Major,*
for *Depy. Commissary General,*
Lower Circle.

DEPY. COMSY. GENL.'S OFFICE,
CALCUTTA;
The 19th January 1882.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1882.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Feb. 27	...	1,23,061	95	1,71,470	63,53,812	24,81,883
,, 28	...	1,67,568	...	1,71,470	62,52,769	23,11,189
Mar. 1	5,13,900	1,56,696	...	6,85,370	61,53,592	21,51,978
,, 2	4,52,900	1,46,227	...	11,38,270	60,53,669	20,02,773
,, 3	...	1,46,200	...	11,38,270	59,53,793	18,59,826
,, 4	Holiday.					

CALCUTTA MINT,
The 6th March 1882.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
162	... D 18—50248 ...	100	Sirdar Baghel Singh, Barnich.
163	... D 16—35811 ...	10	Mr. James Reley, Delhi.
164	... D 17—20092 ...	50	Nehal Chund and Kaushi Ram, Kangra.

ALLAHABAD,
The 8th March 1882.

GODRESJEE D. PUDUMJEE, *A. A. G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1882.		Rs.	
H18	... M 57—30874 ...	50	Raghunath Bhimaji, Sholapur.
H19	... M 11—11980 ...	5	Versi Punja, Bombay.
H20	... M 54—96426 ...	10	A. A. Miranda, Bombay.
H21	... M 12—4*099 ...	5	Ranu Hanmantrao, Bombay.

BOMBAY,
The 7th March 1882.

W. T. PIERCY,
Assistant Accountant General,
for *Commissioner of Issue.*

Calicut and Madras Circles.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
J 10—51442 ...	100	K. Venkata Soobia, Kuppa Taluq, Mysore.
J 6—95378 ...	10	Mr. Alfred Arathoon, Madras.
J 12—12725 ...	50	Padmanabha Putter, Revenue Inspector, Munjeri, Malabar.
„ —12726 ...	50	
„ —12727 ...	50	
„ —12728 ...	50	
„ —12729 ...	50	
B 61—71230 ...	50	
J 10—66087 ...	100	
„ —61625 ...	100	
J 7—64046 ...	5	B. Sashiah, Carpet Manufacturer, Bangalore.
„ —64050 ...	5	

CALICUT,
The 2nd March 1882.

Depy. Collr., in charge of Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No	No. of Notes.	Value.	Name of Claimant.
		Rs.	
352	... O 32—99723 ...	50	Noyan Chundra Barooie.
358	... O 32—83498 ...	50	Narain Chunder Ganguly.
354	... O 97—71634 ...	100	Superintendent A. Hogg.
	„ —71635 ...	100	
355	... O 97—60439 ...	100	Nuffer Chunder Chatterjee.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
311	... P 15—26137 ...	5	Mr. H. Martindale.
312	... O 47—32204 ...	10	Radha Kisore Guha.
	„ —32205 ...	10	
313	... O 96—97724 ..	100	Kanshi Ram and Nehal Chand.
	„ —76809 ...	100	
	O 93—82331 ...	10	
	O 77—04309 ...	10	
	P 4—60270 ...	10	
	„ —31048 ..	10	
	P 3—75692 ...	10	
314	... O 71—88132 ...	500	Shaik Manoo.
315	O 36—75744 ...	5	Hem Chunder Dutt.
316	... O 97—20444 ...	100	Rai Chaudhuri Rudraprasad Bahadoor.
216	... O 88—83534	5	Hurryhur Roy.
	„ —83532		

CALCUTTA,
The 10th March 1882.

R. A. STERNDALE,
Asst. Comptlr. Genl., Paper Currency.

Kurrachee Circle.

NOTE PARTIALLY LOST OR DESTROYED.

No. of Note.	Value.	Name of Claimant.
	Rs.	
G 14—53434 ...	10	Mr. Vituldas Rangildas, Clerk, Bombay.

KURRACHEE,
The 1st March 1882.

W. PATTON,
Asst. Depy. Commr., P. C., S. C.

Lahore Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
20	... E 20—02757 ...	100	Major-General Annesley, through Messrs. Grindlay, Groom & Co., Bombay.
92	... E 17—74817 ...	20	Nand Lal, Shop-keeper, Kasowlia.
94	... N 5—12272 ...	100	Mr. B. Short, Dehra.

LAHORE,
The 3rd March 1882.

H. J. BRERETON,
for *Depy. Commr. of Paper Currency.*

Madras Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
130	... I 2—08310 ...	500	Mahomed Bin Ally Ibraim, Bombay.
135	... B 48—14251 ...	5	Paloor Narainn Rao, Gumastah of Wallajah, Chittoor.
136	... B 48—08180 ...	5	C. Venkata Rao, Mysore.
137	... B 47—96303 ...	5	Chakrapani Aiyangar, Mint Street, Madras.
	B 67—12711 ...	10	
	„ —33571 ...	10	
25	... I 8—15348 *	5	V. Bungaru Chetti, for K. Ramanuja Chetti, Black Town, Madras.
	„ —15341 *		

* Wrongly joined.

FORT SAINT GEORGE,
The 27th February 1882.

H. S. GROVES,
Assistant Accountant General,
in charge of Paper Currency Dept.,
for *Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 3rd March 1882.

From the 6th March to the 15th April, the Presidency Post Master, Calcutta, will receive applications for express passenger Dâks between Umballa and Simla.

A printed copy of the Rules can be obtained from the Post Master on application.

G. J. HYNES,
Asst. Dir. Genl. of Post Office of India.

The 9th March 1882.

No. 13095.—Appointment in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, BOMBAY

Mr. Dinshaw Jijibhai is appointed to officiate as a Superintendent of the 3rd Grade.

E. R. DOUGLAS,
Depy. Dir. Genl. of the Post Office of India.

The 10th March 1882.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1882.	
Persian Gulf	7 P. M.	18th Mar.	From Bombay.
Madras, Ceylon and the Intermediate Ports	7 "	17th "	Str. *Hazara.*
Madras and Ceylon	7 "	12th "	P. & O. Str. *Ravenna.*
Foreign Mails *viâ* Bombay	7 "	14th "	From Bombay.*
Do. Book Post and Pattern Packets	7 "	13th "	From Bombay.
Rangoon, Moulmein, and Straits	7 "	16th "	Str. *Rajpootana,*
Persian Gulf	7 "	11th "	From Bombay.
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	7 "	10th "	Str. *Commilla.*
Straits and Hong-Kong	7 "	17th "	Strs. *Japan* and *Lennox.*
Port Blair and Camorta	7 "	16th "	Str. *Satara.*

* Also *viâ* Aden for Mauritius and Réunion can be forwarded by this opportunity.

N.B.—The Letter Box will close at 7 P. M. precisely; after which hour foreign letters fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 5th March 1882.

Arson, C.
Baddely, C. F.
Baldrey, R. H.
Bastein, W. E.
Bell, G. A.
Benson, Mrs.
Bourke, Corporal William.
Carticle, F.
Cave, Miss T.
Clogstoun, H.
Dale, Dr. C. H.
Davis, D. J.
Davis, P. E.
Davis, Miss P.
Davis, J. J. L.
Driver, H.
Ezikiel, Miss S.
Freeman, F. F.
Fryer, W.
Gahan, G.
Hutchinson, James.
Johnstone, Colonel J.
Judge, F.
King, Thomas.
Lambert, G.
Lee, Miss (of Virginia).
Leslie, Mrs. E.
Macklilop & Co.
Manager, Indian National Trading Agency & Co.
Maxwell & Co.
McLeod, R.
Meanoe, S. B.
Merwanji, C.
Moore, W.
Pogson, Mrs. Juliet.
Pratt, J.
Radcliffe, V. B.
Ruddock, Mrs.
Scote, Mrs. (57, Amherst Street.)
Secretary to the "Bruce Legacy."
Shew, W. J
Stuart, C. H.
Sturt, Gordon & Co.
Wackerbath, Charles.
Whelstenholme, John.
Wilson, J. G.
Wood, J. M.
Wood, P. F.

Letters marked "Care of Post Office, to be kept till called for."

Archer, R.
Atkinson, J.
B.
Barley, Alex.
Bates, Nelson John.
Bennett, Henry.
Beresford, Mrs. G. W.
Berrill, G. F.
Bradford, J.
Briscoe, J. D.
Brown, P. J. (care of Branch Post Office.)
Buchanan, J. E.
Cahill, James.
"Camera Obscura."
Carle, R. B.
Chapman, Captain F. C.
Chapman, G. C.
Cliff, D.
Constantine, George.
Cornfield, A. G.
Cumine, Miss.
Dauks, W. T.
Davies, W. R.
Davenhill, W. B.
"Diamond."
Dicken, Major P. L.
Duff, J. C.
Duncan, Dr. W.
Eastwood, E. P.
E. D. P. O.
Forest, William Dene.
Fowler, Captain W. J.
Greenburge, M. M.
Gregoire, Mons. L.
Hankiovz, Charles.
Hare, Mrs.
Harry, Thomas.
Hornstein, Robert.
Howard, W.
Hudson, William.
Ison, H.
Jackson, E.
Jackson, G.
James, E.
Johnston, R. T.
Jones, F.
Jones, Thos.
Kennedy, J. G.
Keymer, J. S.
Khambatta, P. A.
Lambert, Dr. E.
Lawrie, H. J.
Leicester, A. B.
Lepper, Charles H.
Lord, S.
Macdonald, Alexander.
Macnab, Henry.
Maitland, T.
Masnata, Signor Carlo.
Mayers, J.
McCormack, T.
McCulloch, R. W.
McIntyre, A.
McVey, Hugh.
Moreton, T. G.
Morgan, William.
Morrison, W.
M. S. U. Y.
Mullic, H. (Editor of *Berar Samachar.*)
Munro, W.
Murphey, F. Brown.
Oliver, E.
Paquiet, K. D.
Pattenden, T. W.
Pingley, A. B.
Pollock, W. N.
Pundt, Mrs H. S.
Radcliffe, Vernon B.
Robinson, William.
Rogers, R. H.
Roper, E. J.
Saunders, Geo.
Scarth, M.
Shaw, F.
Smith, Chas. C. D.
Smith, H. Gordon.
Spencer, Mrs.
Stephens, Arthur.
Stobie, J. C.
Tayler, Thomas.
Thomson, Serjeant H.
Thomas, M.
Vance, Gilbert.
Vande, Polis Jeukhur W. G.
Wall, W. M.
Ward, Major.
Whinham, F. H.
Wilson, Major F. A.
Willes, Miss E.
Williams, W.
Williams, W. J. H.

Registered Letters.

Anderson, Mrs. J.
Chapman, Captn. F C.
Fraser, C.
Linis, Mrs. J.
Maxwell & Co., A.
Oliver, Mrs. L.
Scott & Co., G.
Walshe, F. W.
Weben, Martha.

E. HUTTON,
Presidency Post Master.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8*; per eight ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin *Rs. 5-8*; per eight ounce tin *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه دوا كوئينائين كا خوب قائم مقام هى اور كلكته ے بوٹانكل گارڈن يعنے كمپني باغ ے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات ے اور سيواے اونكے جو كوئي ايك مشت بيس پونڈ خريد ليے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس ے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس ے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ ے ٹين كا سوله روپيه آٹهه آنه

اور عوام الناس بوٹانكل گارڈن يعنے كمپني باغ ے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس ٹين كا پانچ روپيه آٹهه آنه ; آٹهه اونس ے ٹين كا دس روپيه آٹهه آنه ; ايك پونڈ ے ٹين كا بيس روپيه

يهه دوا كلكته ے بڑے بڑے ولايتي اور ديسي دواخانونمين بكتي هى ماسيواے قيمت مذكورۂ بالا ے محصول ڈاك چار اور آٹهه اونس ے ٹين كا آٹهه آنه ; اور ايك پونڈ ے ٹين كا بارہ آنه

Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them:—

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1878, 4to., 149 pages text, 380 pages tables, 3 plates, 4 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to., 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to., 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to., 62 pages, 8 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0

Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 87 pages, 4 plates ... 2 0 0
Report on the Madras Cyclone, May 1877, 4to., 117 pages text, 27 pages tables, 5 plates ... 2 8 0

HENRY F. BLANFORD,
Meteorological Reporter to Government of India.

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The "Indian Law Reports," published under the authority of the Governor General in Council, will appear in monthly parts, published as soon as possible after the first of each month at Calcutta, Madras, Bombay, and Allahabad, and will comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court will be reported in the Series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court will be reported in the Calcutta Series. The Parts of each Series can be had separately, or all four Parts can be had stitched into one wrapper at the option of subscribers and purchasers. It will be observed from the following statement of the terms of subscription and sale, that a considerable reduction is allowed to persons taking the complete set:

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MESSRS. THACKER AND CO., BOMBAY;
MESSRS. HIGGINBOTHAM AND CO., MADRAS;
THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY;
THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

A few sets of the Bengal Law Reports (Volumes 1 to 15) are available at Messrs. Thacker, Spink & Co., Calcutta, at Rs. 375 a

Charts, &c., issued at the Marine Survey Department, Calcutta, by order of the Government of India, and sold at the Office of the Marine Survey Department, 4-4 London's Buildings, Hastings Street, Calcutta, where Admiralty Charts can also be obtained.

☞ **All Charts are corrected up to the date of issue.**

Indian Ocean—

Indian Ocean—Curves of equal magnetic variation. *Annas 8.*
Indian Ocean, Suez to Penang, including Zanzibar and Madagascar (Engraved), Physical and track chart. *Re. 1.*
Arabian Sea, Western portion, with plans of Babel Mandeb Strait and Zanzibar Harbour. *Re. 1-8.*
Arabian Sea, Eastern portion, with plans of Kurrachee, Bombay, Colombo, Galle and Madras. *Re. 1-8.*

India, West Coast—

Kurrachee to Vingorla. *Re. 1-12.*
Vingorla to Cape Comorin. *Re. 1-12.*
Port of Sálaya or Serain. *Re. 1.*
Cutch Mándvi. *Re. 1.*
Veráwal Roads. *Re. 1.*
Sketch of the Entrance to Rajpuri River. *Annas 8.*
Ratnagiri, including Miya and Kalbadavie Bays. *Re. 1.*
Kundari Island to Chaul. *Re. 1.*
Chaul and Entrance to Kundalika River. *Re. 1.*
Rajapur Bay and Viziadurg with adjacent Coast. *Re. 1.*
Jaygad and Entrance to Shavitri River. *Re. 1.*
Dabhol and Entrance to Washisti River. *Re. 1.*
Bankot and Entrance to Shavitri River.
Goa and Marmagao Roadsteads. *Annas 12.*
Sadashivgad Bay, including the port of Karwar and Beitkul Cove.
Narakel Anchorage. *Annas 8.*
Quilon Roads. *Annas 8.*
Lakadive Group—Cherbaniani Reef, Chitlac and Kiltan Islands. *Annas 12.*
Byramgore Reef or Chereapani, and Angria Bank. *Annas 8.*
Kolachel Roadstead, with plan of Enciam Rocks. *Re. 1-8.*

India, East Coast—Bay of Bengal, Ceylon, &c.—

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The Gazette of India.

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CALCUTTA, SATURDAY, MARCH 11, 1882.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

DISSOLUTION OF PARTNERSHIP.

Mr. T. B. Middleton ceased to be a partner in our firm as from the 31st of December last.

GLOVER & Co.

BOMBAY,
The 22nd February 1882.

NOTICE.

Mr. Edward Bedford is admitted a partner in our firm in the contract for the construction of the Bhopal State Railway as from the 1st January 1882.

GLOVER & Co.

BOMBAY,
The 22nd February 1882.

NOTICE.

Mr. James Stevenson has been admitted a partner in our firm as from 1st February.

GRAHAM & Co.

The 10th March 1882.

PROMISSORY NOTES.

Lost

The Government Promissory Notes, No. 059378 for Rs. 1,000 and No. 086093 for Rs. 500, of the 4 per cent., originally standing in the name of person or persons (unknown), and last endorsed to Mr. Kanojee Rao Bin Deojee Goond, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and the Residency Treasury at Indore, and application is about to be made for the issue of duplicates in favour of the proprietor.

KANOJEE RAO BIN DEOJEE GOOND,
Major of His Highness Maharajah Holkar's Hoojrat Cavalry, Indore.

Lost or Stolen

On the 23rd January 1882, the Government Promissory Notes Nos. $\frac{13367}{8059}$, for Rs. 1,000, and $\frac{13305}{8059}$, for Rs. 4,000, each of the 4 per cent. of 1835-36, originally standing in the name of Rajchunder Sur, after whose death power under Act XXVII of 1860 lay with Koonja Bihari Sur, and lastly such power lies jointly with Haridhan Sur and Srimatya Haridasi, the proprietors, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietors.

HARIDHAN SUR & SRIMATYA HARIDASI,
Katrong, District Hooghly.

The 9th March 1882.

Lost, Stolen, or Mislaid.

The Government Promissory Note, No. 086068, of the 4 per cent. Loan of 1842-43, for Rs. 500, originally standing in the name of the Bank of Bengal, and last endorsed to Caetano Gabriel de Souza, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Offices, Bombay and Calcutta, and application is about to be made for the issue of a duplicate in favour of the proprietor.

CAETANO GEL. DE SOUZA,
Badem, Serula, Goa,
or care of Mr. J. J. de Souza,
113, Cavel Street, Bombay.

BOMBAY,
The 18th February 1882.

Lost

The undermentioned Debentures of the Nagpore-Chuttisgarh Railway Loan (4½ per cent.) from the possession of the Tehsildar of Sihora, District Jubbulpore, prior to their delivery to the owners. They have not been endorsed to any one by the owners :—

No. 000017, for Rs. 200.
„ 000050, „ 500.
„ 000097, „ 500.
„ 000098, „ 500.
„ 000167, „ 500.
„ 000178, „ 500.

C. H. GRACE, *Lieut.-Col.,*
Deputy Commissioner, Jubbulpore.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th February, 1882, and is hereby promulgated for General information :—

ACT No. VI OF 1882.

THE INDIAN COMPANIES ACT, 1882.

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FIRST SCHEDULE.

SECOND SCHEDULE.

An Act for the incorporation, regulation and winding-up of Trading Companies and other Associations.

Preamble.

WHEREAS it is expedient to amend the law relating to the incorporation, regulation and winding-up of Trading Companies and other Associations; It is hereby enacted as follows:

PRELIMINARY.

Short title.

Local extent.

1. This Act may be cited as "The Indian Companies Act, 1882": it extends to the whole of British India:

Commencement.

it shall come into force on the first day of May, 1882; and the time at which it comes into force is hereinafter referred to as the commencement of this Act.

Repeal of Act X of 1866.

2. On and from the commencement of this Act, the Indian Companies Act, 1866, shall be repealed. But such repeal shall not affect—

(*a*) the incorporation of any Company registered under the said Act or any Act thereby repealed;

(*b*) any right or privilege acquired or liability incurred under the said Act or any Act thereby repealed;

(*c*) table B in the schedule annexed to Act No. XIX of 1857 or any part thereof, so far as the same applies to any Company existing at the time of the commencement of this Act.

And all references to the said Indian Companies Act, 1866, in Acts or Regulations passed before the commencement of this Act shall be read as if made to this Act, and all rules made, fees directed, resolutions passed and other things duly done under the same Act shall be deemed to be respectively made, directed, passed and done under this Act; and all Companies under the same Act shall be deemed to be Companies under this Act.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"Insurance Company";

"Insurance Company" means a Company that carries on the business of insurance either solely or in common with any other business or businesses;

"Court";

"Court" means the principal civil Court of original jurisdiction in a district, and includes the High Court in the exercise of its ordinary original civil jurisdiction;

"District Court";

"District Court" means the principal civil Court of original jurisdiction in a district, but does not include the High Court in the exercise of its ordinary original civil jurisdiction.

Prohibition of partnerships exceeding certain number.

4. No Company, Association or Partnership consisting of more than ten persons shall be formed for the purpose of carrying on the business of banking, unless it is registered as a Company under this Act, or is formed in pursuance of an Act of Parliament or some other Act of the Governor General in Council, or by royal charter or Letters Patent; and no Company, Association or Partnership consisting of more than twenty persons shall be formed for the purpose of carrying on any other business that has for its object the acquisition of gain by the Company, Association or Partnership, or by the individual members thereof, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act or of Letters Patent.

Division of Act.

5. This Act is divided into nine Parts, relating to the following subject-matters:—

The first Part—to the constitution and incorporation of Companies and Associations under this Act;

The second Part—to the distribution of the capital and liability of members of Companies and Associations under this Act;

The third Part—to the management and administration of Companies and Associations under this Act;

The fourth Part—to the winding-up of Companies and Associations under this Act;

The fifth Part—to the registration-office;

The sixth Part—to the application of this Act to Companies registered under Act No. XIX of 1857 (*for the incorporation and regulation of Joint Stock Companies and other Associations either with or without limited liability of the members thereof*), and Act No. VII of 1860 (*to enable Joint Stock Banking Companies to be formed on the principle of limited liability*), or either of them;

The seventh Part—to Companies authorized to register under this Act;

The eighth Part—to the application of this Act to unregistered Companies;

The ninth Part—to miscellaneous provisions.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Memorandum of Association.

Mode of forming Company.

6. Any seven or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of association and otherwise complying with the requisitions of this Act in respect of registration, form an incorporated Company, with or without limited liability.

Explanation.—Foreigners are persons within the meaning of this section, although the whole or any part of the business of the proposed Company is intended to be transacted out of British India.

Mode of limiting liability of members.

7. The liability of the members of a Company formed under this Act may, according to the memorandum of association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake by the memorandum of association to contribute to the assets of the Company in the event of its being wound up.

Directors with unlimited liability.

Where a Company is formed as a Limited Company, the liability of the directors or managers of such Company, or of the managing director, may, if so provided by the memorandum of association, be unlimited.

Memorandum of association of a Company limited by shares.

8. Where a Company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a Company limited by shares, the memorandum of association shall contain the following things (that is to say):—

(*a*) the name of the proposed Company with the addition of the word "limited" as the last word in such name;

(*b*) the part of British India in which the registered office of the Company is proposed to be situate;

(*c*) the objects for which the proposed Company is to be established;

(*d*) a declaration that the liability of the members is limited;

(*e*) the amount of capital with which the Company proposes to be registered divided into shares of a certain fixed amount:

Subject to the following regulations:—

(*f*) that no subscriber shall take less than one share;

(*g*) that each subscriber of the memorandum of association shall write opposite to his name the number of shares he takes.

Memorandum of association of a Company limited by guarantee.

9. Where a Company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the Company in the event of the same being wound up (hereinafter referred to as a Company limited by guarantee), the memorandum of association shall contain the following things (that is to say):—

(*a*) the name of the proposed Company, with the addition of the word "limited" as the last word in such name;

(*b*) the part of British India in which the registered office of the Company is proposed to be situate;

(*c*) the objects for which the proposed Company is to be established

(*d*) a declaration that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member, or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and of the costs, charges and expenses of winding-up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required, not exceeding a specified amount.

Memorandum of association of an unlimited Company.

10. Where a Company is formed on the principle of having no limit placed on the liability of its members (hereinafter referred to as an unlimited Company), the memorandum of association shall contain the following things (that is to say):—

(*a*) the name of the proposed Company;

(*b*) the part of British India in which the registered office of the Company is proposed to be situate;

(*c*) the objects for which the proposed Company is to be established.

Signature and effect of memorandum of association.

11. The memorandum of association shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. It shall, when registered, bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in the memorandum contained, on the part of himself, his heirs, executors and administrators, a contract to observe all the conditions of such memorandum subject to the provisions of this Act.

Power of certain Companies to alter memorandum of association.

12. Any Company limited by shares may so far modify the conditions contained in its memorandum of association, if authorized to do so by its regulations as originally framed, or as altered by special resolution in manner hereinafter mentioned, as to increase its capital, by the issue of new shares of such amount as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares, or to convert its paid up shares into stock; but, save as aforesaid, and save as hereinafter provided, no alteration shall be made by any Company in the conditions contained in its memorandum of association.

Reduction of Capital and Shares.

Power to Company to reduce capital.

13. Any Company limited by shares may, by special resolution, so far modify the conditions contained in its memorandum of association, if authorized so to do by its regulations as originally framed, or as altered by special resolution, as to reduce its capital; but no such resolution for reducing the capital of any Company shall come into operation until an order of the Court is registered by the Registrar of joint stock Companies, as is hereinafter mentioned.

Explanation I.—The word "capital" includes paid up capital.

Explanation II.—The power to reduce capital conferred by this section includes a power to cancel any lost capital, or any capital unrepresented by available assets, or to pay off any capital which may be in excess of the wants of the Company; and paid up capital may be reduced either with or without extinguishing or reducing the liability (if any) remaining on the shares of the Company; and, to the extent to which such liability is not extinguished or reduced, it shall be deemed to be preserved, notwithstanding anything hereinafter contained.

Company to add "and reduced" to its name for a limited period.

14. The Company shall, after the date of the passing of any special resolution for reducing its capital, add to its name, until such date as the Court may fix, the words "and reduced," as the last words in its name, and those words shall, until such date, be deemed to be part of the name of the Company.

Company to apply to the Court for an order confirming reduction.

15. A Company which has passed a special resolution for reducing its capital may apply to the Court by petition for an order confirming the reduction, and, on the hearing of the petition, the Court, if satisfied that, with respect to every creditor of the Company who, under the provisions of this Act, is entitled to object to the reduction, either his consent to the reduction has been obtained, or his debt or claim has been discharged or has determined, or has been secured as hereinafter provided, may make an order confirming the reduction on such terms and subject to such conditions as it deems fit.

When the reduction does not involve either the diminution of any liability in respect of unpaid capital or the payment to any shareholder of any paid up capital, the creditors of the Company shall not, unless the Court otherwise directs, be entitled to object, or required to consent, to the reduction; and it shall not be necessary, before the presentation of any petition under this section, to add, and the Court may, if it thinks fit so to do, dispense with the addition of, the words "and reduced," as mentioned in section fourteen.

In any case that the Court thinks fit so to do, it may require the Company to publish, in such manner as the Court thinks fit, the reasons for the reduction or such other information regarding the same as the Court may think expedient with a view to give proper information to the public in relation to such reduction, and if the Court thinks fit, the cause which led thereto.

Creditors may object to reduction, and list of objecting creditors to be settled by Court.

16. Where a Company proposes to reduce its capital, every creditor of the Company who, at the date fixed by the Court, is entitled to any debt or claim which, if that date were the commencement of the winding-up of the Company, would be admissible in proof against the Company, shall be entitled to object to the proposed reduction, and to be entered in the list of creditors who are so entitled to object.

The Court shall settle a list of such creditors, and for that purpose shall ascertain as far as possible, without requiring an application from any creditor, the names of such creditors and the nature and amount of their debts or claims, and may publish notices fixing a certain day or days within which creditors of the Company who are not entered on the list are to claim to be so entered, or to be excluded from the right of objecting to the proposed reduction:

Provided that, when the reduction does not involve either the diminution of any liability in respect of unpaid capital or the payment to any shareholder of any paid up capital, the creditors of the Company shall not, unless the Court otherwise directs, be entitled to object, or required to consent, to the reduction.

Court may dispense with consent of creditor on security being given for his debt.

17. Where a creditor whose name is entered on the list of creditors, and whose debt or claim is not discharged or determined, does not consent to the proposed reduction, the Court may (if it thinks fit) dispense with such consent on the Company securing the payment of the debt or claim of such creditor by setting apart and appropriating in such manner as the Court may direct a sum of such amount as is hereinafter mentioned (that is to say):—

(*a*) If the full amount of the debt or claim of the creditor is admitted by the Company, or, though not admitted, is such as the Company are willing to set apart and appropriate, then the full amount of the debt or claim shall be set apart and appropriated.

(*b*) If the full amount of the debt or claim of the creditor is not admitted by the Company, and is not such as the Company are willing to set apart and appropriate, or if the amount is contingent or not ascertained, then the Court may, if it thinks fit, inquire into and adjudicate upon the validity of such debt or claim, and the amount for which the Company may be liable in respect thereof, in the same manner as if the Company were being wound up by the Court; and the amount fixed by the Court on such inquiry and adjudication shall be set apart and appropriated.

Order and minute to be registered.

18. The Registrar of joint stock Companies, upon the production to him of an order of the Court confirming the reduction of the capital of a Company, and the delivery to him of a copy of the order and of a minute (approved by the Court), showing, with respect to the capital of the Company as altered by the order, the amount of such capital, the number of shares in which it is to be divided, and the amount of each share, and the amount (if any) at the date of the registration of the minute proposed to be deemed to have been paid up on each share, shall register the order and minute; and, on the registration, the special resolution confirmed by the order so registered shall take effect.

Notice of such registration shall be published in such manner as the Court may direct.

The Registrar shall certify under his hand the registration of the order and minute, and his certificate shall be conclusive evidence that all the requisitions of this Act with respect to the reduction of capital have been complied with, and that the capital of the Company is such as is stated in the minute.

Minute to form part of memorandum of association.

19. The minute, when registered, shall be deemed to be substituted for the corresponding part of the memorandum of association of the Company, and shall be of the same validity, and subject to the same alterations, as if it had been originally contained in the memorandum of association; and, subject as in this Act mentioned, no member of the Company, whether past or present, shall be liable in respect of any share to any call or contribution exceeding in amount the difference (if any) between the amount which has been paid on such share and the amount of the share as fixed by the minute.

Saving of rights of creditors who are ignorant of proceedings.

20. If any creditor who is entitled in respect of any debt or claim to object to the reduction of the capital of a Company under this Act is, in consequence of his ignorance of the proceedings taken with a view to such reduction, or of their nature and effect with respect to his claim, not entered on the list of creditors, and after such reduction the Company is unable, within the meaning of this Act, to pay to the creditor the amount of such debt or claim, every person who was a member of the Company at the date of the registration of the order and minute relating to the reduction of its capital shall be liable to contribute for the payment of such debt or claim an amount not exceeding the amount which he would have been liable to contribute if the Company had commenced to be wound up on the day prior to such registration;

and, on the Company being wound up, the Court, on the application of such creditor, and on proof that he was ignorant of the proceedings taken with a view to the reduction, or of their nature and effect with respect to his claim, may, if it thinks fit, settle a list of such contributories accordingly, and make and enforce calls and orders on the contributories settled on such list in the same manner in all respects as if they were ordinary contributories in a winding-up.

Nothing in this section shall affect the rights of the contributories of the Company among themselves.

Registered minute to be embodied in memorandum of association.

21. A minute, when registered, shall be embodied in every copy of the memorandum of association issued after its registration; and, if any Company makes default in complying with the provisions of this section, it shall incur a penalty not exceeding ten rupees for each copy in respect of which such default is made; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Penalty on concealment of name of creditor.

22. If any director, manager or officer of the Company wilfully conceals the name of any creditor of the Company who is entitled to object to the proposed reduction, or wilfully misrepresents the nature or amount of the debt or claim of any creditor of the Company, or if any director or manager of the Company abets, within the meaning of the Indian Penal Code, any such concealment or misrepresentation as aforesaid, every such director, manager or officer shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Power to reduce capital by cancellation of unissued shares.

23. Any Company limited by shares may so far modify the conditions contained in its memorandum of association, if authorized so to do by its regulations as originally framed or as altered by special resolution, as to reduce its capital by cancelling any shares which, at the date of passing such resolution, have not been taken or agreed to be taken by any persons; and the provisions as to reduction of capital contained in the other sections of this Act shall not apply to any reduction made in pursuance of this section.

Sub-division of Shares.

Shares may be divided into shares of smaller amount.

24. Any Company limited by shares may, by special resolution, so far modify the conditions contained in its memorandum of association, if authorized so to do by its regulations as originally framed or as altered by special resolution, as, by sub-division of its existing shares or any of them, to divide its capital, or any part thereof, into shares of smaller amount than is fixed by its memorandum of association:

Provided that, in the sub-division of the existing shares, the proportion between the amount which is paid and the amount (if any) which is unpaid on each share of reduced amount shall be the same as it was in the case of the existing share or shares from which the share of reduced amount is derived.

Special resolution to be embodied in memorandum of association.

25. The statement of the number and amount of the shares into which the capital of the Company is divided, contained in every copy of the memorandum of association issued after the passing of any such special resolution, shall be in accordance with such resolution; and any Company which makes default in complying with the provisions of this section shall incur a penalty not exceeding twenty rupees for each copy in respect of which such default is made; and every director and manager of the Company who knowingly or wilfully authorizes or permits such default shall incur the like penalty.

Associations not for Profit.

Special provisions as to associations formed for purposes not of gain.

26. Where any association which might be formed under this Act as a limited Company proves to the Local Government that

it is formed for the purpose of promoting commerce, art, science, charity, or any other useful object, and that it is the intention of such association to apply the profits, if any, or other income of the association, in promoting its objects, and to prohibit the payment of any dividend to its members, the Local Government may, by license under the hand of one of its Secretaries, direct such association to be registered with limited liability, without the addition of the word "limited" to its name; and such association may be registered accordingly, and upon registration shall enjoy all the privileges and be subject to the obligations by this Act imposed on limited Companies; with the exceptions that none of the provisions of this Act that require a limited Company to use the word "limited" as any part of its name, or to publish its name, or to send a list of its members, directors, or managers to the Registrar, shall apply to an association so registered.

The license by the Local Government may be granted upon such conditions and subject to such regulations as the Local Government thinks fit to impose; and such conditions and regulations shall be binding on the association, and may at the option of the Local Government be inserted in the memorandum and articles of association, or in both or one of such documents.

Calls upon Shares.

Company may have some shares fully paid, and others not.

27. Nothing herein contained shall be deemed to prevent any Company under this Act, if authorized by its regulations as originally framed or as altered by special resolution, from doing any one or more of the following things, namely:—

(*a*) making arrangements on the issue of shares for a difference between the holders of such shares in the amount of calls to be paid, and in the time of payment of such calls;

(*b*) accepting from any member of the Company who assents thereto the whole or a part of the amount remaining unpaid on any share or shares held by him, either in discharge of the amount of a call payable in respect of any other share or shares held by him or without any call having been made;

(*c*) paying dividend in proportion to the amount paid up on each share in cases where a larger amount is paid up on some shares than on others.

Manner in which shares are to be issued and held.

28. Every share in any Company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless the same has been otherwise determined by a contract duly made in writing and filed with the Registrar of joint stock Companies at or before the issue of such shares.

Transfer of Shares.

Transfer may be registered at request of transferor.

29. A Company shall, on the application of the transferor of any share or interest in the Company, enter in its register of members the name of the transferee of such share or interest in the same manner and subject to the same conditions as if the application for such entry were made by the transferee.

Share-warrants to Bearer.

Warrant of limited shares fully paid up may be issued in name of bearer.

30. In the case of a Company limited by shares, the Company, if authorized so to do by its regulations as originally framed or as altered by special resolution, and subject to the provisions of such regulations, may, with respect to any share which is fully paid up, or with respect to stock, issue under their common seal a warrant (hereinafter referred to as a share-warrant) stating that the bearer thereof is entitled to the shares or stock therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on such shares or stock.

Coupons.

Effect of share-warrant.

31. A share-warrant shall entitle the bearer thereof to the shares or stock specified therein; and such shares or stock may be transferred by the delivery of the share-warrant.

Re registration of bearer of a share-warrant in the register.

32. The bearer of a share-warrant shall, subject to the regulations of the Company, be entitled, on surrendering such warrant for cancellation, to have his name entered as a member in the register of members; and the Company shall be responsible for any loss incurred by any person by reason of the Company entering in its register of members the name of any bearer of a share-warrant in respect of the shares or stock specified therein without the share-warrant being surrendered and cancelled.

Regulations of the Company may make the bearer of a share-warrant a member.

33. The bearer of a share-warrant may, if the regulations of the Company so provide, be deemed to be a member of the Company within the meaning of this Act, either to the full extent or for such purposes as may be prescribed by the regulations:

Provided that the bearer of a share-warrant shall not be qualified in respect of the shares or stock specified in such warrant for being a director or manager of the Company in cases where such a qualification is prescribed by the regulations of the Company.

Entries in register where share-warrant issued.

34. On the issue of a share-warrant in respect of any share or stock, the Company shall strike out of its register of members the name of the member then entered therein as holding such share or stock, as if he had ceased to be a member, and shall enter in the register the following particulars:—

(*a*) the fact of the issue of the warrant;

(*b*) a statement of the shares or stock included in the warrant, distinguishing each share by its number;

(*c*) the date of the issue of the warrant.

Stamps on share-warrants.

35. There shall be charged on every share-warrant a stamp-duty of an amount equal to three times the amount of the *ad valorem* stamp-duty which would be chargeable on an instrument transferring the shares or stock specified in the warrant if the consideration for the transfer were the nominal value of such shares or stock.

Penalty for issuing share-warrant not duly stamped.

If a share-warrant is issued without being duly stamped, the Company issuing the same, and also every person who, at the time when it is issued, is the managing director or secretary or other principal officer of the Company, shall forfeit the sum of five hundred rupees.

Change of Name.

Power of Companies to change name.

36. Any Company under this Act, with the sanction of a special resolution of the Company passed in manner hereinafter mentioned, and with the approval of the Local Government testified in writing under the hand of one of the Secretaries to such Government, may change its name; and, upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company; and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

Explanation.—The issue of the certificate of incorporation is necessary to complete the change of name.

Articles of Association.

Regulations to be prescribed by articles of association.

37. The memorandum of association may, in the case of a Company limited by shares, and shall, in the case of a Company limited by guarantee or unlimited, be accompanied, when registered, by articles of association signed by the subscribers to the memorandum of association, and prescribing such regulations for the Company as the subscribers to the memorandum of association deem expedient.

The articles shall be expressed in separate paragraphs, numbered consecutively. They may adopt all or any of the provisions contained in the table marked A in the first schedule hereto. They shall, in the case of a Company, whether limited by guarantee or unlimited, that has a capital divided into shares, state the amount of capital with which the Company proposes to be registered, and in the case of a Company, whether limited by guarantee or unlimited, that has not a capital divided into shares, state the number of members with which the Company proposes to be registered, for the purpose of enabling the Registrar to determine the fees payable on registration.

In a Company limited by guarantee or unlimited, and having a capital divided into shares, each subscriber shall take one share at the least, and shall write opposite to his name in the memorandum of association the number of shares he takes.

Application of table A.

38. In the case of a Company limited by shares, if the memorandum of association is not accompanied by articles of association, or, in so far as the articles do not exclude or modify the regulations contained in the table marked A in the first schedule hereto, the last-mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the Company, in the same manner and to the same extent as if they had been inserted in articles of association and the articles had been duly registered.

Signature and effect of articles of association.

39. The articles of association shall be printed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least.

When registered, they shall bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto and as if such articles contained a contract on the part of himself, his heirs, executors and administrators to conform to all the regulations contained in such articles subject to the provisions of this Act.

All monies payable by any member to the Company in pursuance of the conditions and regulations of the Company, or any of such conditions or regulations, shall be deemed to be a debt due from such member to the Company.

General Provisions.

Registration of memorandum of association and articles of association with fees as in table B.

40. The memorandum of association, and the articles of association, if any, shall be delivered to the Registrar of joint stock Companies hereinafter mentioned, who shall retain and register the same. It is not his duty to require evidence as to whether the several subscribers to a memorandum of association so delivered are competent to contract.

There shall be paid to the Registrar by a Company having a capital divided into shares, in respect of the several matters mentioned in the table marked B in the first schedule hereto, the several fees therein specified, or such smaller fees as the Governor General in Council may from time to time direct, and by a Company not having a capital divided into shares, in respect of the several matters mentioned in the table marked C in the first schedule hereto, the several fees therein specified, or such smaller fees as the Governor General in Council may from time to time direct.

All fees paid to the said Registrar in pur-

suance of this Act shall be accounted for to Government.

Effect of registration.

41. Upon the registration of the memorandum of association, and of the articles of association in cases where articles of association are required by this Act or by the desire of the parties to be registered, the Registrar shall certify under his hand that the Company is incorporated, and in the case of a limited Company that the Company is limited: the subscribers of the memorandum of association, together with such other persons as may from time to time become members of the Company, shall thereupon be a body corporate by the name contained in the memorandum of association, capable forthwith of exercising all the functions of an incorporated Company, and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the Company, in the event of the same being wound up, as is hereinafter mentioned.

A certificate of the incorporation of any Company given by the Registrar shall be conclusive evidence that all the requisitions of this Act in respect of registration have been complied with.

Copies of memorandum and articles to be given to members.

42. A copy of the memorandum of association, having annexed thereto the articles of association, if any, shall be forwarded to every member, at his request, on payment of such sum, not exceeding one rupee, as may be prescribed by the Company for each copy; and if any Company makes default in forwarding a copy of the memorandum of association and articles of association, if any, to a member in pursuance of this section, the Company so making default shall for each such offence incur a penalty not exceeding twenty rupees.

Prohibition against identity of names in Companies.

43. No Company shall be registered under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a case where such subsisting Company is in the course of being dissolved and testifies its consent in such manner as the Registrar requires.

If any Company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the sanction of the Registrar, change its name; and, upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company, and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

PART II.

DISTRIBUTION OF CAPITAL AND LIABILITY OF MEMBERS OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Distribution of Capital.

Nature of interest in Company.

44. The shares or other interest of any member in a Company under this Act shall be moveable property, capable of being transferred in manner provided by the regulations of the Company, and shall not be of the nature of real estate or immoveable property; and each share shall, in the case of a Company having a capital divided into shares, be distinguished by its appropriate number.

Definition of "member."

45. The subscribers of the memorandum of association of any Company under this Act shall be deemed to have agreed to become members of the Company whose memorandum they have subscribed, and upon the registration of the Company shall be entered as members on the register of members hereinafter mentioned; and every other person who has agreed with a Company under this Act to become a member of such Company, and whose name is entered on the register of members, shall be deemed to be a member of the Company.

Transfer by personal representative.

46. Any transfer of the share or other interest of a deceased member of a Company under this Act, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Register of members.

47. Every Company under this Act shall cause to be kept in one or more books a register of its members, and there shall be entered therein the following particulars:—

(*a*) the names and addresses, and the occupations, if any, of the members of the Company, with the addition, in the case of a Company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number, and of the amount paid or agreed to be considered as paid on the shares of each member;

(*b*) the date at which the name of any person was entered in the register as a member;

(*c*) the date at which any person ceased to be a member.

Where a share-warrant has been issued under section thirty, until the warrant is surrendered, the particulars mentioned in section thirty-four

shall be deemed to be the particulars which are required by this section to be entered in the register of members of a Company; and, on the surrender of a warrant, the date of such surrender shall be entered as if it were the date at which a person ceased to be a member.

Any Company acting in contravention of this section shall incur a penalty not exceeding fifty rupees for every day during which its default in complying with the provisions of this section continues, and every director or manager of the Company who knowingly and wilfully authorizes or permits such contravention shall incur the like penalty.

Annual list of members.

48. Every Company under this Act and having a capital divided into shares shall make, once at least in every year, a list of all persons who, on the fourteenth day succeeding the day on which the ordinary general meeting, or, if there is more than one ordinary general meeting in each year, the first of such ordinary general meetings, is held, are members of the Company. Such list shall state the names, addresses and occupations of all the members therein mentioned, and the number of shares held by each of them, and shall contain a summary specifying the following particulars:—

(*a*) the amount of the capital of the Company and the number of shares into which it is divided;

(*b*) the number of shares taken from the commencement of the Company up to the date of the summary;

(*c*) the amount of calls made on each share;

(*d*) the total amount of calls received;

(*e*) the total amount of calls unpaid;

(*f*) the total amount of shares forfeited;

(*g*) the names, addresses and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the register, and shall be completed within seven days after such fourteenth day as is mentioned in this section; and a copy shall forthwith be forwarded to the Registrar of joint stock Companies.

Particulars to be contained in annual summary.

49. After the issue by the Company of a share-warrant, the annual summary required by section forty-eight shall contain the following particulars (namely):—the total amount of shares or stock for which share-warrants are outstanding at the date of the summary, and the total amount of share-warrants which have been issued and surrendered respectively since the last summary was made, and the number of shares or amount of stock comprised in each warrant.

Penalty on Company, &c., not keeping a proper register.

50. If any Company under this Act and having a capital divided into shares makes default in complying with the provisions of this Act with respect to forwarding such list of members or summary as is hereinbefore mentioned to the Registrar, such Company shall incur a penalty not exceeding fifty rupees for every day during which such default continues; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Company to give notice of consolidation or of conversion of capital into stock.

51. Every Company under this Act having a capital divided into shares that has consolidated and divided its capital into shares of larger amount than its existing shares, or converted any portion of its capital into stock, shall, within fifteen days of such consolidation, division or conversion, give notice to the Registrar of joint stock Companies of the same, specifying the shares so consolidated, divided or converted.

Effect of conversion of shares into stock.

52. Where any Company under this Act and having a capital divided into shares has converted any portion of its capital into stock and given notice of such conversion to the Registrar, all the provisions of this Act which are applicable to shares only shall cease as to so much of the capital as is converted into stock; and the register of members hereby required to be kept by the Company and the list of members to be forwarded to the Registrar shall show the amount of stock held by each member in the list, instead of the amount of shares and the particulars relating to shares hereinbefore required.

Entry of trusts on register.

53. No notice of any trust, express, implied or constructive, shall be entered on the register or be receivable by the Registrar in the case of Companies under this Act and registered in British India.

Certificate of shares or stock.

54. A certificate under the common seal of the Company, specifying any shares or stock held by any member of a Company, shall be *primâ facie* evidence of the title of the member to the share or shares or stock therein specified.

Inspection of register.

55. The register of members, commencing from the date of the registration of the Company, shall be kept at the registered office of the Company hereinafter mentioned. Except when closed as hereinafter mentioned, it shall, during business hours, but subject to such reasonable restrictions as the Company in general meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one rupee, or such less sum as the Company may prescribe, for each inspection.

Every such member or other person may require a copy of such register, or of any part thereof, or of such list or summary of members as is hereinbefore mentioned, on payment of two annas for every hundred words required to be copied.

If such inspection or copy is refused, the Com-

pany shall incur for each refusal a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues.

Every director and manager of the Company who knowingly authorizes or permits such refusal shall incur the like penalty.

In addition to the above penalty any Judge of a High Court may by order compel an immediate inspection of the register.

Power to close register.

56. Any Company under this Act may, upon giving notice by advertisement in some newspaper circulating in the district in which the registered office of the Company is situate and in the local official Gazette, close the register of members for any time or times not exceeding in the whole thirty days in each year.

Notice of increase of capital and of members to be given to Registrar.

57. Where a Company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and where a Company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number, shall be given to the Registrar, in the case of an increase of capital, within fifteen days from the date of the passing of the resolution by which such increase has been authorized, and in the case of an increase of members, within fifteen days from the time at which such increase of members has been resolved on or has taken place; and the Registrar shall forthwith record the amount of such increase of capital or members.

If such notice is not given within the period aforesaid, the Company in default shall incur a penalty not exceeding one hundred rupees for every day during which such neglect to give notice continues; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Remedy for improper entry or omission of entry in register.

58. If the name of any person is fraudulently or without sufficient cause entered in, or omitted from, the register of members kept by any Company under this Act, or if default is made, or unnecessary delay takes place, in entering on the register the fact of any person having ceased to be a member of the Company, the person or member aggrieved, or any member of the Company, or the Company itself, may, by application to the principal Court of original civil jurisdiction in the district or place in which the registered office of the Company is situate, apply for an order of the Court that the register may be rectified; and the Court may either refuse such application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the register, and may direct the Company to pay all the costs of such application, and any damages the party aggrieved may have sustained.

The Court may in any proceeding under this section decide any question relating to the title of any person who is a party to such proceeding to have his name entered in, or omitted from, the register, whether such question arises between two or more members or alleged members, or between any members or alleged members and the Company, and whether there has or has not been default on the part of the Company; and generally the Court may, in any such proceeding, decide any question that it may be necessary or expedient to decide for the rectification of the register: Provided that the Court may direct an issue to be tried in which any question of law may be raised; and an appeal in the manner directed by the Code of Civil Procedure shall lie.

Notice to Registrar of rectification of register.

59. Whenever any order has been made for rectifying the register in the case of a Company hereby required to send a list of its members to the Registrar, the Court shall, by its order, direct that due notice of such rectification be given to the Registrar.

Register to be evidence.

60. The register of members shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Liability of Members.

Liability of present and past members of Company.

61. In the event of a Company formed under this Act being wound up, every present and past member of such Company shall be liable to contribute to the assets of the Company to an amount sufficient for payment of the debts and liabilities of the Company and the costs, charges and expenses of the winding-up, and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves, with the qualifications following, (that is say):—

(*a*) No past member shall be liable to contribute to the assets of the Company if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding-up:

(*b*) No past member shall be liable to contribute in respect of any debt or liability of the Company contracted after the time at which he ceased to be a member:

(*c*) No past member shall be liable to contribute to the assets of the Company unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act:

(*d*) In the case of a Company limited by shares no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:

(*e*) In the case of a Company limited by guarantee, no contribution shall be required from any member exceeding the amount of the undertaking

entered into on his behalf by the memorandum of association:

(*f*) Nothing in this Act contained shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members upon any such policy or contract is restricted, or whereby the funds of the Company are alone made liable in respect of such policy or contract:

(*g*) No sum due to any member of a Company in his character of a member, by way of dividends, profits or otherwise, shall be deemed to be a debt of the Company payable to such member in a case of competition between himself and any other creditor not being a member of the Company; but any such sum may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

Explanation I.—The liability of past members is a liability to contribute to the general assets of the Company, against which assets creditors (at whatever time their debts may have been contracted) have equal rights.

Explanation II.—In estimating the debts to which a past member is liable, all dividends paid on these debts under the winding-up must be deducted.

Liability of director whose liability is unlimited.

62. With respect to the contributions to be required in the event of the winding-up of a limited Company from any director or manager whose liability is unlimited, the following modifications shall be made in the last preceding section:—

(*a*) Subject to the provisions hereinafter contained, any such director or manager, whether past or present, shall, in addition to his liability (if any) to contribute as an ordinary member, be liable to contribute as if he were at the date of the commencement of such winding-up a member of an unlimited Company:

(*b*) No contribution required from any past director or manager who has ceased to hold such office for a period of one year or upwards prior to the commencement of the winding-up shall exceed the amount (if any) which he is liable to contribute as an ordinary member of the Company:

(*c*) No contribution required from any past director or manager in respect of any debt or liability of the Company contracted after the time at which he ceased to hold such office shall exceed the amount (if any) which he is liable to contribute as an ordinary member of the Company:

(*d*) Subject to the provisions contained in the regulations of the Company, no contribution required from any director or manager shall exceed the amount (if any) which he is liable to contribute as an ordinary member, unless the Court thinks it necessary to require such contribution in order to satisfy the debts and liabilities of the Company, or the costs, charges and expenses of the winding-up.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

Registered office of Company.

63. Every Company under this Act shall have a registered office to which all communications and notices may be addressed. If any Company under this Act carries on business without having such an office, it shall incur a penalty not exceeding fifty rupees for every day during which business is so carried on.

Notice of situation of registered office.

64. Notice of the situation of such registered office and of any change therein shall be given to the Registrar and recorded by him. Until such notice is given, the Company shall not be deemed to have complied with the provisions of this Act with respect to having a registered office.

Publication of name by a limited Company.

65. Every limited Company under this Act, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible, in the English language, and also, if the registered office be situate in a district beyond the local limits of the ordinary original civil jurisdiction of a High Court, in one of the vernacular languages used in such district, and shall have its name engraven in legible characters in such language or languages on its seal, and shall have its name mentioned in legible characters in such language or languages in all notices, advertisements and other official publications of such Company, and in all bills of exchange, hundís, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices, receipts and letters of credit of the Company.

Penalties on non-publication of name.

66. If any limited Company under this Act does not paint or affix, and keep painted or affixed, its name in manner directed by this Act, it shall be liable to a penalty not exceeding fifty rupees for not so painting or affixing its name, and for every day during which such name is not so kept painted or affixed.

Every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall be liable to the like penalty.

If any director, manager or officer of such Company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorizes the issue of any notice, advertisement or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company any bill

of exchange, hundí, promissory note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, receipt or letter of credit of the Company wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of one thousand rupees, and shall further be personally liable to the holder of any such bill of exchange, hundí, promissory note, cheque or order for money or goods for the amount thereof, unless the same is duly paid by the Company.

Contracts.

Contracts how made.

67. Contracts on behalf of any Company under this Act may be made as follows (that is to say):—

(*a*) Any contract, which if made between private persons would be by law required to be in writing, and, if made according to English law, to be under seal, may be made on behalf of the Company in writing under the common seal of the Company; and such contract may be in the same manner varied or discharged:

(*b*) Any contract, which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the Company in writing signed by any person acting under the express or implied authority of the Company; and such contract may in the same manner be varied or discharged:

(*c*) Any contract, which if made between private persons would by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the Company by any person acting under the express or implied authority of the Company; and such contract may in the same way be varied or discharged. And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors or administrators, as the case may be.

Register of mortgages.

68. Every limited Company under this Act shall keep a register of all mortgages and charges specifically affecting property of the Company, and shall enter in such register, in respect of each mortgage or charge, a short description of the property mortgaged or charged, the amount of charge created, and the names of the mortgagees or persons entitled to such charge.

If any property of the Company is mortgaged or charged without such entry as aforesaid being made, every director, manager or other officer of the Company who knowingly and wilfully authorizes or permits the omission of such entry shall incur a penalty not exceeding five hundred rupees.

The register of mortgages required by this section shall be open to inspection by any creditor or member of the Company at all reasonable times. If such inspection is refused, any officer of the Company refusing the same, and every director and manager of the Company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues.

The High Court or any Judge thereof may by order compel the performance of the duty imposed by this section on a limited Company, and in addition to the above penalty may by order compel an immediate inspection of the register.

Explanation.—Omission to register under this section a mortgage or charge does not render the same invalid. But the officers of the Company cannot avail themselves as such of a mortgage or charge specifically affecting property of the Company and not so registered.

Certain Companies to publish statement entered in schedule.

69. Every limited banking Company, and every insurance Company, and deposit, provident or benefit Society under this Act, shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first schedule hereto, or as near thereto as circumstances will admit; and a copy of such statement shall be put up in a conspicuous place in the registered office of the Company and in every branch office or place where the business of the Company is carried on.

If default is made in compliance with the provisions of this section, the Company shall be liable to a penalty not exceeding fifty rupees for every day during which such default continues; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Every member and every creditor of any Company mentioned in this section shall be entitled to a copy of the above-mentioned statement on payment of a sum not exceeding eight annas.

List of directors to be sent to Registrar.

70. Every Company under this Act and not having a capital divided into shares shall keep at its registered office a register containing the names and addresses and the occupations of its directors or managers, and shall send to the Registrar of joint stock Companies a copy of such register, and shall from time to time notify to the Registrar any change that takes place in such directors or managers.

Penalty on Company not keeping register of directors.

71. If any Company under this Act and not having a capital divided into shares makes default in keeping a register of its directors or managers, or in sending a copy of such register to the Registrar in compliance with the foregoing rules, or in notifying to the Registrar any change that takes place in such directors or managers, such delinquent Company shall incur a penalty not exceeding one hundred rupees for every day during which such default continues; and every

director or manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Promissory notes, bills of exchange and hundís.

72. A promissory note, bill of exchange or hundí shall be deemed to have been made, drawn, accepted or endorsed on behalf of any Company under this Act, if made, drawn, accepted or endorsed in the name of the Company by any person acting under the authority of the Company, or if made, drawn, accepted or endorsed by or on behalf or on account of the Company by any person acting under the authority of the Company.

Prohibition against carrying on business with less than seven members.

73. If any Company under this Act carries on business when the number of its members is less than seven, for a period of six months after the number has been so reduced, every person who is a member of such Company during the time that it so carries on business after such period of six months, and is cognizant of the fact that it is so carrying on business with fewer than seven members, shall be severally liable for the payment of the whole debt of the Company contracted during such time, and may be sued for the same without the joinder in the suit of any other member.

Provisions for Protection of Members.

General meeting of Company.

74. A general meeting of every Company under this Act shall be held once at the least in every year.

Balance-sheet.

A balance-sheet shall be made out and filed with the Registrar of joint stock Companies within twelve months after the Company has been registered, and once at least in every year afterwards within twelve months from the filing of the balance-sheet immediately preceding; and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to Table A in the first schedule hereto, or as near thereto as circumstances admit.

Audit.

And once at the least in every year the accounts of the Company shall be examined and the correctness of the last balance-sheet and its conformity with the law ascertained and certified by one or more auditor or auditors.

No balance-sheet shall be filed with the Registrar unless and until its correctness and conformity with the law have been so ascertained and certified, and it has been laid before and adopted by the Company in general meeting.

If default is made in compliance with any of the provisions of this section, every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall be liable to a penalty of one thousand rupees.

Meetings.

Company to hold meeting within six months after registration.

75. Every Company formed under this Act after the commencement of this Act shall hold a general meeting within six months after its memorandum of association is registered; and, if such meeting is not held, the Company shall be liable to a penalty not exceeding fifty rupees a day for every day after the expiration of such four months, until the meeting is held; and every director or manager of the Company and every subscriber of the memorandum of Association who knowingly authorizes or permits such default shall be liable to the same penalty.

Power to alter regulations by special resolution.

76. Subject to the provisions of this Act and to the conditions contained in the memorandum of association, any Company formed under this Act or the Indian Companies Act, 1866, may, in general meeting, from time to time, by passing a special resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the articles of association, or in the table marked A in the first schedule, where such table is applicable to the Company, or make new regulations to the exclusion of or in addition to all or any of the regulations of the Company.

Any regulations so made by special resolution shall be deemed to be regulations of the Company of the same validity as if they had been originally contained in the articles of association, and shall be subject in like manner to be altered or modified by any subsequent special resolution.

Power to make liability of directors unlimited.

Any limited Company formed under this Act or the Indian Companies Act, 1866, may by a special resolution, if authorized to do so by its regulations as originally framed or as altered by special resolution, from time to time modify the conditions contained in its memorandum of association so far as to render unlimited, from and after the date of such resolution, the liability of its directors or managers, or of the managing director. Such special resolution shall be of the same validity as if it had been originally contained in the memorandum of association, and a copy thereof shall be embodied in or annexed to every copy of the memorandum of association which is issued after the passing of the resolution.

Definition of "special resolution."

77. A resolution passed by a Company under this Act shall be deemed to be special whenever a resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy (in cases where by the regulations of the Company proxies are allowed) at any general meeting of which notice specifying the intention to propose such resolution has been duly given, and such resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month, from the date of the meeting at which such resolution was first passed.

At any meeting mentioned in this section, unless a poll is demanded by at least five members, a declaration of the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same.

Notice of any meeting shall, for the purposes of this section, be deemed to be duly given, and the meeting to be duly held whenever such notice is given and meeting held in manner prescribed by the regulations of the Company.

In computing the majority under this section when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Provision where no regulations as to meetings.

78. In default of any regulations as to voting, every member shall have one vote, and, in default of any regulations as to summoning general meetings, a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the table marked A in the first schedule hereto.

In default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same, and, in default of any regulations as to who is to be chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Registration of special resolutions.

79. A copy of every special resolution that is passed by any Company under this Act shall be printed and forwarded to the Registrar of joint stock Companies and be recorded by him.

If such copy is not so forwarded within fifteen days from the date of the confirmation of the resolution, the Company shall incur a penalty not exceeding twenty rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Copies of special resolutions to be embodied in articles of association.

80. Where articles of association have been registered, a copy of every special resolution for the time being in force shall be annexed to or embodied in every copy of the articles of association that may be issued after the passing of such resolution. Where no articles of association have been registered, a copy of every special resolution shall be forwarded in print to any member requesting the same on payment of one rupee or such less sum as the Company may direct.

If any Company makes default in complying with the provisions of this section or section seventy-six, it shall incur a penalty not exceeding twenty rupees for each copy in respect of which such default is made; and every director and manager of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Execution of deeds abroad.

81. Any Company under this Act may, by instrument in writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute deeds on its behalf in any place not situate in British India; and every deed signed by such attorney on behalf of the Company and under his seal shall be binding on the Company and have the same effect as if it were under the common seal of the Company.

Examination of affairs of Company by inspectors.

82. The Local Government may appoint one or more competent inspectors to examine into the affairs of any Company under this Act, and to report thereon in such manner as the Local Government may direct upon the applications following (that is to say):—

(*a*) In the case of a banking or any other Company that has a capital divided into shares, upon the application of members holding not less than one-fifth part of the whole shares of the Company for the time being issued:

(*b*) In the case of any Company not having a capital divided into shares, upon the application of members being in number not less than one-fifth of the whole number of persons for the time being entered on the register of the Company as members.

Application for inspection to be supported by evidence.

83. The application shall be supported by such evidence as the Local Government may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same.

The Local Government may also require the applicants to give security for payment of the costs of the inquiry before appointing any inspector or inspectors.

Inspection of books.

84. It shall be the duty of all officers and agents of the Company to produce for the examination of the inspectors all books and documents in their custody or power.

Any inspector may examine upon oath the officers and agents of the Company in relation to its business.

If any such officer or agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the Company, he shall incur a penalty not exceeding one hundred rupees in respect of each such offence.

Result of examination how dealt with.

85. Upon the conclusion of the examination, the inspectors shall report their opinions to the Local Government. Such report shall be written or printed as the Local Government directs.

A copy shall be forwarded by the Local Government to the registered office of the Company, and a further copy shall, at the request of the mem-

been upon whose application the inspection was made, be delivered to them or to any one or more of them.

All expenses of and incidental to any such examination as aforesaid shall be defrayed by the members upon whose application the inspectors were appointed, unless the Local Government shall direct the same to be paid out of the assets of the Company, which the Local Government is hereby authorized to do.

Power of Company to appoint inspectors.

86. Any Company under this Act may, by a special resolution, appoint inspectors for the purpose of examining into the affairs of the Company.

The inspectors so appointed shall have the same powers and perform the same duties as inspectors appointed by the Local Government, with this exception, that, instead of making their report to the Local Government, they shall make the same in such manner and to such persons as the Company in general meeting directs.

The officers and agents of the Company shall incur the same penalties in case of any refusal to produce any book or document hereby required to be produced to such inspectors, or to answer any question, as they would have incurred if such inspectors had been appointed by the Local Government.

Report of inspectors to be evidence.

87. A copy of the report of any inspectors appointed under this Act authenticated by the seal of the Company into whose affairs they have made inspection, shall be admissible in any legal proceeding as evidence of the opinion of the inspectors in relation to any matter contained in such report.

Prospectus, &c., to specify dates and names of parties to certain prior contracts.

88. Every prospectus of a Company, and every notice inviting persons to subscribe for shares in any joint stock Company, shall specify the dates and the names of the parties to any agreement enforceable by law which has been entered into by the Company, or the promoters, directors or trustees thereof, before the issue of such prospectus or notice (whether subject to adoption by the directors or the Company, or otherwise), and which might reasonably influence a person in determining whether he would or would not become a shareholder in the Company; and any prospectus or notice not specifying the same shall be deemed fraudulent on the part of the promoters, directors and officers of the Company knowingly issuing the same, as regards any person taking shares in the Company on the faith of such prospectus, unless he has had notice of such contract.

Notices.

Service of notices on Company.

89. Any summons, notice, order or other document required to be served upon the Company may be served by leaving the same, or sending it through the post by a registered letter addressed to the Company, at their registered office; and any notice to the Registrar of joint stock Companies may be served by sending it to him through the post by a registered letter, or by delivering it to him or by leaving it for him at his office.

Rules as to notices by letter.

90. Every document to be served by post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and, in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was put as a registered letter into the post office.

Authentication of notices by Company.

91. Any summons, notice, order or proceeding requiring authentication by the Company may be signed by any director, secretary or other authorized officer of the Company, and need not be under the common seal of the Company; and the same may be in writing or in print, or partly in writing and partly in print.

Legal Proceedings.

Evidence of proceedings at meetings.

92. Every Company under this Act shall cause minutes of all resolutions and proceedings of general meetings of the Company, and of the directors or managers of the Company in cases where there are directors or managers, to be duly entered in books to be from time to time provided for the purpose; and any such minute as aforesaid, if purporting to be signed by the chairman of the meeting at which such resolutions were passed or proceedings had, or by the chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings.

Until the contrary is proved, every general meeting of the Company or meeting of directors or managers in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had to have been duly passed and had, and all appointments of directors, managers or liquidators shall be deemed to be valid, and all acts done by such directors, managers or liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

Explanation.—Nothing in this section shall be deemed to give validity to acts done by a liquidator after his appointment has been shown to be invalid.

Provision as to costs in suits brought by certain limited Companies.

93. Where a limited Company is plaintiff in any suit, if it appears from the evidence adduced that there is reason to believe that, if the defendant be successful in his defence, the assets of the Company will be insufficient to pay his costs, any Judge having jurisdiction in the matter may require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Plaint in suits against members.

94. In any suit brought by the Company against any member to recover any call or other monies

due from such member in his character of member, it shall be sufficient to allege that the defendant is a member of the Company and is indebted to the Company in respect of a call made or other monies due whereby a suit has accrued to the Company.

Alteration of Forms.

Forms to be used.

95. The forms set forth in the second schedule hereto, or forms as near thereto as circumstances admit, shall be used in all matters to which such forms refer.

Governor General in Council may alter forms.

The Governor General in Council may from time to time make such alterations in the tables and forms contained in the first schedule hereto, so that he does not increase the amount of fees payable to the Registrar in the said schedule mentioned, and in the forms in the second schedule, or make such additions to the last-mentioned forms, as he deems requisite.

Any such table or form, when altered, shall be published in the *Gazette of India*, and, upon such publication being made, such table or form shall have the same force as if it were included in the schedule to this Act; but no alteration made by the Governor General in Council in the table marked A contained in the first schedule shall affect any Company registered prior to the date of such alteration, or repeal, as respects such Company, any portion of such table.

Arbitrations.

Power for Companies to refer matters to arbitration.

96. Any Company under this Act may from time to time, by writing under its common seal, agree to refer, and may refer, to arbitration any matter whatsoever in dispute between itself and any other Company or person; and the Companies, parties to the arbitration, may delegate to the person or persons, to whom the reference is made, power to settle any terms or to determine any matter capable of being lawfully settled or determined by the Companies themselves, or by the directors or other managing body of such Companies.

Power to alter or revoke agreements for reference.

97. The Companies jointly, but not otherwise, from time to time, by writing under their respective common seals, may add to, alter or revoke any agreement for reference in accordance with this Act theretofore entered into between the Companies, or any of the terms, conditions or stipulations thereof.

Agreements to be carried into effect.

98. Every reference or agreement in accordance with this Act, except so far as it is from time to time revoked or modified in accordance with this Act, shall bind the Companies, and may and shall be carried into full effect.

Reference to arbitrator.

99. When the Companies agree, the reference shall be made to a single arbitrator.

Reference to two or more arbitrators.

100. Except where the Companies agree that the reference shall be made to a single arbitrator, the reference shall be made as follows, to wit:—

where there are two Companies, the reference shall be made to two arbitrators;

where there are three or more Companies, the reference shall be made to so many arbitrators as there are Companies.

Appointment of arbitrators by Companies.

101. Where there are to be two or more arbitrators, every Company shall by writing under their common seal appoint one of the arbitrators, and shall give notice in writing thereof to the other Company or Companies.

Appointment of arbitrators by Local Government.

102. Where there are to be two or more arbitrators, if any of the Companies fail to appoint an arbitrator within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government, instead of the Company so failing to appoint an arbitrator, may appoint an arbitrator. The arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of arbitrators by Companies to supply vacancies.

103. Where the reference is made to two or more arbitrators, if before the matters referred to them are determined any arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as arbitrator, the Company by which he was appointed shall by writing under their common seal appoint an arbitrator in his place.

Appointment of arbitrators by Local Government to supply vacancies.

104. Where the Company, by which an arbitrator ought to be appointed in the place of the arbitrator so deceased, incapable, unfit or failing to act, fails to make the appointment within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government may appoint an arbitrator.

The arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of arbitrator not revocable.

105. When any appointment of an arbitrator is made, the Company making the appointment shall have no power to revoke the same without the previous consent in writing of the other Company or every other Company in writing under their common seal.

Appointment of umpire by arbitrators.

106. Where two or more arbitrators are appointed, they shall, before entering on the business of the reference, appoint by writing under their hands

an impartial and qualified person to be their umpire.

Appointment of umpire by Local Government.

107. If the arbitrators do not appoint an umpire within seven days after the reference is made to the arbitrators, then, on the application of the Companies or any of them, the Local Government may appoint an umpire; and the umpire so appointed shall for the purposes of this Act be deemed to be appointed by the arbitrators.

Appointment of umpire by arbitrators to supply vacancy.

108. Where two or more arbitrators are appointed, if before the matters referred to them are determined their umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as umpire, the arbitrators shall by writing under their hands appoint an impartial and qualified person to be their umpire in his place.

Appointment of umpire by Local Government to supply vacancy.

109. If the arbitrators fail to appoint an umpire within seven days after notice in writing to them of the decease, incapacity, unfitness or failure to act of their umpire, then, on the application of the Companies or any of them, the Local Government may appoint an umpire.

The umpire so appointed shall for the purposes of this Act be deemed to be appointed by the arbitrators so failing.

Succeeding arbitrators and umpires to have powers of predecessors.

110. Every arbitrator appointed in the place of a preceding arbitrator, and every umpire appointed in the place of a preceding umpire, shall respectively have the like powers and authorities as his respective predecessor.

Reference to umpire.

111. Where there are two or more arbitrators, if they do not within such a time as the Companies agree on, or, failing such agreement, within thirty days next after the reference is made to the arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their umpire.

Power for arbitrators, &c., to call for books, &c., and examine witnesses on oath.

112. The arbitrator, and the arbitrators, and the umpire respectively may call for the production of any documents or evidence in the possession or power of the Companies respectively, or which they respectively can produce, and which the arbitrator, or the arbitrators or the umpire shall think necessary for determining the matters referred, and may examine the witnesses of the Companies respectively on oath.

Procedure in the arbitration.

113. Except where and as the Companies otherwise agree, the arbitrator, and the arbitrators and the umpire respectively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

Arbitration may proceed in absence of Companies.

114. The arbitrator, and the arbitrators and the umpire respectively may proceed in the absence of all or any of the Companies in every case in which, after giving notice in that behalf to the Companies respectively, the arbitrator, or the arbitrators or the umpire shall think fit so to proceed.

Several awards may be made.

115. The arbitrator, and the arbitrators and the umpire respectively may, if he and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred.

Every such award on part of the matters shall for such time as shall be stated in the award, the same being such as shall have been specified in the agreement for arbitration, or, in the event of no time having been so specified, for any time which the arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that notwithstanding the other matters or any of them be not then or thereafter awarded on.

Awards made in due time to bind all parties.

116. The award of the arbitrator, or of the arbitrators or of the umpire, if made in writing under his or their respective hand or hands and ready to be delivered to the Companies within such a time as the Companies agree on, or failing such agreement within thirty days next after the matters in difference are referred to (as the case may be) the arbitrator, or the arbitrators or the umpire, shall be binding and conclusive on all the Companies.

Power for umpire to extend period for making his award.

117. Provided always that (except where and as the Companies otherwise agree) the umpire, from time to time by writing under his hand, may extend the period within which his award is to be made. If it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

Awards not to be set aside for informality.

118. No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality.

Awards to be obeyed.

119. Except only so far as the Companies bound by any award in accordance with this Act from time to time otherwise agree, all things by every award in accordance with this Act lawfully required to be done, omitted or suffered shall be done, omitted or suffered accordingly.

Agreements, arbitrations and awards to have effect.

120. Full effect shall be given by the Courts according to their respective jurisdictions, and by the Companies respectively, and otherwise, to all agreements, references, arbitrations and awards in accordance with this Act; and

the performance or observance thereof may, where the Courts think fit, be compelled by any process against the Companies respectively or their respective property that the Courts or any Judge thereof shall direct, and where requisite frame, for the purpose.

Costs of arbitration and award.

121. Except where and as the Companies otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the arbitrator, and the arbitrators and the umpire respectively.

Payment of costs.

122. Except where and as the Companies otherwise agree, and if and so far as the award does not otherwise determine, the costs of and attending the arbitration and the award shall be borne and paid by the Companies in equal shares, and in other respects the Companies shall bear their own respective costs.

Submission to arbitration to be filed in Court.

123. On the application of any party interested, the submission to any such arbitration may be filed in the High Court, and an order of reference may be made thereon, with any directions the Court thinks fit; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

PART IV.

WINDING-UP OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Preliminary.

Meaning of "contributory."

124. The term "contributory" shall mean every person liable to contribute to the assets of a Company under this Act in the event of the same being wound up; it shall also, in all proceedings for determining the persons who are to be deemed contributories, and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory.

Nature of liability of contributory.

125. The liability of any person to contribute to the assets of a Company under this Act in the event of the same being wound up shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made as hereinafter mentioned for enforcing such liability; and it shall be lawful, in the case of the insolvency of any contributory, to prove against his estate the estimated value of his liability to future calls, as well as calls already made.

No claim founded on the liability of a contributory shall be cognizable by any Court of Small Causes situate outside the towns of Calcutta, Madras and Bombay.

Contributories in case of death.

126. If any contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs and devisees shall be liable in due course of administration to contribute to the assets of the Company in discharge of the liability of such deceased contributory; and such personal representatives, heirs and devisees shall be deemed to be contributories accordingly.

Contributories in case of insolvency.

127. If any contributory becomes insolvent, either before or after he has been placed on the list of contributories, his assignees shall be deemed to represent such insolvent for all the purposes of the winding-up, and shall be deemed to be contributories accordingly, and may be called upon to admit to prove against the estate of such insolvent, or otherwise to allow to be paid out of his assets in due course of law, any monies due from such insolvent in respect of his liability to contribute to the assets of the Company being wound up.

Winding-up by Court.

Circumstances under which Company may be wound up by Court.

128. A Company under this Act may be wound up by the Court as hereinafter defined under the following circumstances (that is to say):—

(*a*) whenever the Company has passed a special resolution requiring the Company to be wound up by the Court;

(*b*) whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year;

(*c*) whenever the members are reduced in number to less than seven;

(*d*) whenever the Company is unable to pay its debts;

(*e*) whenever for any other reason of a like nature the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when deemed unable to pay its debts.

129. A Company under this Act shall be deemed to be unable to pay its debts—

(*a*) whenever a creditor, by assignment or otherwise, to whom the Company is indebted in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at its registered office, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the reasonable satisfaction of the creditor;

(*b*) whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor in any proceeding instituted by such creditor against the Company is returned unsatisfied in whole or in part;

(*c*) whenever it is proved to the satisfaction of the Court that the Company is unable to pay its debts.

Definition of "the Court."

130. The expression "the Court" as used in this Part of this Act shall mean the principal Court having original civil jurisdiction in the place in

which the registered office of the Company is situate, unless in the regulations for the management of the Company it shall be stipulated that the Company, if wound up, shall be wound up by the High Court of Judicature at Fort William, Madras or Bombay (as the case may be), or by the Chief Court of the Panjáb, in which case the word "Court" shall mean the said High Court or Chief Court (as the case may be) in the exercise of its original civil jurisdiction.

Definition of "debts."

The expression "debts" as used in this Part of this Act means debts actually due, of which the creditor could claim immediate payment, except in the case of a Company issuing or liable under policies of assurance upon human life within British India, or granting annuities upon human life within British India. In the case of such a Company (hereinafter called a life-assurance Company), the expression "debts," as so used, includes also contingent or prospective liability under policies and annuity and other existing contracts.

Application for winding-up to be made by petition.

131. Any application to the Court for the winding-up of a Company under this Act shall be by petition, which may be presented by the Company, or by any one or more creditor or creditors, contributory or contributories, of the Company, or by all or any of the above parties, together or separately.

The petition must allege facts which, if proved, will justify an order for winding-up the Company. Every order which may be made on any such petition shall operate in favour of all the creditors and all the contributories of the Company in the same manner as if it had been made upon the joint petition of a creditor and a contributory.

In the case of a life-assurance Company the Court shall not give a hearing to the petition until security for costs for such amount as the Judge thinks reasonable is given, and until a *primâ facie* case is also established to the satisfaction of the Judge; and, where the Company has an uncalled capital of an amount sufficient, with the future premiums receivable by the Company, to make up the actual invested assets equal to the amount of the estimated liabilities, the Court shall suspend further proceedings on the petition for a reasonable time to enable the uncalled capital, or a sufficient part thereof, to be called up; and, if at the end of the original or any suspended time for which the proceedings have beeen suspended such an amount has not been realised by means of calls as with the already invested assets is equal to the liabilities, an order shall be made on the petition as if the Company had been proved to be unable to pay its debts.

Explanation.—Nothing in this section authorizes the presentation of a petition by a member of a Company who is indebted to the Company in respect of a call made, or other moneys due.

Contributory when not qualified to present winding-up petition.

132. No contributory of a Company under this Act shall be capable of presenting a petition for winding-up such Company unless the members of the Company are reduced in number to less than seven, or unless the shares in respect of which he is a contributory, or some of them, either were originally allotted to him, or have been held by him, and registered in his name, for a period of at least six months during the eighteen months previous to the commencement of the winding-up, or have devolved upon him through the death of a former holder:

Provided that, where a share has, during the whole or any part of the six months, been held by or registered in the name of the wife of a contributory either before or after her marriage, or by or in the name of any trustee for such wife, or for the contributory, such share shall, for the purposes of this section, be deemed to have been held by and registered in the name of the contributory.

Commencement of winding-up by Court.

133. A winding-up of a Company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding-up.

Court may grant injunction.

134. The Court may, at any time after the presentation of a petition for winding-up a Company under this Act, and before making an order for winding-up the Company, upon the application of the Company or of any creditor or contributory of the Company, restrain further proceedings in any suit or proceeding against the Company, upon such terms as the Court thinks fit.

The Court may also at any time after the presentation of such petition, and before the first appointment of liquidators, appoint provisionally an official liquidator of the estate and effects of the Company.

Course to be pursued by Court on hearing petition.

135. Upon hearing the petition, the Court may dismiss the same with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order or any other order that it deems just.

Suits to be stayed after order for winding-up.

136. When an order has been made for winding-up a Company under this Act, no suit or other proceeding shall be proceeded with or commenced against the Company except with the leave of the Court and subject to such terms as the Court may impose.

Copy of order to be forwarded to Registrar.

137. When an order has been made for winding up a Company under this Act, a copy of such order shall forthwith be forwarded by the Company to the Registrar of joint stock Companies, who shall make a minute thereof in his books relating to the Company.

Such order shall be deemed to be notice of discharge to the servants of the Company, except when the business of the Company is continued.

Power of Court to stay proceedings.

138. Such Court may, at any time after an order has been made for winding-up a Company, upon the application of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such

winding-up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

Effect of order on share-capital of Company limited by guarantee.

139. When an order has been made for winding-up a Company limited by guarantee and having a capital divided into shares, any share-capital that may not have been called up shall be deemed to be assets of the Company and to be a debt due to the Company from each member to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Court.

Court may have regard to wishes of creditors or contributories.

140. The Court may, as to all matters relating to the winding-up, have regard to the wishes of creditors or contributories as proved to it by any sufficient evidence, and may, if it thinks fit, direct meetings of the creditors or contributories to be summoned, held and conducted in such manner as the Court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court.

In the case of creditors, regard is to be had to the value of the debts due to each creditor, and, in the case of contributories, to the number of votes conferred on each contributory by the regulations of the Company.

Official Liquidators.

Appointment of official liquidator.

141. For the purpose of conducting the proceedings in winding-up a Company and assisting the Court therein, there may be appointed a person or persons, to be called an official liquidator or official liquidators.

The Court may appoint such person or persons, either provisionally or otherwise, as it thinks fit, to the office of official liquidator or official liquidators.

In all cases, if more persons than one are appointed to the office of official liquidator, the Court shall declare whether any act hereby required or authorized to be done by the official liquidator is to be done by all or any one or more of such persons.

The Court may also determine whether any, and what, security is to be given by any official liquidator on his appointment.

If no official liquidator is appointed, or during any vacancy in such appointment, all the property of the Company shall be deemed to be in the custody of the Court.

A receiver shall not be appointed of assets in the hands of an official liquidator.

Resignations, removals, filling up vacancies and compensation.

142. Any official liquidator may resign or be removed by the Court on due cause shown. Any vacancy in the office of an official liquidator appointed by the Court shall be filled up by the Court. There shall be paid to the official liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and, if more liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs.

Style and duties of official liquidator.

143. The official liquidator shall be described by the style of the official liquidator of the particular Company in respect of which he is appointed, and not by his individual name. He shall take into his custody, or under his control, all the property, effects and actionable claims to which the Company is or appears to be entitled, and shall perform such duties in reference to the winding-up of the Company as may be imposed by the Court.

Power of official liquidator.

144. The official liquidator shall have power, with the sanction of the Court, to do the following things:—

(*a*) to bring or defend any suit or prosecution, or other legal proceeding, civil or criminal, in the name and on behalf of the Company;

(*b*) to carry on the business of the Company so far as may be necessary for the beneficial winding-up of the same;

(*c*) to sell the immoveable and moveable property of the Company by public auction or private contract, with power to transfer the whole thereof to any person or Company, or to sell the same in parcels;

(*d*) to do all acts, and to execute, in the name and on behalf of the Company, all deeds, receipts and other documents, and for that purpose to use, when necessary, the Company's seal;

(*e*) to prove, rank, claim and draw a dividend, in the matter of the insolvency of any contributory, for any balance against the estate of such contributory, and to take and receive dividends in respect of such balance, in the matter of the insolvency, as a separate debt due from such insolvent, and rateably with the other separate creditors;

(*f*) to draw, accept, make and endorse any bill of exchange, hundí or promissory note in the name and on behalf of the Company; also to raise, upon the security of the assets of the Company, from time to time, any requisite sum or sums of money; and the drawing, accepting, making or endorsing of every such bill, hundí or note as aforesaid on behalf of the Company shall have the same effect with respect to the liability of such Company as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such Company in the course of carrying on the business thereof;

(*g*) to take out, if necessary, in his official name, letters of administration to the estate of any deceased contributory, and to do, in his official name, any other act that may be necessary for obtaining payment of any monies due from a contributory or from his estate, and which act cannot be conveniently done in the name of the Company; and, in all cases where he takes out letters of

administration, or otherwise uses his official name for obtaining payment of any monies due from a contributory, such monies shall, for the purpose of enabling him to take out such letters or recover such monies, be deemed to be due to the official liquidator himself: Provided that nothing herein contained shall be deemed to affect the rights, duties and privileges of the Administrators General of Bengal, Madras and Bombay respectively;

(*h*) to do and execute all such other things as may be necessary for winding-up the affairs of the Company and distributing its assets.

Discretion of official liquidator.

145. The Court may provide by any order that the official liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an official liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him.

Appointment of attorney or vakíl to official liquidator.

146. The official liquidator may, with the sanction of the Court, appoint an attorney or vakíl to assist him in the performance of his duties: Provided that, where the official liquidator is an attorney, he shall not appoint his partner, unless the latter consents to act without remuneration.

Ordinary Powers of Court.

Collection and application of assets.

147. As soon as may be after making an order for winding-up the Company, the Court shall settle a list of contributories, with power to rectify the register of members in all cases where such rectification is required in pursuance of section fifty-eight, and shall cause the assets of the Company to be collected and applied in discharge of its liabilities existing at the date of the said order.

Provision as to representative contributories.

148. In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right, and persons who are contributories as being representatives of, or being liable to the debts of, others.

Power of Court to require delivery of property.

149. The Court may, at any time after making an order for winding-up a Company, require any contributory for the time being settled on the list of contributories, trustee, receiver, banker or agent or officer of the Company to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the official liquidator, any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being, and to which the Company is *primâ facie* entitled.

Power of Court to order payment of debts by contributory.

150. The Court may, at any time after making an order for winding-up the Company, make an order on any contributory for the time being settled on the list of contributories directing payment to be made, in manner in the said order mentioned, of any monies due from him or from the estate of the person whom he represents to the Company, exclusive of any monies which he, or the estate of the person whom he represents, may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this part of this Act.

The Court may, in making such order, when the Company is not limited, allow to such contributory, by way of set-off, any monies due to him or the estate which he represents from the Company on any independent dealing or contract with the Company, but not any monies due to him as a member of the Company in respect of any dividend or profits:

Provided that, when all the creditors of any Company, whether limited or unlimited, are paid in full, any monies due on any account whatever to any contributory from the Company may be allowed to him by way of set-off against any subsequent call or calls.

In the event of the winding-up of any limited Company, the Court, if it thinks fit, may make to any director or manager of such Company whose liability is unlimited the same allowance by way of set-off as under this section it may make to a contributory where the Company is not limited.

Power of Court to make calls.

151. The Court may, at any time after making an order for winding-up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company, make calls on, and order payment thereof by, all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves.

The Court may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

Power of Court to order payment into Bank.

152. The Court may order any contributory, purchaser or other person from whom money is due to the Company to pay the same into the Bank of Bengal, the Bank of Madras or the Bank of Bombay, as the case may be, or any branch thereof respectively, to the account of the official liquidator instead of to the official liquidator; and such order may be enforced in the same manner as if it had directed payment to the official liquidator.

Regulation of account with Court.

153. All monies, bills, hundís, notes and other securities paid and delivered into the Bank of Bengal, the Bank of Madras or the Bank of Bombay, or any branch thereof respectively, in the event of a Company being wound up by the Court, shall be

subject to such order and regulation for the keeping of the account of such monies and other effects, and for the payment and delivery in, or investment and payment and delivery out, of the same as the Court may direct.

Provision in case of representative contributory not paying monies ordered.

154. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the property of such deceased contributory, whether moveable or immoveable, or both, and of compelling payment thereout of the monies due.

Order conclusive evidence.

155. Any order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the monies, if any, thereby appearing to be due or ordered to be paid are due; and all other pertinent matters stated in such order are to be taken to be truly stated as against all persons and in all proceedings whatsoever.

Court may exclude creditors not proving within certain time.

156. The Court may fix a certain day or certain days on or within which creditors of the Company are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

Court to adjust rights of contributories.

157. The Court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

Court to order costs.

158. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the Company of the costs, charges and expenses incurred in winding-up any Company in such order of priority as the Court thinks just.

Dissolution of Company.

159. When the affairs of the Company have been completely wound up, the Court shall make an order that the Company be dissolved from the date of such order, and the Company shall be dissolved accordingly.

Registrar to make minute of dissolution of Company.

160. Any order so made shall be reported by the official liquidator to the Registrar, who shall make a minute accordingly in his books of the dissolution of such Company.

Penalty for not reporting issolution of Company.

161. If the official liquidator makes default in reporting to the Registrar, in the case of a Company being wound up by the Court, the order that the Company be dissolved, he shall be liable to a penalty not exceeding one hundred rupees for every day during which he is so in default.

Extraordinary Powers of Court.

Power of Court to summon persons before it suspected of having property of Company.

162. The Court may, after it has made an order for winding-up the Company, summon before it any officer of the Company, or person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company.

If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the Court at the time appointed, having no lawful impediment (made known to the Court at the time of its sitting and allowed by it), the Court may cause such person to be apprehended and brought before the Court for examination.

The Court may require any such officer or person to produce any documents in his custody or power relating to the Company. Nevertheless, in cases where any person claims any lien on documents produced by him, such production shall be without prejudice to such lien, and the Court shall have jurisdiction in the winding-up to determine all questions relating to such lien.

Examination of parties by Court.

163. The Court may examine upon oath, either by word of mouth or upon written interrogatories, any person appearing or brought before it in manner aforesaid concerning the affairs, dealings, estate or effects of the Company, and may reduce into writing the answers of every such person, and require him to subscribe the same.

Power to arrest contributory about to abscond or to remove or conceal any of his property.

164. The Court may, at any time before or after it has made an order for winding-up a Company, upon proof being given that there is probable cause for believing that any contributory to such Company is about to quit British India or otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the Company, cause such contributory to be arrested, and his books, papers, monies, securities for monies, goods and chattels to be seized, and him and them to be safely kept until such time as the Court may order.

Powers of Court cumulative.

165. Any powers by this Act conferred on the Court shall be deemed to be in addition to, and not in restriction of, any other powers subsisting of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the Company, for the recovery of any call or other sums due from such contributory or debtor, or his estate; and such proceedings may be instituted accordingly.

Enforcement of, and Appeal from, Orders.

Power to enforce orders.

166. All orders made by a Court under this Act may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.

Order made in any Court to be enforced by other Courts.

167. Any order made by a Court for or in the course of the winding-up of a Company under this Act shall be enforced in any part of British India, other than that in which such Court is situate, in the Court that would have had jurisdiction in respect of such Company if the registered office of the Company had been situate in such other part, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

Mode of dealing with orders to be enforced by other Courts.

168. Where any order or decree made by one Court is required to be enforced by another Court as hereinbefore provided, a certified copy of the order or decree so made shall be produced to the proper officer of the Court required to enforce the same, and the production of such certified copy shall be sufficient evidence of such order or decree having been made; and thereupon such last-mentioned Court shall take such steps in the matter as may be requisite for enforcing such order or decree, in the same manner as if it were the order or decree of the Court enforcing the same.

Appeals from orders.

169. Re-hearings of, and appeals from, any order or decision made or given in the matter of the winding-up of a Company by the Court may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the same Court in cases within its ordinary jurisdiction; subject to this restriction, that no such re-hearing or appeal shall be heard unless notice of the same is given within three weeks after any order complained of has been made, in manner in which notices of appeal are ordinarily given under the Code of Civil Procedure, unless such time is extended by the Court of appeal.

Judicial notice to be taken of signature of officers.

170. In all proceedings under this Part of this Act, every Court, Judge and person judicially acting, and all other officers, judicial or ministerial, of any Court, or employed in enforcing the process of any Court, shall take judicial notice of the signature of any officer of any other Court, and also of the official seal of any other Court, when such seal is appended to any document made, issued or signed under the provisions of this Part of this Act, or any official copy thereof.

Special Commissioners for receiving evidence.

171. The Judges of the District Courts, who sit at places more than twenty English miles from the usual place of sitting of the High Court, shall be Commissioners for the purpose of taking evidence under this Act in cases where any Company is wound up in a High Court; and it shall be lawful for the High Court to refer the whole or any part of the examination of any witnesses under this Act to any person hereby appointed Commissioner, although such Commissioner is out of the jurisdiction of the Court that made the order or decree for winding-up the Company.

Every such Commissioner shall, in addition to any power of summoning and examining witnesses and requiring the production or delivery of documents and certifying or punishing defaults by witnesses, which he might lawfully exercise as a Judge of a District Court, have, in the matter so referred to him, all the same powers of summoning and examining witnesses, and requiring the production or delivery of documents, and punishing defaults by witnesses, and allowing costs and charges and expenses to witnesses, as the Court which made the order for winding-up the Company has; and the examination so taken shall be returned or reported to such last-mentioned Court in such manner as it directs.

Affidavits, &c., may be sworn in British India, Great Britain or Ireland, or abroad, before any competent Court or person.

172. If any affidavit, affirmation or declaration, required to be sworn or made under the provisions or for the purposes of this Part of this Act, be lawfully sworn or made in British India, or in Great Britain or Ireland, or in any colony, island, plantation or place under the dominion of Her Majesty in foreign parts, before any Court, Judge or person lawfully authorized to take and receive affidavits, affirmations or declarations, or before any of Her Majesty's Consuls or Vice-Consuls in any foreign parts out of Her Majesty's dominions, all Courts, Judges, Justices, Commissioners and persons acting judicially in British India shall take judicial notice of the seal or stamp or signature (as the case may be) of any such Court, Judge, person, Consul or Vice-Consul, attached, appended or subscribed to any such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Part of this Act.

Voluntary Winding-up of Company.

Circumstances under which Company may be wound up voluntarily.

173. A Company under this Act may be wound up voluntarily—

(*a*) whenever the period, if any, fixed for the duration of the Company by the articles of association expires, or whenever the event, if any, occurs upon the occurrence of which it is provided by the articles of association that the Company is to be dissolved, and the Company in general meeting has passed a resolution requiring the Company to be wound up voluntarily;

(*b*) whenever the Company has passed a special resolution requiring the Company to be wound up voluntarily;

(*c*) whenever the Company has passed an extraordinary resolution to the effect that it has been proved to its satisfaction that the Company cannot by reason of its liabilities continue its

business, and that it is advisable to wind up the same:

For the purposes of this Act any resolution shall be deemed to be extraordinary which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a special resolution as hereinbefore defined.

Commencement of voluntary winding-up.

174. A voluntary winding-up shall be deemed to commence at the time of the passing of the resolution authorizing such winding-up. When the winding-up is in pursuance of a special resolution, it shall be deemed to commence at the time of the passing, under section seventy-seven, of the confirmatory resolution.

Effect of voluntary winding-up on status of Company.

175. Whenever a Company is wound up voluntarily, the Company shall, from the date of the commencement of such winding-up, cease to carry on its business except in so far as may be required for the beneficial winding-up thereof; and all transfers of shares, except transfers made to or with the sanction of the liquidators, or alteration in the status of the members of the Company, taking place after the commencement of such winding-up, shall be void; but its corporate state and all its corporate powers shall, notwithstanding that its regulations otherwise provide, continue until the affairs of the Company are wound up.

Notice of resolution to wind up voluntarily.

176. Notice of any special resolution or extraordinary resolution passed for winding-up a Company voluntarily shall be given by advertisement in the local official Gazette, and also in some newspaper (if any) circulating in the place where the registered office of the Company is situate.

Consequence of voluntary winding-up.

177. The following consequences shall ensue upon the voluntary winding-up of a Company:—

(*a*) the assets of the Company shall be applied in satisfaction of its liabilities *pari passu* as they exist at the commencement of the winding-up, and subject thereto shall, unless the regulations of the Company otherwise provide, be distributed amongst the members according to their rights and interests in the Company:

(*b*) liquidators shall be appointed for the purpose of winding-up the affairs of the Company and distributing the assets:

(*c*) the Company in general meeting shall appoint such persons as it thinks fit to be liquidators, and may fix the remuneration to be paid to them

(*d*) if one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him:

(*e*) upon the appointment of liquidators, all the powers of the directors shall cease, except in so far as the Company in general meeting, or the liquidators, may sanction the continuance of such powers:

(*f*) when several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or, in default of such determination, by any number not less than two:

(*g*) the liquidators may, without the sanction of the Court, exercise all powers by this Act given to the official liquidators:

(*h*) the liquidators may exercise the powers hereinbefore given to the Court of settling the list of contributories of the Company, and any list so settled shall be *primâ facie* evidence of the liability of the persons named therein to be contributories:

(*i*) the liquidators may, at any time after the passing of the resolution for winding-up the Company, and before they have ascertained the sufficiency of the assets of the Company, call on all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, to pay all or any sums they deem necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves; and the liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same:

(*j*) the liquidators shall pay the debts of the Company, and adjust the rights of the contributories amongst themselves.

Effect of winding-up on share-capital of Company limited by guarantee.

178. Where a Company limited by guarantee and having a capital divided into shares is being wound up voluntarily, any share-capital that may not have been called up shall be deemed to be assets of the Company, and to be a debt due from each member to the Company to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the liquidators.

Power of Company to delegate authority to appoint liquidators.

179. A Company about to be wound up voluntarily, or in the course of being wound up voluntarily, may, by an extraordinary resolution, delegate to its creditors, or to any committee of its creditors, the power of appointing liquidators or any of them, and supplying any vacancies in the appointment of liquidators, or may, by a like resolution, enter into any arrangement with respect to the powers to be exercised by the liquidators and the manner in which they are to be exercised.

Any act done by the creditors in pursuance of such delegated power shall have the same effect as if it had been done by the Company.

Arrangement when binding on creditors.

180. Any arrangement which a Company about to be wound up voluntarily, or in the course of being wound up voluntarily, shall have entered into with its creditors shall be binding on the Company if sanctioned by an extraordi-

nary resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors, subject to such right of appeal as is hereinafter mentioned.

Power of creditor or contributory to appeal.

181. Any creditor or contributory of a Company that has in manner aforesaid entered into any arrangement with its creditors may, within three weeks from the date of the completion of such arrangement, appeal to the Court against such arrangement, and the Court may thereupon, as it thinks just, amend, vary or confirm the same.

Power for liquidators or contributories in voluntary winding-up to apply to Court.

182. Where a Company is being wound up voluntarily, the liquidators or any contributory of the Company may apply to the Court to determine any question arising in the matter of such winding-up, or to exercise, as respects the enforcing of calls or in respect of any other matter, all or any of the powers which the Court might exercise if the Company were being wound up by the Court. Any such application may be made by motion. The Court, if satisfied that the determination of such question or the required exercise of power will be just and beneficial, may accede, wholly or partially, to such application, on such terms and subject to such conditions as the Court thinks fit, or it may make such other order or decree on such application as the Court thinks just.

Power of liquidators to call general meeting.

183. Where a Company is being wound up voluntarily, the liquidators may, from time to time, during the continuance of such winding-up, summon general meetings of the Company for the purpose of obtaining the sanction of the Company by special resolution or extraordinary resolution, or for any other purposes they think fit.

In the event of the winding-up continuing for more than one year, the liquidators shall summon a general meeting of the Company at the end of the first year and of each succeeding year from the commencement of the winding-up, or as soon thereafter as may be convenient, and shall lay before such meeting an account showing their acts and dealings, and the manner in which the winding-up has been conducted, during the preceding year.

Power to fill up vacancy in office of liquidators.

184. If any vacancy occurs in the office of liquidators appointed by the Company, by death, resignation or otherwise, the Company in general meeting may, subject to any arrangement they may have entered into with their creditors, fill up such vacancy; and a general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators, if any, or by any contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the regulations of the Company, or in such other manner as may, on application by the continuing liquidator, if any, or by any contributory of the Company, be determined by the Court.

Power of Court to appoint liquidators.

185. If, from any cause whatever, there is no liquidator acting in the case of a voluntary winding-up, the Court may, on the application of a contributory, appoint a liquidator or liquidators. The Court may also, on due cause shown, remove any liquidator and appoint another liquidator to act in the matter of a voluntary winding-up.

Liquidators on conclusion of winding-up to make up an account.

186. As soon as the affairs of the Company are fully wound up, the liquidators shall make up an account showing the manner in which such winding-up has been conducted and the property of the Company disposed of: and thereupon they shall call a general meeting of the Company for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators.

The meeting shall be called by advertisement, specifying the time, place and object of such meeting, and such advertisement shall be published one month at least previously to the meeting in the manner specified in section one hundred and seventy-six.

Liquidators to report meeting to Registrar.

187. The liquidators shall make a return to the Registrar of such meeting having been held, and of the date at which the same was held; and, on the expiration of three months from the date of the registration of such return, the Company shall be deemed to be dissolved.

If the liquidators make default in making such return to the Registrar, they shall incur a penalty not exceeding fifty rupees for every day during which such default continues.

Costs of voluntary liquidation.

188. All costs, charges and expenses properly incurred in the voluntary winding-up of a Company, including the remuneration of the liquidators, shall be payable out of the assets of the Company in priority to all other claims.

Saving of rights of creditors.

189. The voluntary winding-up of a Company shall not be a bar to the right of any creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the rights of such creditor will be prejudiced by a voluntary winding-up.

Power of Court to adopt proceedings of voluntary winding-up.

190. Where a Company is in course of being wound-up voluntarily, and proceedings are taken for the purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an order directing the Company to be wound-up by the Court, provide in such order or in any other order for the adoption of all or any of the proceedings taken in the course of the voluntary winding-up.

Winding-up subject to the Supervision of the Court.

Power of Court, on application, to direct winding-up subject to supervision.

191. When a resolution has been passed by a Company to wind up voluntarily, the Court may make an order directing that the voluntary winding-up shall continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories or others to apply to the Court, and generally upon such terms and subject to such conditions, as the Court thinks just.

Petition for winding-up subject to supervision.

192. A petition praying wholly or in part that a voluntary winding-up shall continue, but subject to the supervision of the Court, and which winding-up is hereinafter referred to as a winding-up subject to the supervision of the Court, shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding-up the Company by the Court.

Court may have regard to wishes of creditors.

193. The Court may, in determining whether a Company is to be wound up altogether by the Court, or subject to the supervision of the Court, in the appointment of a liquidator or of liquidators, and in all other matters relating to the winding-up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may direct meetings of the creditors or contributories to be summoned, held and regulated in such manner as the Court directs for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court.

In the case of creditors, regard shall be had to the value of the debts due to each creditor, and, in the case of contributories, to the number of votes conferred on each contributory by the regulations of the Company.

Power to Court to appoint additional liquidator in winding-up subject to supervision.

194. Where any order is made by the Court for a winding-up subject to the supervision of the Court, the Court may, in such order or in any subsequent order, appoint any additional liquidator.

Any liquidator so appointed by the Court shall have the same powers, be subject to the same obligations and in all respects stand in the same position, as if he had been appointed by the Company.

The Court may, from time to time, remove any liquidator so appointed by the Court, and fill up any vacancy occasioned by such removal, or by death or resignation.

Effect of order of Court for winding-up subject to supervision.

195. Where an order is made for a winding-up subject to the supervision of the Court, the liquidator appointed to conduct such winding-up may, subject to any restrictions imposed by the Court, exercise all his powers, without the sanction or intervention of the Court, in the same manner as if the Company were being wound up altogether voluntarily.

Save as aforesaid, any order made by the Court for a winding-up subject to the supervision of the Court shall for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding-up the Company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding-up the Company altogether by the Court.

In the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour of the official liquidators, the expression "official liquidator" shall be deemed to mean the liquidator conducting the winding-up subject to the supervision of the Court.

Appointment in certain cases of voluntary liquidators to office of official liquidators.

196. Where an order has been made for the winding-up of a Company subject to the supervision of the Court, and such order is afterwards superseded by an order directing the Company to be wound up compulsorily, the Court may, in such last-mentioned order or in any subsequent order, appoint the voluntary liquidators or any of them, either provisionally or permanently, and either with or without the addition of any other person, to be official liquidators.

Supplemental Provisions.

Dispositions after the commencement of the winding up avoided.

197. Where any Company is being wound up by the Court or subject to the supervision of the Court, all dispositions of the property of the Company, and every transfer of shares or alteration in the status of the members of the Company, made between the commencement of the winding-up and the order for winding-up, shall, unless the Court otherwise orders, be void.

The books of the Company to be evidence.

198. Where any Company is being wound up, all books, accounts and documents of the Company and of the liquidators shall, as between the contributories of the Company, be *primâ facie* evidence of the truth of all matters purporting to be therein recorded.

As to disposal of books, accounts and documents of the Company.

199. Where any Company has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the Company and of the liquidator may be disposed of in the following way; that is to say, where the Company has been wound up by or subject to the supervision of the Court, in such way as the Court directs, and where the Company has been wound up voluntarily, in such way as the Company by an extraordinary resolution directs.

But, after the lapse of five years from the date of such dissolution, no responsibility shall rest on the Company or the liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

Inspection of books.

200. Where an order has been made for winding-up a Company by the Court or subject to the supervision of the Court, the Court may make such order for the inspection by the creditors and contributories of the Company of its books and papers as the Court thinks just, and any books and papers in the possession of the Company may be inspected by creditors or contributories in conformity with the order of the Court, but not further or otherwise.

General scheme of liquidation may be sanctioned.

201. The liquidator may, with the sanction of the Court where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the Company where the Company is being wound up altogether voluntarily, pay any classes of creditors in full, or make such compromise or other arrangement as the liquidator may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, whereby the Company may be rendered liable.

Power to compromise.

202. The liquidator may, with the sanction of the Court where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the Company where the Company is being wound up altogether voluntarily, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, subsisting or supposed to subsist between the Company and any contributory or alleged contributory, or other debtor or person apprehending liability to the Company, and all questions in any way relating to or affecting the assets of the Company or the winding-up of the Company, generally upon such terms as may be agreed upon, with power for the liquidator to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts or liabilities.

Where compromise proposed, Court may order a meeting of creditors, &c., to decide as to such compromise.

203. Where any compromise or arrangement shall be proposed between a Company which is, at the commencement of this Act or afterwards, in the course of being wound up either voluntarily or by or under the supervision of the Court, and the creditors of such Company, or any class of such creditors, it shall be lawful for the Court, in addition to any other of its powers, on the application in a summary way of any creditor or the liquidator, to order that a meeting of such creditors or class of creditors shall be summoned in such manner as the Court shall direct; and, if a majority in number, representing three-fourths in value, of such creditors or class of creditors present either in person or by proxy at such meeting shall agree to any arrangement or compromise, such arrangement or compromise shall, if sanctioned by an order of the Court, be binding on all such creditors or class of creditors, as the case may be, and also on the liquidator and contributories of the said Company.

Power for liquidators to accept shares, &c., as a consideration for sale of property of Company.

204. Where any Company is proposed to be, or is in the course of being, wound up altogether voluntarily, and the whole or a portion of its business or property is proposed to be transferred or sold to another Company, the liquidators of the first-mentioned Company may, with the sanction of a special resolution of the Company by whom they were appointed, conferring either a general authority on the liquidators or an authority in respect of any particular arrangement, receive, in compensation or part compensation for such transfer or sale, shares, debentures, policies or other like interests in such other Company, for the purpose of distribution amongst the members of the Company being wound up, or may enter into any other arrangement whereby the members of the Company being wound up may, in lieu of receiving cash, shares, debentures, policies or other like interests, or in addition thereto, participate in the profits of, or receive any other benefit from, the purchasing Company.

Any sale made, or arrangement entered into, by the liquidator in pursuance of this section shall be binding on the members of the Company being wound up; subject to this proviso that, if any member of the Company being wound up, who has not voted in favour of the special resolution passed by the Company of which he is a member at either of the meetings held for passing the same, expresses his dissent from any such special resolution in writing addressed to the liquidators or one of them, and left at the registered office of the Company not later than seven days after the date of the meeting at which such special resolution was passed, such dissentient member may, by writing addressed and left as last aforesaid, require the liquidator to do one of the following things as the liquidator may prefer (that is to say):—either to abstain from carrying such resolution into effect, or to purchase the interest held by such dissentient member at a price to be determined in manner hereinafter mentioned; such purchase-money to be paid before the Company is dissolved, and to be raised by the liquidator in such manner as may be determined by special resolution.

No special resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to, or concurrently with, any resolution for winding-up the Company or for appointing liquidators; but, if an order be made within a year for winding-up the Company by or subject to the supervision of the Court, such resolution shall not be of any validity unless it is sanctioned by the Court.

Mode of determining price.

205. The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration under the provisions next hereinafter contained.

Appointment of arbitrator when questions are to be determined by arbitration.

206. When any dispute so directed to be settled by arbitration has arisen, then, unless both parties concur in the appointment of a single arbitrator, each party, on the request of the other party, shall by writing under his hand nominate and appoint an arbitrator to whom such dispute shall be referred.

After any such appointment has been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation.

If for the space of fourteen days after any such dispute has arisen, and after a request in writing has been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters in dispute; and in such case the award or determination of such single arbitrator shall be final.

Vacancy of arbitrator to be supplied.

207. If, before the matters so referred are determined, any arbitrator appointed by either party die, or become incapable or refuse, or for seven days neglect, to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if, for the space of seven days after notice in writing from the other party for that purpose, he fail to do so, the remaining or other arbitrator may proceed *ex parte*; and every arbitrator so substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal or disability as aforesaid.

Appointment of umpire.

208. Where more arbitrators than one have been appointed, they shall, before entering upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ.

If such umpire die, or refuse, or for seven days neglect, to act, they shall forthwith, after such death, refusal or neglect, appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final.

Power of arbitrators to call for books, &c.

209. The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath.

Costs to be in the discretion of the arbitrators.

210. The costs of and attending every such arbitration to be determined by the arbitrators shall be in the discretion of the arbitrators or their umpire, as the case may be.

Submission to arbitration may be filed in Court.

211. On the application of either of the parties, the submission to any such arbitration may be filed in the Court, and an order of reference may be made thereon; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

Certain attachments, distresses and executions to be void.

212. Where any Company is being wound up by the Court or subject to the supervision of the Court, any attachment, distress or execution put in force, without the leave of the Court, against the estate or effects of the Company after the commencement of the winding-up shall be void.

Nothing in this section applies to proceedings by the Government.

Fraudulent preference.

213. Every conveyance, mortgage, delivery of goods, payment, execution or other act relating to property, which would, if made or done by or against any individual trader, be deemed, in the event of his insolvency, to have been made or done by way of undue or fraudulent preference of the creditors of such trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such Company, and shall be invalid accordingly.

For the purposes of this section, the making of an application for winding-up a Company shall, in the case of a Company being wound up by the Court or subject to the supervision of the Court, and a resolution for winding-up the Company shall, in the case of a voluntary winding-up, be deemed to correspond with the act of insolvency in the case of an individual trader; and any conveyance or assignment made by any Company formed under this Act, of all its estate and effects to trustees, for the benefit of all its creditors, shall be void.

Power of Court to assess damages against delinquent directors and officers.

214. Where, in the course of the winding-up of any Company under this Act, it appears that any past or present director, manager, official or other liquidator, or any officer of such Company, has misapplied or retained in his own hands, or become liable or accountable for, any monies of the Company, or been guilty of any misfeasance or breach of trust in relation to the Company, the Court may, on the application of any liquidator or of any creditor or contributory of the Company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such director, manager or other officer, and compel him to repay any monies so misapplied or retained, or for which such officer has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the Company by way of compensation in respect of such misap-

plication, retainer, misfeasance or breach of trust, as the Court thinks just.

Explanation I.—The banker of a Company is not, as such, an officer within the meaning of this section.

Explanation II.—Proceedings cannot be taken under this section against the representatives of a deceased officer.

Penalty on falsification of books.

215. If any director, officer or contributory of any Company wound up under this Act destroys, mutilates, alters, falsifies or fraudulently secretes any books, papers, writings or securities, or makes, or is privy to the making of, any false or fraudulent entry in any register, book of account or other document belonging to the Company, with intent to defraud or deceive any person, every person so offending shall be punished with imprisonment for a term which may extend to two years, and shall also be liable to fine which may extend to five hundred rupees.

Prosecution of delinquent directors in the case of winding-up by Court.

216. Where any order is made for winding-up a Company by the Court or subject to the supervision of the Court, if it appear in the course of such winding-up that any past or present director, manager, officer or member of such Company has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may, on the application of any person interested in such winding-up or of its own motion, direct the official liquidators or the liquidators (as the case may be) to institute a prosecution for such offence, and may order the costs and expenses of such prosecution to be paid out of the assets of the Company.

Penalty for false evidence.

217. If any person, upon any examination upon oath authorized under this Act, or in any affidavit, deposition or solemn affirmation, in or about the winding-up of any Company under this Act, or otherwise in or about any matter arising under this Act, intentionally gives false evidence, he shall be liable to imprisoment for a term which may extend to seven years and shall also be liable to fine.

Winding-up may be referred to District Court.

218. Where the High Court makes an order for winding-up a Company under this Act, it may, if it thinks fit, direct all subsequent proceedings to be had in a District Court; and thereupon such District Court shall, for the purpose of winding-up the Company, be deemed to be "the Court" within the meaning of this Act, and shall have, for the purposes of such winding-up, all the jurisdiction and powers of the High Court.

As to transfer of winding-up from one District Court to another.

219. If during the progress of a winding-up in a District Court it is made to appear to the High Court that the same could be more conveniently prosecuted in any other District Court, the High Court may transfer the same to such other Court, and thereupon the winding-up shall proceed in such other District Court.

PART V.

REGISTRATION-OFFICE.

Constitution of registration-office.

220. The registration of Companies under this Act shall be conducted as follows (that is to say):—

(*a*) The Local Government may, after the sanction of the Governor General in Council to the creation of any such offices shall have been obtained, from time to time appoint such Registrars, Assistant Registrars, clerks and servants as it may think necessary for the registration of Companies under this Act, and remove them at pleasure:

(*b*) The Local Government may make such regulations as it thinks fit with respect to the duties to be performed by any such Registrars, Assistant Registrars, clerks and servants as aforesaid:

(*c*) The Local Government may from time to time determine the places at which offices for the registration of Companies are to be established, so that there be at all times maintained in each of the towns of Calcutta, Madras and Bombay at least one such office, and that no Company shall be registered except at an office within that part of British India in which, by the memorandum of association, the registered office of the Company is declared to be established:

(*d*) The Local Government may from time to time direct a seal or seals to be prepared for the authentication of any documents required for or connected with the registration of Companies:

(*e*) Every person may inspect the documents kept by the Registrar of joint stock Companies. There shall be paid for such inspection such fees as may be directed by the Local Government, not exceeding one rupee for each inspection. Any person may require a certificate of the incorporation of any Company, or a copy or extract of any other document or any part of any other document, to be certified by the Registrar. There shall be paid for such certificate of incorporation, certified copy or extract, such fees as the Local Government may direct, not exceeding three rupees for the certificate of incorporation, and not exceeding two annas for each hundred words of such copy or extract:

(*f*) The existing Registrar, Assistant Registrars, clerks and other officers and servants in the office for the registration of joint stock Companies shall, during the pleasure of the Local Government, hold the offices and receive the salaries hitherto held and received by them, but they shall in the execution of their duties conform to any regulations that may be issued by the Local Government:

(*g*) There shall be paid to any Registrar, Assistant Registrar, clerk or servant that may hereafter be employed in the registration of joint stock Companies such salary as the Local Government

may, with the sanction of the Governor General in Council, direct:

(*h*) Whenever any act is herein directed to be done to or by the Registrar of joint stock Companies, such act shall, until the Local Government otherwise directs, be done to or by the existing Registrar of joint stock Companies, or in his absence to or by such person as the Local Government may for the time being authorize. But, in the event of the Local Government altering the constitution of the existing registry-office, such act shall be done to or by such officer or officers, and at such place or places with reference to the local situation of the registered offices of the Companies to be registered, as the Local Government may appoint.

PART VI.

APPLICATION OF ACT TO COMPANIES REGISTERED UNDER THE JOINT STOCK COMPANIES ACTS.

Application of Act to Companies formed under Act XIX of 1857 or VII of 1860.

221. Subject as hereinafter mentioned, this Act, with the exception of Table A in the first schedule, shall apply to Companies formed and registered under Act No. XIX of 1857 and Act No. VII of 1860, or either of them, in the same manner, in the case of a limited Company, as if such Company had been formed and registered under this Act as a Company limited by shares, and, in the case of a Company other than a limited Company, as if such Company had been formed and registered as an unlimited Company under this Act; with this qualification, that, wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them, and the power of altering regulations by special resolution given by this Act shall, in the case of any Company formed and registered under the said Acts or either of them, extend to altering any provisions contained in the table marked B annexed to Act No. XIX of 1857, and shall also, in the case of an unlimited Company formed and registered as last aforesaid, extend to altering any regulations relating to the amount of capital or its distribution into shares, notwithstanding that such regulations are contained in the memorandum of association.

Application of Act to Companies registered under Act XIX of 1857 or VII of 1860.

222. This Act shall apply to Companies registered but not formed under the said Acts or either of them, in the same manner as it is hereinafter declared to apply to Companies registered but not formed under this Act; with this qualification, that, wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them.

Mode of transferring shares.

223. Any Company registered under the said Acts or either of them may cause its shares to be transferred in manner hitherto in use, or in such other manner as the Company may direct.

PART VII.

COMPANIES AUTHORIZED TO REGISTER UNDER THIS ACT.

Companies capable of being registered.

224. With the exceptions made in the next following section and subject to the regulations therein contained, every Company existing at the time of the commencement of this Act, including any Company registered under either of the said Acts, consisting of seven or more members, and any Company hereafter formed in pursuance of any Act of Parliament or Act of the Governor General in Council other than this Act, or of Letters Patent, or being otherwise duly constituted by law, and consisting of seven or more members, may at any time hereafter register itself under this Act as an unlimited Company, or a Company limited by shares, or a Company limited by guarantee, and no such registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

Regulations as to registration of existing Companies.

225. The following regulations shall be observed with respect to the registration of Companies under this Part of this Act (that is to say):—

(*a*) No Company having the liability of its members limited by Act of Parliament or Act of the Governor General in Council other than this Act, or by Letters Patent, and not being a joint stock Company as hereinafter defined, shall register under this Act in pursuance of this Part thereof:

(*b*) No Company having the liability of its members limited by Act of Parliament or Act of the Governor General in Council other than this Act, or by Letters Patent, shall register under this Act in pursuance of this Part thereof as an unlimited Company, or as a Company limited by guarantee:

(*c*) No life-assurance Company existing at the time of the commencement of this Act, and no Company that is not a joint stock Company as hereinafter defined, shall in pursuance of this Part of this Act register under this Act as a Company limited by shares:

(*d*) No Company shall register under this Act in pursuance of this Part thereof unless an assent to its so registering is given by a majority of such of its members as may be present personally, or by proxy in cases where proxies are allowed by the regulations of the Company, at some general meeting summoned for the purpose:

(*e*) Where a Company, not having the liability of its members limited by Act of Parliament, or Act of the Governor General in Council, or by

Letters Patent, is about to register as a limited Company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present, personally or by proxy, at such last-mentioned general meeting:

(f) Where a Company is about to register as a Company limited by guarantee, the assent to its being so registered shall be accompanied by a resolution declaring that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceased to be a member, and of the costs, charges and expenses of winding-up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

In computing any majority under this section, when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the regulations of the Company of which he is a member.

Definition of "joint stock Company."

226. For the purposes of this Part of this Act, so far as the same relates to the description of Companies empowered to register as Companies limited by shares, a joint stock Company shall be deemed to be a Company having a permanent paid up or nominal capital of fixed amount, divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of shares in such capital, or the holders of such stock, and no other persons; and such Company, when registered with limited liability under this Act, shall be deemed to be a Company limited by shares.

Requisitions for registration by Companies.

227. Previously to the registration, in pursuance of this Part of this Act, of any joint stock Company, there shall be delivered to the Registrar the following documents (that is to say):—

(a) A list showing the names, addresses and occupations of all persons who, on a day named in such list and not being more than six clear days before the day of registration, were members of such Company, with the addition of the shares held by such persons respectively, distinguishing, in cases where such shares are numbered, each share by its number:

(b) A copy of any Act of Parliament or Act of the Governor General in Council, Royal Charter, Letters Patent, deed of settlement, contract of copartnery or other instrument constituting or regulating the Company:

(c) If any such joint stock Company is intended to be registered as a limited Company, the above list and copy shall be accompanied by a statement specifying the following particulars (that is to say):—

the nominal capital of the Company and the number of shares into which it is divided;

the number of shares taken and the amount paid on each share;

the name of the Company, with the addition of the word "limited" as the last word thereof;

with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the resolution declaring the amount of the guarantee.

Requisitions for registration by existing Company not being a joint stock Company.

228. Previously to the registration in pursuance of this Part of this Act of any Company not being a joint stock Company, there shall be delivered to the Registrar a list showing the names, addresses and occupations of the directors or other managers (if any) of the Company, also a copy of any Act of Parliament, Act of the Governor General in Council, Letters Patent, deed of settlement, contract of copartnery or other instrument constituting or regulating the Company, with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the resolution declaring the amount of the guarantee.

Power for existing Company to register amount of stock instead of shares.

229. Where a joint stock Company authorized to register under this Act has had the whole or any portion of its capital converted into stock, such Company shall, as to the capital so converted, instead of delivering to the Registrar a statement of shares, deliver to the Registrar a statement of the amount of stock belonging to the Company, and the names of the persons who were holders of such stock, on some day to be named in the statement, not more than six clear days before the day of registration.

Authentication of statements of existing Companies.

230. The lists of members and directors and any other particulars relating to the Company hereby required to be delivered to the Registrar shall be verified by declaration of the directors of the Company delivering the same, or any two of them, or of any two other principal officers of the Company, made before a Justice of the Peace or a District Judge.

Registrar may require evidence as to nature of Company.

231. The Registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether an existing Company is or not a joint stock Company as hereinbefore defined.

On registration of banking Company with limited liability, notice to be given to customers.

232. Every banking Company existing at the date of the passing of this Act which registers itself as a limited Company shall, at least thirty days previous to obtaining a certificate of registration with limited liability, give notice that it is intended so to register the same to every person and

partnership firm having a banking account with the Company.

Such notice shall be given either by delivering the same to such person or firm, or leaving the same, or putting the same into the post addressed to him or them, at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company.

In case the Company omits to give any such notice as is hereinbefore required to be given, then, as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

Exemption of certain Companies from payment of fees.

233. No fees shall be charged in respect of the registration in pursuance of this Part of this Act of any Company in cases where such Company is not registered as a limited Company, or where, previously to its being registered as a limited Company, the liability of the shareholders was limited by some Act of Parliament, or Act of the Governor General in Council, or by Letters Patent.

Company to change name.

234. Any Company authorized by this Part of this Act to register with limited liability shall, for the purpose of obtaining registration with limited liability, change its name by adding thereto the word "limited."

Certificate of registration of existing Companies.

235. Upon compliance with the requisitions in this Part of this Act contained with respect to registration, and on payment of such fees, if any, as are payable under the tables marked B and C in the first schedule hereto, the Registrar shall certify under his hand that the Company so applying for registration is incorporated as a Company under this Act, and, in the case of a limited Company, that it is limited; and thereupon such Company shall be incorporated, and shall have perpetual succession and a common seal.

Certificate to be evidence of compliance with Act.

236. A certificate of incorporation given at any time to any Company registered in pursuance of this Part of this Act shall be conclusive evidence that all the requisitions herein contained in respect of registration under this Act have been complied with, and that the Company is authorized to be registered under this Act as a limited or unlimited Company, as the case may be; and the date of incorporation mentioned in such certificate shall be deemed to be the date at which the Company is incorporated under this Act.

Transfer of property to Company.

237. All such property, moveable and immoveable, including all interests and rights in, to and out of property, moveable and immoveable, and including obligations and actionable claims, as may belong to or be vested in the Company at the date of its registration under this Act, shall, on registration, pass to and vest in the Company as incorporated under this Act for all the estate and interest of the Company therein.

Registration under this Act not to affect obligations incurred previously to registration.

238. The registration in pursuance of this Part of this Act of any Company shall not affect or prejudice the liability of such Company to have enforced against it, or its right to enforce, any debt or obligation incurred, or any contract entered into, by, to, with or on behalf of, such Company previously to such registration.

Continuation of existing suits.

239. All such suits and other legal proceedings as may at the time of the registration of any Company registered in pursuance of this Part of this Act have been commenced by or against such Company, or the public officer or any member thereof, may be continued in the same manner as if such registration had not taken place. Nevertheless, execution shall not issue against the effects of any individual member of such Company upon any decree or order obtained in any suit or proceeding so commenced as aforesaid; but, in the event of the property and effects of the Company being insufficient to satisfy such decree or order, an order may be obtained for winding-up the Company.

Effect of registration under Act.

240. When a Company is registered under this Act in pursuance of this Part thereof, all provisions contained in any Act of Parliament, Act of the Governor General in Council, deed of settlement, contract of copartnery, Letters Patent or other instrument constituting or regulating the Company, including, in the case of a Company registered as a Company limited by guarantee, the resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the Company, in the same manner and with the same incidents as if they were contained in a registered memorandum of association and articles of association; and all the provisions of this Act shall apply to such Company and the members, contributories and creditors thereof, in the same manner in all respects as if it had been formed under this Act, subject to the provisions following (that is to say):—

(*a*) That table A in the first schedule to this Act shall not, unless adopted by special resolution, apply to any Company registered under this Act in pursuance of this Part thereof:

(*b*) That the provisions of this Act relating to the numbering of shares shall not apply to any joint stock Company whose shares are not numbered:

(*c*) That no Company shall have power to alter any provisions contained in any Act of Parliament, Act of the Legislative Council or Act of the Governor General in Council relating to the Company:

(*d*) That no Company shall have power, without the sanction of the Governor General in Council, to alter any provision contained in any Letters Patent relating to the Company :

(*e*) In the event of the Company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the Company contracted prior to registration, who is liable to pay or contribute to the payment of any debt or liability of the Company contracted prior to registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves in respect of any such debt or liability, or to pay or contribute to the payment of the costs, charges and expenses of winding-up the Company, so far as relates to such debts or liabilities as aforesaid. Every such contributory shall be liable to contribute to the assets of the Company, in the course of the winding-up, all sums due from him in respect of any such liability as aforesaid. In the event of the death or insolvency of any such contributory as last aforesaid, the provisions hereinbefore contained with respect to the representatives, heirs and devisees of deceased contributories, and with reference to the assignees of insolvent contributories, shall apply :

(*f*) Nothing herein contained shall authorize any Company to alter any such provisions contained in any deed of settlement, contract of copartnery, Letters Patent or other instrument constituting or regulating the Company, as would, if such Company had originally been formed under this Act, have been contained in the memorandum of association, and are not authorized to be altered by this Act :

But nothing herein contained shall derogate from any power of altering its constitution or regulations which may be vested in any Company registering under this Act in pursuance of this Part thereof by virtue of any Act of Parliament, Act of the Governor General in Council, deed of settlement, contract of copartnery, Letters Patent or other instrument constituting or regulating the Company.

Power of Court to restrain further proceedings.

241. The Court may, at any time after the presentation of a petition for winding-up a Company registered in pursuance of this Part of this Act, and before making an order for winding-up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or legal proceeding against any contributory of the Company as well as against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Order for winding-up Company.

242. Where an order has been made for winding-up a Company registered in pursuance of this Part of this Act, in addition to the provisions hereinbefore contained, it is hereby further provided that no suit or other legal proceeding shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

PART VIII.

APPLICATION OF ACT TO UNREGISTERED COMPANIES.

Winding-up unregistered Companies.

243. Subject as hereinafter mentioned, any Partnership, Association or Company, except Railway Companies incorporated by Act of Parliament or Act of the Governor General in Council, consisting of more than seven members and not registered under this Act, and hereinafter included under the term "unregistered Company," may be wound up under this Act, and all the provisions of this Act with respect to winding-up shall apply to such Company with the following exceptions and additions :—

(1) An unregistered Company shall, for the purpose of determining the Court having jurisdiction in the matter of the winding-up, be deemed to be registered in that part of British India where its principal place of business is situate, or, if it has a principal place of business situate in more than one part of British India, then in each part of British India where it has a principal place of business. Moreover, the principal place of business of an unregistered Company, or (where it has a principal place of business situate in more than one part of British India) such one of its principal places of business as is situate in that part of British India in which proceedings are being instituted, shall, for all the purposes of the winding-up of such Company, be deemed to be the registered office of the Company :

(2) No unregistered Company shall be wound up under this Act voluntarily, or subject to the supervision of the Court :

(3) The circumstances under which an unregistered Company may be wound up are as follows (that is to say) :—

(*a*) whenever the Company is dissolved or has ceased to carry on business, or is carrying on business only for the purpose of winding-up its affairs ;

(*b*) whenever the Company is unable to pay its debts ;

(*c*) whenever the Court is of opinion that it is just and equitable that the Company should be wound up :

(4) An unregistered Company shall, for the purposes of this Act, be deemed to be unable to pay its debts—

(*a*) whenever a creditor to whom the Company is indebted, by assignment or otherwise, in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at the principal place of business of the Company or by delivering to the secretary or some director or

principal officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor;

(*b*) whenever any suit or other proceeding has been instituted against any member of the Company for any debt or demand due or claimed to be due from the Company, or from him in his character of member of the Company, and notice in writing of the institution of such suit or other legal proceeding having been served upon the Company by leaving the same at the principal place of business of the Company, or by delivering it to the secretary or some director, manager or principal officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, the Company has not, within ten days after service of such notice, paid, secured or compounded for such debt or demand, or procured such suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against such suit or other legal proceeding, and against all costs, damages and expenses to be incurred by him by reason of the same;

(*c*) whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor in any proceeding instituted by such creditor against the Company, or any member thereof as such, or against any person authorized to be sued as nominal defendant on behalf of the Company, is returned unsatisfied;

(*d*) whenever it is otherwise proved to the satisfaction of the Court that the Company is unable to pay its debts.

Who to be deemed a contributory in the event of Company being wound up.

244. In the event of an unregistered Company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the Company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves, or to pay or contribute to the payment of the costs, charges and expenses of winding-up the Company.

Every such contributory shall be liable to contribute to the assets of the Company in the course of the winding-up all sums due from him in respect of any such liability as aforesaid.

In the event of the death or insolvency of any contributory, the provisions hereinbefore contained with respect to the personal representatives, heirs and devisees of a deceased contributory, and to the assignees of an insolvent contributory, shall apply.

Power of Court to restrain further proceedings.

245. The Court may, at any time after the making of an application for winding-up an unregistered Company, and before making an order for winding-up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or proceeding against any contributory of the Company, or against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Effect of order for winding-up Company.

246. Where an order has been made for winding-up an unregistered Company, in addition to the provisions hereinbefore contained in the case of Companies formed under this Act, it is hereby further provided that no suit shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

Provision in case of unregistered Company.

247. If any unregistered Company has no power to sue and be sued in a common name, or if, for any reason, it appears expedient, the Court may, by the order made for winding-up such Company or by any subsequent order, direct that all such property, moveable and immoveable, including all interests, claims and rights into and out of property, moveable and immoveable, and including actionable claims, as may belong to or be vested in the Company, or to or in any person or persons on trust for or on behalf of the Company, or any part of such property, is to vest in the official liquidator or official liquidators by his or their official name or names; and thereupon the same or such part thereof as may be specified in the order shall vest accordingly, and the official liquidator or official liquidators may, in his or their official name or names, or in such name or names, and after giving such indemnity, as the Court directs, bring or defend any suits or other legal proceedings relating to any property vested in him or them, or any suits or other legal proceedings necessary to be brought or defended for the purposes of effectually winding-up the Company and recovering the property thereof.

Provisions of this Part of Act cumulative.

248. The provisions made by this Part of this Act with respect to unregistered Companies shall be deemed to be made in addition to, and not in restriction of, any provisions hereinbefore contained with respect to winding-up Companies by the Court.

The Court or official liquidator may, in addition to anything contained in this Part of this Act, exercise any powers or do any act in the case of unregistered Companies which might be exercised or done by it or him in winding-up Companies formed under this Act; but an unregistered Company shall not, except in the event of its being wound-up, be deemed to be a Company under this Act, and then only to the extent provided by this Part of this Act.

PART IX.

MISCELLANEOUS PROVISIONS.

Company not to buy its own shares.

249. No Company under this Act shall have power to buy its own shares.

Saving of existing proceedings for winding-up.

250. Where, previously to the commencement of this Act, an order has been made for winding-up a Company under the Indian Companies Act, 1866, or a resolution has been passed for winding-up a Company voluntarily, such Company shall be wound-up in the same manner and with the same incidents as if this Act were not passed; and, for the purposes of such winding-up, the Indian Companies Act, 1866, shall be deemed to remain in full force.

Saving of conveyances.

251. Where, previously to the commencement of this Act, any conveyance, mortgage-deed or other instrument has been made in pursuance of the Indian Companies Act, 1866, such instrument shall be of the same force as if this Act had not passed; and, for the purposes of such instrument, the Indian Companies Act, 1866, shall be deemed to remain in full force.

Cognizance of offences.

252. All offences under this Act may be tried by any Magistrate of the first class, unless the period of imprisonment to which the offender is liable exceeds that which such officer is competent to award under the law for the time being in force in the place in which he is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such officer, the offender shall be committed for trial before the Court of Session.

Punishment of offences committed within Presidency-towns.

If any offence which by this Act is declared to be punishable by any penalty is committed by any person within the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay, such offence shall be punishable upon summary conviction by any Presidency Magistrate of the place at which such Court is held.

Power to make orders as to costs.

253. Subject to the provisions hereinbefore contained, the Court may, in any proceedings under this Act, make such order as to costs as it thinks fit.

Power of High Court to make rules.

254. The High Court may from time to time make rules, consistent with this Act and with the Code of Civil Procedure, concerning the mode of proceeding to be had for winding-up a Company in such Court and in the Courts subordinate thereto, and for giving effect to the provisions hereinbefore contained as to the reduction of the capital and the subdivision of the shares of a Company.

Construction of "Registrar of Joint Stock Companies" in Act No. XXI of 1860.

255. In sections 1 and 18 of Act No. XXI of 1860 (*for the registration of Literary, Scientific and Charitable Societies*), the words "Registrar of Joint Stock Companies" shall be construed to mean Registrar of joint stock Companies under this Act or any Act for the time being in force.

Act not to apply to Bank of Bengal, Madras or Bombay.

256. Save as provided in sections one hundred and fifty-two and one hundred and fifty-three, nothing in this Act shall be deemed to apply to the Bank of Bengal, the Bank of Madras and the Bank of Bombay.

FIRST SCHEDULE.

TABLE A.

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Shares.

(1.) If several persons are registered as joint holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

(2.) Every member shall, on payment of eight annas or such less sum as the Company in general meeting may prescribe, be entitled to a certificate under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon.

(3.) If such certificate is worn out or lost, it may be renewed, on payment of eight annas or such less sum as the Company in general meeting may prescribe.

Calls on Shares.

(4.) The directors may from time to time make such calls upon the members in respect of all monies unpaid on their shares as they think fit, provided that twenty-one days' notice at least is given of each call; and each member shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the directors.

(5.) A call shall be deemed to have been made at the time when the resolution of the directors authorizing such call was passed.

(6.) If the call payable in respect of any share is not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same at the rate of five per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

(7.) The directors may, if they think fit, receive, from any member willing to advance the same, all or any part of the monies due upon the shares held by him beyond the sums actually called for; and, upon the monies so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the directors agree upon.

Transfers of Shares.

(8.) The instrument of transfer of any share in the Company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of such share until the name of the transferee is entered in the register-book in respect thereof.

(9.) Shares in the Company shall be transferred in the following form :—

I, *A B*, of , in consideration of the sum of rupees paid to me by *C D*

of , do hereby transfer to the said *C D* the share (*or* shares) numbered standing in my name in the books of the Company, to hold unto the said *C D*, his executors, administrators and assigns, subject to the several conditions on which I held the same at the time of the execution hereof; and I, the said *C D*, do hereby agree to take the said share (*or* shares) subject to the same conditions. As witness our hands, the day of

(10.) The Company may decline to register any transfer of shares made by a member who is indebted to them.

(11.) The transfer books shall be closed during the fourteen days immediately preceding the ordinary general meeting in each year.

Transmission of Shares.

(12.) The executors or administrators of a deceased member shall be the only persons recognized by the Company as having any title to his share.

(13.) Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member upon such evidence being produced as may from time to time be required by the Company.

(14.) Any person who has become entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may, inst ad of being registered himself, elect to have some person to be named by him registered as a transferee of such share.

(15.) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

(16.) The instrument of transfer shall be presented to the Company, together with such evidence as the directors may require to prove the title of the transferee, and thereupon the Company shall register the transferee as a member.

Forfeiture of Shares.

(17.) If any member fails to pay any call on the day appointed for payment thereof, the directors may, at any time thereafter, during such time as the call remains unpaid, serve a notice on him requiring him to pay such call together with interest and any expenses that may have accrued by reason of such non-payment.

(18.) The notice shall name a further day on or before which such call and all interest and expenses that have accrued by reason of such non-payment are to be paid. It shall also name the place where payment is to be made, the place so named being either the registered office of the Company or some other place at which calls of the Company are usually made payable. The notice shall also state that, in the event of non-payment at or before the time and at the place appointed, the shares in respect of which such call was made will be liable to be forfeited.

(19.) If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter, before payment of all calls, interest and expenses due in respect thereof has been made, be forfeited by a resolution of the directors to that effect.

(20.) Any share so forfeited shall be deemed to be the property of the Company, and may be disposed of in such manner as the Company in general meeting thinks fit.

(21.) Any member whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls owing upon such shares at the time of the forfeiture.

(22.) A solemn declaration in writing, made before a Magistrate, that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made and that the forfeiture of the share was made by a resolution of the directors to that effect, shall be sufficient evidence of the facts therein stated as against all persons entitled to such share, and such declaration and the receipt of the Company for the price of such share shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to the purchaser, and thereupon he shall be deemed the holder of such share discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase-money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Conversion of Shares into Stock.

(23.) The directors may, with the sanction of the Company previously given in general meeting, convert any paid up shares into stock.

(24.) When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein, or any part of such interest, in the same manner and subject to the same regulations as and subject to which any shares in the capital of the Company may be transferred, or as near thereto as circumstances admit.

(25.) The several holders of stock shall be entitled to participate in the dividends and profits of the Company according to the amount of their respective interests in such stock; and such interests shall, in proportion to the amount thereof, confer on the holders thereof, respectively, the same privileges and advantages for the purpose of voting at meetings of the Company and for other purposes as would have been conferred by shares of equal amount in the capital of the Company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any such aliquot part of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages.

Increase in Capital.

(26.) The directors may, with the sanction of a special resolution of the Company previously given in general meeting, increase its capital by the issue of new shares; such aggregate increase to be of such amount, and to be divided into shares of such respective amounts, as the Company in general meeting directs, or, if no direction is given, as the directors think expedient.

(27.) Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the members in proportion to the existing shares held by them, and such offer shall be made by notice specifying the number of shares to which the member is entitled and limiting a time within which the offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given that he declines to accept the shares offered, the directors may dispose of the same in such manner as they think most beneficial to the Company.

(28.) Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions, with reference to the payment of calls, and the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

General Meetings.

(29.) The first general meeting shall be held at such time, not being more than six months after the registration of the Company, and at such place, as the directors may determine.

(30.) Subsequent general meetings shall be held, once at the least in every year, at such time and place as may be prescribed by the Company in general meeting; and, if no other time or place is prescribed, a general meeting shall be held on the first Monday in February in every year, at such place as may be determined by the directors.

(31.) The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

(32.) The directors may, whenever they think fit, and they shall, upon a requisition made in writing by not less than one-fifth in number of the members of the Company, convene an extraordinary general meeting.

(33.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered office of the Company.

(34.) Upon the receipt of such requisition the directors shall forthwith proceed to convene an extraordinary general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists, or any other members amounting to the required number, may themselves convene an extraordinary general meeting.

Proceedings at General Meeting.

(35.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in general meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(36.) All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of sanctioning a dividend, and the consideration of the accounts, balance-sheets and the ordinary report of the directors.

(37.) No business shall be transacted at any general meeting, except the declaration of a dividend, unless a quorum of members is present at the time when the meeting proceeds to business. Such quorum shall be ascertained as follows, that is to say:—if the persons who have taken shares in the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed twenty.

(38.) If, within one hour from the time appointed for the meeting, a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved. In any other case, it shall stand adjourned to the same day in the next week, at the same time and place; and if, at such adjourned meeting, a quorum is not present, it shall be adjourned *sine die*.

(39.) The chairman (if any) of the board of directors shall preside as chairman at every general meeting of the Company.

(40.) If there is no such chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the members present shall choose some one of their number to be chairman.

(41.) The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(42.) At any general meeting, unless a poll is demanded by at least five members, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

(43.) If a poll is demanded by five or more

members, it shall be taken in such manner as the chairman directs, and the result of such poll shall be deemed to be the resolution of the Company in general meeting. In the case of an equality of votes at any general meeting, the chairman shall be entitled to a second or casting vote.

Votes of Members.

(44.) Every member shall have one vote for every share up to ten. He shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares beyond the first hundred shares.

(45.) If any member is a lunatic or idiot, he may vote by his committee or other legal curator; and if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(46.) If one or more persons are jointly entitled to a share or shares, the member whose name stands first in the register of members as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

(47.) No member shall be entitled to vote at any general meeting unless all calls due from him have been paid, and no member shall be entitled to vote in respect of any share that he has acquired by transfer, at any meeting held after the expiration of three months from the registration of the Company, unless he has been possessed of the share in respect of which he claims to vote for at least three months previously to the time of holding the meeting at which he proposes to vote.

(48.) Votes may be given either personally or by proxy.

(49.) The instrument appointing a proxy shall be in writing, under the hand of the appointor, or, if such appointor is a corporation, under their common seal, and shall be attested by one or more witness or witnesses. No person shall be appointed a proxy who is not a member of the Company.

(50.) The instrument appointing a proxy shall be deposited at the registered office of the Company not less than seventy-two hours before the time for holding the meeting at which the person named in such instrument proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.

(51.) Any instrument appointing a proxy shall be in the following form :—

Company, Limited.

I, , of , being a member of the Company, Limited, and entitled to vote or votes, hereby appoint , of , as my proxy, to vote for me and on my behalf at the (ordinary *or* extraordinary, *as the case may be*) general meeting of the Company to be held on the day of , and at any adjournment thereof (*or* at any meeting of the Company that may be held in the year). As witness my hand, this day of

Signed by the said in the presence of

Directors.

(52.) The number of the directors, and the names of the first directors, shall be determined by the subscribers of the memorandum of association.

(53.) Until directors are appointed, the subscribers of the memorandum of association shall be deemed to be directors.

(54.) The future remuneration of the directors, and their remuneration for services performed previously to the first general meeting, shall be determined by the Company in general meeting.

Powers of Directors.

(55.) The business of the Company shall be managed by the directors, who may pay all expenses incurred in getting up and registering the Company, and may exercise all such powers of the Company as are not by the foregoing Act, or by these articles, required to be exercised by the Company in general meeting, subject nevertheless to any regulations of these articles, to the provisions of the foregoing Act and to such regulations, being not inconsistent with the aforesaid regulations, or provisions, as may be prescribed by the Company in general meeting; but no regulation made by the Company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made.

(56.) The continuing directors may act notwithstanding any vacancy in their body.

Disqualification of Directors.

(57.) The office of director shall be vacated—

if he, or any partner of his, or the firm of which he is a member, holds any other office or place of profit under the Company;

if he becomes bankrupt or insolvent;

if he is punished under any of the penal provisions of the foregoing Act;

if he is concerned in or participates in the profits of any contract with the Company.

But the above rules shall be subject to the following exceptions :—that no director shall vacate his office by reason of his being a member of any Company which has entered into contracts with or done any work for the Company of which he is director; nevertheless, he shall not vote in respect of such contract or work, and, if he does so vote, his vote shall not be counted.

Rotation of Directors.

(58.) At the first ordinary meeting after the registration of the Company, the whole of the directors shall retire from office; and at the first ordinary meeting in every subsequent year, one-third of the directors for the time being, or, if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

(59.) The one-third or other nearest number to

retire during the first and second years ensuing the first ordinary meeting of the Company shall, unless the directors agree among themselves, be determined by ballot. In every subsequent year, the one-third or other nearest number who have been longest in office shall retire.

(60.) A retiring director shall be re-eligible.

(61.) The Company at the general meeting at which any directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(62.) If, at any meeting at which an election of directors ought to take place, the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating directors are not filled up, the vacating directors, or such of them as have not had their places filled up, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

(63.) The Company may from time to time, in general meeting, increase or reduce the number of directors, and may also determine in what rotation such increased or reduced number is to go out of office.

(64.) Any casual vacancy occurring in the board of directors may be filled up by the directors, but any person so chosen shall retain his office so long only as the vacating director would have retained the same if no vacancy had occurred.

(65.) The Company in general meeting may, by a special resolution, remove any director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead. The person so appointed shall hold office during such time only as the director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66.) The directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes, the chairman shall have a second or casting vote. A director may at any time summon a meeting of the directors.

(67.) The directors may elect a chairman of their meetings, and determine the period for which he is to hold office; but, if no such chairman is elected, or if at any meeting the chairman is not present at the time appointed for holding the same, the directors present shall choose some one of their number to be chairman of such meeting.

(68.) The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit. Any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the directors.

(69.) A committee may elect a chairman of its meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

(70.) A committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present; and, in case of an equality of votes, the chairman shall have a second or casting vote.

(71.) All acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

Dividends.

(72.) The directors may, with the sanction of the Company in general meeting, declare a dividend to be paid to the members in proportion to their shares.

(73.) No dividend shall be payable except out of the profits arising from the business of the Company.

(74.) The directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserved fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the works connected with the business of the Company or any part thereof; and the directors may invest the sum so set apart as a reserved fund upon such securities as they may select.

(75.) The directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company on account of calls or otherwise.

(76.) Notice of any dividend that may have been declared shall be given to each member in manner hereinafter mentioned; and all dividends unclaimed for three years after having been declared may be forfeited by the directors for the benefit of the Company.

(77.) No dividend shall bear interest as against the Company.

Accounts.

(78.) The directors shall cause true accounts to be kept—

of the stock in trade of the Company;

of the sums of money received and expended by the Company, and the matters in respect of which such receipt and expenditure take place; and

of the credits and liabilities of the Company.

The books of account shall be kept at the registered office of the Company, and, subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the Company in general meeting, shall be open to the inspection of the members during the hours of business.

(79.) Once at the least in every year the directors shall lay before the Company in general meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

(80.) The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expenses of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and, in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

(81.) A balance-sheet shall be made out in every year and laid before the Company in general meeting, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to this table, or as near thereto as circumstances admit.

(82.) A printed copy of such balance-sheet shall, seven days previously to such meeting, be served on every member in the manner in which notices are hereinafter directed to be served.

Audit.

(83.) Once at the least in every year the accounts of the Company shall be examined, and the correctness of the balance-sheet ascertained by one or more auditor or auditors.

(84.) The first auditors shall be appointed by the directors; subsequent auditors shall be appointed by the Company in general meeting.

(85.) If one auditor only is appointed, all the provisions herein contained relating to auditors shall apply to him.

(86.) The auditors may be members of the Company; but no person is eligible as an auditor who is interested otherwise than as a member in any transaction of the Company; and no director or other officer of the Company is eligible during his continuance in office.

(87.) The election of auditors shall be made by the Company at their ordinary meeting in each year.

(88.) The remuneration of the first auditors shall be fixed by the directors; that of subsequent auditors shall be fixed by the Company in general meeting.

(89.) Any auditor shall be re-eligible on his quitting office.

(90.) If any casual vacancy occurs in the office of any auditor appointed by the Company, the directors shall forthwith call an extraordinary general meeting for the purpose of supplying the same.

(91.) If no election of auditors is made in manner aforesaid, the Local Government may, on the application of not less than five members of the Company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the Company for his services.

(92.) Every auditor shall be supplied with a copy of the balance-sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

(93.) Every auditor shall have a list delivered to him of all books kept by the Company, and shall at all reasonable times have access to the books and accounts of the Company. He may, at the expense of the Company, employ accountants or other persons to assist him in investigating such accounts, and he may, in relation to such accounts, examine the directors or any other officer of the Company.

(94.) The auditors shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations and properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs, and, in case they have called for explanations or information from the directors, whether such explanations or information have or has been given by the directors, and whether they or it have or has been satisfactory. Such report shall be read, together with the report of the directors, at the ordinary meeting.

Notices.

(95.) A notice may be served by the Company upon any member either personally or by sending it through the post in a letter addressed to such member at his registered place of abode.

(96.) All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is named first in the register of members; and notice so given shall be sufficient notice to all the holders of such share.

(97.) Any notice, if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post; and, in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office.

Dr. *Balance-sheet (a) of the Company made up to* 18 **Cr.**

			Rs.	As.
CAPITAL AND LIABILITIES.				
I. CAPITAL,	1	SHOWING— The number of shares		
	2	The amount paid per share		
	3	If any arrears of calls, the nature of the arrear and the names of the defaulters		
	4	The particulars of any forfeited shares		
II. DEBTS AND LIABILITIES OF THE COMPANY,		SHOWING—		
	5	The amount of loans on mortgages or debenture-bonds		
	6	The amount of debts owing by the Company—distinguishing— (a) Debts for which acceptances have been given ... ... (b) Debts to tradesmen for supplies of stock in trade or other articles (c) Debts for law-expenses ... ... (d) Debts for interest on debentures or other loans ... ... (e) Unclaimed dividends ... ... (f) Debts not enumerated above		
VI. RESERVE FUND,		SHOWING— The amount set aside from profits to meet contingencies		
VII. PROFIT AND LOSS,		SHOWING— The disposable balance for payment of dividends, &c.		
CONTINGENT LIABILITIES		Claims against the Company not acknowledged as debts ... ... Monies for which the Company is contingently liable		

			Rs.	As.
PROPERTY AND ASSETS.				
III. PROPERTY HELD BY THE COMPANY,	7	SHOWING— Immoveable property—distinguishing— (a) Freehold land ... ... (b) " buildings ... ... (c) Leasehold "		
	8	Moveable property—distinguishing— (d) Stock in trade ... ... (e) Plant ... ... The cost to be stated with deductions for deterioration in value as charged to the reserve fund or profit and loss ...		
IV. DEBTS OWING TO THE COMPANY,		SHOWING—		
	9	Debts considered good for which the Company hold bills or other securities		
	10	Debts considered good for which the Company hold no security		
	11	Debts considered doubtful and bad ... ... Any debt due from a director or other officer of the Company to be separately stated		
V. CASH AND INVESTMENTS,		SHOWING—		
	12	The nature of investment and rate of interest		
	13	The amount of cash, where lodged, and if bearing interest		

(a) See clauses 81 and 82 of the foregoin Table A.

TABLE B.

TABLE OF FEES to be paid to the Registrar of joint stock Companies by a Company having a capital divided into shares.

	Rs.	A.	P.
For registration of a Company whose nominal capital does not exceed Rs. 20,000, a fee of ...	40	0	0
For registration of a Company whose nominal capital exceeds Rs. 20,000, the above fee of forty rupees, with the following additional fees regulated according to the amount of nominal capital; (that is to say)—			
For every 10,000 rupees of nominal capital, or part of 10,000 rupees, after the first 20,000 rupees up to 50,000 rupees	20	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees, after the first 50,000 rupees up to 10,00,000 rupees	5	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees, after the first 10,00,000 rupees ...	1	0	0
For registration of any increase of capital made after the first registration of the Company, the same fees per 10,000 rupees, or part of 10,000 rupees, as would have been payable if such increased capital had formed part of the original capital at the time of registration.			
Provided that no Company shall be liable to pay in respect of nominal capital on registration, or afterwards, any greater amount of fees than 1,000 rupees, taking into account, in the case of fees payable on an increase of capital after registration, the fees paid on registration.			
For registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association ...	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of ...	5	0	0

TABLE C.

TABLE OF FEES to be paid to the Registrar of joint stock Companies by a Company not having a capital divided into shares:—

	Rs.	A.	P.
For registration of a Company whose number of members, as stated in the articles of association, does not exceed 20	40	0	0
For registration of a Company whose number of members, as stated in the articles of association, exceeds 20, but does not exceed 100	100	0	0
For registration of a Company whose number of members, as stated in the articles of association, exceeds 100, but is not stated to be unlimited, the above fee of Rs. 100 with an additional Rs. 5 for every 50 members, or less number than 50 members, after the first 100.			
For registration of a Company in which the number of members is stated in the articles of association to be unlimited, a fee of ...	400	0	0
For registration of any increase on the number of members made after the registration of the Company, in respect of every 50 members, or less than 50 members, of such increase	5	0	0
Provided that no one Company shall be liable to pay on the whole a greater fee than Rs. 400 in respect of its number of members, taking into account the fee paid on the first registration of the Company.			
For registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association ...	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of	5	0	0

FORM D.

FORM OF STATEMENT REFERRED TO IN PART III OF THE ACT.

* The Capital of the Company is Rs. , divided into shares of each.

The number of shares issued is Calls to the amount of Rs. per share have been made, under which the sum of Rs. has been received.

The liabilities of the Company on the first day of January (*or* July) were :—

Debts owing to sundry persons by the Company

Under decree, Rs.

On mortgages or bonds, Rs.

On notes, bills or hundís, Rs.

On other contracts, Rs.

On estimated liabilities, Rs.

The assets of the Company on that day were :—

Government securities [*stating them*], Rs.

Bills of exchange, hundís and promissory notes, Rs.

Cash at the bankers, Rs.

Other securities, Rs.

* If the Company has no capital divided into shares, the portion of the statement relating to capital and shares must be omitted.

SECOND SCHEDULE.

(SEE SECTION 95.)

FORM A.

Memorandum of association of a Company limited by shares.

1st.—The name of the Company is "The Company, Limited."

2nd.—The registered office of the Company will be situate in .

3rd.—The objects for which the Company is established are " and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th.—The liability of the members is limited.

5th.—The capital of the Company is Rs. divided into shares of Rs. each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names :—

Names, addresses and description of subscribers.	Number of shares taken by each subscriber.
1. *A. B.* of ...	
2. *C. D.* „ ...	
3. *E. F.* „ ...	
4. *G. H.* „ ...	
5. *I. J.* „ ...	
6. *K. L.* „ ...	
7. *M. N.* „ ...	
Total shares taken ...	

Dated the day of

Witness to the above signatures.

O. P. of

FORM B.

Memorandum and articles of association of a Company limited by guarantee, and not having a capital divided into shares.

Memorandum of Association.

1st.—The name of the Company is "The Mutual Calcutta Marine Association, Limited."

2nd.—The registered office of the Company will be situate in Calcutta.

3rd.—The objects for which the Company is established are "the mutual insurance of ships belonging to members of the Company, and the doing all such other things as are incidental or conducive to the attainment of the above objects."

4th.—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding-up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 100.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses and Descriptions of Subscribers.

1. *A. B.* of
2. *C. D.* ,,
3. *E. F.* ,,
4. *G. H.* ,,
5. *I. J.* ,,
6. *K. L.* ,,
7. *M. N.* ,,

Dated the *day of*

Witness to the above signatures.

O. P. of

Articles of Association to accompany preceding Memorandum of Association.

(1.) The Company, for the purpose of registration, is declared to consist of five hundred members.

(2.) The directors hereinafter mentioned may, whenever the business of the association requires it, register an increase of members.

Definition of Members.

(3.) Every person shall be deemed to have agreed to become a member of the Company who insures any ship or share in a ship in pursuance of the regulations hereinafter contained.

General Meetings.

(4.) The first general meeting shall be held at such time, not being more than three months after the incorporation of the Company, and at such place, as the directors may determine.

(5.) Subsequent general meetings shall be held at such time and place as may be prescribed by the Company in general meeting; and, if no other time or place is prescribed, a general meeting shall be held on the first Monday in February in every year at such place as may be determined by the directors.

(6.) The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

(7.) The directors may, whenever they think fit, and they shall, upon a requisition made in writing by any five or more members, convene an extraordinary general meeting.

(8.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered office of the Company.

(9.) Upon the receipt of such requisition, the directors shall forthwith proceed to convene a general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five members may themselves convene a meeting.

Proceedings at General Meetings.

(10.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and, in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in general meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(11.) All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of the consideration of the accounts, balance-sheets and the ordinary report of the directors.

(12.) No business shall be transacted at any meeting except the declaration of a dividend unless a quorum of members is present at the commencement of such business. Such quorum shall be ascertained as follows, that is to say:—if the members of the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty; with this limitation, that no quorum shall in any case exceed thirty.

(13.) If, within one hour from the time appointed for the meeting, a quorum of members is not present, the meeting, if convened upon the requisition of the members, shall be dissolved. In any other case, it shall stand adjourned to the same day in the following week, at the same time and place; and, if at such adjourned meeting a quorum

of members is not present, it shall be adjourned *sine die.*

(14.) The chairman (if any) of the directors shall preside as chairman at every general meeting of the Company.

(15.) If there is no such chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be chairman of such meeting.

(16.) The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(17.) At any general meeting, unless a poll is demanded by at least five members, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

(18.) If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the chairman directs; and the result of such poll shall be deemed to be the resolution of the Company in general meeting.

Votes of Members.

(19.) Every member shall have one vote and no more.

(20.) If any member is a lunatic or idiot, he may vote by his committee or other legal curator: if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(21.) No member shall be entitled to vote at any meeting unless all monies due from him to the Company have been paid.

(22.) Votes may be given either personally or by proxies. A proxy shall be appointed in writing under the hand of the appointor, or, if such appointor is a corporation, under its common seal.

(23.) No person shall be appointed a proxy who is not a member, and the instrument appointing him shall be deposited at the registered office of the Company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

(24.) Any instrument appointing a proxy shall be in the following form:—

Company, Limited.

I, , of , being a member of the Company, Limited, hereby appoint , of , as my proxy, to vote for me and on my behalf at the [ordinary or extraordinary, *as the case may be*] general meeting of the Company to be held on the day of , and at any adjournment thereof [*or* at any meeting of the Company that may be held in the year].

As witness my hand, this day of . Signed by the said in the presence of

Directors.

(25.) The number of the directors and the names of the first directors shall be determined by the subscribers of the memorandum of association.

(26.) Until directors are appointed, the subscribers of the memorandum of association shall be deemed to be directors.

Powers of Directors.

(27.) The business of the Company shall be managed by the directors, who may exercise all such powers of the Company as are not hereby required to be exercised by the Company in general meeting; but no regulation made by the Company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made.

Election of Directors.

(28.) The directors shall be elected annually by the Company in general meeting.

Business of Company.

(*Here insert rules as to mode in which business of insurance is to be conducted.*)

Accounts.

(29.) The accounts of the Company shall be audited by a committee of five members, to be called the audit-committee.

(30.) The first audit-committee shall be nominated by the directors out of the body of members.

(31.) Subsequent audit-committees shall be nominated by the members at the ordinary general meeting in each year.

(32.) The audit-committee shall be supplied with a copy of the balance-sheet, and it shall be their duty to examine the same with the accounts and vouchers relating thereto.

(33.) The audit-committee shall have a list delivered to them of all books kept by the Company, and they shall at all reasonable times have access to the books and accounts of the Company.

They may, at the expense of the Company, employ accountants or other persons to assist them in investigating such accounts, and they may, in relation to such accounts, examine the directors or any other officer of the Company.

(34.) The audit-committee shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing the particulars required by these regulations and properly drawn up, so as to exhibit a true and correct view of the state of the Company's affairs, and, in case they have called for ex-

planations or information from the directors, whether such explanations or information have or has been given by the directors, and whether they or it have or has been satisfactory; and such report shall be read together with the report of the directors at the ordinary meeting.

Notices.

(35.) A notice may be served by the Company upon any member, either personally, or by sending it through the post in a letter addressed to such member at his registered place of abode.

(36.) Any notice, if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post; and, in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office.

Winding-up.

(37.) The Company shall be wound up voluntarily whenever an extraordinary resolution, as defined by The Indian Companies Act, 1882, is passed, requiring the Company to be wound up voluntarily.

Names, Addresses and Descriptions of Subscribers.

1. *A. B.* of ... Merchant.
2. *C. D.* of ... „
3. *E. F.* of ... „
4. *G. H.* of ... „
5. *I. J.* of ... „
6. *K. L.* of .. „
7. *M. N.* of ... „

Dated the day of 18 .

Witness to the above signatures.

O. P. of

FORM C.

Memorandum and articles of association of a Company limited by guarantee, and having a capital divided into shares.

Memorandum of Association.

1st.—The name of the Company is "The Hotel Company, Limited."

2nd.—The registered office of the Company will be situate in .

3rd.—The objects for which the Company is established are "the facilitating travelling in by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th.—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding-up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 200.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses and Descriptions of Subscribers.

1. *A. B.* of
2. *C. D.* of
3. *E. F.* of
4. *G. H.* of
5. *I. J.* of
6. *K. L.* of
7. *M. N.* of

Dated the day of 18

Witness to the above signatures.

O. P. of

Articles of Association to accompany preceding Memorandum of Association.

1. The capital of the Company shall consist of five lákhs of rupees divided into five thousand shares of one hundred rupees each.

2. The directors may, with the sanction of the Company in general meeting, reduce the amount of shares.

3. The directors may, with the sanction of the Company in general meeting, cancel any shares belonging to the Company.

4. All the articles of Table A shall be deemed to be incorporated with these articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses and descriptions of subscribers.	Number of shares taken by each subscriber.
1. *A. B.* of	
2. *C. D.* of	
3. *E. F.* of	
4. *G. H.* of	
5. *I. J.* of	
6. *K. L.* of	
7. *M. N.* of	
Total shares taken	

Dated the day of 18 .

Witness to the above signatures.

O. P. of

Memorandum and articles of association of an unlimited Company having a capital divided into shares.

Memorandum of Association.

1st.—The name of the Company is "The Patent Company."

2nd.—The registered office of the Company will be situate in .

3rd.—The objects for which the Company is established are "the working of a patent method of , of which method *O. P.* of is the sole patentee."

We, the several persons whose names are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses and Descriptions of Subscribers.

1. *A. B.* of
2. *C. D.* of
3. *E. F.* of
4. *G. H.* of
5. *I. J.* of
6. *K. L.* of
7. *M. N.* of

Dated the *day of* *18* .

Witness to the above signatures.

Q. R. of

Articles of Association to accompany the preceding Memorandum of Association.

Capital of the Company.

The capital of the Company is twenty thousand rupees divided into twenty shares of one thousand rupees each.

Application of Table A.

All the articles of Table A shall be deemed to be incorporated with these articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses and descriptions of subscribers.	Number of shares taken by subscribers.
1. *A. B.* of	
2. *C. D.* of	
3. *E. F.* of	
4. *G. H.* of	
5. *I. J.* of	
6. *K. L.* of	
7. *M. N.* of	
Total shares taken	

Dated the *day of* *18*

Witness to the above signatures.

Q. R. of

FORM E.

As required by the second part of the foregoing Act.

Summary of capital and shares of the Company made up to the day of

Nominal capital Rs.

divided into shares of Rs. each.

Number of shares taken up to the day of

There has been called up on each share Rs.

Total amount of calls received Rs.

Total amount of calls unpaid Rs.

List of persons holding shares in the Company on the day of and of persons who have held shares therein at any time during the year immediately preceding the said day of showing their names and addresses and an account of the shares so held.

Folio in register ledger containing particulars.	Names, Addresses and Occupations.				Account of Shares.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing members on the day of	Additional shares held by existing members during preceding year.		Shares held by persons no longer members.		
						Number.	Date of transfer.	Number.	Date of transfer.	

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th February, 1882, and is hereby promulgated for general information:—

ACT No. VII OF 1882.

An Act to amend the law relating to Powers-of-Attorney.

FOR the purpose of amending the law relating to Powers-of-Attorney; it is hereby enacted as follows:—

Short title.

1. This Act may be called "The Powers-of-Attorney Act, 1882":

Local extent.

It applies to the whole of British India;

Commencement.

and it shall come into force on the first day of May, 1882.

Execution under power-of-attorney.

2. The donee of a power-of-attorney may, if he thinks fit, execute or do any assurance, instrument or thing in and with his own name and signature, and his own seal, where sealing is required, by the authority of the donor of the power; and every assurance, instrument and thing so executed and done, shall be as effectual in law as if it had been executed or done by the donee of the power in the name, and with the signature and seal, of the donor thereof.

This section applies to powers-of-attorney created by instruments executed either before or after this Act comes into force.

Payment by attorney under power, without notice of death, &c., good.

3. Any person making or doing any payment or act in good faith, in pursuance of a power-of-attorney, shall not be liable in respect of the payment or act by reason that, before the payment or act, the donor of the power had died or become lunatic, of unsound mind, or bankrupt or insolvent, or had revoked the power, if the fact of death, lunacy, unsoundness of mind, bankruptcy, insolvency or revocation was not, at the time of the payment or act, known to the person making or doing the same.

But this section shall not affect any right against the payee of any person interested in any money so paid; and that person shall have the like remedy against the payee as he would have had against the payer, if the payment had not been made by him.

This section applies only to payments and acts made or done after this Act comes into force.

Deposit of original instruments creating powers-of-attorney.

4. (*a*) An instrument creating a power-of-attorney, its execution being verified by affidavit, statutory declaration or other sufficient evidence, may, with the affidavit or declaration, if any, be deposited in the High Court within the local limits of whose jurisdiction the instrument may be.

(*b*) A separate file of instruments so deposited shall be kept; and any person may search that file, and inspect every instrument so deposited; and a certified copy thereof shall be delivered out to him on request.

(*c*) A copy of an instrument so deposited may be presented at the office and may be stamped or marked as a certified copy, and, when so stamped or marked, shall become and be a certified copy.

(*d*) A certified copy of an instrument so deposited shall, without further proof, be sufficient evidence of the contents of the instrument and of the deposit thereof in the High Court.

(*e*) The High Court may, from time to time, make rules for the purposes of this section, and prescribing, with the concurrence of the Local Government, the fees to be taken under clauses (*a*), (*b*) and (*c*).

(*f*) Throughout British Burma, the Court of the Recorder of Rangoon shall, for the purposes of this section, be deemed to be the High Court.

(*g*) This section applies to instruments creating powers-of-attorney executed either before or after this Act comes into force.

Power of attorney of married women.

5. A married woman, whether a minor or not, shall, by virtue of this Act, have power, as if she were unmarried and of full age, by a non-testamentary instrument, to appoint an attorney on her behalf, for the purpose of executing any non-testamentary instrument or doing any other act which she might herself execute or do; and the provisions of this Act, relating to instruments creating powers-of-attorney, shall apply thereto.

This section applies only to instruments executed after this Act comes into force.

Act XXVIII of 1866, s. 39, repealed.

6. The Trustees and Mortgagees Powers Act, 1866, section 39, is hereby repealed.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March, 1822, and is hereby promulgated for general information :—

ACT NO. VIII OF 1882.

An Act to amend the Indian Penal Code.

Preamble.

FOR the purpose of amending the Indian Penal Code; It is hereby enacted as follows :—

Amendment of section 40, clause 2, of Indian Penal Code.

1. In the second clause of section 40 of the said Code, before the figure "109," the figures "64, 65, 66, 71," shall be inserted.

Amendment of section 64 of same Code.

2. In section 64 of the said Code, for the first twelve words, the following shall be substituted, namely :—

"In every case of an offence punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment,

"and in every case of an offence punishable with fine only, in which the offender is sentenced to a fine."

Amendment of section 67 of same Code.

3. In section 67, after the words "fine only," the words "the imprisonment which the Court imposes in default of payment of the fine shall be simple, and" shall be inserted.

Addition to section 71 of same Code.

4. To section 71 of the said Code, the following clause shall be added :—

"Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, or

"where several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence,

"the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences."

Amendment of section 73 of same Code.

5. In section 73 of the said Code, for the words "be less than a" the words "shall not exceed one" shall be substituted.

New Exception to section 214 of same Code.

6. In section 214 of the said Code, for the Exception, the following shall be substituted, namely :—

"*Exception.*—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

Amendment of section 309 of same Code.

7. In section 309 of the said Code, for the last seven words the words "or with fine or with both" shall be substituted.

Amendment of section 335 of same Code.

8. In section 335 of the said Code, before the word "causes" the word "voluntarily" shall be inserted.

Amendment of section 410 of same Code.

9. In section 410 of the said Code, after the words "designated as 'stolen property'" the following words shall be inserted, namely :—"whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without British India"; and the words "offence of" shall be omitted.

Addition to section 435 of same Code.

10. In section 435 of the said Code, after the words "or upwards" the following words shall be inserted, namely :—

"or (where the property is agricultural produce) ten rupees or upwards."

Local extent. Commencement.

11. This Act extends to the whole of British India; and shall come into force on the first day of January, 1883.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March, 1882, and is hereby promulgated for general information :—

ACT No. IX OF 1882.

An Act to amend the Prisoners' Act, 1871.

Preamble.

WHEREAS it is expedient to amend Act No. V of 1871 (*to consolidate the laws relating to Prisoners confined by order of a Court*); It is hereby enacted as follows :—

Short title.

Local extent.

Commencement.

1. This Act may be called "The Prisoners' Act Amendment Act, 1882": it extends to the whole of British India; and it shall come into force on the first day of January, 1883.

Section substituted for section 33, Act V of 1871.

2. For section thirty-three of the said Act the following shall be substituted (namely) :—

Governor General in Council to appoint places to which persons sentenced to transportation shall be sent.

Local Government to direct removal of such persons to places appointed.

"33. The Governor General in Council may, from time to time, appoint places within British India to which persons sentenced to transportation shall be sent: and the Local Government, or some officer duly authorized in this behalf by the Local Government, shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence."

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th March, 1882, and is hereby promulgated for general information :—

ACT No. X OF 1882.

THE CODE OF CRIMINAL PROCEDURE, 1882.

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An Act to consolidate and amend the law relating to Criminal Procedure.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Criminal Procedure; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

CHAPTER I.

Short title. Commencement.

1. This Act may be called "The Code of Criminal Procedure, 1882": and shall come into force on the first day of January, 1883;

Local extent.

It extends to the whole of British India; but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law now in force, or shall apply to—

(*a*) the Commissioners of Police in the towns of Calcutta, Madras and Bombay, or the police in the towns of Calcutta and Bombay;

(*b*) any officer duly authorized to try petty offences in military bázárs at cantonments and stations occupied by the troops of the Presidencies of Fort St. George and Bombay respectively;

(*c*) heads of villages in the Presidency of Fort Saint George; or

(*d*) village Police-officers in the Presidency of Bombay:

(*e*) and nothing in sections 174, 175 and 176 shall apply to the police in the town of Madras.

Repeal of enactments.

2. On and from the first day of January, 1883, the enactments mentioned in the first schedule shall be repealed to the extent specified in the third column thereof, but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of any confinement which is then lawful.

Notifications, &c., under repealed Acts.

All notifications published, proclamations issued, powers conferred, forms prescribed, local limits defined, sentences passed and orders, rules and appointments made, under any enactment hereby repealed, or under any enactment repealed by any such enactment, and which are in force immediately before the first day of January, 1883, shall be deemed to have been respectively published, issued, conferred, prescribed, defined, passed and made under the corresponding section of this Code.

References to Code of Criminal Procedure and other repealed enactments.

3. In every enactment passed before this Code comes into force, in which reference is made to, or to any chapter or section of, the Code of Criminal Procedure, Act No. XXV of 1861, or Act No. X of 1872, or to any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding chapter or section.

Expressions in former Acts.

In every enactment passed before this Code comes into force the expressions "Officer exercising (or 'having') the powers (or 'the full powers') of a Magistrate", "Subordinate Magistrate, first class", and "Subordinate Magistrate, second class", shall respectively be deemed to mean "Magistrate of the first class", "Magistrate of the second class", and "Magistrate of the third class"; the expression "Magistrate of a division of a district" shall be deemed to mean "Sub-divisional Magistrate", the expression "Magistrate of the district" shall be deemed to mean "District Magistrate", and the expression "Magistrate of Police" shall be deemed to mean "Presidency Magistrate."

Interpretation-clause.

4. In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context:—

"Complaint":

(*a*) "Complaint" means the allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence; but does not include the report of a Police-officer:

"Investigation":

(*b*) "Investigation" includes all the proceedings under this Code for the collection of evidence conducted by the police or by any person (other than a Magistrate or Police-officer) who is authorized by a Magistrate in this behalf:

"Inquiry":

(*c*) "Inquiry" includes every inquiry conducted under this Code by a Magistrate or Court:

"Judicial proceeding":

(*d*) "Judicial proceeding" means any proceeding in the course of which evidence is or may be legally taken:

"Writing" and "written":

(*e*) "Writing" and "written" include "printing", "lithography", "photography", "engraving", and every other mode in which words or figures can be expressed on paper or on any substance:

"Sub-division":

(*f*) "Sub-division" means a sub-division made under this Code of a District:

"Province":

(*g*) "Province" means the territories for the time being under the administration of any Local Government:

"Presidency-town":

(*h*) "Presidency-town" means the local limits for the time being of the ordinary original civil juris-

diction of the High Court of Judicature at Fort William, Madras or Bombay:

"High Court":

(i) "High Court" means, in reference to proceedings against European British subjects or persons jointly charged with European British subjects, the High Courts of Judicature at Fort William, Madras and Bombay, the High Court of Judicature for the North-Western Provinces, the Chief Court of the Panjáb and the Recorder of Rangoon:

In other cases "High Court" means the highest Court of criminal appeal or revision for any local area;

or, where no such Court is established under any law for the time being in force, such officer as the Governor General in Council may appoint in this behalf:

"Chief Justice":

(j) "Chief Justice" includes also the senior Judge of a Chief Court:

"Advocate General":

(k) "Advocate General" includes also a Government Advocate, or, where there is no Advocate General or Government Advocate, such officer as the Local Government may, from time to time, appoint in this behalf:

"Clerk of the Crown":

(l) "Clerk of the Crown" includes any officer specially appointed by the Chief Justice to discharge the functions given by this Code to the Clerk of the Crown:

"Public Prosecutor":

(m) "Public Prosecutor" means any person appointed under section 492, and includes any person acting under the directions of a Public Prosecutor; and any person conducting a prosecution on behalf of Her Majesty in any High Court in the exercise of its original criminal jurisdiction:

"Pleader":

(n) "Pleader" used with reference to any proceeding in any Court, means a pleader authorized under any law for the time being in force to practise in such Court, and includes (1) an advocate, a vakil and an attorney of a High Court so authorized, and (2) any mukhtár or other person appointed with the permission of the Court to act in such proceeding:

"Police-station":

(o) "Police-station" means any post declared, generally or specially, by the Local Government to be a Police-station for the purposes of this Code, and includes any local area specified by the Local Government in this behalf; and

"Officer in charge of a Police-station":

"Officer in charge of a Police-station" includes, when the officer in charge of the Police-station is absent therefrom or unable from illness to perform his duties, the Police-officer present at the Police-station who is next in rank to such officer and is above the rank of constable, or, when the Local Government so directs, any other Police-officer so present:

"Offence":

(p) "Offence" means any act or omission made punishable by any law for the time being in force:

"Cognizable offence":
"Cognizable case":

(q) "Cognizable offence" means an offence for, and "cognizable case" means a case in, which a Police-officer, within or without the Presidency-towns, may, in accordance with the second schedule, or under any law for the time being in force, arrest without warrant:

"Non-cognizable offence":
"Non-cognizable case":

"Non-cognizable offence" means an offence for, and "non-cognizable case" means a case in, which a Police-officer, within or without the Presidency-towns, may not arrest without warrant:

"Bailable offence":
"Non-bailable offence":

(r) "Bailable offence" means an offence shewn as bailable in the second schedule, or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence:

"Warrant-case":

(s) "Warrant-case" means a case relating to an offence punishable with death, transportation or imprisonment for a term exceeding six months:

"Summons-case":

(t) "Summons-case" means a case relating to an offence not so punishable:

"European British subject":

(u) "European British subject" means—

(1) any subject of Her Majesty born, naturalized or domiciled in the United Kingdom of Great Britain and Ireland, or in any of the European, American or Australian Colonies or Possessions of Her Majesty, or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal;

(2) any child or grand-child of any such person by legitimate descent:

"Chapter":
"Schedule":

(v) "Chapter" means a chapter of this Code; and "Schedule" means a schedule hereto annexed:

"Place."

(w) "Place" includes also a house, building, tent and vessel.

Words referring to acts.

Words which refer to acts done extend also to illegal omissions; and

Words to have same meaning as in Penal Code.

all words and expressions used herein and defined in the Indian Penal Code, and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them by that Code.

Trial of offences under Penal Code.

5. All offences under the Indian Penal Code shall be inquired into and tried according to the provisions hereinafter contained; and all offences under any

Trial of offences against other laws.

other law shall be inquired into and tried according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of inquiring into or trying such offences.

PART II.

CONSTITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES.

CHAPTER II.

OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES.

A.—Classes of Criminal Courts.

Classes of Criminal Courts.

6. Besides the High Courts and the Courts constituted under any law other than this Code for the time being in force, there shall be five classes of Criminal Courts in British India, namely:—

I.—Courts of Session:
II.—Courts of Presidency Magistrates:
III.—Courts of Magistrates of the first class:
IV.—Courts of Magistrates of the second class:
V.—Courts of Magistrates of the third class.

B.—Territorial Divisions.

Sessions Divisions:

7. Every Province (excluding the Presidency-towns) shall be a Sessions Division, or shall consist of Sessions Divisions;

Districts.

and every Sessions Division shall, for the purposes of this Code, be a District or consist of Districts.

Power to alter Divisions and Districts.

The Local Government may alter the limits, or, with the previous sanction of the Governor General in Council, the number, of such Divisions and Districts.

Existing Divisions and Districts maintained till altered.

The Sessions Divisions and Districts existing when this Code comes into force shall be Sessions Divisions and Districts respectively, unless and until they are so altered.

Presidency-towns to be deemed Districts.

Every Presidency-town shall, for the purposes of this Code, be deemed to be a District.

Power to divide Districts into Sub-divisions.

8. The Local Government may divide any District outside the Presidency-towns into Sub-divisions, or make any portion of any such District a Sub-division, and may alter the limits of any Sub-division.

Existing Sub-divisions maintained.

All existing Sub-divisions which are now usually put under the charge of a Magistrate shall be deemed to have been made under this Code.

C.—Courts and Offices outside the Presidency-towns.

Court of Session.

9. The Local Government shall establish a Court of Session for every Sessions Division, and appoint a Judge of such Court.

It may also appoint Additional Sessions Judges, Joint Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

All Courts of Session existing when this Code comes into force shall be deemed to have been established under this Act.

District Magistrate.

10. In every District outside the Presidency-towns, the Local Government shall appoint a Magistrate of the first class, who shall be called the District Magistrate.

Officers temporarily succeeding to vacancies in office of District Magistrate.

11. Whenever, in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive administration of the District, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.

Subordinate Magistrates.

12. The Local Government may appoint as many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any District outside the Presidency-towns; and the Local Government, or the District Magistrate subject to the control of the Local Government, may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code.

Local limits of their jurisdiction.

Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such District.

Power to put Magistrate in charge of Sub-division.

13. The Local Government may place any Magistrate of the first or second class in charge of a Sub-division, and relieve him of the charge as occasion requires.

Such Magistrates shall be called Sub-divisional Magistrates.

Delegation of powers to District Magistrate.

The Local Government may delegate its powers under this section to the District Magistrate.

Special Magistrates.

14. The Local Government may confer upon any person all or any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally, in any local area outside the Presidency-towns.

Such Magistrates shall be called Special Magistrates.

With the previous sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it thinks fit, to any officer under its control the power conferred by the first paragraph of this section.

No powers shall be conferred under this section on any Police-officer below the grade of Assistant District Superintendent, and no powers shall be so conferred except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

Benches of Magistrates.

15. The Local Government may direct any two or more Magistrates in any place outside the Presidency-towns to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or such classes of cases only, and within such local limits, as the Local Government thinks fit.

Powers exercisable by Bench in absence of special direction.

Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members who is present taking part in the proceedings as a member of the Bench belongs, and as far as practicable shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

Power to frame rules for guidance of Benches.

16. The Local Government may, or, subject to the control of the Local Government, the District Magistrate may, from time to time, make rules consistent with this Code for the guidance of Magistrates' Benches in any District respecting the following subjects:—

(*a*) the classes of cases to be tried;

(*b*) the times and places of sitting;

(*c*) the constitution of the Bench for conducting trials;

(*d*) the mode of settling differences of opinion which may arise between the Magistrates in session.

Subordination of Magistrates and Benches to District Magistrate;

17. All Magistrates appointed under sections 12, 13 and 14, and all Benches constituted under section 15, shall be subordinate to the District Magistrate, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Magistrates and Benches; and

to Sub-divisional Magistrate.

every Magistrate (other than a Sub-divisional Magistrate) and every Bench exercising powers in a Sub-division shall be subordinate to the Sub-divisional Magistrate, subject, however, to the general control of the District Magistrate.

Subordination of Assistant Sessions Judges to Sessions Judge.

All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Assistant Sessions Judges.

Neither the District Magistrate nor the Magistrates or Benches appointed or constituted under sections 12, 13, 14 and 15 shall be subordinate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided.

D.—Courts of Presidency Magistrates.

Appointment of Presidency Magistrates.

18. The Local Government shall, from time to time, appoint a sufficient number of persons (hereinafter called Presidency Magistrates) to be Magistrates for each of the Presidency-towns, and shall appoint one of such persons to be Chief Magistrate for each such town.

Any two or more of such persons may (subject to the rules made by the Chief Magistrate under the power hereinafter conferred) sit together as a Bench.

Local limits of their jurisdiction.

19. Every Presidency Magistrate shall exercise jurisdiction in all places within the Presidency-town for which he is appointed and within the limits of the port of such town and of any navigable river or channel leading thereto, as such limits are defined under the law for the time being in force for the regulation of ports and port-dues.

Bombay Court of Petty Sessions.

20. Every Presidency Magistrate in the town of Bombay shall exercise all jurisdiction which, under any law in force immediately before the first day of April, 1877, was exercised in that town by the Court of Petty Sessions:

Provided that appeals under the law for the time being regulating the municipality of Bombay shall lie to the Chief Magistrate only.

Chief Magistrate.

21. Every Chief Magistrate shall exercise within the local limits of his jurisdiction all the powers conferred on him by this Code or which by any law or rule in force immediately before this Code comes into force are required to be exercised by any Senior or Chief Magistrate, and may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Code to regulate—

(*a*) the conduct and distribution of business and the practice in the Courts of the Magistrates of the town;

(*b*) the times and places at which Benches of Magistrates shall sit;

(*c*) the constitution of such Benches; and

(*d*) the mode of settling differences of opinion which may arise between Magistrates in session.

E.—Justices of the Peace.

Justices of the Peace for the Mufussil.

22. The Governor General in Council, so far as regards the whole or any part of British India outside the Presidency-towns,

and every Local Government, so far as regards the territories subject to its administration (other than the towns aforesaid),

may, by notification in the official Gazette, appoint such European British subjects as he or it thinks fit to be Justices of the Peace within and for the territories mentioned in such notification

Justices of the Peace for the Presidency-towns.

23. The Governor General in Council or the Local Government, so far as regards the town of Calcutta,

and the Local Government, so far as regards the towns of Madras and Bombay,

may, by notification in the official Gazette, appoint to be Justices of the Peace within the limits of the town mentioned in such notification any persons resident within British India and not being the subjects of any foreign State whom such Governor General in Council or Local Government (as the case may be) thinks fit.

Present Justices of the Peace.

24. Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns, under any commission issued by a High Court, shall be deemed to have been appointed under section 22 by the Governor General in Council to act as a Justice of the Peace for the whole of British India other than the said towns.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section 23 by the Local Government.

Ex officio Justices of the Peace.

25. In virtue of their respective offices, the Governor General, the Ordinary Members of the Council of the Governor General, the Judges of the High Courts and the Recorder of Rangoon are Justices of the Peace within and for the whole of British India, and the Presidency Magistrates are Justices of the Peace within and for the towns of which they are respectively Magistrates.

F.—Suspension and Removal.

Suspension and removal of Judges and Magistrates.

26. All Judges of Criminal Courts other than the High Courts established by Royal Charter, and all Magistrates, may be suspended or removed from office by the Local Government:

Provided that such Judges and Magistrates as now are liable to be suspended or removed from office by the Governor General in Council only shall not be suspended or removed from office by any other authority.

Suspension and removal of Justices of the Peace.

27. The Governor General in Council may suspend or remove from office any Justice of the Peace appointed by him, and the Local Government may suspend or remove from office any Justice of the Peace appointed by it.

CHAPTER III.

POWERS OF COURTS.

A.—Description of Offences cognizable by each Court.

Offences under Penal Code.

28. Subject to the other provisions of this Code, any offence under the Indian Penal Code may be tried by the High Court or Court of Session or by any other Court by which such offence is shown in the eighth column of the second schedule to be triable.

Offences under other laws.

29. Any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court.

When no Court is so mentioned, it may be tried by the High Court or by any Court constituted under this Code: Provided that—

(*a*) no Magistrate of the first class shall try any such offence which is punishable with imprisonment for a term which may exceed seven years;

(*b*) no Magistrate of the second class shall try any such offence which is punishable with imprisonment for a term which may extend to three years; and

(*c*) no Magistrate of the third class shall try any such offence which is punishable with imprisonment for a term which may extend to one year.

Offences not punishable with death.

30. In the territories respectively administered by the Lieutenant-Governor of the Panjáb and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg and Assam, and in those parts of the other Provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may, notwithstanding anything contained in section 29, invest the District Magistrate with power to try as a Magistrate all offences not punishable with death.

B.—Sentences which may be passed by Courts of various Classes.

Sentences which High Courts and Sessions Judges may pass.

31. A High Court may pass any sentence authorized by law.

A Sessions Judge, Additional Sessions Judge or Joint Sessions Judge may pass any sentence authorized by law; but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court.

An Assistant Sessions Judge may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding three years passed by an Assistant Sessions Judge shall be subject to confirmation by the Sessions Judge.

32. The Courts of Magistrates may pass the following sentences, namely:—

Sentences which Magistrates may pass.

(a) Courts of Presidency Magistrates and of Magistrates of the first class:	Imprisonment for a term not exceeding two years, including such solitary confinement as is authorized by law; Fine not exceeding one thousand rupees; Whipping.
(b) Courts of Magistrates of the second class:	Imprisonment for a term not exceeding six months, including such solitary confinement as is authorized by law; Fine not exceeding two hundred rupees; Whipping.
(c) Courts of Magistrates of the third class.	Imprisonment for a term not exceeding one month; Fine not exceeding fifty rupees.

The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorized by law to pass.

No Court of any Magistrate of the second class shall pass a sentence of whipping unless he is specially empowered in this behalf by the Local Government.

33. The Court of any Magistrate may award such term of imprisonment in default of payment of fine as is authorized by law in case of such default: Provided that the term is not in excess of the Magistrate's powers under this Code:

Power of Magistrates to sentence to imprisonment in default of fine.

Provided also that in no case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Proviso as to certain cases.

The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 32.

34. The Court of a District Magistrate specially empowered under section 30 may pass any sentence of imprisonment for a term not exceeding seven years, including such solitary confinement as is authorized by law, or of fine, or of whipping, or of any combination of these punishments authorized by law.

Higher powers of certain District Magistrates.

But any sentence of imprisonment for a term exceeding three years passed by any such Court shall be subject to the confirmation of the Sessions Judge.

35. When a person is convicted, at one trial, of two or more distinct offences, the Court may sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict: such punishments, when consisting of imprisonment or transportation, to commence the one after the expiration of the other in such order as the Court may direct.

Sentence in cases of conviction of several offences at one trial.

It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Maximum term of punishment.

Provided as follows:—

(a) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years:

(b) if the case is tried by a Magistrate (other than a Magistrate acting under section 34), the aggregate punishment shall not exceed twice the amount of punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

For the purpose of confirmation or appeal, aggregate sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

C.—Ordinary and Additional Powers.

36. All District Magistrates, Sub-divisional Magistrates and Magistrates of the first, second and third classes have the powers hereinafter respectively conferred upon them and specified in the third schedule. Such powers are called their "ordinary powers".

Ordinary powers of Magistrates.

37. In addition to his ordinary powers, any Sub-divisional Magistrate or any Magistrate of the first, second or third class may be invested by the Local Government or the District Magistrate, as the case may be, with any powers specified in the fourth schedule as powers with which he may be invested by the Local Government or the District Magistrate.

Additional powers conferrible on Magistrates.

38. The power conferred on the District Magistrate by section 37 shall be exercised subject to the control of the Local Government.

Control of District Magistrates' investing power.

D.—Conferment, Continuance and Cancellation of Powers.

39. In conferring powers under this Code, the Local Government may by order empower persons specially by name or in virtue of their office, or classes of officials generally by their official titles.

Mode of conferring powers.

Aid and information to Magistrates, the police and persons making arrests.

Every such order shall take effect from the date on which it is communicated to the person so empowered.

Continuance of powers of officers transferred.

40. Whenever any person holding an office in the service of Government who has been invested with any powers under this Code throughout any local area is transferred to an equal or higher office of the same nature within a like local area under the same Local Government, he shall, unless the Local Government otherwise directs, or has otherwise directed, continue to exercise the same powers in the local area to which he is so transferred.

Powers may be cancelled.

41. The Local Government may withdraw any powers conferred under this Code on any person by it or by any officer subordinate to it.

PART III.

GENERAL PROVISIONS.

CHAPTER IV.

OF AID AND INFORMATION TO THE MAGISTRATES, THE POLICE AND PERSONS MAKING ARRESTS.

Public when to assist Magistrates and police.

42. Every person is bound to assist a Magistrate or Police-officer reasonably demanding his aid, whether within or without the Presidency-towns,

(*a*) in the taking of any other person whom such Magistrate or Police-officer is authorized to arrest;

(*b*) in the prevention of a breach of the peace, or of any injury attempted to be committed to any railway, canal, telegraph or public property; or

(*c*) in the suppression of a riot or an affray.

Aid to person other than Police-officer, executing warrant.

43. When a warrant is directed to a person other than a Police-officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

Public to give information of certain offences.

44. Every person, whether within or without the Presidency-towns, aware of the commission of, or of the intention of any other person to commit, any offence punishable under the following sections of the Indian Penal Code (namely) 121, 121A, 122, 123, 124, 124A, 125, 126, 130, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to the nearest Magistrate or Police-officer of such commission or intention.

Village-headmen, landholders and others bound to report certain matters.

45. Every village-headman, village-watchman, village-police-officer, owner or occupier of land, and the agent of any such owner or occupier, and every officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate, or to the officer in charge of the nearest Police-station, whichever is the nearer, any information which he may obtain respecting—

(*a*) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is headman, watchman or Police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;

(*b*) the resort to any place within, or the passage through, such village, of any person whom he knows, or reasonably suspects, to be a thug, robber, escaped convict or proclaimed offender;

(*c*) the commission of or intention to commit any non-bailable offence in or near such village;

(*d*) the occurrence therein of any sudden or unnatural death or of any death under suspicious circumstances.

EXPLANATION.—In this section "village" includes village-lands.

CHAPTER V.

OF ARREST, ESCAPE AND RETAKING.

A.—Arrest generally.

Arrest how made.

46. In making an arrest, the Police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Resisting endeavour to arrest.

If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such Police-officer or other person may use all means necessary to effect the arrest.

Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death, or with transportation for life.

Search of place entered by person sought to be arrested.

47. If any person acting under a warrant of arrest, or any Police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such Police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Procedure where ingress not obtainable.

48. If ingress to such place cannot be obtained under section 47, it shall be lawful in any case for a person acting under a warrant, and in any case in which a warrant may issue but cannot be obtained without affording the person to

be arrested an opportunity of escape, for a Police-officer, to enter such place and search therein, and

in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance:

Breaking open zanánh.

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public, such person or Police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

Power to break open doors and windows for purposes of liberation.

49. Any Police-officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

No unnecessary restraint.

50. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Search of arrested persons.

51. Whenever a person is arrested by a Police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail, but the person arrested cannot furnish bail, and

whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the Police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel, found upon him.

Mode of searching women.

52. Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency.

Power to seize offensive weapons.

53. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Code to produce the person arrested.

B.—Arrest without Warrant.

When police may arrest without warrant.

54. Any Police-officer may, without an order from a Magistrate and without a warrant, arrest—

first—any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned;

secondly—any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of housebreaking;

thirdly—any person who has been proclaimed as an offender either under this Code or by order of the Local Government;

fourthly—any person in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing;

fifthly—any person who obstructs a Police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; and

sixthly—any person reasonably suspected of being a deserter from Her Majesty's Army or Navy.

This section applies to the police in the towns of Calcutta and Bombay.

Arrest of vagabonds, habitual robbers, &c.

55. Any officer in charge of a Police-station may, in like manner, arrest or cause to be arrested—

(*a*) any person found taking precautions to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence; or

(*b*) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or

(*c*) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.

Procedure when Police-officer deputes subordinate to arrest without warrant.

56. When any officer in charge of a Police-station requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence for which the arrest is to be made.

Refusal to give name and residence.

57. When any person in the presence of a Police-officer commits or is accused of committing a non-cognizable offence, and refuses on

demand of a Police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained; and he shall, within twenty-four hours from the arrest, be forwarded to the nearest Magistrate, unless, before the expiration of that time, his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

Pursuit of offenders into other jurisdictions.

58. A Police-officer may, for the purpose of arresting without warrant any person whom he is authorized to arrest under this chapter, pursue such person into any place in British India.

Arrest by private persons.

59. Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence, or who has been proclaimed as an offender;

Procedure on such arrest.

and shall, without unnecessary delay, make over any person so arrested to a Police-officer; or, in the absence of a Police-officer, take such person to the nearest Police-station.

If there is reason to believe that such person comes under the provisions of section 54, a Police-officer shall re-arrest him.

If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a Police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 57. If there is no reason to believe that he has committed any offence, he shall be at once discharged.

Person arrested to be taken before Magistrate or officer in charge of Police-station.

60. A Police-officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a Police-station.

Person arrested not to be detained more than 24 hours.

61. No Police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Police to report apprehensions.

62. Officers in charge of Police-stations shall report to the District Magistrate, or, if he so directs, to the Sub-divisional Magistrate, the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Discharge of person apprehended.

63. No person who has been arrested by a Police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.

Offence committed in Magistrate's presence.

64. When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Arrest by or in presence of Magistrate.

65. Any Magistrate may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

Power, on escape, to pursue and retake.

66. If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in British India.

Provisions of sections 47, 48 and 49 to apply to arrests under section 66.

67. The provisions of sections 47, 48 and 49 shall apply to arrests under section 66, although the person making any such arrest is not acting under a warrant and is not a Police-officer having authority to arrest.

CHAPTER VI.

OF PROCESSES TO COMPEL APPEARANCE.

A.—Summons.

Form of summons.

68. Every summons issued by a Court under this Code shall be in writing in duplicate signed and sealed by the presiding officer of such Court, or by such other officer as the High Court may, from time to time, by rule, direct.

Summons by whom served.

Such summons shall be served by a Police-officer; or, subject to such rules consistent with this Code as the Local Government may prescribe in this behalf, by an officer of the Court issuing it.

This section applies to the police in the towns of Calcutta and Bombay.

Summons how served.

69. The summons shall if practicable be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.

Signature of receipt for summons.

Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Service when person summoned cannot be found.

70. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of

his family, or, in a Presidency-town, with his servant residing with him; and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Procedure when receipt cannot be obtained.

71. If the signature mentioned in sections 69 and 70 cannot by the exercise of due diligence be obtained, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

Service on servant of Government or of Railway Company.

72. Where the person summoned is in the active service of the Government or of a Railway Company, the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by section 69, and shall return it to the Court with the endorsement required by that section.

Service of summons outside local limits.

73. When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

Proof of service in such cases, and when serving officer not present.

74. When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in manner provided by section 69 or section 70) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.

B.—Warrant of Arrest.

Form of warrant of arrest.

75. Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer, or, in the case of a Bench of Magistrates, by any member of such Bench; and shall bear the seal of the Court.

Continuance of warrant of arrest.

Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.

Court may direct security to be taken.

76. Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person execute a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

The endorsement shall state (*a*) the number of sureties, (*b*) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound, and (*c*) the time at which he is to attend before the Court.

Recognizance to be forwarded.

Whenever security is taken under this section, the officer to whom the warrant is directed shall forward the bond to the Court.

Warrants to whom directed.

77. A warrant of arrest shall ordinarily be directed to one or more Police-officers, and, when issued by a Presidency Magistrate, shall always be so directed; but any other Court issuing such a warrant may, if its immediate execution is necessary and no Police-officer is immediately available, direct it to any other person or persons; and such person or persons shall execute the same.

Warrant to several persons.

When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them.

Warrant may be directed to landholders, &c.

78. A District Magistrate or Sub-divisional Magistrate may direct a warrant to any landholder, farmer or manager of land within his district or sub-division for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued is in, or enters on, his land or farm, or the land under his charge.

When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest Police-officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under section 76.

Warrant directed to Police-officer.

79. A warrant directed to any Police-officer may also be executed by any other Police-officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

Notification of substance of warrant.

80. The Police-officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant.

Processes to compel appearance.

Person arrested to be brought before Court without delay.

81. The Police-officer or other person executing a warrant of arrest shall (subject to the provisions of section 76 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person.

Where warrant may be executed.

82. A warrant of arrest may be executed at any place in British India.

Warrant forwarded to Magistrate for execution outside jurisdiction.

83. When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a Police-officer, forward the same by post or otherwise to any Magistrate or Commissioner of Police within the local limits of whose jurisdiction it is to be executed.

The Magistrate or Commissioner to whom such warrant is so forwarded shall endorse his name thereon, and, if practicable, cause it to be executed within the local limits of his jurisdiction.

Warrant directed to Police-officer for execution outside jurisdiction.

84. When a warrant directed to a Police-officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement either to a Magistrate or to a Police-officer not below the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.

Such Magistrate or Police-officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the Police-officer to whom the warrant is directed to execute the same within such limits, and the local police shall, if so required, assist such officer in executing such warrant.

Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or Police-officer within the local limits of whose jurisdiction the warrant is to be executed will prevent such execution, the Police-officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.

This section applies to the police in the towns of Calcutta and Bombay.

Procedure on arrest of person against whom warrant issued.

85. When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles of the place of arrest, or is nearer than the Magistrate or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 76, be taken before such Magistrate or Commissioner.

Procedure by Magistrate before whom person arrested is brought.

86. Such Magistrate or Commissioner shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court: Provided that if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate or Commissioner, or a direction has been endorsed under section 76 on the warrant and such person is ready and willing to give the security required by such direction, the Magistrate or Commissioner shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant.

Nothing in this section shall be deemed to prevent a Police-officer from taking security under section 76.

C.—Proclamation and Attachment.

Proclamation for person absconding.

87. If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

The proclamation shall be published as follows:—

(*a*) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(*b*) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides, or to some conspicuous place of such town or village; and

(*c*) a copy thereof shall be affixed to some conspicuous part of the Court-house.

A statement by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

Attachment of property of person absconding.

88. The Court may, after issuing a proclamation under section 87, order the attachment of any property, moveable or immoveable, or both, belonging to the proclaimed person.

Such order shall authorize the attachment of any property belonging to such person within the district in which it is made; and it shall authorize the attachment of any property belonging to such person without such district, when endorsed by the District Magistrate within whose district such property is situate.

If the property ordered to be attached be debts or other moveable property, the attachment under this section shall be made—

(*a*) by seizure; or

(*b*) by the appointment of a receiver; or

(*c*) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or

(*d*) by all or any two of such methods, as the Court thinks fit.

If the property ordered to be attached be immoveable, the attachment under this section shall, in the case of land paying revenue to Government, be made through the Collector of the District in which the land is situate, and in all other cases—

(*e*) by taking possession; or

(*f*) by the appointment of a receiver; or

(*g*) by an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf; or

(*h*) by all or any two of such methods, as the Court thinks fit.

The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under Chapter XXXVI of the Code of Civil Procedure.

If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government; but it shall not be sold until the expiration of six months from the date of the attachment, unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold whenever it thinks fit.

Restoration of attached property.

89. If, within two years from the date of the attachment, any person whose property is or has been at the disposal of Government under the last paragraph of section 88 appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the nett proceeds of the sale, or if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

D.—Other rules regarding processes.

Issue of warrant in lieu of or in addition to summons.

90. A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person other than a juror or assessor, issue, after recording its reasons in writing, a warrant for his arrest—

(*a*) if, either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or

(*b*) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

Power to take bond for appearance.

91. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant is present in such Court, such officer may require such person to execute a bond with or without sureties for his appearance in such Court.

Arrest on breach of bond for appearance.

92. When any person who is bound by any bond taken under this Code to appear before a Court does not so appear, the officer presiding in such Court may issue a warrant directing that such person be arrested and produced before him.

Provisions in this chapter generally applicable to summonses and warrants of arrest.

93. The provisions contained in this chapter relating to a summons and warrant and their issue, service and execution shall, so far as may be, apply to every summons and every warrant of arrest issued under this Code.

CHAPTER VII.

OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVEABLE PROPERTY AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED.

A.—Summons to produce.

Summons to produce document or other thing.

94. Whenever any Court, or, in any place beyond the limits of the towns of Calcutta and Bombay, any officer in charge of a Police-station, considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.

Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he cause such document or thing to be produced instead of attending personally to produce the same.

Nothing in this section shall be deemed to affect the Indian Evidence Act, 1872, sections 123 and 124, or to apply to a letter, post-card, telegram or other document in the custody of the Postal or Telegraph authorities.

Procedure as to letters and telegrams.

95. If any document in such custody is, in the opinion of any District Magistrate, Chief Presidency Magistrate, High Court or Court of Session, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require

Processes to compel production of documents, &c.

the Postal or Telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate or Court directs.

If any such document is, in the opinion of any other Magistrate, or of any Commissioner of Police or District Superintendent of Police, wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to cause search to be made for and to detain such document, pending the orders of any such District Magistrate, Chief Presidency Magistrate or Court.

B.—Search-warrants.

When search-warrant may be issued.

96. Where any Court has reason to believe that a person to whom a summons or order under section 94 or a requisition under section 95, paragraph one, has been or might be addressed will not or would not produce the document or other thing as required by such summons or requisition,

or where such document or other thing is not known to the Court to be in the possession of any person,

or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,

it may issue a search-warrant; and the person to whom such warrant is directed may search or inspect in accordance therewith and the provisions hereinafter contained.

Nothing herein contained shall authorize any Magistrate, other than a District Magistrate or Chief Presidency Magistrate, to grant a warrant to search for a document in the custody of the Postal or Telegraph authorities.

Power to restrict warrant.

97. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

Search of house suspected to contain stolen property, forged documents, &c.

98. If a District Magistrate, Sub-divisional Magistrate, Presidency Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property,

or for the deposit or sale or manufacture of forged documents, false seals or counterfeit stamps or coin, or instruments or materials for counterfeiting coin or stamps or for forging,

or that any forged documents, false seals or counterfeit stamps or coin, or instruments or materials used for counterfeiting coin or stamps or for forging, are kept or deposited in any place,

he may by his warrant authorize any Police-officer above the rank of a constable—

(*a*) to enter, with such assistance as may be required, such place, and

(*b*) to search the same in manner specified in the warrant, and

(*c*) to take possession of any property, documents, seals, stamps or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also of any such instruments and materials as aforesaid, and

(*d*) to convey such property, documents, seals, stamps, coins, instruments or materials before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and

(*e*) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale, or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or stamps or for forging.

Disposal of things found in search beyond jurisdiction.

99. When, in the execution of a search-warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, any of the things for which search is made are found, such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Court issuing the warrant, unless such place is nearer to the Magistrate having jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate; and, unless there be good cause to the contrary, such Magistrate shall make an order authorizing them to be taken to such Court.

C.—Discovery of persons wrongfully confined.

Search for persons wrongfully confined.

100. If any Presidency Magistrate, Magistrate of the first class or Sub-divisional Magistrate has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person if found shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.

D.—General Provisions relating to searches.

Direction, &c., of search-warrants.

101. The provisions of sections 43, 75, 77, 79, 82, 83 and 84 shall, so far as may be, apply to all search-warrants issued under section 96, section 98 or section 100.

Persons in charge of closed place to allow search.

102. Whenever any place liable to search or inspection under this chapter is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 48.

Search to be made in presence of witnesses.

103. Before making a search under this chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search.

The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses, but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

Occupant of place searched may attend.

The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request.

E.—Miscellaneous.

Power to impound document, &c., produced.

104. Any Court may, if it thinks fit, impound any document or other thing produced before it under this Code.

Magistrate may direct search in his presence.

105. Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search-warrant.

PART IV.

PREVENTION OF OFFENCES.

CHAPTER VIII.

Of Security for keeping the Peace and for Good Behaviour.

A.—Security for keeping the Peace on Conviction.

Security for keeping the peace on conviction.

106. Whenever any person accused of rioting, assault or other breach of the peace, or of abetting the same, or of assembling armed men or taking other unlawful measures with the evident intention of committing the same, or any person accused of committing criminal intimidation by threatening injury to person or property, is convicted of such offence before a High Court, a Court of Session or the Court of a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class,

and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period, not exceeding three years, as it thinks fit to fix.

If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

B.—Security for keeping the Peace in other Cases and Security for Good Behaviour.

Security for keeping the peace in other cases.

107. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information that any person is likely to commit a breach of the peace, or to do any wrongful act that may probably occasion a breach of the peace, within the local limits of such Magistrate's jurisdiction, or that there is within such limits a person who is likely to commit a breach of the peace or do any wrongful act as aforesaid in any place beyond such limits, the Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding one year as the Magistrate thinks fit to fix.

Procedure of Magistrate, &c., not empowered to act under section 107.

108. When any Magistrate not empowered to proceed under section 107, or a Court of Session or High Court, has reason to believe that any person is likely to commit a breach of the peace or to do any wrongful act that may probably occasion a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by detaining such person in custody, such Magistrate or Court may issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case under section 107.

A Magistrate before whom a person is sent under this section may in his discretion detain such person in custody until the completion of the inquiry hereinafter prescribed.

Security for good behaviour from vagrants and suspected persons.

109. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information—

(*a*) that any person is taking precautions to conceal his presence within the local limits of such

Security for keeping peace and for good behaviour.

Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing an offence, or

(*b*) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding six months as the Magistrate thinks fit to fix.

Security for good behaviour from habitual offenders.

110. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class specially empowered in this behalf by the Local Government receives information that any person within the local limits of his jurisdiction is an habitual robber, housebreaker or thief, or an habitual receiver of stolen property knowing the same to have been stolen, or that he habitually commits extortion, or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding three years as the Magistrate thinks fit to fix.

Proviso as to European vagrants.

111. The provisions of sections 109 and 110 do not apply to European British subjects in cases where they may be dealt with under the European Vagrancy Act, 1874.

Order to be made.

112. When a Magistrate acting under section 107, section 109 or section 110 deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.

Procedure in respect of person present in Court.

113. If the person in respect of whom such order is made is present in Court, it shall be read over to him, or, if he so desires, the substance thereof shall be explained to him.

Summons or warrant in case of person not so present.

114. If such person is not present in Court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is to bring him, before the Court:

Provided that, whenever it appears to such Magistrate, upon the report of a Police-officer or upon other information (the substance of which report or information shall be recorded by the Magistrate), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.

Copy of order under section 112 to accompany summons or warrant.

115. Every summons or warrant issued under section 114 shall be accompanied by a copy of the order made under section 112, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.

Power to dispense with personal attendance.

116. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to show cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by a pleader.

Inquiry as to truth of information.

117. When an order under section 112 has been read or explained under section 113, to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant issued under section 114, the Magistrate shall proceed to inquire into the truth of the information upon which he has acted, and to take such further evidence as may appear necessary.

Such inquiry shall be made, as nearly as may be practicable, where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials in summons-cases; and where the order requires security for good behaviour, in the manner hereinafter prescribed for conducting trials in warrant-cases, except that no charge need be framed.

For the purposes of this section the fact that a person is an habitual offender may be proved by evidence of general repute or otherwise.

Order to give security.

118. If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties, the Magistrate shall make an order accordingly:

Provided—

first—that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 112:

secondly—that the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive:

thirdly—that when the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties.

Discharge of person informed against.

119. If, on an inquiry under section 117, it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in

Security for keeping peace and for good behaviour.

respect of whom the inquiry is made should execute a bond, the Magistrate shall make an entry on the record to that effect, and, if such person is in custody only for the purposes of the inquiry, shall release him, or, if such person is not in custody, shall discharge him.

C.—Proceedings in all Cases subsequent to Order to furnish Security.

Commencement of period for which security is required.

120. If any person in respect of whom an order requiring security is made under section 106 or section 118 is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

In other cases such period shall commence on the date of such order.

Contents of bond.

121. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit, or the abetment of, any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

Power to reject sureties.

122. A Magistrate may refuse to accept any surety for good behaviour offered under this chapter, on the ground that, for reasons to be recorded by the Magistrate, such surety is an unfit person.

Imprisonment in default of security.

123. If any person ordered to give security under section 106 or section 118 does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison, be detained in prison, until such period expires or until within such period he gives the security to the Court or Magistrate which or who made the order requiring it, or to the officer in charge of the jail in which the person so ordered is detained.

Proceedings when to be laid before High Court or Court of Session.

When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison pending the orders of the Court of Session, or, if such Magistrate be a Presidency Magistrate, pending the orders of the High Court; and the proceedings shall be laid, as soon as conveniently may be, before such Court.

Such Court, after examining such proceedings and requiring any further information or evidence which it thinks necessary, may pass such order on the case as it thinks fit: Provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three years.

Kind of imprisonment.

Imprisonment for failure to give security for keeping the peace shall be simple.

Imprisonment for failure to give security for good behaviour may be rigorous or simple as the Court or Magistrate in each case directs.

Power to release persons imprisoned for failing to give security.

124. Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter, whether by the order of such Magistrate or that of his predecessor in office, or of some subordinate Magistrate, may be released without hazard to the community or to any other person, he may order such person to be discharged.

Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter as ordered by the Court of Session or High Court may be released without such hazard, such Magistrate shall make an immediate report of the case for the orders of the Court of Session or High Court, as the case may be, and such Court may, if it thinks fit, order such person to be discharged.

Power of District Magistrate to cancel any bond for keeping the peace.

125. The District Magistrate may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace executed under this chapter by order of any Court in his District not superior to his Court.

Discharge of sureties.

126. Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class to cancel any bond executed under this chapter within the local limits of his jurisdiction.

On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond, and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 121, 122, 123 and 124, be deemed to be an order made under section 106 or section 118, as the case may be.

CHAPTER IX.

Unlawful Assemblies.

Unlawful Assemblies.

Assembly to disperse on command of Magistrate or Police-officer.

127. Any Magistrate or officer in charge of a Police-station may command any unlawful assembly, or any assembly of five or more persons likely to cause a

disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

This section applies to the police in the towns of Calcutta and Bombay.

Use of civil force to disperse.

128. If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a Police-station, whether within or without the Presidency-towns, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or soldier in Her Majesty's Army or a volunteer enrolled under the Indian Volunteers Act, 1869, and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

Use of military force.

129. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by military force.

Duty of officer commanding troops required by Magistrate to disperse assembly.

130. When a Magistrate determines to disperse any such assembly by military force, he may require any Commissioned or Non-commissioned officer in command of any soldiers in Her Majesty's Army or of any volunteers enrolled under the Indian Volunteers Act, 1869, to disperse such assembly by military force, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

Every such officer shall obey such requisition in such manner as he thinks fit; but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Power of Commissioned Military officers to disperse assembly.

131. When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with, any Commissioned officer of Her Majesty's Army may disperse such assembly by military force, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but, if while he is acting under this section, it becomes practicable for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

Protection against prosecution for acts done under this chapter.

132. No prosecution against any Magistrate, Military officer, Police-officer, soldier or volunteer for any act purporting to be done under this chapter shall be instituted in any Criminal Court, except with the sanction of the Governor General in Council; and

(*a*) no Magistrate or Police-officer acting under this chapter in good faith,

(*b*) no officer acting under section 131 in good faith,

(*c*) no person doing any act in good faith in compliance with a requisition under section 128 or section 130, and

(*d*) no inferior officer, or soldier, or volunteer, doing any act in obedience to any order which under military law he was bound to obey,

shall be deemed to have thereby committed an offence.

CHAPTER X.

PUBLIC NUISANCES.

Conditional order for removal of nuisance.

133. Whenever a District Magistrate, a Sub-divisional Magistrate or, when empowered by the Local Government in this behalf, a Magistrate of the first class, considers, on receiving a report or other information and on taking such evidence (if any) as he thinks fit,

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that any trade or occupation, or the keeping of any goods or merchandise, by reason of its being injurious to the health or physical comfort of the community, should be suppressed or removed or prohibited, or

that the construction of any building, or the disposal of any substance as likely to occasion conflagration or explosion, should be prevented or stopped, or

that any building is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence its removal, repair or support is necessary, or

that any tank, well or excavation adjacent to any such way or public place should be fenced in such a manner as to prevent danger arising to the public,—

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, substance, tank, well or excavation, within a time to be fixed in the order,

to remove such obstruction or nuisance; or

to suppress or remove such trade or occupation; or

to remove such goods or merchandise; or

to prevent or stop the construction of such building; or

to remove, repair or support it; or

to alter the disposal of such substance; or

to fence such tank, well or excavation, as the case may be; or

to appear before himself or some other Magistrate of the first or second class, at a time and place to be fixed by the order, and move to have the order set aside or modified in manner hereinafter provided.

No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

EXPLANATION.—A "public place" includes also property belonging to the State, camping grounds, and grounds left unoccupied for sanitary and recreative purposes.

Service or notification of order.

134. The order shall, if practicable, be served on the person against whom it is made in manner herein provided for service of a summons.

If such order cannot be so served, it shall be notified by proclamation, published in such manner as the Local Government may by rule direct, and a copy thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

Person to whom order is addressed to obey, or show cause or claim jury.

135. The person against whom such order is made shall—

(*a*) perform, within the time specified in the order, the act directed thereby; or

(*b*) appear in accordance with such order, and either show cause against the same, or apply to the Magistrate by whom it was made to appoint a jury to try whether the same is reasonable and proper.

Consequence of his failing to do so.

136. If such person does not perform such act or appear and show cause or apply for the appointment of a jury as required by section 135, he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code; and the order shall be made absolute.

Procedure where he appears to show cause.

137. If he appears and shows cause against the order, the Magistrate shall take evidence in the matter.

If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.

If the Magistrate is not so satisfied, the order shall be made absolute.

Procedure where he claims jury.

138. On receiving an application under section 135 to appoint a jury, the Magistrate shall—

(*a*) forthwith appoint a jury consisting of an uneven number of persons not less than five, of whom the foreman and one half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant;

(*b*) summon such foreman and members to attend at such place and time as the Magistrate thinks fit; and

(*c*) fix a time within which they are to return their verdict.

Procedure where jury finds Magistrate's order to be reasonable.

139. If the jury or a majority of the jurors find that the order of the Magistrate is reasonable and proper as originally made, or subject to a modification which the Magistrate accepts, the Magistrate shall make the order absolute, subject to such modification (if any).

In other cases, no further proceedings shall be taken.

Procedure on order being made absolute.

140. When an order has been made absolute under section 136, section 137 or section 139, the Magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

Consequences of disobedience to order.

If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other moveable property of such person within or without the local limits of such Magistrate's jurisdiction. If such other property is without such limits, the order shall authorize its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached is found.

No suit shall lie in respect of anything done in good faith under this section.

Procedure on failure to appoint jury or omission to return verdict.

141. If the applicant by neglect or otherwise prevents the appointment of the jury, or if from any cause the jury appointed do not return their verdict within the time fixed or within such further time as the Magistrate may in his discretion allow, the Magistrate may pass such order as he thinks fit, and such order shall be executed in the manner provided by section 140.

Injunction pending inquiry.

142. If a Magistrate making an order under section 133 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public,

he may, whether a jury is to be, or has been, appointed or not, issue such an injunction to the person against whom the order was made as is required to obviate or prevent such danger or injury.

In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything done in good faith by a Magistrate under this section.

Magistrate may prohibit repetition or continuance of public nuisances.

143. A District Magistrate or Sub-divisional Magistrate, or any other Magistrate empowered by the Local Government or the District Magistrate in this behalf, may order any person not to repeat or continue a public nuisance, as defined in the Indian Penal Code or any special or local law.

CHAPTER XI.

Temporary Orders in Urgent Cases of Nuisance.

Power to issue order absolute at once in urgent cases of nuisance.

144. In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate or of any other Magistrate specially empowered by the Local Government or the District Magistrate to act under this section, immediate prevention or speedy remedy is desirable,

such Magistrate may, by a written order stating the material facts of the case and served in manner provided by section 134, direct any person to abstain from a certain act or to take certain order with certain property in his possession, or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, or danger to human life, health or safety, or a riot or an affray.

An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed *ex parte*.

An order under this section may be directed to a particular individual, or to the public generally when frequenting or visiting a particular place.

Any Magistrate may rescind or alter any order made under this section by himself or any Magistrate subordinate to him or by his predecessor in office.

No order under this section shall remain in force for more than two months from the making thereof; unless, in cases of danger to human life, health or safety, or a likelihood of a riot or an affray, the Local Government, by notification in the official Gazette, otherwise directs.

CHAPTER XII.

Disputes as to Immoveable Property.

Procedure where dispute concerning land, &c., is likely to cause breach of peace.

145. Whenever a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class is satisfied from a police report or other information that a dispute likely to cause a breach of the peace exists concerning any tangible immoveable property, or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court, in person or by pleader, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute.

Inquiry as to possession.

The Magistrate shall then, without reference to the merits of the claims of any of such parties to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence, take such further evidence (if any) as he thinks necessary, and, if possible, decide whether any and which of the parties is then in such possession of the said subject.

Party in possession to retain possession until legally evicted.

If the Magistrate decides that one of the parties is then in such possession of the said subject, he shall issue an order declaring such party to be entitled to retain possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction.

Nothing in this section shall preclude any party so required to attend from showing that no such dispute as aforesaid exists or has existed; and in such case the Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed.

Power to attach subject of dispute.

146. If the Magistrate decides that none of the parties is then in such possession, or is unable to satisfy himself as to which of them is then in such possession, of the subject of dispute, he may attach it until a competent Civil Court has determined the rights of the parties thereto, or the person entitled to possession thereof.

Disputes concerning easements, &c.

147. Whenever any such Magistrate is satisfied as aforesaid that a dispute likely to cause a breach of the peace exists concerning the right to do or prevent the doing of anything in or upon any tangible immoveable property situate within the local limits of his jurisdiction, he may inquire into the matter; and may, if it appears to him that such right exists, make an order permitting such thing to be done, or direct-

ing that such thing shall not be done, as the case may be, until the person objecting to such thing being done or claiming that such thing may be done obtains the decision of a competent Civil Court adjudging him to be entitled to prevent the doing of, or to do, such thing, as the case may be:

Provided that no order shall be passed under this section permitting the doing of anything where the right to do such thing is exercisable at all times of the year, unless such right has been exercised within three months next before the institution of the inquiry; or, where the right is exercisable only at particular seasons, unless the right has been exercised during the season next before such institution.

Local inquiry.

148. Whenever a local inquiry is necessary for the purposes of this chapter, any District Magistrate or Sub-divisional Magistrate may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such written instructions consistent with the law for the time being in force as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid.

The report of the person so deputed may be read as evidence in the case.

Order as to costs.

When any costs have been incurred by any party to a proceeding under this chapter for witnesses' or pleaders' fees, or both, the Magistrate passing a decision under section 145, section 146 or section 147 may direct by whom such costs shall be paid, whether by such party or by any other party to the proceeding, and whether in whole or in part or proportion. All costs so directed to be paid may be recovered as if they were fines.

CHAPTER XIII.

PREVENTIVE ACTION OF THE POLICE.

Police to prevent cognizable offences.

149. Every Police-officer may interpose for the purpose of preventing, and shall to the best of his ability prevent, the commission of any cognizable offence.

Information of design to commit such offences.

150. Every Police-officer receiving information of a design to commit any cognizable offence shall communicate such information to the Police-officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

Arrest to prevent such offences.

151. A Police-officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Prevention of injury to public property.

152. A Police-officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immoveable, or the removal or injury of any public land-mark, or buoy or other mark used for navigation.

Inspection of weights and measures.

153. Any officer in charge of a Police-station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures, or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false.

If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to a Magistrate having jurisdiction.

PART V.

INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE.

CHAPTER XIV.

Information in cognizable cases.

154. Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a Police-station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Local Government may prescribe in this behalf.

Information in non-cognizable cases.

155. When information is given to an officer in charge of a Police-station of the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate.

Investigation into non-cognizable cases.

No Police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or commit the same for trial, or of a Presidency Magistrate.

Any Police-officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a Police-station may exercise in a cognizable case.

Investigation into cognizable cases.

156. Any officer in charge of a Police-station may, without the order of a Magistrate, investigate any cognizable case which a Court

Information to the Police and their powers to investigate.

having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

No proceeding of a Police-officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

Procedure where cognizable offence suspected.

157. If, from information received or otherwise, an officer in charge of a Police-station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report, and shall proceed in person, or shall depute one of his subordinate officers to proceed, to the spot to investigate the facts and circumstances of the case and to take such measures as may be necessary for the discovery and arrest of the offender:

Provided as follows:—

Where local investigation dispensed with.

(*a*) when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a Police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot:

Where Police-officer in charge sees no sufficient ground for investigation.

(*b*) if it appear to the officer in charge of a Police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

In each of the cases mentioned in clauses (*a*) and (*b*), the officer in charge of the Police-station shall state in his said report his reasons for not fully complying with the requirements of the first paragraph of this section.

Reports under section 157 how submitted.

158. Every report sent to a Magistrate under section 157 shall, if the Local Government so directs, be submitted through such superior officer of police as the Local Government, by general or special order, appoints in that behalf.

Such superior officer may give such instructions to the officer in charge of the Police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

Power to hold investigation or preliminary inquiry.

159. Such Magistrate, on receiving such report, may, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold an investigation or preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

Police-officer's power to require attendance of witnesses.

160. Any Police-officer making an investigation under this chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required.

Examination of witnesses by police.

161. Any Police-officer making an investigation under this chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined.

Such person shall be bound to answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Statements to police not to be signed or admitted in evidence.

162. No statement, other than a dying declaration, made by any person to a Police-officer in the course of an investigation under this chapter shall, if reduced to writing, be signed by the person making it, or be used as evidence against the accused.

Nothing in this section shall be deemed to affect the provisions of section 27 of the Indian Evidence Act, 1872.

No inducement to be offered.

163. No Police-officer or person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Indian Evidence Act, 1872, section 24.

But no Police-officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this chapter any statement which he may be disposed to make of his own free will.

Power to record statements and confessions.

164. Any Magistrate not being a Police-officer may record any statement or confession made to him in the course of an investigation under this chapter, or at any time afterwards before the commencement of the inquiry or trial.

Such statements shall be recorded in such of the manners hereinafter prescribed for recording evidence as is in his opinion best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

No Magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and when he records any confession he shall make

a memorandum at the foot of such record to the following effect:—

"I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

"(*Signed*) A. B.,
"*Magistrate.*"

Search by Police-officer.

165. Whenever an officer in charge of a Police-station, or a Police-officer making an investigation, considers that the production of any document or other thing is necessary to the conduct of an investigation into any offence which he is authorized to investigate, and there is reason to believe that a person to whom a summons or order under section 94 has been or might be issued will not or would not produce such document or other thing as directed in the summons or order, or when such document or other thing is not known to be in the possession of any person, such officer may search, or cause search to be made, for the same, in any place within the limits of the station of which he is in charge, or to which he is attached.

Such officer shall, if practicable, conduct the search in person.

If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the document or other thing for which search is to be made, and the place to be searched; and such subordinate officer may thereupon search for such thing in such place.

The provisions of this Code as to search-warrants shall, so far as may be, apply to a search made under this section.

When officer in charge of Police-station may require another to issue search-warrant.

166. An officer in charge of a Police-station may require an officer in charge of another Police-station, whether in the same or a different District, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made within the limits of his own station.

Such officer, on being so required, shall proceed according to the provisions of section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.

Procedure when investigation cannot be completed in twenty-four hours.

167. Whenever it appears that any investigation under this chapter cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation is well-founded, the officer in charge of the Police-station shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days. If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.

A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.

If such order be given by a Magistrate other than the District Magistrate or Sub-divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is immediately subordinate.

Report of investigation by subordinate Police-officer.

168. When any subordinate Police-officer has made any investigation under this chapter, he shall report the result of such investigation to the officer in charge of the Police-station.

Release of accused when evidence deficient.

169. If, upon an investigation under this chapter, it appears to the officer in charge of the Police-station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police report and to try the accused or commit him for trial.

Case to be sent to Magistrate when evidence is sufficient.

170. If, upon an investigation under this chapter, it appears to the officer in charge of the Police-station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial; or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed.

When the officer in charge of a Police station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant, if any, and so

Information to the Police and their powers to investigate.

many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

If the Court of the District Magistrate or Sub-divisional Magistrate be mentioned in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference be given to such complainant or persons.

The day fixed under this section shall be the day whereon the accused person is to appear, if security for his appearance has been taken, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

Complainants and witnesses not to be required to accompany Police-officer.

171. No complainant or witness on his way to the Court of the Magistrate shall be required to accompany a Police-officer,

Complainants and witnesses not to be subjected to restraint.

or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond:

Recusant complainant or witness may be forwarded in custody.

Provided that, if any complainant or witness refuses to attend or to execute a bond as directed in section 170, the officer in charge of the Police-station may forward him under custody to the Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

Diary of proceedings in investigation.

172. Every Police-officer making an investigation under this chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the Police-officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such Police-officer, the provisions of the Indian Evidence Act, 1872, section 161 or section 145, as the case may be, shall apply.

Report of Police-officer.

173. Every investigation under this chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the Police-station shall forward to a Magistrate empowered to take cognizance of the offence on a police report a report in the form prescribed by the Local Government, setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused person has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties.

Where a superior officer of police has been appointed under section 158, the report shall be submitted through him, and he may, pending the orders of the Magistrate, direct the officer in charge of the Police-station to make further investigation.

Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

Police to inquire and report on suicide, &c.

174. Every officer in charge of a Police-station, on receiving information that a person—

(*a*) has committed suicide, or

(*b*) has been killed by another, or by an animal, or by machinery, or by an accident, or

(*c*) has died under circumstances raising a reasonable suspicion that some other person has committed an offence,

shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the Local Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.

The report shall be signed by such Police-officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

When there is any doubt regarding the cause of death, or when for any other reason the Police-officer considers it expedient so to do, he shall, subject to such rules as the Local Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other medical officer appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of such

putrefaction on the road as would render such examination useless.

In the Presidencies of Fort St. George and Bombay, investigations under this section may be made by the Head of the village, who shall then report the result to the nearest Magistrate authorized to hold inquests.

The following Magistrates are empowered to hold inquests; namely, any District Magistrate or Sub-divisional Magistrate, and any Magistrate specially empowered in this behalf by the Local Government or the District Magistrate.

Power to summon persons.

175. An officer in charge of a Police-station may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

If the facts do not disclose a cognizable offence to which section 170 applies, such persons shall not be required by the Police-officer to attend a Magistrate's Court.

Inquiry by Magistrate into cause of death.

176. When any person dies while in the custody of the police, the nearest Magistrate empowered to hold inquests shall, and, in any other case mentioned in section 174, clauses (*a*), (*b*) and (*c*), any Magistrate so empowered may, hold an inquiry into the cause of death, either instead of, or in addition to, the investigation held by the Police-officer; and, if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners hereinafter prescribed, according to the circumstances of the case.

Power to disinter corpse.

Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined.

PART VI.

PROCEEDINGS IN PROSECUTIONS.

CHAPTER XV.

OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS.

A.—Place of Inquiry or Trial.

Ordinary place of inquiry and trial.

177. Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed.

Power to order cases to be tried in different Sessions Divisions.

178. Notwithstanding anything contained in section 177, the Local Government may direct that any cases or class of cases committed for trial in any district may be tried in any Sessions Division:

Provided that such direction be not repugnant to any direction previously issued under the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, or under this Code, section 526.

Accused triable in district where act is done, or where consequence ensues.

179. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

Illustrations.

(*a*) A is wounded within the local limits of the jurisdiction of Court X and dies within the local limits of the jurisdiction of Court Z. The offence of the culpable homicide of A may be inquired into or tried either by X or Z.

(*b*) A is wounded within the local limits of the jurisdiction of Court X, and is, during ten days within the local limits of the jurisdiction of Court Y, and during ten days more within the local limits of the jurisdiction of Court Z, unable in the local limits of the jurisdiction of either Court Y or Court Z to follow his ordinary pursuits. The offence of causing grievous hurt to A may be inquired into or tried by X, Y or Z.

(*c*) A is put in fear of injury within the local limits of the jurisdiction of Court X, and is thereby induced, within the local limits of the jurisdiction of Court Y, to deliver property to the person who put him in fear. The offence of extortion committed on A may be inquired into or tried either by X or Y.

Place of trial where act is offence by reason of relation to other offence.

180. When an act is an offence by reason of its relation to any other act which is also an offence, or which would be an offence if the doer were capable of committing an offence, a charge of the first-mentioned offence may be inquired into or tried by a Court within the local limits of whose jurisdiction either act was done.

Illustrations.

(*a*) A charge of abetment may be inquired into or tried either by the Court within the local limits of whose jurisdiction the abetment was committed, or by the Court within the local limits of whose jurisdiction the offence abetted was committed.

(*b*) A charge of receiving or retaining stolen goods may be inquired into or tried either by the Court within the local limits of whose jurisdiction the goods were stolen, or by any Court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.

(*c*) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into or tried by the Court within the local limits of whose jurisdiction the wrongful concealing, or by the Court within the local limits of whose jurisdiction the kidnapping, took place.

Being a thug or belonging to a gang of dacoits, escape from custody, &c.

181. The offence of being a thug, of being a thug and committing murder, of dacoity, of dacoity with murder, of having belonged to a gang of dacoits,

or of having escaped from custody, may be inquired into or tried by a Court within the local limits of whose jurisdiction the person charged is.

Criminal misappropriation and criminal breach of trust.

The offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received by the accused person, or the offence was committed.

Stealing.

The offence of stealing anything may be inquired into or tried by a Court within the local limits of whose jurisdiction such thing was stolen or was possessed by the thief or by any person who receives or retains the same knowing or having reason to believe it to be stolen.

Place of inquiry or trial where scene of offence is uncertain,

182. When it is uncertain in which of several local areas an offence was committed, or

or not in one district only;

where an offence is committed partly in one local area and partly in another, or

or where offence is continuing,

where an offence is a continuing one, and continues to be committed in more local areas than one, or

or consists of several acts.

where it consists of several acts done in different local areas,

it may be inquired into or tried by a Court having jurisdiction over any of such local areas.

Offence committed on a journey.

183. An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into or tried by a Court through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

Offences against Railway, Telegraph, Post-office and Arms Acts.

184. All offences against the provisions of any law for the time being in force relating to Railways, Telegraphs, the Post-office or Arms and Ammunition may be inquired into or tried in a Presidency-town, whether the offence is stated to have been committed within such town or not: Provided that the offender and all the witnesses necessary for his prosecution are to be found within such town.

High Court to decide, in case of doubt, district where inquiry or trial shall take place.

185. Whenever any doubt arises as to the Court by which any offence should under the preceding provisions of this chapter be inquired into or tried, the High Court within the local limits of whose appellate criminal jurisdiction the offender actually is may decide by which Court the offence shall be inquired into or tried.

In British Burma, when the offender is an European British subject, the Recorder of Rangoon, and in all other cases the Judicial Commissioner, shall for the purposes of this section be deemed to be the High Court.

Power to issue summons or warrant for offence committed beyond local jurisdiction.

186. When a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or, if he is specially empowered in this behalf by the Local Government, a Magistrate of the first class, sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits (whether within or without British India) an offence which cannot, under the provisions of sections 177 to 184 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under some law for the time being in force triable in British India, such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner hereinbefore provided to appear before him, and send such person to the Magistrate having jurisdiction to inquire into or try such offence, or, if such offence is bailable, take a bond with or without sureties for his appearance before such Magistrate.

Magistrate's procedure on arrest.

When there are more Magistrates than one having such jurisdiction and the Magistrate acting under this section cannot satisfy himself as to the Magistrate to or before whom such person should be sent, or bound to appear, the case shall be reported for the orders of the High Court.

Procedure where warrant issued by Subordinate Magistrate.

187. If the person has been arrested under a warrant issued under section 186 by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District Magistrate to whom he is subordinate, unless the Magistrate having jurisdiction to inquire into or try such offence issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police-officer executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued.

If the offence which the person arrested is alleged or suspected to have committed is one which may be inquired into or tried by any Criminal Court in the same district other than that of the Magistrate acting under section 186, such Magistrate shall send such person to such Court.

Liability of British subjects for offences committed out of British India.

188. When an European British subject commits an offence in the dominions of a Prince or State in India in alliance with Her Majesty, or

when a Native Indian subject of Her Majesty commits an offence at any place beyond the limits of British India,

he may be dealt with in respect of such offence as if it had been committed at any place within British India at which he may be found:

Provided that no charge as to any such offence shall be inquired into in British India unless the Political Agent, if there be one, for the territory in which the offence is alleged to have been committed, certifies that, in his opinion, the charge ought to be inquired into in British India:

Political Agent to certify fitness of inquiry into charge.

Provided also that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in British India shall be a bar to further proceedings against him under the Foreign Jurisdiction and Extradition Act, 1879, in respect of the same offence in any territory beyond the limits of British India.

189. Whenever any such offence as is referred to in section 188 is being inquired into or tried, the Local Government may, if it thinks fit, direct that copies of depositions made or exhibits produced before the Political Agent or a judicial officer in or for the territory in which such offence is alleged to have been committed shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

Power to direct copies of depositions and exhibits to be received in evidence.

190. In sections 188 and 189 the expression "Political Agent" means and includes—

"Political Agent" defined.

(*a*) the principal officer representing the British Indian Government in any territory beyond the limits of British India;

(*b*) any officer in British India appointed by the Governor General in Council, or the Governor in Council of the Presidency of Fort St. George or Bombay, to exercise all or any of the powers of a Political Agent under the Foreign Jurisdiction and Extradition Act, 1879, for any territory not forming part of British India.

B.—Conditions requisite for Initiation of Proceedings.

191. Except as hereinafter provided, any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, and any other Magistrate specially empowered in this behalf, may take cognizance of any offence—

Cognizance of offences by Magistrates.

(*a*) upon receiving a complaint of facts which constitute such offence;

(*b*) upon a police report of such facts;

(*c*) upon information received from any person other than a Police-officer, or upon his own knowledge or suspicion, that such offence has been committed.

The Local Government, or the District Magistrate subject to the general or special orders of the Local Government, may empower any Magistrate to take cognizance under clause (*a*) or clause (*b*) of offences for which he may try or commit for trial.

The Local Government may empower any Magistrate of the first or second class to take cognizance under clause (*c*) of offences for which he may try or commit for trial.

192. Any District Magistrate or Sub-divisional Magistrate may transfer any case, of which he has taken cognizance, for inquiry or trial to any Magistrate subordinate to him.

Transfer of cases by Magistrates.

Any District Magistrate may empower any Magistrate of the first class who has taken cognizance of any case, to transfer it for inquiry or trial to any other specified Magistrate in his District who is competent under this Code to try the accused or commit him for trial; and such Magistrate may dispose of the case accordingly.

193. Except as otherwise expressly provided by this Code or by any other law for the time being in force, no Court of Session shall take cognizance of any offence as a Court of original jurisdiction, unless the accused has been committed to it by a Magistrate duly empowered in that behalf.

Cognizance of offences by Courts of Session.

Additional Sessions Judges and Joint Sessions Judges shall try such cases only as the Local Government by general or special order directs them to try, or as the Sessions Judge of the Division makes over to them for trial.

Cases to be tried by Additional and Joint Sessions Judges;

Assistant Sessions Judges shall try such cases only as the Sessions Judge of the Division by general or special order makes over to them for trial.

by Assistant Sessions Judges.

194. The High Court may take cognizance of any offence upon a commitment made to it in manner hereinafter provided.

Cognizance of offences by High Court.

Nothing herein contained shall be deemed to affect the provisions of any letters patent granted under the twenty-fourth and twenty-fifth of Victoria, chapter 104.

195. No Court shall take cognizance—

(*a*) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code, except with the previous sanction, or on the complaint, of the public servant concerned, or of some public servant to whom he is subordinate;

Prosecution for contempts of lawful authority of public servants.

(*b*) of any offence punishable under section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the same Code, when such offence is committed in, or in relation to, any proceeding in any Court, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate;

Prosecution for certain offences against public justice.

(c) of any offence described in section 463, or punishable under section 471, 475 or 476 of the same Code, when such offence has been committed by a party to any proceeding in any Court in respect of a document given in evidence in such proceeding, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate.

Prosecution for certain offences relating to documents given in evidence.

The sanction referred to in this section may be expressed in general terms, and need not name the accused person; but it shall, so far as practicable, specify the Court or other place in which, and the occasion on which, the offence was committed.

Nature of sanction necessary.

When sanction is given in respect of any offence referred to in this section, the Court taking cognizance of the case may frame a charge of any other offence so referred to which is disclosed by the facts.

Any sanction given or refused under this section may be revoked or granted by any authority to which the authority giving or refusing it is subordinate; and no such sanction shall remain in force for more than six months from the date on which it was given.

For the purposes of this section, every Court, other than a Court of Small Causes, shall be deemed to be subordinate only to the Court to which appeals from the former Court ordinarily lie.

The Courts of Small Causes in the Presidency-towns shall be deemed to be subordinate to the High Court, and every other Court of Small Causes shall be deemed to be subordinate to the Court of Session for the Sessions Division within which such Court is situate.

196. No Court shall take cognizance of any offence punishable under Chapter VI of the Indian Penal Code, except section 127, or punishable under section 294A of the same Code, unless upon complaint made by order of, or under authority from, the Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf.

Prosecution for offences against the State.

197. When any Judge, or any public servant not removable from his office without the sanction of the Government of India or the Local Government, is accused as such Judge or public servant of any offence, no Court shall take cognizance of such offence, except with the previous sanction of the Government having power to order his removal, or of some officer empowered in this behalf by such Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power to give such sanction has not been limited by such Government.

Prosecution of Judges and public servants.

Such Government may determine the person by whom, and the manner in which, the prosecution of such Judge or public servant is to be conducted, and may specify the Court before which the trial is to be held.

Power of Government as to prosecution.

198. No Court shall take cognizance of an offence falling under Chapter XIX or Chapter XXI of the Indian Penal Code or under sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence.

Prosecution for breach of contract, defamation and offences against marriage.

199. No Court shall take cognizance of an offence under section 497 or section 498 of the Indian Penal Code, except upon a complaint made by the husband of the woman, or, in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed.

Prosecution for adultery or enticing a married woman.

CHAPTER XVI.

OF COMPLAINTS TO MAGISTRATES.

200. A Magistrate taking cognizance of an offence on complaint shall at once examine the complainant upon oath, and the substance of the examination shall be reduced to writing and shall be signed by the complainant, and also by the Magistrate:

Examination of complainant.

Provided as follows—

(a) when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under section 192:

(b) where the Magistrate is a Presidency Magistrate, such examination may be on oath or not as the Magistrate in each case thinks fit, and need not be reduced to writing; but the Magistrate may, if he thinks fit, before the matter of the complaint is brought before him, require it to be reduced to writing:

(c) when the case has been transferred under section 192 and the Magistrate so transferring it has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.

201. If the complaint has been made in writing and the Magistrate is not competent to take cognizance of the case, he shall return the complaint for presentation to the proper tribunal with an endorsement to that effect.

Procedure by Magistrate not competent to take cognizance of the case.

202. If the Chief Presidency Magistrate, or any other Presidency Magistrate whom the Local Government may from time to

Postponement of issue of process.

time authorize in this behalf, or any Magistrate of the first or second class, sees reason to distrust the truth of a complaint of an offence of which he is authorized to take cognizance, he may, when the complainant has been examined, record his reasons for distrusting the truth of the complaint, and may then postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case himself or direct a previous local investigation to be made by any officer subordinate to such Magistrate, or by a Police-officer, or by such other person, not being a Magistrate or Police-officer, as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

If such investigation is made by some person not being a Magistrate or a Police-officer, he shall exercise all the powers conferred by this Code on an officer in charge of a Police-station, except that he shall not have power to arrest without warrant.

This section applies to the police in the towns of Calcutta and Bombay.

Dismissal of complaint.

203. The Magistrate before whom a complaint is made or to whom it has been transferred may dismiss the complaint if, after examining the complainant and considering the result of the investigation (if any) made under section 202, there is in his judgment no sufficient ground for proceeding.

CHAPTER XVII.

Of the Commencement of Proceedings before Magistrates.

Issue of process.

204. If in the opinion of a Magistrate taking cognizance of an offence there is sufficient ground for proceeding and the case appears to be one in which according to the fourth column of the second schedule a summons should issue in the first instance, he shall issue his summons for the attendance of the accused. If the case appears to be one in which according to that column a warrant should issue in the first instance, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or some other Magistrate having jurisdiction.

Nothing in this section shall be deemed to affect the provisions of section 90.

Magistrate may dispense with personal attendance of accused.

205. Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

CHAPTER XVIII.

Of Inquiry into Cases triable by the Court of Session or High Court.

Power to commit for trial.

206. Any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, Magistrate of the first class or any Magistrate empowered in this behalf by the Local Government may commit any person for trial to the Court of Session or High Court for any offence triable by such Court.

But save as herein otherwise provided, no person triable by the Court of Session shall be committed for trial to the High Court.

Procedure in inquiries preparatory to commitment.

207. The following procedure shall be adopted in inquiries before Magistrates where the case is triable exclusively by a Court of Session or High Court, or, in the opinion of the Magistrate, ought to be tried by such Court.

Taking of evidence produced.

208. The Magistrate shall, when the accused appears or is brought before him, proceed to hear the complainant (if any), and take in manner hereinafter provided all such evidence as may be produced in support of the prosecution or in behalf of the accused, or as may be called for by the Magistrate.

Process for production of further evidence.

If the complainant or officer conducting the prosecution, or the accused, applies to the Magistrate to issue process to compel the attendance of any witness or the production of any document or other thing, the Magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to do so.

Nothing in this section shall be deemed to require a Presidency Magistrate to record his reasons.

When accused person to be discharged.

209. When the evidence referred to in section 208, paragraphs 1 and 2, has been taken, and he has examined the accused for the purpose of enabling him to explain any circumstances appearing in the evidence against him, such Magistrate shall, if he finds that there are not sufficient grounds for committing the accused person for trial, discharge him, unless it appears to the Magistrate that such person should be tried before himself or some other Magistrate, in which case he shall proceed accordingly.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

When charge is to be framed.

210. When, upon such evidence being taken and such examination (if any) being made, the Magistrate finds that there are sufficient grounds for committing the accused for trial, he

Inquiry into Cases triable by Court of Session or High Court.

shall frame a charge under his hand, declaring with what offence the accused is charged.

Charge to be explained, and copy furnished, to accused.

As soon as the charge has been framed, it shall be read and explained to the accused and a copy thereof shall, if he so requires, be given to him free of cost.

List of witnesses for defence on trial.

211. The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial.

Further list.

The Magistrate may in his discretion allow the accused to give in any further list of witnesses at a subsequent time; and, where the accused is committed for trial before the High Court, nothing in this section shall be deemed to preclude the accused from giving, at any time before his trial to the Clerk of the Crown a further list of the persons whom he wishes to be summoned to give evidence on such trial.

Power of Magistrate to examine such witnesses.

212. The Magistrate may in his discretion summon and examine any witness named in any list given in to him under section 211.

Order of commitment.

213. When the accused on being required to give in a list under section 211 has declined to do so, or when he has given in such list and the witnesses (if any) included therein whom the Magistrate desires to examine have been summoned and examined under section 212, the Magistrate may make an order committing the accused for trial by the High Court or the Court of Session (as the case may be), and (unless the Magistrate is a Presidency Magistrate) shall also record briefly the reasons for such commitment.

Person charged outside Presidency-towns jointly with European British subject.

214. If any person (not being an European British subject) is accused before a Magistrate other than a Presidency Magistrate of having committed an offence conjointly with an European British subject who is about to be committed for trial, or to be tried, before the High Court on a similar charge arising out of the same transaction, and the Magistrate finds that there are sufficient grounds for committing the accused for trial, he shall commit him for trial before the High Court, and not before the Court of Session.

Quashing commitments under section 213 or 214.

215. A commitment once made under section 213 or section 214 by a competent Magistrate can be quashed by the High Court only, and only on a point of law.

Summons to witnesses for defence when accused is committed.

216. When the accused has given in any list of witnesses under section 211 and has been committed for trial, the Magistrate shall summon such of the witnesses included in the list as have not appeared before himself, to appear before the Court to which the accused has been committed:

Provided that where the accused has been committed to the High Court, the Magistrate may in his discretion leave such witnesses to be summoned by the Clerk of the Crown, and such witnesses may be summoned accordingly:

Refusal to summon unnecessary witness unless deposit made.

Provided also that if the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the Magistrate may require the accused to satisfy him that there are reasonable grounds for believing that the evidence of such witness is material, and, if he is not so satisfied, may refuse to summon the witness (recording his reasons for such refusal), or may before summoning him require such sum to be deposited as such Magistrate thinks necessary to defray the expense of obtaining the attendance of the witness.

Bond of complainants and witnesses.

217. Complainants and witnesses for the prosecution and defence, whose attendance before the Court of Session or High Court is necessary, and who appear before the Magistrate, shall execute before him bonds binding themselves to be in attendance when called upon at the Court of Session or High Court, to prosecute or to give evidence, as the case may be.

Detention in custody in case of refusal to attend or to execute bond.

If any complainant or witness refuses to attend before the Court of Session or High Court, or to execute the bond above directed, the Magistrate may detain him in custody until he executes such bond, or until his attendance at the Court of Session or High Court is required, when the Magistrate shall send him in custody to the Court of Session or High Court, as the case may be.

Commitment when to be notified.

218. When the accused is committed for trial, the Magistrate shall issue an order to such person as may be appointed by the Local Government in this behalf, notifying the commitment, and stating the offence in the same form as the charge, unless the Magistrate is satisfied that such person is already aware of the commitment and the form of the charge;

Charge, &c., to be forwarded to High Court or Court of Session.

and shall send the charge, the record of the inquiry and any weapon or other thing which is to be produced in evidence, to the Court of Session or (where the commitment is made to the High Court) to the Clerk of the Crown or other officer appointed in this behalf by the High Court.

When the commitment is made to the High Court and any part of the record is not in English, an English translation of such part shall be forwarded with the record.

English translation to be forwarded to High Court.

219. The Magistrate may summon and examine supplementary witnesses after the commitment and before the commencement of the trial, and bind them over in manner hereinbefore provided to appear and give evidence.

Power to summon supplementary witnesses.

Such examination shall, if possible, be taken in the presence of the accused, and, where the Magistrate is not a Presidency Magistrate, a copy of the evidence of such witnesses shall, if the accused so require, be given to him free of cost.

220. Until and during the trial, the Magistrate shall, subject to the provisions of this Code regarding the taking of bail, commit the accused, by warrant, to custody.

Custody of accused pending trial.

CHAPTER XIX.

OF THE CHARGE.

Form of Charges.

221. Every charge under this Code shall state the offence with which the accused is charged.

Charge to state offence.

If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

Specific name of offence sufficient description.

If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

How stated where offence has no specific name.

The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

What implied in charge.

In the Presidency-towns the charge shall be written in English; elsewhere it shall be written either in English or in the language of the Court.

Language of charge.

If the accused has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court is competent to award, the fact, date and place of the previous conviction shall be stated in the charge. If such statement is omitted, the Court may add it at any time before sentence is passed.

Previous conviction when to be set out.

Illustrations.

(*a*) A is charged with the murder of B. This is equivalent to a statement that A's act fell within the definition of murder given in sections 299 and 300 of the Indian Penal Code; that it did not fall within any of the general exceptions of the same Code; and that it did not fall within any of the five exceptions to section 300, or that, if it did fall within Exception 1, one or other of the three provisos to that exception applied to it.

(*b*) A is charged, under section 326 of the Indian Penal Code, with voluntarily causing grievous hurt to B, by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 335 of the Indian Penal Code, and that the general exceptions did not apply to it.

(*c*) A is accused of murder, cheating, theft, extortion, adultery or criminal intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion, or adultery or criminal intimidation, or that he used a false property-mark, without reference to the definitions of those crimes contained in the Indian Penal Code; but the sections under which the offence is punishable must, in each instance, be referred to in the charge.

(*d*) A is charged, under section 184 of the Indian Penal Code, with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

222. The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

Particulars as to time, place and person.

223. When the nature of the case is such that the particulars mentioned in sections 221 and 222 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

When manner of committing offence must be stated.

Illustrations.

(*a*) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(*b*) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(*c*) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.

(*d*) A is accused of obstructing B, a public servant, in the discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(*e*) A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.

(*f*) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

Words in charge taken in sense of law under which offence is punishable.

224. In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable.

Effect of errors.

225. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was misled by such error or omission.

Illustrations.

(*a*) A is charged, under section 242 of the Indian Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(*b*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(*c*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(*d*) A is charged with the murder of Khoda Baksh on the 21st January, 1882. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January, 1882. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(*e*) A was charged with murdering Haidar Baksh on the 20th January, 1882, and Khoda Baksh (who tried to arrest him for that murder) on the 21st January, 1882. When charged for the murder of Haidar Baksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled, and that the error was material.

Procedure on commitment without charge or with imperfect charge.

226. When any person is committed for trial without a charge, or with an imperfect or erroneous charge, the Court, or, in the case of a High Court, the Clerk of the Crown, may frame a charge, or add to or otherwise alter the charge, as the case may be, having regard to the rules contained in this Code as to the form of charges.

Court may alter charge.

227. Any Court may alter any charge at any time before judgment is pronounced, or, in the case of trials before the Court of Session or High Court, before the verdict of the jury is returned or the opinions of the assessors are expressed.

Every such alteration shall be read and explained to the accused.

When trial may proceed immediately after alteration.

228. If the charge framed or alteration made under section 226 or section 227 is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence or the prosecutor in the conduct of the case, the Court may in its discretion, after such charge or alteration has been framed or made, proceed with the trial as if the new or altered charge had been the original charge.

When new trial may be directed, or trial suspended.

229. If the new or altered charge is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be necessary.

Stay of proceedings if prosecution of offence in altered charge require previous sanction.

230. If the offence stated in the new or altered charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the new or altered charge is founded.

Recall of witnesses when charge altered.

231. Whenever a charge is altered by the Court after the commencement of the trial, the prosecutor and the accused shall be allowed to recall or re-summon, and examine with reference to such alteration, any witness who may have been examined.

Effect of material error.

232. If any Appellate Court, or the High Court in the exercise of its powers of revision or of its powers under Chapter XXVII, is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge or by an error in the charge, it shall direct a new trial to be had upon a charge framed in whatever manner it thinks fit.

If the Court is of opinion that the facts of the case are such that no valid charge could be preferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration.

A is convicted of an offence under section 196 of the Indian Penal Code, upon a charge which omits to state that he knew the evidence which he corruptly used or attempted to use as true or genuine was false or fabricated. If the Court thinks it probable that A had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that A had no such knowledge, it shall quash the conviction.

Joinder of Charges.

Separate charges for distinct offences.

233. For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately, except in the cases mentioned in sections 234, 235, 236 and 239.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

Three offences of same kind within year may be charged together.

234. When a person is accused of more offences than one of the same kind, committed within the space of twelve months from the first to the last of such offences, he may be charged with, and tried at one trial for, any number of them not exceeding three.

Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Indian Penal Code, or of any special or local law.

I.—Trial for more than one offence.

235. I.—If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

II.—Offence falling within two definitions.

II.—If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with and tried at one trial for each of such offences.

III.—Acts constituting one offence, but constituting when combined a different offence.

III.—If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with and tried at one trial for the offence constituted by such acts when combined, or for any offence constituted by any one, or more, of such acts.

Nothing contained in this section shall affect the Indian Penal Code, section 71.

Illustrations

to paragraph I—

(*a*) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be charged with, and tried for, offences under sections 225 and 333 of the Indian Penal Code.

(*b*) A commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497 of the Indian Penal Code.

(*c*) A entices B, the wife of C, away from C, with intent to commit adultery with B, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497 of the Indian Penal Code.

(*d*) A has in his possession several seals knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Indian Penal Code. A may be separately charged with, and convicted of, the possession of each seal under section 473 of the Indian Penal Code.

(*e*) With intent to cause injury to B, A institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; and also falsely accuses B of having committed an offence, knowing that there is no just or lawful ground for such charge. A may be separately charged with, and convicted of, two offences under section 211 of the Indian Penal Code.

(*f*) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, A gives false evidence against B, intending thereby to cause B to be convicted of a capital offence. A may be separately charged with, and convicted of, offences under sections 211 and 194 of the Indian Penal Code.

(*g*) A, with six others, commits the offences of rioting, grievous hurt, and assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. A may be separately charged with, and convicted of, offences under sections 147, 325 and 152 of the Indian Penal Code.

(*h*) A threatens B, C and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, and convicted of, each of the three offences under section 506 of the Indian Penal Code.

The separate charges referred to in Illustrations (*a*) to (*h*) respectively may be tried at the same time.

to paragraph II—

(*i*) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code.

(*j*) Several stolen sacks of corn are made over to A and B, who know they are stolen property, for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414 of the Indian Penal Code.

(*k*) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under sections 317 and 304 of the Indian Penal Code.

(*l*) A dishonestly uses a forged document as genuine evidence, in order to convict B, a public servant, of an offence under section 167 of the Indian Penal Code. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same Code.

to paragraph III—

(*m*) A commits robbery on B, and, in doing so, voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code.

Where it is doubtful what offence has been committed.

236. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the said offences.

Illustration.

A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust or cheating.

When a person is charged with one offence, he can be convicted of another.

237. If, in the case mentioned in section 236, the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

Illustration.

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust, or of receiving stolen goods (as the case may be), though he was not charged with such offence.

When offence proved included in offence charged.

238. When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence, and such combination is proved but the remaining particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence although he is not charged with it.

Nothing in this section shall be deemed to authorize a conviction of any offence referred to in section 198 or section 199 when no complaint has been made as required by that section.

Illustrations.

(*a*) A is charged, under section 407 of the Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(*b*) A is charged under section 325 of the Indian Penal Code with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of that Code.

What persons may be charged jointly.

239. When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately, as the Court thinks fit; and the provisions contained in the former part of this chapter shall apply to all such charges.

Illustrations.

(*a*) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(*b*) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(*c*) A and B are both charged with a theft, and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

Withdrawal of remaining charges on conviction on one of several charges.

240. When more charges than one are made against the same person, and when a conviction has been had on one or more of them, the complainant, or the officer conducting the prosecution, may, with the consent of the Court, withdraw the remaining charge or charges, or the Court of its own accord may stay the inquiry into, or trial of, such charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges, unless the conviction be set aside, in which case the said Court (subject to the order of the Court setting aside the conviction) may proceed with the inquiry into or trial of the charge or charges so withdrawn.

CHAPTER XX.

Of the Trial of Summons-cases by Magistrates.

Procedure in summons-cases.

241. The following procedure shall be observed by Magistrates in the trial of summons-cases.

Substance of accusation to be stated.

242. When the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted; but it shall not be necessary to frame a formal charge.

Conviction on admission of truth of accusation.

243. If the accused admits that he has committed the offence of which he is accused, his admission shall be recorded as nearly as possible in the words used by him; and if he shows no sufficient cause why he should not be convicted, the Magistrate shall convict him accordingly.

Procedure when no such admission is made.

244. If the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence.

The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue process to compel the attendance of any witness or the production of any document or other thing.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court.

Acquittal.

245. If the Magistrate upon taking the evidence referred to in section 244 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

If he finds the accused guilty, he shall pass sentence upon him according to law.

Sentence.

246. A Magistrate may, under section 243 or section 245, convict the accused of any offence triable under this chapter which from the facts admitted or proved he appears to have committed, whatever may be the nature of the complaint or summons.

Finding not limited by complaint or summons.

247. If the summons has been issued on complaint, and upon the day appointed for the appearance of the accused or any day subsequent thereto to which the hearing may be adjourned the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks proper to adjourn the hearing of the case to some other day.

Non-appearance of complainant.

248. If a complainant, at any time before a final order is passed in any case under this chapter, satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused.

Withdrawal of complaint.

249. In any case instituted otherwise than upon complaint, a Presidency Magistrate, a Magistrate of the first class, or, with the previous sanction of the District Magistrate, any other Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and may thereupon release the accused.

Power to stop proceedings when no complainant.

250. If, in any case instituted upon complaint, a Magistrate acquits the accused under section 245 or section 247, and is of opinion that the complaint was frivolous or vexatious, he may, in his discretion, by his order of acquittal, direct the complainant to pay to the accused, or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit.

Frivolous or vexatious complaints.

The sum so awarded shall be recoverable as if it were a fine: Provided that, if it cannot be realized, the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.

Recovery of compensation.

At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section.

CHAPTER XXI.

OF THE TRIAL OF WARRANT-CASES BY MAGISTRATES.

251. The following procedure shall be observed by Magistrates in the trial of warrant-cases.

Procedure in warrant-cases.

252. When the accused appears or is brought before a Magistrate, such Magistrate shall proceed to hear the complainant (if any) and take all such evidence as may be produced in support of the prosecution.

Evidence for prosecution.

The Magistrate shall ascertain, from the complainant or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before himself such of them as he thinks necessary.

253. If upon taking all the evidence referred to in section 252, and making such examination (if any) of the accused as the Magistrate thinks necessary, he finds that no case against the accused has been made out which if unrebutted would warrant his conviction, the Magistrate shall discharge him.

Discharge of accused.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

254. If, when such evidence and examination have been taken and made, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this chapter, which such Magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

Charge to be framed when offence appears proved.

255. The charge shall then be read and explained to the accused, and he shall be asked whether he is guilty or has any defence to make.

Plea.

If the accused pleads guilty, the Magistrate shall record the plea, and may in his discretion convict him thereon.

256. If the accused refuses to plead or does not plead, or claims to be tried, he shall be called upon to enter upon his defence and to produce his evidence, and shall, at any time while he is making his defence, be allowed to recall and cross-examine any witness for the prosecution present in the Court or its precincts.

Defence.

If the accused puts in any written statement, the Magistrate shall file it with the record.

Process for compelling production of evidence at instance of accused.

257. If the accused applies to the Magistrate to issue any process for compelling the attendance of any witness (whether he has or has not been previously examined in the case) for the purposes of examination or cross-examination, or the production of any document or other thing, the Magistrate shall issue such process unless he considers that such application should be refused on the ground that it is made for the purpose of vexation or delay, or for defeating the ends of justice. Such ground shall be recorded by him in writing.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

Acquittal.

258. If in any case under this chapter in which a charge has been framed the Magistrate finds the accused not guilty, he shall record an order of acquittal.

Conviction.

If in any such case the Magistrate finds the accused guilty, he shall pass sentence upon him according to law.

Absence of complainant.

259. When the proceedings have been instituted upon complaint and upon any day fixed for the hearing of the case the complainant is absent and the offence may be lawfully compounded, the Magistrate may, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused.

CHAPTER XXII.

Of Summary Trials.

Power to try summarily.

260. Notwithstanding anything contained in this Code,

(1) the District Magistrate,

(2) any Magistrate of the first class specially empowered in this behalf by the Local Government, and

(3) any Bench of Magistrates invested with the powers of a Magistrate of the first class and specially empowered in this behalf by the Local Government may try in a summary way all or any of the following offences:—

(*a*) Offences not punishable with death, transportation or imprisonment for a term exceeding six months;

(*b*) Offences relating to weights and measures, under sections 264, 265 and 266 of the Indian Penal Code;

(*c*) Hurt, under section 323 of the same Code;

(*d*) Theft, under section 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed fifty rupees;

(*e*) Receiving or retaining stolen property, under section 411 of the same Code, where the value of such property does not exceed fifty rupees;

(*f*) Assisting in the concealment or disposal of stolen property, under section 414 of the same Code, where the value of such property does not exceed fifty rupees;

(*g*) Mischief, under section 427 of the same Code;

(*h*) House-trespass, under section 448 of the same Code;

(*i*) Insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section 506, of the same Code;

(*j*) Abetment of any of the foregoing offences;

(*k*) An attempt to commit any of the foregoing offences, when such attempt is an offence:

Provided that no case in which a District Magistrate exercises the special powers conferred by section 34 shall be tried in a summary way.

Power to invest Bench of Magistrates invested with less power.

261. The Local Government may confer on any Bench of Magistrates invested with the powers of a Magistrate of the second or third class power to try summarily all or any of the following offences:—

(*a*) Offences against the Indian Penal Code, sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341, 352, 426 and 447;

(*b*) Offences against Municipal Acts, and the conservancy-clauses of Police Acts, punishable only with fine, or with imprisonment for a term not exceeding one month;

(*c*) Abetment of any of the foregoing offences;

(*d*) An attempt to commit any of the foregoing offences, when such attempt is an offence.

Procedure for summons and warrant-cases applicable.

262. In trials under this chapter, the procedure prescribed for summons-cases shall be followed in summons-cases, and the procedure prescribed for warrant-cases shall be followed in warrant-cases, except as hereinafter mentioned.

Limit of imprisonment.

No sentence of imprisonment for a term exceeding three months shall be passed in the case of any conviction under this chapter.

Record in cases where there is no appeal.

263. In cases where no appeal lies, the Magistrate or Bench of Magistrates need not record the evidence of the witnesses or frame a formal charge; but he or they shall enter in such form as the Local Government may direct the following particulars:—

(*a*) the serial number;

(*b*) the date of the commission of the offence;

(*c*) the date of the report or complaint;

(*d*) the name of the complainant (if any);

(*e*) the name, parentage and residence of the accused;

Trials before High Courts and Courts of Session.

(*f*) the offence complained of and the offence (if any) proved, and in cases coming under clause (*d*), clause (*e*) or clause (*f*) of section 260 the value of the property in respect of which the offence has been committed;

(*g*) the plea of the accused and his examination (if any);

(*h*) the finding, and, in the case of a conviction, a brief statement of the reasons therefor;

(*i*) the sentence or other final order; and

(*j*) the date on which the proceedings terminated.

Record in appealable cases.

264. In every case tried summarily by a Magistrate or Bench in which an appeal lies, such Magistrate or Bench shall, before passing sentence, record a judgment embodying the substance of the evidence and also the particulars mentioned in section 263.

Such judgment shall be the only record in cases coming within this section.

Language of record and judgment.

265. Records made under section 263 and judgments recorded under section 264 shall be written by the presiding officer, either in English or in the language of the Court, or, if the Court to which such presiding officer is immediately subordinate so directs, in such officer's mother-tongue.

Bench may be authorized to employ clerk.

The Local Government may authorize any Bench of Magistrates empowered to try offences summarily to prepare the aforesaid record or judgment by means of an officer appointed in this behalf by the Court to which such Bench is immediately subordinate, and the record or judgment so prepared shall be signed by each member of such Bench present taking part in the proceedings.

CHAPTER XXIII.

OF TRIALS BEFORE HIGH COURTS AND COURTS OF SESSION.

A.—Preliminary.

"High Court" defined.

266. In this chapter, except in section 307, the expression "High Court" means a High Court of Judicature established or to be established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, and includes the Chief Court of the Panjáb, and such other Courts as the Governor General in Council may, by notification in the *Gazette of India*, declare to be High Courts for the purposes of this chapter.

Trials before High Court to be by jury.

267. All trials under this chapter before a High Court shall be by jury;

and, notwithstanding anything herein contained, in all criminal cases transferred to a High Court under this Code or under the Letters Patent of any High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, the trial may, if the High Court so directs, be by jury.

Trials before Court of Session to be by jury or with assessors.

268. All trials before a Court of Session shall be either by jury, or with the aid of assessors.

Local Government may order trials before Court of Session to be by jury.

269. The Local Government may, by order in the official Gazette, direct that the trial of all offences, or of any particular class of offences, before any Court of Session, shall be by jury in any District, and may revoke or alter such order.

When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for all such offences.

Trial before Court of Session to be conducted by Public Prosecutor.

270. In every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor.

B.—Commencement of Proceedings.

Commencement of trial.

271. When the Court is ready to commence the trial, the accused shall appear or be brought before it, and the charge shall be read out in Court and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Plea of guilty.

If the accused pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Refusal to plead or claim to be tried.

272. If the accused refuses to, or does not, plead, or if he claims to be tried, the Court shall proceed to choose jurors or assessors as hereinafter directed and to try the case:

Trial by same jury or assessors of several offenders in succession.

Provided that, subject to the right of objection hereinafter mentioned, the same jury may try, or the same assessors may aid in the trial of, as many accused persons successively as the Court thinks fit.

Entry on unsustainable charge.

273. In trials before the High Court, when it appears to the High Court at any time before the commencement of the trial of the person charged, that any charge or any portion thereof is clearly unsustainable, the Judge may make on the charge an entry to that effect.

Effect of entry.

Such entry shall have the effect of staying proceedings upon the charge or portion of the charge, as the case may be.

C.—Choosing a Jury.

Number of jury.

274. In trials before the High Court the jury shall consist of nine persons.

In trials by jury before the Court of Session, the jury shall consist of such uneven number not being less than three, or more than nine, as the Local Government, by order applicable to any particular district or to any particular class of offences in that district, may direct.

Jury for trial of persons not Europeans or Americans before Court of Session.

275. In a trial by jury, before the Court of Session, of a person not being an European or an American, a majority of the jury shall, if he so desires, consist of persons who are neither Europeans nor Americans.

Jurors to be chosen by lot.

276. The jurors shall be chosen by lot from the persons summoned to act as such, in such manner as the High Court may from time to time by rule direct:

Proviso.

Provided that—

Existing practice maintained.

first, pending the issue under this section of rules for any Court, the practice now prevailing in such Court in respect to the choosing of jurors shall be followed;

Persons not summoned when eligible.

secondly, in case of a deficiency of persons summoned, the number of jurors required may, with the leave of the Court, be chosen from such other persons as may be present; and

Trials before special jurors.

thirdly, in the Presidency-towns—

(*a*) if the accused person is charged with having committed an offence punishable with death, or

(*b*) if in any other case a Judge of the High Court so directs,

the jurors shall be chosen from the special jury list hereinafter prescribed.

Names of jurors to be called.

277. As each juror is chosen, his name shall be called aloud, and, upon his appearance, the accused shall be asked if he objects to be tried by such juror.

Objection to jurors.

Objection may then be taken to such juror by the accused or by the prosecutor, and the grounds of objection shall be stated:

Objection without grounds stated.

Provided that, in the High Court, objections without grounds stated shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged.

Grounds of objection.

278. Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

(*a*) some presumed or actual partiality in the juror;

(*b*) some personal ground, such as alienage, deficiency in the qualification required by any law or rule having the force of law for the time being in force, or being under the age of twenty-one or above the age of sixty years;

(*c*) his having by habit or religious vows relinquished all care of worldly affairs;

(*d*) his holding any office in or under the Court;

(*e*) his executing any duties of police or being entrusted with police-duties;

(*f*) his having been convicted of any offence which, in the opinion of the Court, renders him unfit to serve on the jury;

(*g*) his inability to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted;

(*h*) any other circumstance which, in the opinion of the Court, renders him improper as a juror.

Decision of objection.

279. Every objection taken to a juror shall be decided by the Court, and such decision shall be recorded and be final.

Supply of place of juror against whom objection allowed.

If the objection is allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons and chosen in manner provided by section 276; or, if there is no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided that no objection to such juror or other person is taken under section 278 and allowed.

Foreman of jury.

280. When the jurors have been chosen, they shall appoint one of their number to be foreman.

The foreman shall preside in the debates of the jury, deliver the verdict of the jury, and ask any information from the Court that is required by the jury or any of the jurors.

If a majority of the jury do not, within such time as the Judge thinks reasonable, agree in the appointment of a foreman, he shall be appointed by the Court.

Swearing of jurors.

281. When the foreman has been appointed, the jurors shall be sworn under the Indian Oaths Act, 1873.

Procedure when juror ceases to attend, &c.

282. If, in the course of a trial by jury, at any time before the return of the verdict, any juror, from any sufficient cause, is prevented from attending throughout the trial, or if any juror absents himself, and it is not practicable to enforce his attendance, or if it appears that any juror is unable to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted, a new juror shall be added, or the jury shall be discharged and a new jury chosen.

In each of such cases the trial shall commence anew.

Discharge of jury in case of sickness of prisoner.

283. The Judge may also discharge the jury whenever the prisoner becomes incapable of remaining at the bar.

D.—Choosing Assessors.

Assessors how chosen.

284. When the trial is to be held with the aid of assessors, two or more shall be chosen, as the Judge thinks fit, from the persons summoned to act as such.

Procedure when assessor is unable to attend.

285. If, in the course of a trial with the aid of assessors, at any time before the finding, any assessor is, from any sufficient cause, prevented from attending throughout the trial, or absents himself, and it is not practicable to enforce his attendance, the trial shall proceed with the aid of the other assessor or assessors.

If all the assessors are prevented from attending, or absent themselves, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh assessors.

E.—Trial to Close of Cases for Prosecution and Defence.

Opening case for prosecution.

286. When the jurors or assessors have been chosen, the prosecutor shall open his case by reading from the Indian Penal Code or other law the description of the offence charged, and stating shortly by what evidence he expects to prove the guilt of the accused.

Examination of witnesses.

The prosecutor shall then examine his witnesses.

Examination of accused before Magistrate to be evidence.

287. The examination of the accused duly recorded by or before the committing Magistrate shall be tendered by the prosecutor and read as evidence.

Evidence given at preliminary inquiry admissible.

288. The evidence of a witness duly taken in the presence of the accused before the committing Magistrate may, in the discretion of the presiding Judge, if such witness is produced and examined, be treated as evidence in the case.

Procedure after examination of witnesses for prosecution.

289. When the examination of the witnesses for the prosecution and the examination (if any) of the accused are concluded, the accused shall be asked whether he means to adduce evidence.

If he says that he does not, the prosecutor may sum up his case; and if the Court considers that there is no evidence that the accused committed the offence, it may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

If the accused or any one of several accused says that he means to adduce evidence and the Court considers that there is no evidence that the accused committed the offence, the Court may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

If the accused, or any one of several accused says that he means to adduce evidence, and the Court considers that there is evidence that he committed the offence, or if, on his saying that he does not mean to adduce evidence, the prosecutor sums up his case and the Court considers that there is evidence that the accused committed the offence, the Court shall call on the accused to enter on his defence.

Defence.

290. The accused or his pleader may then open his case, stating the facts or law on which he intends to rely, and making such comments as he thinks necessary on the evidence for the prosecution. He may then examine his witnesses (if any) and after their cross-examination and re-examination (if any) may sum up his case.

Right of accused as to examination and summoning of witnesses.

291. The accused shall be allowed to examine any witness not previously named by him, if such witness is in attendance; but he shall not, except as provided in sections 211 and 231, be entitled of right to have any witness summoned, other than the witnesses named in the list delivered to the Magistrate by whom he was committed for trial.

Prosecutor's right of reply.

292. If the accused, or any of the accused, has stated, when asked under section 289, that he means to adduce evidence, the prosecutor shall be entitled to reply.

View by jury or assessors.

293. Whenever the Court thinks that the jury or assessors should view the place in which the offence charged is alleged to have been committed, or any other place in which any other transaction material to the trial is alleged to have occurred, the Court shall make an order to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to such place, which shall be shown to them by a person appointed by the Court.

Such officer shall not, except with the permission of the Court, suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and, unless the Court otherwise directs, they shall, when the view is finished, be immediately conducted back into Court.

When juror or assessor may be examined.

294. If a juror or assessor is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be sworn, examined, cross-examined and re-examined in the same manner as any other witness.

Jury or assessors to attend at adjourned sitting.

295. If a trial is adjourned, the jury or assessors shall attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Trials before High Courts and Courts of Session.

Locking-up jury.

296. The High Court may, from time to time, make rules as to keeping the jury together during a trial before such Court lasting for more than one day, and, subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of the Court, or whether they shall be allowed to return to their respective homes.

F.—Conclusion of Trial in Cases tried by Jury.

Charge to jury.

297. In cases tried by jury, when the case for the defence, and the prosecutor's reply (if any) are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

Duty of Judge.

298. In such cases, it is the duty of the Judge—

(*a*) to decide all questions of law arising in the course of the trial, and especially all questions as to the relevancy of facts which it is proposed to prove, and the admissibility of evidence or the propriety of questions asked by or on behalf of the parties; and, in his discretion, to prevent the production of inadmissible evidence, whether it is or is not objected to by the parties;

(*b*) to decide upon the meaning and construction of all documents given in evidence at the trial;

(*c*) to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given;

(*d*) to decide whether any question which arises is for himself or for the jury, and upon this point his decision shall bind the jurors.

The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(*a*) It is proposed to prove a statement made by a person not being a witness in the case, on the ground that circumstances are proved which render evidence of such statement admissible.

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved.

(*b*) It is proposed to give secondary evidence of a document the original of which is alleged to have been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

Duty of jury.

299. It is the duty of the jury—

(*a*) to decide which view of the facts is true, and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned;

(*b*) to determine the meaning of all technical terms (other than terms of law) and words used in an unusual sense which it may be necessary to determine, whether such words occur in documents or not;

(*c*) to decide all questions which according to law are to be deemed questions of fact;

(*d*) to decide whether general indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure, or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

(*a*) *A* is tried for the murder of *B*.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts *A* ought to be convicted of murder, or of culpable homicide, or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(*b*) The question is whether a person entertained a reasonable belief on a particular point,—whether work was done with reasonable skill or due diligence.

Each of these is a question for the jury.

Retirement to consider.

300. In cases tried by jury, after the Judge has finished his charge, the jury may retire to consider their verdict.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

Delivery of verdict.

301. When the jury have considered their verdict, the foreman shall inform the Judge what is their verdict, or what is the verdict of a majority.

Procedure where jury differ.

302. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

Verdict to be given on each charge.

Judge may question jury.

303. Unless otherwise ordered by the Court, the jury shall return a verdict on all the charges on which the accused is tried, and the Judge may ask them such questions as are necessary to ascertain what their verdict is.

Questions and answers to be recorded.

Such questions and the answers to them shall be recorded.

Amending verdict.

304. When by accident or mistake a wrong verdict is delivered, the jury may, before or immediately after it is recorded, amend the verdict, and it shall stand as ultimately amended.

Verdict in High Court when to prevail.

305. When in a case tried before a High Court the jury are unanimous in their opinion, or when as many as six are of one opi-

Trials before High Courts and Courts of Session.

nion and the Judge agrees with them, the Judge shall give judgment in accordance with such opinion.

When in any such case the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge.

Discharge of jury in other cases.

If the Judge disagrees with the majority, he shall at once discharge the jury.

If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such time as he thinks reasonable, discharge the jury.

Verdict in Court of Session when to prevail.

306. When in a case tried before the Court of Session the Judge does not think it necessary to express disagreement with the verdict of the jurors or of a majority of the jurors, he shall give judgment accordingly.

If the accused is acquitted, the Judge shall record judgment of acquittal. If the accused is convicted, the Judge shall pass sentence on him according to law.

Procedure where Sessions Judge disagrees with verdict.

307. If in any such case the Sessions Judge disagrees with the verdict of the jurors, or of a majority of the jurors, on all or any of the charges on which the accused has been tried, so completely that he considers it necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly, recording the grounds of his opinion, and, when the verdict is one of acquittal, stating the offence which he considers to have been committed.

Whenever the Judge submits a case under this section, he shall not record judgment of acquittal or of conviction on any of the charges on which the accused has been tried, but he may either remand the accused to custody or admit him to bail.

In dealing with the case so submitted the High Court may exercise any of the powers which it may exercise on an appeal; but it may acquit or convict the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it; and, if it convicts him, may pass such sentence as might have been passed by the Court of Session.

G.—Re-trial of Accused after Discharge of Jury.

Re-trial of accused after discharge of jury.

308. Whenever the jury is discharged, the accused shall be detained in custody or on bail (as the case may be), and shall be tried by another jury, unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

H.—Conclusion of Trial in Cases tried with Assessors.

Delivery of opinions of assessors.

309. When, in a case tried with the aid of assessors, the case for the defence and the prosecutor's reply (if any) are concluded, the Court may sum up the evidence for the prosecution and defence, and shall then require each of the assessors to state his opinion orally, and shall record such opinion.

Judgment.

The Judge shall then give judgment; but in doing so shall not be bound to conform to the opinions of the assessors.

If the accused is convicted, the Judge shall pass sentence on him according to law.

I.—Procedure in Case of Previous Conviction.

Procedure in case of previous conviction.

310. In the case of a trial by jury or with the aid of assessors, where the accused is charged with an offence committed after a previous conviction, for any offence, the procedure laid down in sections 271, 286, 305, 306 and 309 shall be modified as follows:—

(*a*) The part of the charge stating the previous conviction shall not be read out in Court, nor shall the accused be asked whether he has been previously convicted as alleged in the charge, unless and until he has either pleaded guilty to, or been convicted of, the subsequent offence.

(*b*) If he pleads guilty to, or is convicted of, the subsequent offence, he shall then be asked whether he has been previously convicted as alleged in the charge.

(*c*) If he answers that he has been so previously convicted the Judge may proceed to pass sentence on him accordingly; but, if he denies that he has been so previously convicted, or refuses to, or does not, answer such question, the jury or the Court and the assessors (as the case may be) shall then inquire concerning such previous conviction, and in such case (where the trial is by jury) it shall not be necessary to swear the jurors again.

J.—List of Jurors for High Court, and summoning Jurors for that Court.

Jurors' book.

311. In each Presidency-town, the jurors' book for the year current when this Code comes into force shall be taken as containing a correct list of persons liable to serve as jurors under this chapter.

Exemption of special jurors.

Those persons whose names are entered in the jurors' book as being liable to serve on special juries only shall be deemed to be persons privileged and liable to serve only as special jurors under this chapter during the year for which the said list has been prepared.

Number of special jurors.

312. The names of not more than two hundred persons shall at any one time be entered in the special jurors' list.

Lists of common and special jurors.

313. The Clerk of the Crown shall, before the first day of April in each year, and subject to such rules as the High Court from time to time prescribes, prepare—

(*a*) a list of all persons liable to serve as common jurors; and

Trials before High Courts and Courts of Session.

(*b*) a list of persons liable to serve as special jurors only.

Regard shall be had, in the preparation of the latter list, to the property, character and education of the persons whose names are entered therein.

No person shall be entitled to have his name entered in the special jurors' list merely because he may have been entered in the special jurors' list for a previous year.

The Governor General in Council in the case of the High Court at Calcutta, and, in the case of other High Courts, the Local Government, may exempt any salaried officer of Government from serving as a juror.

Discretion of officer preparing lists.

The Clerk of the Crown shall, subject to such rules as aforesaid, have full discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision.

Publication of preliminary and revised lists.

314. Preliminary lists of persons liable to serve as common jurors and as special jurors, respectively, signed by the Clerk of the Crown, shall be published once in the local official Gazette before the seventh day of April next after their preparation.

Revised lists of persons liable to serve as common jurors and special jurors, respectively, signed as aforesaid, shall be published once in the local official Gazette before the first day of May next after their preparation.

Copies of the said lists shall be affixed to some conspicuous part of the Court-house.

Number of jurors to be summoned in Presidency-town.

315. Out of the persons named in the revised lists aforesaid, there shall be summoned for each sessions in each Presidency-town at least twenty-seven of those who are liable to serve on special juries, and fifty-four of those who are liable to serve on common juries.

No person shall be so summoned more than once in six months unless the number cannot be made up without him.

Supplementary summons.

If, during the continuance of any sessions, it appears that the number of persons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such sessions.

Summoning jurors outside the Presidency-towns.

316. Whenever a High Court has given notice of its intention to hold sittings at any place outside the Presidency-towns for the exercise of its original criminal jurisdiction, the Court of Session at such place shall, subject to any direction which may be given by the High Court, summon a sufficient number of jurors from its own list, in the manner hereinafter prescribed for summoning jurors to the Court of Session.

Military jurors.

317. In addition to the persons so summoned as jurors, the said Court of Session shall, if it thinks needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-commissioned officers in Her Majesty's Army resident within ten miles of its place of sitting, as the Court considers to be necessary to make up the juries required for the trial of persons charged with offences before the High Court as aforesaid.

All officers so summoned shall be liable to serve on such juries notwithstanding anything contained in this Code; but no such officer shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

Failure of jurors to attend.

318. Any person summoned under section 315, section 316 or section 317, who without lawful excuse fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court after being ordered to attend, shall be deemed guilty of a contempt and be liable by order of the Judge to such fine as he thinks fit; and, in default of payment of such fine, to imprisonment in the civil jail until the fine is paid.

K.—List of Jurors and Assessors for Court of Session, and summoning Jurors and Assessors for that Court.

Liability to serve as jurors or assessors.

319. All male persons between the ages of twenty-one and sixty shall, except as next hereinafter mentioned, be liable to serve as jurors or assessors at any trial held within the District in which they reside.

Exemptions.

320. The following persons are exempt from liability to serve as jurors or assessors, namely :—

(*a*) Officers in civil employ superior in rank to a District Magistrate;

(*b*) Judges;

(*c*) Commissioners and Collectors of Revenue or Customs;

(*d*) Persons engaged in the Preventive Service in the Customs Department;

(*e*) Persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty;

(*f*) Persons actually officiating as priests or ministers of their respective religions;

(*g*) Persons in Her Majesty's Army, except when, by any law in force for the time being, they are specially made liable to serve as jurors or assessors;

(*h*) Surgeons and others who openly and constantly practise the medical profession;

Trials before High Courts and Courts of Session.

(*i*) Persons employed in the Post-office and Telegraph Departments;

(*j*) Persons exempted from personal appearance in Court under the provisions of the Code of Civil Procedure, sections 640 and 641;

(*k*) Other persons exempted by the Local Government from liability to serve as jurors or assessors.

List of jurors and assessors.

321. The Sessions Judge, and the Collector of the District or such other officer as the Local Government appoints in this behalf, shall prepare and make out in alphabetical order a list of persons liable to serve as jurors or assessors and qualified in the judgment of the Sessions Judge and Collector or other officer as aforesaid to serve as such, and not likely to be successfully objected to under section 278, clauses (*b*) to (*h*), both inclusive.

The list shall contain the name, place of abode and quality or business of every such person; and if the person is an European or an American, the list shall mention the race to which he belongs.

Publication of list.

322. Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid, and in the Court-houses of the District Magistrate and of the District Court, and in some conspicuous place in the town or towns in or near which the persons named in the list reside.

Objections to list.

323. To every such copy shall be subjoined a notice stating that objections to the list will be heard and determined by the Sessions Judge and Collector or other officer as aforesaid, at the Sessions Court-house, and at a time to be mentioned in the notice.

Revision of list.

324. For the hearing of such objections, the Sessions Judge shall sit with the Collector or other officer as aforesaid, and shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not suitable in their judgment to serve as a juror or as an assessor, or who may establish his right to any exemption from service given by section 320, and insert the name of any person omitted from the list whom they deem qualified for such service.

In the event of a difference of opinion between the Sessions Judge and the Collector or other officer as aforesaid, the name of the proposed juror or assessor shall be omitted from the list.

A copy of the revised list shall be signed by the Sessions Judge and Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Sessions Judge and Collector or other officer as aforesaid in preparing and revising the list shall be final.

Any exemption not claimed under this section shall be deemed to be waived until the list is next revised.

Annual revision of list.

325. The list so prepared and revised shall be again revised once in every year.

The list so revised shall be deemed a new list, and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

District Magistrate to summon jurors and assessors.

326. The Sessions Judge shall ordinarily, three days at least before the day which he may from time to time fix for holding the sessions, send a letter to the District Magistrate requesting him to summon as many persons named in the said revised list as seem to the Sessions Judge to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any such trial.

The names of the persons summoned shall be drawn by lot in open Court, including those on the revised list who have served within six months, unless the number cannot be made up without them; and the names so drawn shall be specified in the said letter.

Power to summon another set of jurors or assessors.

327. The Court of Session may direct jurors or assessors to be summoned at other times than the period specified in section 326, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever for other reasons such direction is found to be necessary.

Form and service of summons.

328. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor, as the case may be, at a time and place to be therein specified.

When Government or Railway servant may be excused.

329. Where any person summoned to serve as a juror or assessor is in the service of Government or of a Railway Company, the Court to serve in which he is so summoned may excuse his attendance if it appears, on the representation of the head of the office in which he is employed, that he cannot serve as a juror or assessor, as the case may be, without inconvenience to the public.

Court may excuse attendance of juror or assessor.

330. The Court of Session may for reasonable cause excuse any juror or assessor from attendance at any particular session.

List of jurors and assessors attending.

331. At each session, the said Court shall cause to be made a list of the names of those who have attended as jurors and assessors at such session.

Such list shall be kept with the list of the jurors and assessors as revised under section 324.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

Trials before High Courts and Courts of Session.

General Provisions as to Inquiries and Trials.

Penalty for non-attendance of juror or assessor.

332. Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be li[illegible]e, by order of the Court of Session, to a fin[illegible] not exceeding one hundred rupees.

Such fine [illegible] be levied by the District Magistrate by [illegible]tachment and sale of any moveable property [illegible]nging to such juror or assessor within the lo[illegible] limits of the jurisdiction of the Court making [illegible].

In defau[illegible] [illegible]very of the fine by such attachment [illegible]ch juror or assessor may by order [illegible] of Session be imprisoned in [illegible] term of fifteen days, unless su[illegible]e is [illegible]re the end of the said term.

L[illegible]sions for High Courts.

Powe[illegible] speci[illegible]eral [illegible]y [illegible]en.

333 [illegible] f any trial before a High Court under this Code before the return of the verdict, the Advocate General may, if he [illegible]t, inform the Court on behalf of Her Majesty [illegible]t he will not further prosecute the defendant [illegible]pon the charge; and thereupon all proceedings on such charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal unless the presiding Judge otherwise directs.

Time of holding sittings.

334. For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

Place of holding sittings.

335. The High Court shall hold its sittings at the place at which it now holds them, or at such other place (if any) as the Governor General in Council in the case of the High Court at Fort William, or the Local Government in the case of the other High Courts, may direct.

But it may, from time to time, in the case of the High Court at Fort William with the consent of the Governor General in Council, and in all other cases with the consent of the Local Government, hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

Notice of sittings.

Such officer as the Chief Justice directs shall give notice beforehand in the local official Gazette of all sittings intended to be held for the exercise of the original criminal jurisdiction of the High Court.

Place of trial of European British subjects.

336. The High Court may direct that all European British subjects and persons liable to be tried by it under section 214, who have been committed for trial by it within certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the Court,

or direct that they shall be tried at a particular place named.

CHAPTER XXIV.

GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS.

Tender of pardon to accomplice.

337. In the case of any offence triable exclusively by the Court of Session or High Court, the District Magistrate, a Presidency Magistrate, any Magistrate of the first class inquiring into the offence, or, with the sanction of the District Magistrate, any other Magistrate, may, with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, the offence under inquiry, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence, and to every other person concerned, whether as principal or abettor, in the commission thereof.

Every person accepting a tender under this section shall be examined as a witness in the case.

Such person, if not on bail, shall be detained in custody until the termination of the trial by the Court of Session or High Court, as the case may be.

Every Magistrate, other than a Presidency Magistrate, who tenders a pardon under this section, shall record his reasons for so doing; and when any Magistrate has made such tender and, examined the person to whom it has been made, he shall not try the case himself, although the offence which the accused appears to have committed may be triable by such Magistrate.

Power to direct tender of pardon.

338. At any time after commitment, but before judgment is passed, the Court to which the commitment is made may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, any such offence, tender, or order the committing Magistrate or the District Magistrate to tender, a pardon on the same condition to such person.

Commitment of person to whom pardon has been tendered.

339. Where a pardon has been tendered under section 337 or section 338, and any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false

evidence, not complied with the condition on which the tender was made, he may be tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the same matter.

The statement made by a person who has accepted a tender of pardon may be given in evidence against him when the pardon has been withdrawn under this section.

No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the High Court.

Right of accused to be defended.

340. Every person accused before any Criminal Court may of right be defended by a pleader.

Procedure where accused does not understand proceedings.

341. If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and, in the case of a Court other than a High Court, if such inquiry results in a commitment, or if such trial results in a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

Power to examine the accused.

342. For the purpose of enabling the accused to explain any circumstances appearing in the evidence against him, the Court may, at any stage of any inquiry or trial, without previously warning the accused, put such questions to him as the Court considers necessary, and shall, for the purpose aforesaid, question him generally on the case after the witnesses for the prosecution have been examined, and before he is called on for his defence.

The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them; but the Court and the jury (if any) may draw such inference from such refusal or answers as it thinks just.

The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.

No oath shall be administered to the accused.

No influence to be used to induce disclosures.

343. Except as provided in sections 337 and 338, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

Power to postpone or adjourn proceedings.

344. If, from the absence of a witness or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, the Court may, by order in writing, stating the reasons therefor, from time to time postpone or adjourn the same on such t[illegible]ms as it thinks fit, for suc[illegible]me as it considers reasona[illegible], and may by a warrant remand the accused i[illegible] custody:

Remand.

Provided that no Magistrat[illegible]all remand an accused person to custody under [illegible] section for a term exceeding fifteen days at a[illegible]e.

Every order made under this se[illegible]n by a Court other than a High Court shal[illegible]riting signed by the presiding Judge or Ma[illegible]

Reasonable cause for remand.

EXPLANATION.—If suffi[illegible] has been obtain[illegible] s[illegible] cion tha[illegible]ry have c[illegible] and it appears likely that fu[illegible]nce may be obtained by a remand, [illegible]le cause for a remand.

Compounding offences.

345. The offences punishab[illegible]ions of the Indian [illegible] described in t[illegible] two columns of the Table next following [illegible]be compounded by the persons mentioned [illegible] the third column of that Table:—

Offence.	Sections of Indian Penal Code applicable.	Person by whom offence may be compounded.
Uttering words, &c., with deliberate intent to wound the religious feelings of any person	298	The person whose religious feelings are intended to be wounded.
Causing hurt ...	323, 334	The person to whom the hurt is caused.
Wrongfully restraining or confining any person	341, 342	The person restrained or confined.
Assault or use of criminal force ...	352, 355, 358	The person assaulted or to whom criminal force is used.
Unlawful compulsory labour	374	The person compelled to labour.
Mischief, when the only loss or damage caused is loss or damage to a private person ..	426, 427	The person to whom the loss or damage is caused.
Criminal trespass ...	447	The person in possession of the property trespassed upon.
House-trespass ...	448	

Offence.	Sections of Indian Penal Code applicable.	Person by whom offence may be compounded.
Criminal Breach of Contract of service ...	490, 491, 492	The person with whom the offender has contracted.
Adultery	497	The husband of the woman.
Enticing or taking away or detaining a married woman ...	498	
Defamation ...	500	The person defamed.
Printing or sale of defamatory matter ...	501	
Sale of printed or engraved matter ...	502	
Insulting the modesty of a woman by words, gestures or acts ...	504	The person insulted.
Criminal intimidation, except when the offence is punishable with imprisonment for seven years ...	506	The person intimidated.

The offence of voluntarily causing hurt, voluntarily causing grievous hurt, causing hurt by an act which endangers life, or causing grievous hurt by an act which endangers life, punishable under section 324, section 335, section 337, or section 338 of the Indian Penal Code, may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the person to whom the hurt has been caused.

When any offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

When the person who would otherwise be competent to compound an offence under this section is a minor, an idiot or a lunatic, any person competent to contract on his behalf may compound such offence.

The composition of an offence under this section shall have the effect of an acquittal of the accused.

No offence not mentioned in this section shall be compounded.

Procedure of Provincial Magistrate in cases which he cannot dispose of.

346. If, in the course of an inquiry or a trial before a Magistrate in any district outside the Presidency-towns, the evidence appears to him to warrant a presumption that the case is one which should be tried or committed for trial by some other Magistrate in such district, he shall stay proceedings and submit the case, with a brief report explaining its nature, to any Magistrate to whom he is subordinate, or to such other Magistrate, having jurisdiction, as the District Magistrate directs.

The Magistrate to whom the case is submitted may, if so empowered, either try the case himself, or refer it to any Magistrate subordinate to him having jurisdiction, or commit the accused for trial.

Procedure when after commencement of inquiry or trial Magistrate finds case should be committed.

347. If in any inquiry before a Magistrate, or in any trial before a Magistrate before signing judgment, it appears to him at any stage of the proceedings that the case is one which ought to be tried by the Court of Session or High Court, and if he is empowered to commit for trial, he shall stop further proceedings and commit the accused under the provisions hereinbefore contained.

If such Magistrate is not empowered to commit for trial, he shall proceed under section 346.

Trial of persons previously convicted of offences against coinage, stamp-law or property.

348. Whoever, having been convicted of an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, shall ordinarily, if the Magistrate before whom he is accused considers him an habitual offender, be committed to the Court of Session or High Court, as the case may be; or, in districts in which the District Magistrate has been invested with powers under section 30, placed on his trial before such Magistrate.

Procedure when Magistrate cannot pass sentence sufficiently severe.

349. Whenever a Magistrate of the second or third class, having jurisdiction, is of opinion after hearing the evidence for the prosecution and the accused that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, or that he ought to be required to execute a bond under section 106, he may record the opinion and submit his proceedings, and forward the accused, to the District Magistrate or Sub-divisional Magistrate to whom he is subordinate.

The Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence in the case, and may call for and take any further evidence; and shall pass such judgment, sentence or order in the case as he thinks fit, and as is according to law: Provided that he shall not inflict a punishment

more severe than he is empowered to inflict under sections 32 and 33.

Conviction or commitment on evidence partly recorded by one Magistrate and partly by another.

350. Whenever any Magistrate, after having heard and recorded the whole or any part of the evidence in an inquiry or a trial, ceases to exercise jurisdiction therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-summon the witnesses and re-commence the inquiry or trial:

Provided as follows:—

(*a*) In any trial, the accused may, when the second Magistrate commences his proceedings, demand that the witnesses or any of them be re-summoned and re-heard:

(*b*) The High Court, or, in cases tried by Magistrates subordinate to the District Magistrate, the District Magistrate, may, whether there be an appeal or not, set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was had, if such Court or District Magistrate is of opinion that the accused has been materially prejudiced thereby; and may order a new inquiry or trial.

Nothing in this section applies to cases in which proceedings have been stayed under section 346.

Detention of offenders attending Court.

351. Any person attending a Criminal Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of examination, for any offence of which such Court can take cognizance and which, from the evidence, he may appear to have committed; and may be proceeded against as though he had been arrested or summoned.

When the detention takes place in the course of an inquiry under Chapter XVIII, or after a trial has been begun, the proceedings in respect of such person shall be commenced afresh and the witnesses re-heard.

Courts to be open.

352. The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

CHAPTER XXV.

Of the Mode of taking and recording Evidence in Inquiries and Trials.

Mode of taking and recording Evidence in Inquiries and Trials.

Evidence to be taken in presence of accused.

353. Except as otherwise expressly provided, all evidence taken under Chapters XVIII, XX, XXI, XXII and XXIII shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in presence of his pleader.

Manner of recording evidence outside Presidency-towns.

354. In inquiries and trials (other than summary trials) ul[illegible] by or before [illegible] (other than a Magistrate) or Sessions Judge, [illegible] witnesses shall be recorded in the [illegible]ner.

Record in summons-cases, and in trials of certain offences by first and second class Magistrates.

355. In summons-cases tri[illegible] trate, o[illegible] dency Mag[illegible] cases of the [illegible]ed in section [illegible] to (*k*), bo[illegible] tried by a Magistrate of the fi[illegible] the Magistrate shall make a [illegible] substance of the evidence of ea[illegible] examination of the witness proceed[illegible].

Such memorandum shall be written a[illegible] by the Magistrate with his own hand, [illegible] form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same; and such memorandum shall form part of the record.

Record in other cases outside Presidency-towns.

356. In all other trials before Courts of Session and Magistrates (other than Presidency Magistrates) and in all inquiries under Chapters XII and XVIII, the evidence of each witness shall be taken down in writing in the language of the Court, by the Magistrate or Sessions Judge, or in his presence and hearing and under his personal direction and superintendence, and shall be signed by the Magistrate or Sessions Judge.

Evidence given in English.

When the evidence of such witness is given in English, the Magistrate or Sessions Judge may take it down in that language with his own hand, and, unless the accused is familiar with English, or the language of the Court is English, an authenticated translation of such evidence in the language of the Court shall form part of the record.

Memorandum when evidence not taken down by the Magistrate or Judge himself.

In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness

proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to make it.

357. The [illegible] Government may direct that in any district or part of a district, or in proceedings before any Court of Session, [illegible] Magistrate or class of Magistrates, [illegible] each witness shall in the cases referred [illegible] be taken down by the Sessions [illegible] rate with his own hand and in his [illegible] ss he is prevented by any suffi- [illegible] ing down the evidence of any [illegible] ase he shall record the reason of [illegible] o so, and shall cause the evidence [illegible] n in writing from his dictation in [illegible] en down shall be signed by [illegible] or Magistrate, and shall form [illegible]

[illegible] the Local Government may direct [illegible] is Judge or Magistrate to take down the [illegible] the English language, or in the langu- [illegible] Court, although such language is not [illegible] mother-tongue.

Language of record of evidence.

Interpretation of evidence.

Option to Magistrate in cases under section 355.

358. In cases of the kind mentioned in section 355, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section 356, or, if within the local limits of the jurisdiction of such Magistrate the Local Government has made the order referred to in section 357, in the manner provided in the same section.

Mode of recording evidence under section 356 or section 357.

359. Evidence taken under section 356 or section 357 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

The Magistrate or Sessions Judge may in his discretion take down, or cause to be taken down, any particular question and answer.

Procedure in regard to such evidence when completed.

360. As the evidence of each witness taken under section 356 or section 357 is completed, it shall be read over to him in the presence of the accused, if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down, the evidence so taken down shall be interpreted to him in the language in which it was given, or in a language which he understands.

Interpretation of evidence to accused or his pleader.

361. Whenever any evidence is given in a language not understood by the accused and he is present in person, it shall be interpreted to him in open Court in a language understood by him.

If he appears by pleader and the evidence is given in a language other than the language of the Court, and not understood by the pleader, it shall be interpreted to such pleader in that language.

When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to interpret as much thereof as appears necessary.

Record of evidence in Presidency Magistrates' Courts.

362. In every case in which a Presidency Magistrate imposes a fine exceeding two hundred rupees, or imprisonment for a term exceeding six months, he shall either take down the evidence of the witnesses with his own hand, or cause it to be taken down in writing from his dictation in open Court. All evidence so taken down shall be signed by the Magistrate and shall form part of the record.

Evidence so taken down shall ordinarily be recorded in the form of a narrative, but the Magistrate may in his discretion take down, or cause to be taken down, any particular question or answer.

Sentences passed under section 35 on the same occasion shall, for the purposes of this section, be considered as one sentence.

Remarks respecting demeanour of witness.

363. When a Sessions Judge or Magistrate has recorded the evidence of a witness he shall also record such remarks (if any) as he thinks material respecting the demeanour of such witness whilst under examination.

Examination of accused how recorded.

364. Whenever the accused is examined by any Magistrate, or by any Court other than a High Court established by Royal Charter or the Chief Court of the Panjáb, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, in the language in which he is examined, or, if that is not practicable, in the language of the Court or English; and such record shall be shown or read to him, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

When the whole is made conformable to what he declares is the truth, the record shall be signed by the accused and the Magistrate or Judge of

such Court, and such Magistrate or Judge shall certify under his own hand that the examination was taken in his presence and hearing, and that the record contains a full and true account of the statement made by the accused.

In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, unless he is a Presidency Magistrate, as the examination proceeds, to make a memorandum thereof in the language of the Court, or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

Nothing in this section shall be deemed to apply to the examination of an accused person under section 263.

Record of evidence in High Court.

365. Every High Court established by Royal Charter and the Chief Court of the Panjáb may from time to time by general rule prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

CHAPTER XXVI.

OF THE JUDGMENT.

Mode of delivering judgment.

366. The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open Court either immediately or at some subsequent time of which due notice shall be given to the parties or their pleaders; and the accused shall, if in custody, be brought up, or if not in custody shall be required to attend, to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only, in which case it may be pronounced in the presence of his pleader.

Language of judgment. Contents of judgment.

367. Every such judgment shall, except as otherwise expressly provided by this Code, be written by the presiding officer of the Court in the language of the Court, or in English; and shall contain the point or points for determination, the decision thereon, and the reasons for the decision; and shall be dated and signed by the presiding officer in open Court at the time of pronouncing it.

It shall specify the offence (if any) of which, and the section of the Indian Penal Code or other law under which, the accused is convicted, and the punishment to which he is sentenced.

Judgment in alternative.

When the conviction is under the Indian Penal Code, and it is doubtful under which of two sections, or under which of two parts of the same section, of that Code the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative.

If it be a judgment of a[illegible]ittal, it shall state the offence of which the a[illegible]sed is acquitted and direct that he be set at libe[illegible]

If the accused is con[illegible]ed of an offence punishable with death, and [illegible] Co[illegible]tences him to any punishment othe[illegible]h, the Court shall in its judgment s[illegible] why sentence of death was not passe[illegible]

Provided that, in trials b[illegible]eed not write a judgment, but the [illegible]hall record the heads of the ch[illegible]

Sentence of death.

368. When any perso[illegible] the sen[illegible] he be till he is dead.

Sentence of transportation.

No sentence of transp[illegible] plac[illegible] senten[illegible] ported.

Court not to alter judgment.

369. No Court, other than a[illegible] when it has s[illegible] ment shall alte[illegible] review t[illegible] same, except as provided in section 39[illegible] or to correc[illegible] a clerical error.

Presidency Magistrate's judgment.

370. Instead of recording a judgment in manner hereinbefore provided, a Presidency Magistrate shall record the following particulars:—

(*a*) the serial number of the case;

(*b*) the date of the commission of the offence;

(*c*) the name of the complainant (if any);

(*d*) the name of the accused person, and (except in the case of an European British subject) his parentage and residence;

(*e*) the offence complained of or proved;

(*f*) the plea of the accused and his examination (if any);

(*g*) the final order;

(*h*) the date of such order; and

(*i*) in all cases in which the Magistrate inflicts imprisonment, or fine exceeding two hundred rupees, or both, a brief statement of the reasons for the conviction.

Judgment to be explained and copy given to accused.

371. The judgment shall be explained to the accused, and on his application a copy of the judgment, or, when he so desires, a translation in his own language, if practicable, or in the language of the Court, shall be given to him without delay. Such copy shall, in any case other than a summons-case, be given free of cost.

Submission of Sentences for Confirmation.

In trials by jury in a Court of Session, a copy of the heads of the charge to the jury shall, on the application of the accused, be given to him without delay and free of cost.

Case of person sentenced to death.

When the accused is sentenced to death by a Sessions Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

Judgment in translation.

372. The original judgment shall be filed with the record of proceedings, and where the original is recorded in a different language from [illegible] Court, and the accused so requires, a [illegible] into the language of the Court [illegible] to such record.

[illegible] by the Court of Session, [illegible] Court shall forward a copy of its finding and sentence (if any) to the District Magistrate within the local [illegible] the trial was held.

[illegible]

CHAPTER XXVII.

[illegible]SSION OF SENTENCES FOR CONFIRMATION.

Sentence of death to be submitted by Court of Session.

374. When the Court of Session passes sentence of death, the proceedings shall be submitted to the High Court, and the sentence shall not be executed unless it is confirmed by the High Court.

Power to direct further inquiry to be made or additional evidence to be taken.

375. If when such proceedings are submitted the High Court thinks that a further inquiry should be made into, or additional evidence taken upon, any point bearing upon the guilt or innocence of the convicted person, it may make such inquiry or take such evidence itself or direct it to be made or taken by the Court of Session.

Such inquiry shall not be made nor shall such evidence be taken in the presence of jurors or assessors, and, unless the High Court otherwise directs, the presence of the convicted person may be dispensed with when the same is made or taken.

When the inquiry and the evidence (if any) are not made and taken by the High Court, the result of such inquiry and the evidence shall be certified to such Court.

Power of High Court to confirm sentence or annul conviction.

376. In any case submitted under section 374, whether tried with the aid of assessors or by jury, the High Court—

(*a*) may confirm the sentence, or pass any other sentence warranted by law, or

(*b*) may annul the conviction, and convict the accused of any offence of which the Sessions Court might have convicted him, or order a new trial on the same or an amended charge, or

(*c*) may acquit the accused person:

Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

Confirmation or new sentence to be signed by two Judges.

377. In every case so submitted, the confirmation of the sentence, or any new sentence or order passed by the High Court, shall, when such Court consists of two or more Judges, be made, passed and signed by at least two of them.

Procedure in case of difference of opinion.

378. When any such case is heard before a Bench of Judges and such Judges are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge, and such Judge, after such examination and hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure in cases submitted to High Court for confirmation.

379. In cases submitted by the Court of Session to the High Court for the confirmation of a sentence of death, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order, under the seal of the High Court, and attested with his official signature, to the Court of Session.

Confirmation of sentence of Assistant Sessions Judge or Magistrate acting under section 34.

380. When a sentence passed by an Assistant Sessions Judge or by a District Magistrate acting under section 34 is submitted to a Sessions Judge for confirmation, such Sessions Judge—

(*a*) may confirm the sentence, or pass any other sentence which the lower Court might have passed; or

(*b*) may annul the conviction, and convict the accused of any offence of which the lower Court might have convicted him, or order a new trial on the same or an amended charge; or

(*c*) may acquit the accused; or

(*d*) if he thinks further inquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.

Unless the Court of Sessions otherwise directs, the presence of the convicted person may be dispensed with when such inquiry is made or evidence taken; and, when the sentence has been submitted by an Assistant Sessions Judge, such inquiry shall not be made, nor shall such evidence be taken, in the presence of jurors or assessors.

When the inquiry and the evidence (if any) are not made and taken by the Court of Sessions, the result of such inquiry and the evidence shall be certified to such Court.

CHAPTER XXVIII.

OF EXECUTION.

Execution of order passed under section 376.

381. When a sentence of death passed by a Court of Session is submitted to the High Court for confirmation, such Court of Session shall, on receiving the order of confirmation or other order of the High Court thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

Postponement of capital sentence on pregnant woman.

382. If a woman sentenced to death be found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may commute the sentence to transportation for life.

Execution of sentences of transportation or imprisonment in other cases.

383. Where the accused is sentenced to transportation or imprisonment in cases other than those provided for by section 381, the Court passing the sentence shall forthwith forward a warrant to the jail in which he is to be confined, and, unless the accused was already confined in such jail, shall forward him to such jail, with the warrant.

Direction of warrant for execution.

384. Every warrant for the execution of a sentence of imprisonment shall be directed to the officer in charge of the jail or other place in which the prisoner is, or is to be, confined.

Warrant with whom to be lodged.

385. When the prisoner is to be confined in a jail, the warrant shall be lodged with the jailor.

Warrant for levy of fine.

386. Whenever an offender is sentenced to pay a fine, the Court passing the sentence may, in its discretion, issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, although the sentence directs that, in default of payment of the fine, the offender shall be imprisoned.

Effect of such warrant.

387. Such warrant may be executed within the local limits of the jurisdiction of such Court, and it shall authorize the distress and sale of any such property without such limits, when endorsed by the District Magistrate or Chief Presidency Magistrate within the local limits of whose jurisdiction such property is found.

Suspension of execution of sentence of imprisonment.

388. When an offender has been sentenced to fine only, and to imprisonment in default of payment of the fine, and the Court issues a warrant under section 386, it may suspend the execution of the sentence of imprisonment and may release the offender on his executing a bond, with or without sureties, as the Court thinks fit, conditioned for his appearance before such Court on the day appointed for the return to such warrant, such day not being more than fifteen days from the time of executing the bond; and in the event of the fine not having been realized the Court may direct the sentence of imprisonment to be carried into execution at once.

Who may issue warrant.

389. Every warrant for the execution of any sentence r[illegible] be issued either by the J[illegible]e or Magistrate who pass[illegible] the sentence or by his successor in office.

Execution of sentence of whipping only.

390. When the accused is sen[illegible]ed [illegible]hipping only, th[illegible] shall be executed [illegible]lace and time as [illegible]y direct.

Execution of sentence of whipping, in addition to imprisonment.

391. When the accused is [illegible]ping i[illegible]onment is subject[illegible] whipping shall not be inflicted [illegible] from the date of the sentence, o[illegible] made within that time, until [illegible] firmed by the Appellate Co[illegible] shall be inflicted as soon as pr[illegible]piry of the fifteen days, or, in [illegible] soon as practicable after the recei[illegible] the Appellate Court confirming the se[illegible]

The whipping shall be inflicted in t[illegible] send[illegible] of the officer in charge of the jail: [illegible]ess the Judge or Magistrate orders it to be infl[illegible]ted in his own presence.

Mode of inflicting punishment.

392. In the case of a person of or over sixteen years of age, whipping shall be inflicted with a light ratan not less than half an inch in diameter, in such mode, and on such part of the person, as the Local Government directs; and, in the case of a person under sixteen years of age, it shall be inflicted in the way of school-discipline with a light ratan.

Limit of number of stripes.

In no case shall such punishment exceed thirty stripes.

Not to be executed by instalments.
Exemptions.

393. No sentence of whipping shall be executed by instalments; and none of the following persons shall be punishable with whipping (namely):—

(*a*) females;

(*b*) males sentenced to death, or to transportation, or to penal servitude, or to imprisonment for more than five years;

(*c*) males whom the Court considers to be more than forty-five years of age.

394. The punishment of whipping shall not be inflicted unless a Medical Officer, if present, certifies, or, if there is not a Medical Officer present, unless it appears to the Magistrate or officer present, that the offender is in a fit state of health to undergo such punishment.

Whipping not to be inflicted if offender not in fit state of health.

If, during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the Magistrate or officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

Stay of execution.

39[illegible] case in which, under section 394, a sentence of whipping is, [illegible] wholly or partially, prevented from being executed, the offender shall be kept [illegible]rt which passed the sentence [illegible] said Court may, at its dis[illegible] such sentence, or sentence the whipping, or in lieu of so much whipping as was not executed, [illegible]ny term not exceeding twelve [illegible] in addition to any other [illegible] he may have been sentenced [illegible]

[illegible] this section shall be deemed to [illegible]y Court to inflict imprisonment for a [illegible]erm [illegible]ing that to which the accused is liable by law, [illegible] that which the said Court is competent to inflict.

396. When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine or whipping, shall, subject to the provisions hereinbefore contained, take effect immediately, and if of imprisonment, penal servitude or transportation, shall take effect according to the following rules, that is to say :—

Execution of sentences on escaped convicts.

If the new sentence is severer in its quality than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

When the new sentence is not severer in its quality than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, penal servitude or transportation, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

Explanation.—For the purposes of this section—

(*a*) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment;

(*b*) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement; and

(*c*) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

397. When a person already undergoing a sentence of imprisonment, penal servitude or transportation is sentenced to imprisonment, penal servitude or transportation, such imprisonment, penal servitude or transportation shall commence at the expiration of the imprisonment, penal servitude or transportation to which he has been previously sentenced:

Sentence on offender already sentenced for another offence.

Provided that if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction be one of transportation, the Court may, in its discretion, direct that the latter sentence shall commence immediately, or at the expiration of the imprisonment to which he has been previously sentenced.

398. Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

Saving as to sections 396 and 397.

399. When any person under the age of sixteen years is sentenced by any Criminal Court to imprisonment for any offence, the Court may direct that such person, instead of being imprisoned in a criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Local Government prescribes with regard to the discipline and training of persons confined therein.

Confinement of youthful offenders in reformatories.

All persons confined under this section shall be subject to the rules so prescribed.

400. When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.

Return of warrant on execution of sentence.

CHAPTER XXIX.

Of Suspensions, Remissions and Commutations of Sentences.

401. When any person has been sentenced to punishment for an offence, the Governor General in Council, or the Local Government, may at any time, without conditions, or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

Power to suspend or remit sentences.

Whenever an application is made to the Governor General in Council or the Local Government for the suspension or remission of a sentence, the Governor General in Council or the Local Government, as the case may be, may require the presiding Judge of the Court before or by which the conviction was had or confirmed to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion.

If the person in whose favour a sentence has been suspended or remitted fails to fulfil the conditions prescribed by the Governor General in Council or the Local Government, the Governor General in Council or the Local Government, as the case may be, may cancel such suspension or remission, whereupon such person may, if at large, be arrested by any Police-officer without warrant and remanded to undergo the unexpired portion of the sentence.

Nothing herein contained shall be deemed to interfere with the right of Her Majesty to grant pardons, reprieves, respites or remissions of punishment.

Power to commute punishment.

402. The Governor General in Council, or the Local Government, may without the consent of the person sentenced commute any one of the following sentences for any other mentioned after it:—

death, transportation, penal servitude, rigorous imprisonment for a term not exceeding that to which he might have been sentenced, simple imprisonment for a like term, fine.

CHAPTER XXX.

OF PREVIOUS ACQUITTALS OR CONVICTIONS.

Person once convicted or acquitted not to be tried for same offence.

403. A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 236, or for which he might have been convicted under section 237.

A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 235, paragraph one.

A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

EXPLANATION.—The dismissal of a complaint, the stopping of proceedings under section 249, the discharge of the accused, or [illegible] entry made upon a charge under section 27[illegible] is not an acquittal for the purposes of this sectio[illegible]

Illustrati[illegible]

(*a*) A is tried upon a charge of [illegible]ft as a servant and acquitted. He cannot afterwards, while the acquittal remains in force, be charged with [illegible]ft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

(*b*) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(*c*) A is tried for causing gri[illegible] hurt and convicted. The person injured afterwards [illegible] may be tri[illegible] for culpable homicide.

(*d*) A is charged before the [illegible] of the culpable homicide c[illegible] tried on the same facts for t[illegible]

(*e*) A is charged by a Magis[illegible] and convicted by him of, volunta[illegible] may not afterwards be tried for volunt[illegible] hurt to B on the same facts, unless the [illegible] paragraph three of this section.

(*f*) A is charged by a Magistrate of t[illegible] and class with, and convicted by him of, theft of proper[illegible] from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(*g*) A, B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for, dacoity on the same facts.

PART VII.

OF APPEAL, REFERENCE AND REVISION.

CHAPTER XXXI.

OF APPEALS.

Unless otherwise provided, no appeal to lie.

404. No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Appeal from order rejecting application for restoration of attached property.

405. Any person whose application under section 89 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court, may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.

Appeals.

Appeal from order requiring security for good behaviour.

406. Any person required by a Magistrate, other than the District Magistrate or a Presidency Magistrate, to give security for good behaviour under section 118, may appeal to the District Magistrate.

Appeal from sentence of Magistrate of the second or third class.

407. Any person convicted on a trial held by any Magistrate of the second or third class, or any person sentenced under section 349 by a Sub-divisional Magistrate of the second class, may appeal to the District Magistrate.

Transfer of appeals to first class Magistrate.

The District Magistrate may direct that any appeal under this section, or any class of such appeals, shall be heard by any Magistrate of the first class subordinate to him and empowered by the Local Government to hear such appeals, and thereupon such appeal or class of appeals shall be presented to such Subordinate Magistrate, or if already presented to the District Magistrate shall be transferred to such Subordinate Magistrate. The District Magistrate may withdraw from any Magistrate any appeal or class of appeals transferred.

Appeal from sentence of Assistant Sessions Judge or District Magistrate or other Magistrate of the first class.

408. Any person convicted on a trial held by an Assistant Sessions Judge, a District Magistrate or other Magistrate of the first class, or any person sentenced under section 349 by a Magistrate of the first class, may appeal to the Court of Session:

Provided as follows:—

(*a*) when in any case an Assistant Sessions Judge or a District Magistrate passes any sentence which is subject to the confirmation of the Court of Session, every appeal in such case shall lie to the High Court, but shall not be presented until the case has been disposed of by the Court of Session;

(*b*) any European British subject so convicted may at his option appeal either to the High Court or the Court of Session.

Appeals to Court of Session how heard.

409. An appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional or Joint Sessions Judge.

Appeal from sentence of Court of Session.

410. Any person convicted on a trial held by a Sessions Judge, or an Additional or a Joint Sessions Judge, may appeal to the High Court.

Appeal from sentence of Presidency Magistrate.

411. Any person convicted on a trial held by a Presidency Magistrate may appeal to the High Court if the Magistrate has sentenced him to imprisonment for a term exceeding six months or to fine exceeding two hundred rupees.

No appeal in certain cases when accused pleads guilty.

412. Notwithstanding anything hereinbefore contained, where an accused person has pleaded guilty and has been convicted by a Court of Session or a Presidency Magistrate on such plea, there shall be no appeal except as to the extent or legality of the sentence.

No appeal in petty cases.

413. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which a Court of Session or the District Magistrate or other Magistrate of the first class passes a sentence of imprisonment not exceeding one month only, or of fine not exceeding fifty rupees only, or of whipping only.

EXPLANATION.—There is no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has been passed.

No appeal from certain summary convictions.

414. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases tried summarily in which a Magistrate empowered to act under section 260 passes a sentence of imprisonment not exceeding three months only, or of fine not exceeding two hundred rupees only, or of whipping only.

Proviso to sections 413 and 414.

415. An appeal may be brought against any sentence referred to in section 413 or section 414 by which any two or more of the punishments therein mentioned are combined, but no sentence which would not otherwise be liable to appeal shall be appealable merely on the ground that the person convicted is ordered to find security to keep the peace.

EXPLANATION.—A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section.

Saving of sentences on European British subjects.

416. Nothing in sections 413 and 414 applies to appeals from sentences passed under Chapter XXXIII on European British subjects.

Appeal on behalf of Government in case of acquittal.

417. The Local Government may direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court.

Appeal on what matters admissible.

418. An appeal may lie on a matter of fact as well as a matter of law, except where the trial was by jury, in which case the appeal shall lie on a matter of law only.

EXPLANATION.—The alleged severity of a sentence shall for the purposes of this section be deemed to be a matter of law.

419. Every appeal shall be made in the form of a petition in writing presented by the appellant or his pleader, and every such petition shall (unless the Court to which it is presented otherwise directs) be accompanied by a copy of the judgment or order appealed against, and, in cases tried by a jury, a copy of the heads of the charge recorded under section 367.

Petition of appeal.

420. If the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

Procedure when appellant in jail.

421. On receiving the petition and copy under section 419 or section 420, the Appellate Court shall peruse the same, and, if it considers that there is no sufficient ground for interfering, it may reject the appeal summarily: Provided that no appeal presented under section 419 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same.

Summary rejection of appeal.

Before rejecting an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.

422. If the Appellate Court does not reject the appeal summarily, it shall cause notice to be given to the appellant or his pleader and to such officer as the Local Government may appoint in this behalf, of the time and place at which such appeal will be heard, and shall, on the application of such officer, furnish him with a copy of the grounds of appeal;

Notice of appeal.

and, in cases of appeals under section 417, the Appellate Court shall cause a like notice to be given to the accused.

423. The Appellate Court shall then send for the record of the case, if such record is not already in Court. After perusing such record, and hearing the appellant or his pleader, if he appears, and the Public Prosecutor, if he appears, and, in case of an appeal under section 417, the accused, if he appears, the Court may, if it considers there is no sufficient ground for interfering, dismiss the appeal, or may—

Powers of Appellate Court in disposing of appeal.

(a) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be retried or committed for trial, as the case may be, or find him guilty and pass sentence on him according to law;

(b) in an appeal from a conviction, (1) reverse the finding and sentence, and acquit or discharge the accused, or order him to be retried by a Court of competent jurisdiction subordinate to such Appellate Court, or committed for trial, or (2) alter the finding, maintaining the sentence, or, with or without altering the finding, reduce the sentence, or (3) with or without such reduction, and with or without altering the finding, alter the nature of the sentence, but not so as to enhance the same;

(c) in an appeal from any other order, alter or reverse such order:

(d) Nothing herein contained shall authorize the Court to alter or reverse the verdict of a jury, unless it is of opinion that such verdict is erroneous owing to a misdirection by the Judge, or to a misunderstanding on the part of the jury of the law as laid down by him.

424. The rules contained in Chapter XXVI as to the judgment of a Criminal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court other than a High Court:

Judgments of subordinate Appellate Courts.

Provided that, unless the Appellate Court otherwise directs, the accused shall not be brought up, or required to attend, to hear judgment delivered.

425. Whenever a case is decided on appeal by the High Court under this chapter, it shall certify its judgment or order to the Court by which the finding, sentence or order appealed against was recorded or passed. If the finding, sentence or order was recorded or passed by a Magistrate other than a District Magistrate, the certificate shall be sent through the District Magistrate.

Order by High Court on appeal to be certified to lower Court.

The Court to which the High Court certifies its judgment or order shall thereupon make such orders as are conformable to the judgment or order of the High Court; and, if necessary, the record shall be amended in accordance therewith.

426. Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, if he is in confinement, that he be released on bail or on his own bond.

Suspension of sentence pending appeal.

Release of appellant on bail.

The power conferred by this section on an Appellate Court may be exercised also by the High Court in the case of any appeal by a convicted person to a Court subordinate thereto.

When the appellant is ultimately sentenced to imprisonment, penal servitude or transportation, the time during which he is so released shall be excluded in computing the term for which he is so sentenced.

427. When an appeal is presented under section 417, the High Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to bail.

Arrest of accused in appeal from acquittal.

428. In dealing with any appeal under this chapter, the Appellate Court, if it thinks additional evidence to be necessary, may either take such evidence itself, or direct it to be taken by a Magistrate,

Appellate Court may take further evidence or direct it to be taken.

or, when the Appellate Court is a High Court, by a Court of Session or a Magistrate.

When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the accused or his pleader shall be present when the additional evidence is taken; but such evidence shall not be taken in the presence of jurors or assessors.

The taking of evidence under this section shall for the purposes of Chapter XXV be deemed to be an inquiry.

Procedure where Judges of Court of appeal are equally divided.

429. When the Judges composing the Court of appeal are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge of the same Court, and such Judge, after such examination and such hearing (if any) as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Finality of orders on appeal.

430. Judgments and orders passed by an Appellate Court upon appeal shall be final, except in the cases provided for in section 417 and Chapter XXXII.

Abatement of appeals.

431. Every appeal under section 417 shall finally abate on the death of the accused, and every other appeal under this chapter shall finally abate on the death of the appellant.

CHAPTER XXXII.

OF REFERENCE AND REVISION.

Reference by Presidency Magistrate to High Court.

432. A Presidency Magistrate may, if he thinks fit, refer for the opinion of the High Court any question of law which arises in the hearing of any case pending before him, or may give judgment in any such case subject to the decision of the High Court on such reference; and, pending such decision, may either commit the accused to jail, or release him on bail to appear for judgment when called upon.

Disposal of case according to decision of High Court.

433. When a question has been so referred, the High Court shall pass such order thereon as it thinks fit, and shall cause a copy of such order to be sent to the Magistrate by whom the reference was made, who shall dispose of the case conformably to the said order.

Direction as to costs.

The High Court may direct by whom the costs of such reference shall be paid.

Power to reserve questions arising in original jurisdiction of High Court.

434. When any person has, in a trial before a Judge of a High Court consisting of more Judges than one and acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve and refer for the decision of a Court consisting of two or more Judges of such Court any question of law which has arisen in the course of the trial of such person, and the determination of which would affect the event of the trial.

Procedure when question reserved.

If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail, or, if the Judge thinks fit, be admitted to bail,

and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment or order as the High Court thinks fit.

Power to call for records of inferior Courts.

435. The High Court or any Court of Session, or District Magistrate, or any Sub-divisional Magistrate empowered by the Local Government in this behalf, may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction, for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court.

If any Sub-divisional Magistrate acting under this section considers that any such finding, sentence or order is illegal or improper, or that any such proceedings are irregular, he shall forward the record, with such remarks thereon as he thinks fit, to the District Magistrate.

Orders made under sections 143 and 144 and proceedings under section 176 are not proceedings within the meaning of this section.

Power to order commitment.

436. When, on examining the record of any case under section 435 or otherwise, the Court of Session or District Magistrate considers that such case is triable exclusively by the Court of Session, and that an accused person has been improperly discharged by the inferior Court, the Court of Session or District Magistrate may cause him to be arrested, and may thereupon, instead of directing a fresh inquiry, order him to be committed for trial upon the matter of which he has been, in the opinion of the Court of Session or District Magistrate, improperly discharged:

Provided as follows—

(*a*) that the accused has had an opportunity of showing cause to such Court or Magistrate why the commitment should not be made:

Reference and Revision.

(*b*) that, if such Court or Magistrate thinks that the evidence shows that some other offence has been committed by the accused, such Court or Magistrate may direct the inferior Court to inquire into such offence.

Power to order inquiry.

437. On examining any record, under section 435 or otherwise, the High Court or Court of Session may direct the District Magistrate by himself or by any of the Magistrates subordinate to him to make, and the District Magistrate may himself make, or direct any subordinate Magistrate to make, further inquiry into any complaint which has been dismissed under section 203, or into the case of any accused person who has been discharged.

Report to High Court.

438. The Court of Session or District Magistrate may, if it or he thinks fit, on examining under section 435 or otherwise the record of any proceeding, report for the orders of the High Court the results of such examination, and, when such report contains a recommendation that a sentence be reversed, may order that the execution of such sentence be suspended, and if the accused is in confinement that he be released on bail or on his own bond.

High Court's powers of revision.

439. In the case of any proceeding the record of which has been called for by itself, or which has been reported for orders, or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of appeal by sections 195, 423, 426, 427 and 428, or on a Court by section 338, and may enhance the sentence, and, when the Judges composing the Court of revision are equally divided in opinion, the case shall be disposed of in manner provided by section 429.

No order under this section shall be made to the prejudice of the accused unless he has had an opportunity of being heard either personally or by pleader in his own defence.

Where the sentence dealt with under this section has been passed by a Magistrate acting otherwise than under section 34, the Court shall not inflict a greater punishment for the offence which, in the opinion of such Court, the accused has committed, than might have been inflicted for such offence by a Presidency Magistrate or a Magistrate of the first class.

Nothing in this section applies to an entry made under section 273, or shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction.

Optional with Court to hear parties.

440. No party has any right to be heard either personally or by pleader before any Court when exercising its powers of revision:

Provided that the Court may, if it thinks fit, when exercising such powers, hear any party either personally or by pleader, and that nothing in this section shall be deemed to affect section 439, paragraph two.

Statement by Presidency Magistrate of grounds of his decision to be considered by High Court.

441. When the record of any proceeding of any Presidency Magistrate is called for by the High Court under section 435, the Magistrate may submit with the record a statement setting forth the grounds of his decision or order and any facts which he thinks material to the issue; and the Court shall consider such statement before overruling or setting aside the said decision of order.

High Court's order to be certified to lower Court or Magistrate.

442. When a case is revised under this chapter by the High Court, it shall certify its decision or order to the Court by which the finding, sentence or order revised was recorded or passed, and the Court or Magistrate to which the decision or order is so certified shall thereupon make such orders as are conformable to the decision so certified; and, if necessary, the record shall be amended in accordance therewith.

PART VIII.

SPECIAL PROCEEDINGS.

CHAPTER XXXIII.

Criminal Proceedings against Europeans and Americans.

CRIMINAL PROCEEDINGS AGAINST EUROPEANS AND AMERICANS.

Magistrates who may inquire into and try charges against European British subjects.

443. No Magistrate, unless he is a Justice of the Peace, and (except in the case of a Presidency Magistrate) unless he is a Magistrate of the first class and an European British subject, shall inquire into or try any charge against an European British subject.

Sessions Judge to be an European British subject.

444. No Judge presiding in a Court of Session shall exercise jurisdiction over an European British subject unless he himself is an European British subject; and, if he is an Assistant Sessions Judge, unless he has held the office of Assistant Sessions Judge for at least three years, and has been specially empowered in this behalf by the Local Government.

Assistant Sessions Judge to have held office for three years and to be specially empowered.

Cognizance of offence committed by European British subject.

445. Nothing in section 443 or section 444 shall prevent any Magistrate from taking cognizance of an offence committed by any European British subject in any case in which he could take cognizance of a like offence if committed by another person:

Provided that, if he issues any process for the purpose of compelling the appearance of an European British subject accused of an offence, such process shall be made returnable before a Magistrate having jurisdiction to inquire into or try the case.

Criminal Proceedings against Europeans and Americans

Sentences which may be passed by Provincial Magistrates.

446. Notwithstanding anything contained in section 32 or section 34, no Magistrate other than a Presidency Magistrate shall pass any sentence on an European British subject other than imprisonment for a term which may extend to three months, or fine which may extend to one thousand rupees, or both.

When commitment is to be to Court of Session and when to High Court.

447. When an European British subject is accused of an offence before a Magistrate, and such offence cannot, in the opinion of such Magistrate, be adequately punished by him, and is not punishable with death or with transportation for life, such Magistrate shall, if he thinks that the accused ought to be committed, commit him to the Court of Session, or, in the case of a Presidency Magistrate, to the High Court.

When the offence which appears to have been committed is punishable with death or with transportation for life, the commitment shall be to the High Court.

Trial of offences of which one is, and the others are not, punishable with death or transportation for life.

448. Where any person committed to the High Court under section 447 is charged with several offences of which one is punishable with death or transportation for life and the others with a less punishment, and the High Court considers that he should not be tried for the offence punishable with death or transportation, the High Court may nevertheless try him for the other offences.

Sentences which may be passed by Court of Session.

449. Notwithstanding anything contained in section 31, no Court of Session shall pass on any European British subject any sentence other than a sentence of imprisonment for a term which may extend to one year, or fine, or both.

Procedure when Sessions Judge finds his powers inadequate.

If, at any time after the commitment and before signing judgment, the presiding Judge thinks that the offence which appears to be proved cannot be adequately punished by such a sentence, he shall record his opinion to that effect and transfer the case to the High Court. Such Judge may either himself bind over, or direct the committing Magistrate to bind over, the complainant and witnesses to appear before the High Court.

Procedure when Sessions Judge is not an European British subject.

450. If the Judge of the Sessions Division within which the offence is ordinarily triable is not an European British subject, the case shall be reported by the committing Magistrate for the orders of the highest Court of criminal appeal for the province within which such division is situate.

In British Burma the Court of the Recorder of Rangoon shall, for the purposes of this section, be deemed to be the highest Court of criminal appeal.

Mixed jury for trial of European British subjects.

451. In trials of European British subjects before a High Court or Court of Session, if, before the first juror is called and accepted, or the first assessor is appointed, as the case may be, any such subject requires to be tried by a mixed jury, or by a mixed set of assessors, not less than half the number of the jurors or assessors shall be Europeans or Americans, or both Europeans and Americans.

Trial of European British subject and Native jointly accused.

452. In any case in which an European British subject is accused jointly with a person not being an European British subject, and such European British subject is committed for trial before a High Court or Court of Session, such subject and person may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately:

When native may claim separate trial.

Provided that, if the European British subject requires under section 451 to be tried by a mixed jury, or by a mixed set of assessors, and the person not being an European British subject requires that he shall be tried separately, the latter person shall be tried separately in accordance with the provisions of Chapter XXIII.

Procedure on claim of person to be dealt with as European British subject.

453. When any person claims to be dealt with as an European British subject, he shall state the grounds of such claim to the Magistrate before whom he is brought for the purposes of the inquiry or trial; and such Magistrate shall inquire into the truth of such statement, and allow the person making it a reasonable time within which to prove that it is true, and shall then decide whether he is or is not an European British subject, and shall deal with him accordingly. If any such person is convicted by such Magistrate and appeals from such conviction, the burden of proving that the Magistrate's said decision was wrong shall lie upon him.

When any such person is committed by the Magistrate for trial before the Court of Session, and such person before such Court claims to be dealt with as an European British subject, such Court shall, after such further inquiry, if any, as it thinks fit, decide whether he is or is not an European British subject, and shall deal with him accordingly. If he is convicted by such Court and appeals from such conviction, the burden of proving that the Court's said decision was wrong shall lie upon him.

When the Court before which any person is tried decides that he is not an European British subject, such decision shall form a ground of appeal from the sentence or order passed in such trial.

Failure to plead status a waiver.

454. If an European British subject does not claim to be dealt with as such by the Magistrate before whom he is tried or by whom he is committed, or if, when such claim has been made before, and disallowed by, the committing Magistrate, it is not again made before the Court to which such subject is committed, he shall be held to have relinquished his right to be dealt with as such European British subject, and shall not assert it in any subsequent stage of the same case.

Criminal proceedings against Europeans and Americans.

Unless the Magistrate has reason to believe that any person brought before him is not an European British subject, the Magistrate shall ask such person whether he is such a subject or not.

Trial under this chapter of person not an European British subject.

455. Where a person who is not an European British subject is dealt with as such under this chapter, and does not object, the inquiry, commitment, trial or sentence (as the case may be) shall not, by reason of such dealing, be invalid.

Right of European British subject unlawfully detained to apply for order to be brought before High Court.

456. When any European British subject is unlawfully detained in custody by any person, such European British subject or any person on his behalf may apply to the High Court which would have jurisdiction over such European British subject in respect of any offence committed by him at the place where he is detained, or to which he would be entitled to appeal from any conviction for any such offence, for an order directing the person detaining him to bring him before the High Court to abide such further order as it may pass.

Procedure on such application.

457. The High Court, if it thinks fit, may, before issuing such order, inquire, on affidavit or otherwise, into the grounds on which it is applied for, and grant or refuse such application; or it may issue the order in the first instance, and, when the person applying for it is brought before it, it may make such further order in the case as it thinks fit, after such inquiry (if any) as it thinks necessary.

Territories throughout which High Court may issue such orders.

458. The High Court may issue such orders throughout the territories within the local limits of its appellate criminal jurisdiction, and such other territories as the Governor General in Council may direct.

Application of Acts conferring jurisdiction on Magistrates or Courts of Session.

459. Unless there is something repugnant in the context, all enactments heretofore or hereafter made by the Governor General in Council, which confer on Magistrates or on the Court of Session jurisdiction over offences, shall be deemed to apply to European British subjects, although such persons be not expressly referred to therein.

Nothing in this section shall be deemed to authorize any Court to exceed the limits prescribed by this chapter as to the amount of punishment which it may inflict on an European British subject, or to confer jurisdiction on any Magistrate not being a Justice of the Peace or on any Magistrate or Sessions Judge outside the Presidency-towns not being an European British subject.

Jury for trial of Europeans or Americans.

460. In every case triable by jury or with the aid of assessors, in which an European (not being an European British subject) or an American is the accused person, or one of the accused persons, not less than half the number of jurors or assessors shall, if practicable and if such European or American so claims, be Europeans or Americans.

Jury when European or American charged jointly with one of another race.

461. Whenever an European or American is charged before the Court of Session jointly with a person not an European or American, and in compliance with a claim made under section 460 is tried by a jury, or with the aid of a set of assessors, of which at least one-half consists of Europeans and Americans, the latter person shall, if he so claims, be tried separately.

Summoning and empanelling jurors under section 451 or 460.

462. When a trial is to be held before the Court of Session in which the accused person, or one of the accused persons, is entitled to be tried by a jury constituted under the provisions of section 451 or section 460, the Court shall, three days at least before the day fixed for holding such trial, cause to be summoned, in the manner hereinbefore prescribed, as many European and American jurors as are required for the trial.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons has been already summoned for trials by jury at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be chosen by lot in the manner prescribed in section 276, until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as practicable, has been obtained:

Provided that in any case in which the proper number of Europeans and Americans cannot otherwise be obtained, the Court may, in its discretion, for the purpose of constituting the jury, summon any person excluded from the list on the ground of his being exempted under section 320.

Conduct of criminal proceedings against European British subjects, &c.

463. Criminal proceedings against European British subjects, Europeans not being European British subjects, and Americans, before the Court of Session and High Court, shall, except as otherwise expressly provided, be conducted according to the provisions of this Code.

CHAPTER XXXIV.

LUNATICS.

Lunatics.

Procedure in case of accused being lunatic.

464. When a Magistrate holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the District or such other medical officer as the Local Government directs, and thereupon shall examine such Surgeon or other officer as a witness, and shall reduce the examination to writing.

If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he shall postpone further proceedings in the case.

Procedure in case of person committed before Court of Session or High Court being lunatic.

465. If any person committed for trial before a Court of Session or a High Court appears to the Court at his trial to be of unsound mind and consequently incapable of making his defence, the jury or the Court with the aid of assessors shall, in the first instance, try the fact of such unsoundness and incapacity, and, if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial shall be postponed.

The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.

Release of lunatic pending investigation or trial.

466. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court, as the case may be, if the case is one in which bail may be taken, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf.

Custody of lunatic.

If the case is one in which bail may not be taken, or if sufficient security is not given, the Magistrate or Court shall report the case to the Local Government, and the Local Government may order the accused to be confined in a lunatic asylum or other suitable place of safe custody, and the Magistrate or Court shall give effect to such order.

Resumption of inquiry or trial.

467. Whenever an inquiry or a trial is postponed under section 464 or section 465, the Magistrate or Court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such Magistrate or Court.

When the accused has been released under section 466, and the sureties for his appearance produce him to the officer whom the Magistrate or Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

Procedure on accused appearing before Magistrate or Court.

468. If, when the accused appears or is again brought before the Magistrate or the Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed.

If the Magistrate or Court considers the accused person to be still incapable of making his defence, the Magistrate or Court shall again act according to the provisions of section 464 or section 465, as the case may be.

When accused appears to have been insane.

469. When the accused appears to be of sound mind at the time of inquiry or trial, and the Magistrate is satisfied from the evidence given before him that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate shall proceed with the case, and, if the accused ought to be committed to the Court of Session or High Court, send him for trial before the Court of Session or High Court, as the case may be.

Judgment of acquittal on ground of lunacy.

470. Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not.

Person acquitted on such ground to be kept in safe custody.

471. Whenever such judgment states that the accused person committed the act alleged, the Magistrate or Court before whom or which the trial has been held shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody in such place and manner as the Magistrate or Court thinks fit, and shall report the case for the orders of the Local Government.

The Local Government may order such person to be confined in a lunatic asylum, jail or other suitable place of safe custody.

Lunatic prisoners to be visited by Inspector General.

472. When any person is confined under the provisions of section 466 or section 471, the Inspector General of Prisons, if such person is confined in a jail, or the visitors of the lunatic asylum, or any two of them, if he is confined in a lunatic asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such visitors as aforesaid; and such Inspector General or visitors shall make a special report to the Local Government as to the state of mind of such person.

Procedure where lunatic prisoner is reported capable of making his defence.

473. If such person is confined under the provisions of section 466, and such Inspector General or visitors shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court, as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall deal with such person under the provisions of section 468; and the

Proceedings in case of certain offences affecting Administration of Justice.

certificate of such Inspector General or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic confined under section 466 or 471 is declared fit to be discharged.

474. If such person is confined under the provisions of section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon order him to be discharged, or to be detained in custody, or to be transferred to a public lunatic asylum if he has not been already sent to such an asylum; and, in case it orders him to be transferred to an asylum, may appoint a commission, consisting of a judicial and two medical officers.

Such commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government, which may order his discharge or detention as it thinks fit.

Delivery of lunatic to care of relative.

475. Whenever any relative or friend of any person confined under the provisions of section 466 or section 471 desires that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and on his giving security to the satisfaction of such Government that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relative or friend.

Whenever such person is so delivered, it shall be upon condition that he shall be produced for the inspection of such officer and at such times as the Local Government directs.

The provisions of sections 472 and 474 shall, *mutatis mutandis*, apply to persons delivered under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be receivable as evidence.

CHAPTER XXXV.

PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE.

Procedure in cases mentioned in section 195.

476. When any Civil, Criminal or Revenue Court is of opinion that there is ground for inquiring into any offence referred to in section 195, and committed before it or brought under its notice in the course of a judicial proceeding, such Court, after making any preliminary inquiry that may be necessary, may send the case for inquiry or trial to the nearest Magistrate of the first class, and may send the accused in custody, or take sufficient security for his appearance, before such Magistrate; and may bind over any person to appear and give evidence on such inquiry or trial.

Such Magistrate shall thereupon proceed according to law, and may, if he is authorized under section 192 to transfer cases, transfer the inquiry or trial to some other competent Magistrate.

Power of Court of Session as to such offences committed before itself.

477. Subject to the provisions of section 444, a Court of Session may charge a person for any offence referred to in section 195 and committed before it, or brought under its notice in the course of a judicial proceeding, and may commit, or admit to bail and try, such person upon its own charge.

Such Court may direct the Magistrate to cause the attendance of any witnesses for the purposes of the trial.

Power of Civil and Revenue Courts to complete investigation and commit to High Court or Court of Session.

478. When any such offence is committed before any Civil or Revenue Court, or brought under the notice of any Civil or Revenue Cour in the course of a judicial proceeding, and the case is triable exclusively by the High Court or Court of Session, or such Civil or Revenue Court thinks that it ought to be tried by the High Court or Court of Session, such Civil or Revenue Court may, instead of sending the case under section 476 to a Magistrate for inquiry, itself complete the inquiry, and commit or hold to bail the accused person to take his trial before the High Court or Court of Session, as the case may be.

For the purposes of an inquiry under this section, the Civil or Revenue Court may, subject to the provisions of section 443, exercise all the powers of a Magistrate; and its proceedings in such inquiry shall be conducted as nearly as may be in accordance with the provisions of Chapter XVIII, and shall be deemed to have been held by a Magistrate.

Procedure of Civil Court in such cases.

479. When any such commitment is made by a Civil or Revenue Court, the Court shall send the charge with the order of commitment and the record of the case to the Presidency Magistrate, District Magistrate or other Magistrate authorized to commit for trial; and such Magistrate shall bring the case before the High Court or Court of Session, as the case may be, together with the witnesses for the prosecution and defence.

Procedure in certain cases of contempt.

480. When any such offence as is described in section 175, section 178, section 179, section 180, or section 228 of the Indian Penal Code is committed in the view or presence of any Civil, Criminal or Revenue Court, the Court may cause the offender, whether he is an European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day may, if it thinks fit, take cognizance of the offence and sentence the offender to fine not exceeding two hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

Proceedings in case of certain offences affecting Administration of Justice.

Nothing in section 443 or section 444 shall be deemed to apply to proceedings under this section.

Record in such cases.

481. In every such case, the Court shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult.

Procedure where Court considers that case should not be dealt with under section 480.

482. If the Court in any case considers that a person accused of any of the offences referred to in section 480 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 480, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, shall forward such person under custody to such Magistrate.

The Magistrate to whom any case is forwarded under this section shall proceed to hear the complaint against the accused person in manner hereinbefore provided.

When Registrar or Sub-Registrar to be deemed a Civil Court within sections 480 and 482.

483. When the Local Government so directs, any Registrar or any Sub-Registrar appointed under the Indian Registration Act, 1877, shall be deemed to be a Civil Court within the meaning of sections 480 and 482.

Discharge of offender on submission or apology.

484. When any Court has under section 480 adjudged an offender to punishment for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Imprisonment or committal of person refusing to answer or produce document.

485. If any witness before a Criminal Court refuses to answer such questions as are put to him, or to produce any document in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, for reasons to be recorded in writing, sentence him to simple imprisonment, or by warrant under the hand of the presiding Magistrate or Judge commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer, or to produce the document. In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 480 or section 482, and, in the case of a Court established by Royal Charter, shall be deemed guilty of a contempt.

Appeals from convictions in contempt-cases.

486. Any person sentenced by any Court under section 480 or section 485 may, notwithstanding anything hereinbefore contained, appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.

The provisions of Chapter XXXI shall, so far as they are applicable, apply to appeals under this section, and the Appellate Court may alter or reverse the finding or reduce or reverse the sentence appealed against.

An appeal from such conviction by a Court of Small Causes in a Presidency-town shall lie to the High Court, and

an appeal from such conviction by any other Court of Small Causes shall lie to the Court of Session for the Sessions Division within which such Court is situate.

An appeal from such conviction by any officer as Registrar or Sub-Registrar appointed as aforesaid may, when such officer is also Judge of a Civil Court, be made to the Court to which it would, under the preceding portion of this section, be made if such conviction were a decree by such officer in his capacity as such Judge, and in other cases may be made to the District Judge, or, in the Presidency-towns, to the High Court.

Certain Judges and Magistrates not to try offences referred to in section 195 when committed before themselves.

487. Except as provided in sections 477, 480 and 485, no Judge of a Criminal Court or Magistrate, other than a Judge of a High Court, the Recorder of Rangoon, and the Presidency Magistrates, shall try any person for any offence referred to in section 195, when such offence is committed before himself or in contempt of his authority, or is brought under his notice as such Judge or Magistrate in the course of a judicial proceeding.

Nothing in section 476 or section 482 shall prevent a Magistrate empowered to commit to the Court of Session or High Court from himself committing any case to such Court, or shall prevent a Presidency Magistrate from himself disposing of any case instead of sending it for inquiry to another Magistrate.

CHAPTER XXXVI.

OF THE MAINTENANCE OF WIVES AND CHILDREN.

Order for maintenance of wives and children.

488. If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the District Magistrate, a Presidency Magistrate, a Sub-divisional Magis-

Maintenance of wives and children.

trate, or a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate, not exceeding fifty rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs.

Such allowance shall be payable from the date of the order.

Enforcement of order.

If any person so ordered wilfully neglects to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in manner hereinbefore provided for levying fines, and may sentence such person, for the whole or any part of each month's allowance remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month:

Proviso.

Provided that, if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her; and may make an order under this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

On proof that any wife in whose favour an order has been made under this section is living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent, the Magistrate shall cancel the order.

All evidence under this chapter shall be taken in the presence of the husband or father, as the case may be, or, when his personal attendance is dispensed with, in the presence of his pleader, and shall be recorded in the manner prescribed in the case of summons-cases.

Alteration in allowance.

489. On proof of a change in the circumstances of any person receiving under section 488 a monthly allowance, or ordered under the same section to pay a monthly allowance to his wife or child, the Magistrate may make such alteration in the allowance as he thinks fit, provided the monthly rate of fifty rupees be not exceeded.

Enforcement of order of maintenance.

490. A copy of the order of maintenance shall be given without payment to the person in whose favour it is made, or to his guardian, if any, or to the person to whom the allowance is to be paid; and such order shall be enforceable by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance due.

CHAPTER XXXVII.

Directions of the Nature of a Habeas Corpus.

Power to issue directions of the nature of a *habeas corpus.*

491. Any of the High Courts of Judicature at Fort William, Madras and Bombay may, whenever it thinks fit, direct—

(*a*) that a person within the limits of its ordinary original civil jurisdiction be brought up before the Court to be dealt with according to law;

(*b*) that a person illegally or improperly detained in public or private custody within such limits be set at liberty;

(*c*) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;

(*d*) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners acting under the authority of any Commission from the Governor General in Council for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively;

(*e*) that a prisoner within such limits be removed from one custody to another for the purpose of trial; and

(*f*) that the body of a defendant within such limits be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment.

Each of the said High Courts may, from time to time, frame rules to regulate the procedure in cases under this section.

Nothing in this section applies to persons detained under Bengal Regulation III of 1818, Madras Regulation II of 1819 or Bombay Regulation XXV of 1827, or the Acts of the Governor General in Council No. XXXIV of 1850 or No. III of 1858.

PART IX.

SUPPLEMENTARY PROVISIONS.

CHAPTER XXXVIII.

Of the Public Prosecutor.

Public Prosecutor.

Power to appoint Public Prosecutors.

492. The Governor General in Council or the Local Government may appoint, generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called Public Prosecutors.

In any case committed for trial to the Court of Session, the District Magistrate, or, subject to the control of the District Magistrate, the Sub-divisional Magistrate, may, in the absence of the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of police below the rank of Assistant District Superintendent, to be Public Prosecutor for the purpose of such case.

Public Prosecutor may plead in all Courts in cases under his charge.

493. The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under inquiry, trial or appeal; and, if any private person instructs a pleader to prosecute in any Court any person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall act therein under his directions.

Pleaders, privately instructed, to be under his direction.

Effect of withdrawal from prosecution.

494. Any Public Prosecutor appointed by the Governor General in Council or the Local Government may, with the consent of the Court, in cases tried by jury before the return of the verdict, and in other cases before the judgment is pronounced, withdraw from the prosecution of any person; and, upon such withdrawal,

(*a*) if it is made before a charge has been framed, the accused shall be discharged;

(*b*) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted.

Permission to conduct prosecution.

495. Any Magistrate inquiring into or trying any case may permit any person other than an officer of police below the rank of Police Inspector to conduct the prosecution; but no person, other than the Advocate General, Standing Counsel, Government Solicitor, Public Prosecutor or other officer generally or specially empowered by the Local Government in this behalf shall be entitled to do so without such permission.

Any person conducting the prosecution may do so personally or by a pleader.

CHAPTER XXXIX.

OF BAIL.

Bail to be taken in case of bailable offence.

496. When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a Police-station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such Court to give bail, such person shall be released on bail: Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

When bail may be taken in case of non-bailable offence.

497. When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a Police-station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

Any Court may, at any subsequent stage of any proceeding under this Code, cause any person who has been released under this section to be arrested, and may commit him to custody.

Power to direct admission to bail or reduction of bail.

498. The amount of every bond executed under this chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the High Court or Court of Session may in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a Police-officer or Magistrate be reduced.

Bond of accused and sureties.

499. Before any person is released on bail or released on his own bond, a bond for such sum of money as the Police-officer or Court, as the case may be, thinks sufficient shall be executed by such person, and, when he is released on bail, by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the Police-officer or Court, as the case may be.

If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

Discharge from custody.

500. As soon as the bond has been executed, the person for whose appearance it has been executed shall be released; and when he is in jail the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

Nothing in this section, section 496 or section 497 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

Power to order sufficient bail when that first taken is insufficient.

501. If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it, and may order him to find sufficient sureties, and on his failing so to do may commit him to jail.

Discharge of sureties.

502. All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond either wholly or so far as relates to the applicants.

On such application being made, the Magistrate shall issue his warrant of arrest, directing that the person so released be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to custody.

CHAPTER XL.

Of Commissions for the Examination of Witnesses.

When attendance of witness may be dispensed with.

503. Whenever, in the course of an inquiry, a trial or any other proceeding under this Code, it appears to a Presidency Magistrate, a District Magistrate, a Court of Session or the High Court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate or Magistrate of the first class, within the local limit of whose jurisdiction such witness resides, to take the evidence of such witness.

Issue of commission, and procedure thereunder.

When the witness resides in the dominions of any Prince or State in alliance with Her Majesty in which there is an officer representing the British Indian Government, the commission may be issued to such officer.

The Magistrate or officer to whom the commission is issued, or, if he is the District Magistrate, he or such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is, or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code.

Commission in case of witness being within Presidency-town.

504. If the witness is within the local limits of the jurisdiction of any Presidency Magistrate, the Magistrate or Court issuing the commission may direct the same to the said Presidency Magistrate, who thereupon may compel the attendance of, and examine, such witness as if he were a witness in a case pending before himself.

Nothing in this section shall be deemed to affect the power of the High Court to issue commissions under the thirty-ninth and fortieth of Victoria, chapter 46, section 3.

Parties may examine witness.

505. The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the Magistrate or Court directing the commission may think relevant to the issue, and the Magistrate or officer to whom the commission is directed shall examine the witness upon such interrogatories.

Any such party may appear before such Magistrate or officer by pleader, or, if not in custody, person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

Power of Provincial Subordinate Magistrate to apply for issue of commission.

506. Whenever, in the course of an inquiry or a trial or any other proceeding under this Code before any Magistrate other than a Presidency Magistrate or District Magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate shall apply to the District Magistrate, stating the reasons for the application; and the District Magistrate may either issue a commission in the manner hereinbefore provided or reject the application.

Return of commission.

507. After any commission issued under section 503 or section 506 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

Adjournment of inquiry or trial.

508. In every case in which a commission is issued under section 503 or section 506, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

CHAPTER XLI.

SPECIAL RULES OF EVIDENCE.

Deposition of medical witness.

509. The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate in the presence of the accused, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

Power to summon medical witness.

The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

Report of Chemical Examiner.

510. Any document purporting to be a report under the hand of the Chemical Examiner or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.

Previous conviction or acquittal how proved.

511. In any inquiry, trial or other proceeding under this Code a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force,—

(*a*) by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had to be a copy of the sentence or order; or

(*b*) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered;

together with, in each of such cases, evidence as to the identity of the accused person with the person so convicted or acquitted.

Record of evidence in absence of accused.

512. If it be proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions. Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into or trial for the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

CHAPTER XLII.

PROVISIONS AS TO BONDS.

Deposit instead of recognizance.

513. When any person is required by any Court or officer to execute a bond, with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix in lieu of executing such bond.

Procedure on forfeiture of bond.

514. Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a Presidency Magistrate or Magistrate of the first class,

or, when the bond is for appearance before a Court, to the satisfaction of such Court,

that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person.

Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the distress and sale of any moveable property belonging to such person without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

If such penalty be not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

The Court may at its discretion remit any portion of the penalty mentioned and enforce payment in part only.

Appeals from, and revision of, orders under section 514.

515. All orders passed under section 514 by any Magistrate other than a Presidency Magistrate or District Magistrate shall be appealable to the District Magistrate, or, if not so appealed, may be revised by him.

Power to direct levy of amount due on certain recognizances.

516. The High Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court or Court of Session.

CHAPTER XLIII.

OF THE DISPOSAL OF PROPERTY.

Order for disposal of property regarding which offence committed.

517. When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal of any document or other property produced before it regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

When a High Court or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the District Magistrate.

When an order is made under this section in a case in which an appeal lies, such order shall not (except when the property is livestock or is subject to speedy and natural decay) be carried out until the period allowed for presenting such appeal has passed, or, when such appeal is presented within such period, until such appeal has been disposed of.

EXPLANATION.—In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

Order may take form of reference to District or Sub-divisional Magistrate.

518. In lieu of itself passing an order under section 517, the Court may direct the property to be delivered to the District Magistrate or to a Sub-divisional Magistrate, who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

Payment to innocent purchaser of money found on accused.

519. When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Stay of order under section 517, 518 or 519.

520. Any Court of appeal, confirmation, reference or revision may direct any order under section 517, section 518 or section 519, passed by a Court subordinate thereto, to be stayed pending consideration by the former Court; and may modify, alter or annul such order.

Destruction of libellous and other matter.

521. On a conviction under the Indian Penal Code, section 292, section 293, section 501 or section 502, the Court may order the destruction of all the copies of the thing in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted.

The Court may in like manner, on a conviction under the Indian Penal Code, section 272, section 273, section 274 or section 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed.

Power to restore possession of immoveable property.

522. Whenever a person is convicted of an offence attended by criminal force, and it appears to the Court that, by such force, any person has been dispossessed of any immoveable property, the Court may, if it thinks fit, order such person to be restored to the possession of the same.

No such order shall prejudice any right or interest to or in such immoveable property which any person may be able to establish in a civil suit.

Procedure by police upon seizure of property taken under section 51 or stolen.

523. The seizure by any Police-officer of property taken under section 51, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the delivery of such property to the person entitled to the possession thereof, or, if such person cannot be ascertained, respecting the custody and production of such property.

Procedure where owner of property seized unknown.

If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it, and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before him and establish his claim within six months from the date of such proclamation.

Procedure where no claimant appears within six months.

524. If no person within such period establishes his claim to such property, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government, and may be sold under the orders of the Presidency Magistrate, District Magistrate or Sub-divisional Magistrate or of a Magistrate of the first class empowered by the Local Government in this behalf.

In the case of every order passed under this section, an appeal shall lie to the Court to which appeals against sentences of the Court passing such order would lie.

525. If the person entitled to the possession of such property is unknown or absent, and the property is subject to speedy and natural decay, or the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, the Magistrate may at any time direct it to be sold; and the provisions of sections 523 and 524 shall, as nearly as may be practicable, apply to the nett proceeds of such sale.

Power to sell perishable property.

CHAPTER XLIV.

Of the Transfer of Criminal Cases.

526. Whenever it is made to appear to the High Court—

High Court may transfer case, or itself try it.

(*a*) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(*b*) that some question of law of unusual difficulty is likely to arise, or

(*c*) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or

(*d*) that an order under this section will tend to the general convenience of the parties or witnesses,

it may order—

(1) that any offence be inquired into or tried by any Court not empowered under sections 177 to 184 (both inclusive), but in other respects competent to inquire into or try such offence;

(2) that any particular criminal case or appeal, or class of such cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal of superior jurisdiction; or

(3) that any particular criminal case or appeal be transferred to and tried before itself.

When the High Court withdraws for trial before itself any case from any Court other than the Court of a Presidency Magistrate, it shall, except as provided in section 267, observe in such trial the same procedure which that Court would have observed if the case had not been so withdrawn.

Every application for the exercise of the power conferred by this section shall be made by motion which shall, except when the applicant is the Advocate General, be supported by affidavit or affirmation.

When an accused person makes an application under this section, the High Court may direct him to execute a bond, with or without sureties, conditioned that he will, if convicted, pay the costs of the prosecutor.

Every accused person making any such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

Notice to Public Prosecutor of application under this section.

Nothing in this section shall be deemed to affect any order made under section 197.

527. The Governor General in Council may, by notification in the *Gazette of India*, direct the transfer of any particular criminal case or appeal from one High Court to another High Court, or from any Criminal Court subordinate to one High Court to any other Criminal Court of equal or superior jurisdiction subordinate to another High Court, whenever it appears to him that such transfer will promote the ends of justice, or tend to the general convenience of parties or witnesses.

Power of Governor General in Council to transfer criminal cases and appeals.

The Court to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in, or presented to, such Court.

528. Any District Magistrate or Sub-divisional Magistrate may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

District or Sub-divisional Magistrate may withdraw or refer cases.

The Local Government may authorize the District Magistrate to withdraw from the Magistrates subordinate to him either such classes of cases as he thinks proper, or particular classes of cases.

Power to authorize District Magistrate to withdraw classes of cases.

CHAPTER XLV.

Of Irregular Proceedings.

529. If any Magistrate not empowered by law to do any of the following things, namely:—

Irregularities which do not vitiate proceedings.

(*a*) to issue a search-warrant, under section 98;

(*b*) to order, under section 155, the police to investigate an offence;

(*c*) to hold an inquest under section 176;

(*d*) to issue process, under section 186, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits;

(*e*) to take cognizance of an offence under section 191, clause (*a*) or clause (*b*);

(*f*) to transfer a case under section 192;

(*g*) to tender a pardon under section 337 or section 338;

(*h*) to sell property under section 524 or section 525; or

(*i*) to withdraw a case and try it himself under section 528;

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

Irregularities which vitiate proceedings.

530. If any Magistrate, not being empowered by law in this behalf, does any of the following things (namely):—

(*a*) attaches and sells property under section 88;

(*b*) issues a search-warrant for a letter in the Post-office, or a telegram in the Telegraph Department;

(*c*) demands security to keep the peace;

(*d*) demands security for good behaviour;

(*e*) discharges a person lawfully bound to be of good behaviour;

(*f*) cancels a bond to keep the peace;

(*g*) makes an order under section 133 as to a local nuisance;

(*h*) prohibits under section 143 the repetition or continuance of a public nuisance;

(*i*) issues an order under section 144;

(*j*) makes an order under Chapter XII;

(*k*) takes cognizance under section 191, clause (*c*), of an offence;

(*l*) passes a sentence under section 349, on proceedings recorded by another Magistrate;

(*m*) calls under section 435, for proceedings;

(*n*) makes an order for maintenance;

(*o*) revises under section 515, an order passed under section 514;

(*p*) tries an offender;

(*q*) tries an offender summarily; or

(*r*) decides an appeal;

his proceedings shall be void.

Proceedings in wrong place.

531. No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding in the course of which it was arrived at or passed took place in a wrong Sessions Division, District, Sub-division or other local area, unless it appears that such error occasioned a failure of justice.

When irregular commitments may be validated.

532. If any Magistrate or other authority purporting to exercise powers duly conferred, which were not so conferred, commits an accused person for trial before a Court of Session or High Court, the Court to which the commitment is made may, after perusal of the proceedings, accept the commitment if it considers that the accused has not been injured thereby, unless, during the inquiry and before the order of commitment, objection was made on behalf either of the accused or of the prosecution to the jurisdiction of such Magistrate or other authority.

If such Court considers that the accused was injured, or if such objection was so made, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

Non-compliance with provisions of section 164 or 364.

533. If any Court before which a confession or other statement of an accused person recorded under section 164 or section 364 is tendered in evidence finds that the provisions of such section have not been fully complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded; and, notwithstanding anything contained in the Indian Evidence Act, section 91, such statement shall be admitted if the error has not injured the accused as to his defence on the merits.

Omission to ask question prescribed by section 454, clause 2.

534. An omission to ask any person whether he is an European British subject in a case to which the second clause of section 454 applies shall not affect the validity of any proceeding.

Effect of omission to prepare charge.

535. No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of the Court of appeal or revision, a failure of justice has been occasioned thereby.

If the Court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge shall be framed, and that the trial be recommenced from the point immediately after the framing of the charge.

Trial by jury of offence triable with assessors.

536. If an offence triable with the aid of assessors is tried by a jury, the trial shall not on that ground only be invalid.

Trial with assessors of offence triable by jury.

If an offence triable by a jury is tried with the aid of assessors, the trial shall not on that ground only be invalid, unless the objection is taken before the Court records its finding.

Finding or sentence when reversible by reason of error or omission in charge or other proceedings.

537. Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered under Chapter XXVII or on appeal or revision on account—

of any error, omission or irregularity in the complaint, summons, warrant, charge, judgment or

other proceedings before or during trial or in any inquiry or other proceeding under this Code, or

of the want of any sanction required by section 195, or

of the omission to revise any list of jurors or assessors in accordance with section 324, or

of any misdirection in any charge to a jury;

unless such error, omission, irregularity, want or misdirection has occasioned a failure of justice.

Distress not illegal nor distrainer a trespasser for defect or want of form in proceedings.

538. No distress made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of distress or other proceedings relating thereto.

CHAPTER XLVI.

MISCELLANEOUS.

Courts and persons before whom affidavits may be sworn.

539. Affidavits and affirmations to be used before any High Court or any officer of such Court may be sworn and affirmed before such Court or the Clerk of the Crown, or any Commissioner or other person appointed by such Court for that purpose, or any Judge, or any Commissioner for taking affidavits in any Court of Record in British India, or any Commissioner to administer oaths in Chancery in England or Ireland, or any Magistrate authorized to take affidavits or affirmations in Scotland.

Power to summon material witness, or examine person present.

540. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

Power to appoint place of imprisonment.

541. Unless when otherwise provided by any law for the time being in force, the Local Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined.

Power of Presidency Magistrate to order prisoner in jail to be brought up for examination.

542. Notwithstanding anything contained in the Prisoners' Testimony Act, 1869, any Presidency Magistrate desirous of examining, as a witness or an accused person, in any case pending before him, any person confined in any jail within the local limits of his jurisdiction, may issue an order to the officer in charge of the said jail requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Magistrate for examination.

The officer so in charge, on receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from the jail for the purpose aforesaid.

Interpreter to be bound to interpret truthfully.

543. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

Expenses of complainants and witnesses.

544. Subject to any rules made by the Local Government with the previous sanction of the Governor General in Council, any Criminal Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this Code.

Power of Court to pay expenses or compensation out of fine.

545. Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which fine forms a part, the Court may when passing judgment order the whole or any part of the fine recovered to be applied—

(*a*) in defraying expenses properly incurred in the prosecution;

(*b*) in compensation for the injury caused by the offence committed, where substantial compensation is, in the opinion of the Court, recoverable by civil suit.

If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

Payments to be taken into account in subsequent suit.

546. At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under section 545.

Moneys ordered to be paid recoverable as fines.

547. Any money (other than a fine) payable by virtue of any order made under this Code shall be recoverable as if it were a fine.

Copies of proceedings.

548. If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of the Judge's charge to the jury, or of any order or deposition or other part of the record, he shall, on applying for such copy, be furnished therewith: Provided that he pay for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

549. The Governor General in Council may make rules, consistent with this Code and the Army Act, 1881, or any similar law for the time being in force, as to the cases in which persons subject to military law shall be tried by a Court to which this Code applies or by Court-martial; and when any person is brought before a Magistrate and charged with an offence for which he is liable, under the Army Act, 1881, section 41, to be tried by a Court-martial, such Magistrate shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the regiment, corps or detachment to which he belongs, or to the commanding officer of the nearest military station, for the purpose of being tried by Court-martial.

Delivery to Military authorities of persons liable to be tried by Court-martial.

Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of troops stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

Apprehension of such persons.

550. Police-officers superior in rank to an officer in charge of a Police-station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.

Powers of superior officers of police.

551. Upon complaint made to a Presidency Magistrate or District Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

Power to compel restoration of abducted females.

552. Whenever any person causes a Police-officer to arrest another person in a Presidency-town, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding fifty rupees, to be paid by the person so causing the arrest to the person so arrested for his loss of time and expenses in the matter, as the Magistrate thinks fit.

Compensation to person groundlessly given in charge in Presidency-town.

In such cases, if more persons than one are arrested or complained against, the Magistrate may in like manner, award to each of them such compensation, not exceeding fifty rupees, as such Magistrate thinks fit.

All compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid.

553. With the previous sanction of the Governor General in Council, the High Court at Fort William, and, with the previous sanction of the Local Government, any other High Court established by Royal Charter, may, from time to time, make rules for the inspection of the records of subordinate Courts.

Power of chartered High Courts to make rules for inspection of records of subordinate Courts.

Every High Court not established by Royal Charter may, from time to time, and with the previous sanction of the Local Government,

Power of other High Courts to make rules for other purposes.

(a) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts;

(b) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided;

(c) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it; and

(d) make rules for regulating the execution of warrants issued under this Code, for the levy of fines:

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

All rules made under this section shall be published in the local official Gazette.

554. Subject to the power conferred by section 553, and by the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, the forms set forth in the fifth schedule with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

Forms.

555. No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from his Court, try or commit for trial any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear an appeal from any judgment or order passed or made by himself.

Case in which Judge or Magistrate is personally interested.

Explanation.—A Judge or Magistrate shall not be deemed to be a party or personally interested, within the meaning of this section, to or in any case, merely because he is a Municipal Commissioner.

556. The Local Government may determine what, for the purposes of this Code, shall be deemed to be the language of each Court within the territories administered by such Government, other than the High Courts established by Royal Charter.

Power to decide language of Courts.

557. All powers conferred by this Code on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Powers of Governor General in Council and Local Government exercisable from time to time.

558. The provisions of this Code shall apply, so far as may be, to all cases pending in any Criminal Court when this Code comes into force.

Pending cases.

SCHEDULE I.

ENACTMENTS REPEALED.

(*a*).—*Statute.*

Year, reign and chapter.	Title.	Extent of repeal.
13 Geo. III, chapter 63	An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Section 38.

(*b*).—*Acts of the Governor General in Council.*

Number and year.	Subject.	Extent of repeal.
XXIII of 1840 ...	Execution of process	So much as has not been repealed.
XLV of 1860 ...	Penal Code	The illustrations to section 214.
V of 1861 ...	Police Act	Section 6 and the last nine words of section 24. Section 35, down to and including the words "Provided that."
XVIII of 1862 ...	Criminal Procedure, Supreme Courts ...	So much as has not been repealed.
VI of 1864 ...	Whipping	Section 7.
II of 1869 ...	Justices of the Peace	So much as has not been repealed.
XXII of 1870 ...	Application to European British subjects of Acts conferring summary jurisdiction.	So much as has not been repealed.
IV of 1872 ...	Panjáb Laws	So far as it relates to Bengal Regulation XX of 1825.
X of 1872 ...	The Code of Criminal Procedure ...	So much as has not been repealed.
XI of 1874 ...	Amending the Code of Criminal Procedure	The whole.
XV of 1874 ...	Laws Local Extent	So far as it relates to Bengal Regulation XX of 1825.
X of 1875 ...	High Courts' Criminal Procedure ...	The whole Act, except section 144 and so much of section 146 as relates to informations.

SCHEDULE I—*continued.*

ENACTMENTS REPEALED—(*continued*).

(*b*).—*Acts of the Governor General in Council,*—continued.

Number and year.	Subject.	Extent of repeal.
XX of 1875 ...	Central Provinces Laws	So far as it relates to Bengal Regulation XX of 1825.
XVIII of 1876 ...	Oudh Laws	Ditto.
IV of 1877 ...	Presidency Magistrates	The whole Act except section 57.
XXI of 1879 ...	Extradition	Chapter III.
X of 1881 ...	Coroners	Sections 8 and 9.

(*c*).—*Regulations.*

Number and year.	Subject.	Extent of repeal.
Bengal Regulation XX of 1825.	Jurisdiction of Courts Martial ...	So much as has not been repealed.
III of 1872 ...	Santhál Parganas Settlement	So far as it relates to Act X of 1872.
IX of 1874 ...	Arakan Hills District Laws	So far as it relates to Acts II of 1869, X of 1872 and XI of 1874.
III of 1877 ...	Ajmer Laws	So far as it relates to Bengal Regulation XX of 1825.

(*d*).—*Act of the Governor of Fort St. George in Council.*

Number and year.	Subject.	Extent of repeal.
VIII of 1867 ...	Police	Section 9.

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

EXPLANATORY NOTE.—The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

The third column of this schedule applies to the police in the towns of Calcutta and Bombay.

CHAPTER V.—ABETMENT.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	The same punishment as for the offence abetted.	The Court by which the offence abetted is triable.
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence intended to be abetted.	Ditto.
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	Ditto ..	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence committed.	Ditto.
114	Abetment of any offence, if abettor is present when offence is committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 14 years and fine.	Ditto.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER V.—ABETMENT—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
117	Abetting the commission of an offence by the public, or by more than ten persons.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	Imprisonment of either description for 3 years, or fine, or both.	The Court by which the offence abetted is triable.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation for life.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years.	Ditto.

	If the offence be not committed ...	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If the offence be not committed...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to one-eighth part of the longest term, and of the description, provided for the offence, or fine, or both.	Ditto.

CHAPTER VI.—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, or transportation for life, and forfeiture of property.	Court of Session.
121A	Conspiring to commit certain offences against the State.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life or any shorter term, or imprisonment of either description for 10 years.	Ditto.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER VI.—OFFENCES AGAINST THE STATE—(*concluded*).

Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
124A	Exciting, or attempting to excite, disaffection.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine.	Ditto.
125	Waging war against any Asiatic Power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any Power in alliance or at peace with the Queen.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

129	Public servant negligently suffering prisoner of State or War in his custody to scape.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Simple imprisonment for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
130	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny, or attempting to seduce an officer, soldier or sailor from his allegiance or duty.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
132	Abetment of mutiny, if mutiny is committed in consequence thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, or transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
133	Abetment of an assault by an officer, soldier or sailor on his superior officer, when in the execution of his office.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
134	Abetment of such assault, if the assault is committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
135	Abetment of the desertion of an officer, soldier or sailor.	May arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
136	Harbouring such an officer, soldier or sailor who has deserted.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
137	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Fine of 500 rupees ...	Ditto.
138	Abetment of act of insubordination by an officer, soldier or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being member of an unlawful assembly.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
147	Rioting ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
148	Rioting, armed with a deadly weapon.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	Ditto ...	The same as for the offence ..	The Court by which the offence is triable.
150	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged or employed.	Ditto ...	Ditto ...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.

SCHEDULE II—*continued.*

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Fine of 1,000 rupees ...	Presidency Magistrate or Magistrate of the first or second class.

155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	Or to go armed	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS—(*concluded*).

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ...	Ditto ...	Ditto	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto ...	Ditto ...	Ditto ..	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.

167	Public servant framing an incorrect document with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
168	Public servant unlawfully engaging in trade.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
169	Public servant unlawfully buying or bidding for property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant ...	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If the notice or information required respects the commission of an offence, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
	If the information required respects the commission of an offence, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
178	Refusing oath when duly required to take oath by a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
179	Being legally bound to state truth, and refusing to answer questions.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*concluded*).

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
	If such disobedience causes danger to human life, health or safety, &c.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	Giving or fabricating false evidence in any other case.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.

194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
	If innocent person be thereby convicted and executed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, or as above ...	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	The same as for the offence ...	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto ...	Ditto ...	According as the offence of giving such evidence is bailable or not.	Ditto ...	The same as for giving or fabricating false evidence.	Court of Session, Presidency Magistrate or Magistrate of the first class.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	The same as for giving false evidence.	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
199	False statement made in any declaration which is by law receivable as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
200	Using as true any such declaration known to be false.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with less than 10 years' imprisonment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

203	Giving false information respecting an offence committed.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent ts production as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first class.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first class.
209	False claim in a Court of Justice...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section	2 Offence	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
211	False charge of offence made with intent to injure.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If offence charged be capital, or punishable with transportation for life, or with imprisonment for a term exceeding 7 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
212	Harbouring an offender, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.

	If punishable with imprisonment for 1 year and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
214	Offering gift or restoration of property in consideration of screening offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If with imprisonment for less than 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, with or without fine.	Ditto.

	If with imprisonment for 1 year, and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding corruptly making and pronouncing an order, report, verdict or decision which he knows to be contrary to law.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If punishable with transportation for life, or imprisonment for 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, with or without fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, with or without fine.	Presidency Magistrate or Magistrate of the first or second class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation or penal servitude for life, or transportation, imprisonment or penal servitude for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.

	If under sentence of imprisonment for less than 10 years; or lawfully committed to custody.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
223	Escape from confinement negligently suffered by a public servant.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ..	Not bailable ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If charged with a capital offence...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude or imprisonment for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued*.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If under sentence of death ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
225A	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
226	Unlawful return from transportation	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Court of Session.
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Punishment of original sentence, or, if part of the punishment has been undergone, the residue.	The Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV.

229	Personation of a juror or assessor...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting, or performing any part of the process of counterfeiting, coin.	May arrest without warrant.	Warrant	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
232	Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying or selling instrument for the purpose of counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
234	Making, buying or selling instrument for the purpose of counterfeiting the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If Queen's coin	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
236	Abetting in British India the counterfeiting out of British India of coin.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	The punishment provided for abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
238	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
239	Having any counterfeit coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
240	The same with respect to the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.

241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Presidency Magistrate or Magistrate of the first or second class.
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
243	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years and fine.	Ditto.
244	Person employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Ditto	...	Ditto	...	Ditto	...	Ditto	..	Ditto	Court of Session.
245	Unlawfully taking from a Mint any coining instrument.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any coin.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
247	Fraudulently diminishing the weight or altering the composition of the Queen's coin.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years and fine.	Ditto.
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
249	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
250	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
251	Delivery of Queen's coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
253	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	Presidency Magistrate or Magistrate of the first or second class.

255	Counterfeiting Government stamp.	Ditto	...	Ditto	...	Bailable	...	Ditto	...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years and fine.	Ditto.
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
258	Sale of counterfeit Government stamp.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
262	Using a Government stamp known to have been before used.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
263	Erasure of mark denoting that stamp has been used.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
265	Fraudulent use of false weight or measure.	Ditto	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
272	Adulterating food or drink intended for sale, so as to make the same noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink knowing the same to be noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Fine of 500 rupees ...	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first or second class.
281	Exhibition of a false light, mark or buoy.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
283	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine of 200 rupees ...	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.

285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Any Magistrate.
286	So dealing with any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first or second class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Any Magistrate.
290	Committing a public nuisance ...	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Fine of 200 rupees ...	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
292	Sale, &c., of obscene books, &c. ...	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
293	Having in possession obscene book, &c., for sale or exhibition.	May arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
294	Obscene songs	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
294A	Keeping a lottery-office ...	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine of 1,000 rupees ...	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

297	Trespassing in place of worship or sepulchre, disturbing funeral, with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture or placing any object in the sight, of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Compoundable.	Ditto	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Of offences affecting Life.

302	Murder	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, or transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death	Ditto.
304	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
304A	Causing death by rash or negligent act.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of offences affecting Life—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, or transportation for life, or imprisonment for 10 years, and fine.	Court of Session.
306	Abetting the commission of suicide	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
307	Attempt to murder ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
	If such act cause hurt to any person	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
	Attempt by life-convict to murder, if hurt is caused.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, or as above ...	Ditto.
308	Attempt to commit culpable homicide.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
309	Attempt to commit suicide ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year or fine or both.	Presidency Magistrate or Magistrate of the first or second class.
311	Being a thug ..	Ditto ...	to ...	Not bailable ...	Ditto ...	Transportation for life and fine.	Court of Session.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.

312	Causing miscarriage	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If act done without woman's consent.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
317	Exposure of a child under 12 years of age by parent or person having care of it, with intention of wholly abandoning it.	May arrest without warrant.	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
318	Concealment of birth by secret disposal of dead body.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt.

Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
323	Voluntarily causing hurt ...	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ...	Ditto ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
325	Voluntarily causing grievous hurt	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.	Ditto ..	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.

328	Administering stupefying drug with intent to cause hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons ...	Bailable ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
336	Doing any act which endangers human life or the personal safety of others.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.

Of Wrongful Restraint and Wrongful Confinement.

341	Wrongfully restraining any person.	May arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

342	Wrongfully confining any person	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 2 years and fine.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret ...	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Criminal Force and Assault.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ...	Ditto ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Compoundable.	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.

358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Compoundable	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

Of Kidnapping, Abduction, Slavery and Forced Labour.

363	Kidnapping	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
364	Kidnapping or abducting in order to murder.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*concluded*).

Of Kidnapping, Abduction, Slavery and Forced Labour—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
371	Habitual dealing in slaves ...	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
372	Selling or letting to hire a minor for purposes of prostitution, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
373	Buying or obtaining possession of a minor for the same purposes.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
374	Unlawful compulsory labour ...	Ditto ...	Ditto ...	Bailable ...	Compoundable	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	Of Rape.						
376	Rape	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

Of Unnatural Offences.

377	Unnatural offences ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent or vessel	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Extortion.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
384	Extortion	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life ...	Ditto.

389	Putting a person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life ...	Ditto.
	Of Robbery and Dacoity.						
392	Robbery	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Rigorous imprisonment for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If committed on the highway between sunset and sunrise.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 14 years and fine.	Ditto.
393	Attempt to commit robbery ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
395	Dacoity	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session.
396	Murder in dacoity	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for not less than 7 years.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Robbery and Dacoity—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Rigorous imprisonment for not less than 7 years.	Court of Session.
399	Making preparation to commit dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.

404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If by clerk or person employed by deceased.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
	Of Criminal Breach of Trust.						
406	Criminal breach of trust ..	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
407	Criminal breach of trust by a carrier, wharfinger, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Criminal Breach of Trust—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
409	Criminal breach of trust by public servant or by banker, merchant or agent, &c.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Of the Receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto

414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
				Of Cheating.			
417	Cheating	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
418	Cheating a person whose interest the offender was bound, either by law, or by legal contract, to protect.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
419	Cheating by personation ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the making, alteration or destruction of a valuable security.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Fraudulent Deeds and Dispositions of Property.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Mischief.

426	Mischief	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable when the only loss or dam-	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.

					age caused is loss or damage to a private person.		
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
428	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or upwards.	* May arrest without warrant.	Ditto ...	Ditto ...	Not compoundable.	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
431	Mischief by injury to public road, bridge, navigable river or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
432	Mischief by causing inundation or obstruction to public drainage, attended with damage.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
433	Mischief by destroying or moving or rendering less useful a lighthouse or seamark, or by exhibiting false lights.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.

* See Act XI of 1874, section 4.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Mischief—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards, or, in case of agricultural produce, 10 rupees or upwards.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.

440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.

Of Criminal Trespass.

447	Criminal trespass	May arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
448	House-trespass	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto ...	Ditto ...	Not bailable ...	Not compoundable.	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 2 years and fine.	Any Magistrate.
	If the offence is theft ...	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*concluded*).

Of Criminal Trespass—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
453	Lurking house-trespass or house-breaking.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 2 years and fine.	Presidency Magistrate or Magistrate of the first or second class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If the offence is theft ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 5 years and fine.	Ditto.
	If the offence is theft ...	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 14 years and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto	...	Ditto	...	Bailable	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
465	Forgery	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of births, &c., kept by a public servant.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
468	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Punishment for forgery ...	Ditto.

	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto ...	Ditto ...	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine; if the document is one of the description mentioned in section 466 of the Indian Penal Code.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If the document is one of the description mentioned in section 467 of the Indian Penal Code.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years, and fine.	Court of Session.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.

Of Trade and Property-Marks.

482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto	...	Summons	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
488	Making use of any such false mark.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
489	Removing, destroying or defacing any property-mark with intent to cause injury.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XIX.—CRIMINAL BREACH OF CONTRACTS OF SERVICE.

Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employé is conveyed at the expense of the employer, and voluntarily deserting the service or refusing to perform the duty.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 10 years and fine.	Court of Session.

494	Marrying again during the lifetime of a husband or wife.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
497	Adultery ...	Ditto ...	Ditto ...	Bailable ...	Compoundable.	Imprisonment of either description for 5 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

CHAPTER XXI.—DEFAMATION.

500	Defamation	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Simple imprisonment for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
501	Printing or engraving matter knowing it to be defamatory.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XXI.—DEFAMATION—(*concluded*)

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Simple imprisonment for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

CHAPTER XXII.—CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumour, &c., circulated with intent to cause mutiny or offence against the public peace.	Ditto ...	Ditto ...	Not bailable ...	Not compoundable.	Ditto	Presidency Magistrate or Magistrate of the first or second class.
506	Criminal intimidation ...	Ditto ...	Ditto ...	Bailable ...	Compoundable.	Ditto	Ditto.
	If threat be to cause death or grievous hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
509	Uttering any word or making any gesture intended to insult the modesty of a woman, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 24 hours, or fine of 10 rupees, or both.	Any Magistrate.

CHAPTER XXIII.—ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Compoundable when the offence attempted is compoundable.	Transportation or imprisonment not exceeding half of the longest term, and of any description, provided for the offence, or fine, or both.	The Court by which the offence attempted is triable.

SCHEDULE II—*concluded.*

OFFENCES AGAINST OTHER LAWS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If punishable with death, transportation or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	.....	According to the provisions of section 29 of this Code.
	If punishable with imprisonment for three years and upwards but less than seven.	Ditto ...	Ditto ...	Ditto ... Except in cases under the Indian Arms Act, 1878, section 19, which shall be bailable.	Ditto ...	.....	
	If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons ...	Bailable ...	Ditto ...	.....	
	If punishable with fine only ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	.....	

SCHEDULE III.

ORDINARY POWERS OF PROVINCIAL MAGISTRATES.

I.—Ordinary Powers of a Magistrate of the Third Class.

(1) Power to arrest, or direct the arrest in his presence of, an offender; section 65.
(2) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant; sections 83, 84 & 86.
(3) Power to issue proclamations in cases judicially before him, section 87.
(4) Power to attach and sell property in cases judicially before him, section 88.
(5) Power to restore attached property, section 89.
(6) Power to issue search-warrant, section 96.
(7) Power to endorse a search-warrant and order delivery of thing found, section 99.
(8) Power to record statements or confessions during a police investigation, section 164.
(9) Power to authorize detention of a person during a police-investigation, section 167.
(10) Power to detain an offender found in Court, section 351.
(11) Power to sell perishable property of a suspected character, section 525.

II.—Ordinary Powers of a Magistrate of the Second Class.

(1) The ordinary powers of a Magistrate of the third class.
(2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, section 155.

III.—Ordinary Powers of a Magistrate of the First Class.

(1) The ordinary powers of a Magistrate of the second class.
(2) Power to issue search-warrant otherwise than in course of an inquiry, section 98.
(3) Power to issue search-warrant for discovery of persons wrongfully confined, section 100.
(4) Power to require security to keep the peace, section 107.
(5) Power to require security for good behaviour, section 109.
(6) Power to make orders, &c., in possession cases; sections 145, 146 and 147.
(7) Power to commit for trial, section 206.
(8) Power to stop proceedings when no complainant, section 249.
(9) Power to make orders of maintenance, sections 488 and 489.

IV.—Ordinary Powers of a Sub-divisional Magistrate.

(1) The ordinary powers of a Magistrate of the first class.
(2) Power to direct warrants to landholders, section 78.
(3) Power to make orders as to local nuisances, section 133.
(4) Power to make orders prohibiting repetitions of nuisances, section 143.
(5) Power to make orders under section 144.
(6) Power to hold inquests, section 174.
(7) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.
(8) Power to entertain complaints, section 191.
(9) Power to receive police-reports, section 191.
(10) Power to entertain cases without complaint, section 191.
(11) Power to transfer cases to a Subordinate Magistrate, section 192.
(12) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, section 349.
(13) Power to sell property alleged or suspected to have been stolen, &c. section 524.
(14) Power to withdraw cases other than appeals, and to try or refer them for trial; section 528.

V.—Ordinary Powers of a District Magistrate.

(1) The ordinary powers of a Sub-divisional Magistrate, being a Magistrate of the first class.
(2) Power to issue search-warrants for documents in custody of Postal or Telegraph authorities, section 96.
(3) Power to discharge persons bound to keep the peace or to be of good behaviour, section 124.
(4) Power to cancel bond for keeping the peace, section 125.
(5) Power to try summarily, section 260.
(6) Power to quash convictions in certain cases, section 350.
(7) Power to hear appeals from orders requiring security for good behaviour, section 406.
(8) Power to hear or refer appeals from convictions by Magistrates of the second and third classes, section 407.
(9) Power to call for records, section 435.
(10) Power to revise orders passed under section 514; section 515.

SCHEDULE IV.

ADDITIONAL POWERS WITH WHICH PROVINCIAL MAGISTRATES MAY BE INVESTED.

POWERS WITH WHICH A MAGISTRATE OF THE FIRST CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to require security for good behaviour, section 110: (2) Power to make orders as to local nuisances, section 133: (3) Power to make orders prohibiting repetitions of nuisances, section 143: (4) Power to make orders under section 144: (5) Power to hold inquests, section 174: (6) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186: (7) Power to take cognizance of offences upon complaint, section 191: (8) Power to take cognizance of offences upon police reports, section 191: (9) Power to take cognizance of offences upon information, section 191: (10) Power to try summarily, section 260: (11) Power to hear appeals from convictions by Magistrates of the second and third classes, section 407: (12) Power to sell property alleged or suspected to have been stolen, &c., section 524.
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191: (6) Power to transfer cases, section 192.
POWERS WITH WHICH A MAGISTRATE OF THE SECOND CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to pass sentences of whipping, section 32: (2) Power to make orders prohibiting repetitions of nuisances, section 143: (3) Power to make orders under section 144: (4) Power to hold inquests, section 174: (5) Power to take cognizance of offences upon complaint, section 191: (6) Power to take cognizance of offences upon police reports, section 191: (7) Power to take cognizance of offences upon information, section 191: (8) Power to commit for trial, section 206.
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191.

SCHEDULE IV—*concluded.*

POWERS WITH WHICH A MAGISTRATE OF THE THIRD CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191: (6) Power to commit for trial, section 206.
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191.
POWERS WITH WHICH A SUB-DIVISIONAL MAGISTRATE MAY BE INVESTED	BY THE LOCAL GOVERNMENT	Power to call for records, section 435.

SCHEDULE V.

FORMS.

I.—SUMMONS TO AN ACCUSED PERSON.

(*See section 68.*)

To of

WHEREAS your attendance is necessary to answer to a charge of (*state shortly the offence charged*), you are hereby required to appear in person (*or* by pleader, *as the case may be*), before the (*Magistrate*) of , on the day of Herein fail not.

Dated this day of 18

(*Seal.*) (*Signature.*)

II.—WARRANT OF ARREST.

(*See section 75.*)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS of stands charged with the offence of (*state the offence*), you are hereby directed to arrest the said , and to produce him before me. Herein fail not.

Dated this day of , 18

(*Seal.*)

(*Signature.*)

(*See section 76.*)

This warrant may be endorsed as follows:—

If the said shall give bail himself in the sum of , with one surety in the sum of (*or* two sureties each in the sum of), to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

Dated this day of , 18

(*Signature.*)

FORMS. SCHEDULE V—*continued.*

III.—BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT.

(*See section 86.*)

I, (*name*), of , being brought before the District Magistrate of (*or, as the case may be*) under a warrant issued to compel my appearance to answer to the charge of , do hereby bind myself to attend in the Court of on the day of next to answer to the said charge, and to continue so to attend until otherwise directed by the Court; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of , 18 .

(*Signature.*)

I do hereby declare myself surety for the abovenamed of , that he shall attend before in the Court of on the day of next to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Court; and, in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of , 18 .

(*Signature.*)

IV.—PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED.

(*See section 87.*)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of , punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said of is required to appear at (*place*) before this Court (*or* before me) to answer the said complaint within days from this date.

Dated this day of , 18

(*Seal.*)

(*Signature.*)

V.—PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS.

(*See section 87.*)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of (*mention the offence concisely*) and a warrant has been issued to compel the attendance of (*name, description and address of the witness*) before this Court to be examined touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said (*name*) is required to appear at (*place*) before the Court of on the day of next at o'clock, to be examined touching , the offence complained of.

Dated this day of , 18

(*Seal.*) (*Signature.*)

VI.—ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A WITNESS.

(*See section 88.*)

To the Police-officer in charge of the Police-station at

WHEREAS a warrant has been duly issued to compel the attendance of (*name, description and address*) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant); and thereupon a Proclamation was duly issued and published requiring the said to appear and give evidence at the time and place mentioned therein, and he has failed to appear;

This is to authorize and require you to attach by seizure the moveable property belonging to the said to the value of rupees which you may find within the District of and to hold the said property under attachment

SCHEDULE V—*continued.* FORMS

pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

ORDER OF ATTACHMENT TO COMPEL THE APPEARANCE OF A PERSON ACCUSED.

(*See section 88.*)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant), and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days; and whereas the said is possessed of the following property other than land paying revenue to Government in the village (*or* town) of , in the District of , *viz.*, , and an order has been made for the attachment thereof;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

ORDER AUTHORIZING AN ATTACHMENT BY THE DEPUTY COMMISSIONER AS COLLECTOR.

(*See section 88.*)

To the Deputy Commissioner of the District of

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant), and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days, but he has not appeared; and whereas the said is possessed of certain land paying revenue to Government in the village (*or* town) of in the District of ;

You are hereby authorized and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

VII.—WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS.

(*See section 90.*)

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*mention the offence concisely*), and it appears likely that (*name and description of witness*) can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorize and require you to arrest the said (*name*) and on the day of to bring him before this Court, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

FORMS. SCHEDULE V—*continued.*

VIII.—WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE.

(*See section 96.*)

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS information has been laid (*or* complaint has been made) before me of the commission (*or* suspected commission) of the offence of (*mention the offence concisely*), and it has been made to appear to me that the production of (*specify the thing clearly*) is essential to the inquiry now being made (*or* about to be made) into the said offence (*or* suspected offence);

This is to authorize and require you to search for the said (*the thing specified*) in the (*describe the house or place, or part thereof, to which the search is to be confined*), and, if found, to produce the same forthwith before this Court; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

IX.—WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT.

(*See section 98.*)

To (*name and designation of a Police-officer above the rank of a Constable*).

WHEREAS information has been laid before me, and on due inquiry thereupon had I have been led to believe that the (*describe the house or other place*) is used as a place for the deposit (*or* sale) of stolen property (*or, if for either of the other purposes expressed in the section, state the purpose in the words of the section*);

This is to authorize and require you to enter the said house (*or other place*) with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house (*or other place, or, if the search is to be confined to a part, specify the part clearly*) and to seize and take possession of any property (*or* documents, *or* stamps, *or* seals, *or* coins, *as the case may be*)—[Add (*when the case requires it*) and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, *or* counterfeit stamps, *or* false seals, *or* counterfeit coin (*as the case may be*)] and forthwith to bring before this Court such of the said things as may be taken possession of; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

X.—BOND TO KEEP THE PEACE.

(*See section 106.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and, in case of my making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of , 18 .

(*Signature.*)

XI.—BOND FOR GOOD BEHAVIOUR.

(*See sections 109 and 110.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects for the term of (*state the period*), I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term; and, in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees

Dated this day of , 18 .

(*Signature.*)

(*Where a bond with sureties is to be executed, add*) We do hereby declare ourselves sureties for the abovenamed that he will be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects during the said term; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to Her Majesty the sum of rupees

Dated this day of , 18 .

(*Signature.*)

SCHEDULE V—*continued.* FORMS.

XII.—SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE.

(*See section 114.*)

To of .

WHEREAS it has been made to appear to me by credible information that (*state the substance of the information*) and that you are likely to commit a breach of the peace (*or* by which act a breach of the peace will probably be occasioned), you are hereby required to attend in person (*or* by a duly authorized agent) at the Office of the Magistrate of on the day of , 18 , at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees [*when sureties are required, add* and also to give security by the bond of one (*or* two, *as the case may be*) surety (*or* sureties) in the sum of rupees (*each, if more than one*)], that you will keep the peace for the term of .

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIII.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE.

(*See section 123.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS (*name and address*) appeared before me in person (*or* by his authorized agent) on the day of in obedience to a summons calling upon him to show cause why he should not enter into a bond for rupees with one surety (*or* a bond with two sureties each in rupees), that he the said (*name*) would keep the peace for the period of months; and whereas an order was then made requiring the said (*name*) to enter into and find such security (*state the security ordered when it differs from that mentioned in the summons*), and he has failed to comply with the said order;

This is to authorize and require you the said Superintendent (*or* Keeper) to receive the said (*name*) into your custody together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*) unless he shall in the meantime comply with the said order by himself and his surety (or sureties) entering into the said bond, in which case the same shall be received, and the said (*name*) released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIV.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY FOR GOOD BEHAVIOUR.

(*See section 123.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS it has been made to appear to me that (*name and description*) has been and is lurking within the District of having no ostensible means of subsistence (*or*, and that he is unable to give any satisfactory account of himself) ;

or

WHEREAS evidence of the general character of (*name and description*) has been adduced before me and recorded from which it appears that he is an habitual robber (*or* house-breaker, &c., *as the case may be*) ;

And whereas an order has been recorded stating the same and requiring the said (*name*) to furnish security for his good behaviour for the term of (*state the period*) by entering into a bond with one surety (*or* two or more sureties, *as the case may be*), himself for rupees , and the said surety (*or* each of the said sureties) for rupees , and the said (*name*) has failed to comply with the said order, and for such default has been adjudged imprisonment for (*state the term*) unless the said security be sooner furnished ;

This is to authorize and require you the said Superintendent (*or* Keeper) to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), unless he shall in the meantime comply

FORMS. SCHEDULE V—*continued.*

with the said order by himself and his surety (*or* sureties) entering into the said bond, in which case the same shall be received and the said (*name*) released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XV.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See sections 123 and 124.*)

To the Superintendent (*or* Keeper) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since duly given security under section of the Code of Criminal Procedure,

or

and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XVI.—ORDER FOR THE REMOVAL OF NUISANCES.

(*See section 133.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you have caused an obstruction (*or* nuisance) to persons using the public roadway (*or other public place*), which, &c. (*describe the road or public place*), by, &c. (*state what it is that causes the obstruction or nuisance*), and that such obstruction (*or* nuisance) still exists;

or

WHEREAS it has been made to appear to me that you are carrying on as owner, or manager, the trade or occupation of (*state the particular trade or occupation and the place where it is carried on*), and that the same is injurious to the public health (*or* comfort) by reason (*state briefly in what manner the injurious effects are caused*), and should be suppressed or removed to a different place;

or

WHEREAS it has been made to appear to me that you are the owner (*or* are in possession of *or* have the control over) a certain tank (*or* well *or* excavation) adjacent to the public way (*describe the thoroughfare*), and that the safety of the public is endangered by reason of the said tank (*or* well *or* excavation) being without a fence (*or* insecurely fenced);

or

WHEREAS, &c., &c. (*as the case may be*);

I do hereby direct and require you within (*state the time allowed*) to (*state what is required to be done to abate the nuisance*) or to appear at in the Court of on the day of next, and to show cause why this order should not be enforced;

or

I do hereby direct and require you within (*state the time allowed*) to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the place where it is now carried on, or to appear, &c.;

or

I do hereby direct and require you within (*state the time allowed*) to put up a sufficient fence (*state the kind of fence and the part to be fenced*), or to appear, &c.

or

I do hereby direct and require you, &c., &c. (*as the case may be*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

SCHEDULE V—*continued.* FORMS.

XVII.—MAGISTRATE'S ORDER CONSTITUTING A JURY.

(*See section 138.*)

WHEREAS on the day of , 18 , an order was issued to (*name*) requiring him (*state the effect of the order*), and whereas the said (*name*) has applied to me by a petition bearing date the day of for an order appointing a Jury to try whether the said recited order is reasonable and proper; I do hereby appoint (*the names, &c., of the five or more Jurors*) to be the Jury to try and decide the said question, and do require the said Jury to report their decision within days from the date of this order at my office at

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XVIII.—MAGISTRATE'S NOTICE AND PEREMPTORY ORDER AFTER THE FINDING BY A JURY.

(*See section 140.*)

To (*name, description and address*).

I HEREBY give you notice that the Jury duly appointed on the petition presented by you on the day of have found that the order issued on the day of requiring you (*state substantially the requisition in the order*) is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within (*state the time allowed*) on peril of the penalty provided by the Indian Penal Code for disobedience thereto.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIX.—INJUNCTION TO PROVIDE AGAINST IMMINENT DANGER PENDING INQUIRY BY JURY.

(*See section 142.*)

To (*name, description and address*).

WHEREAS the inquiry by a Jury appointed to try whether my order issued on the day of , 18 , is reasonable and proper is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section 142 of the Code of Criminal Procedure, direct and enjoin you forthwith to (*state plainly what is required to be done as a temporary safeguard*), pending the result of the local inquiry by the Jury.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XX.—MAGISTRATE'S ORDER PROHIBITING THE REPETITION, &C., OF A NUISANCE.

(*See section 143.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that, &c. (*state the proper recital, guided by* Form No. XVI or Form No. XXI, *as the case may be*);

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, &c. (*as the case may be*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXI.—MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT, &C.

(*See section 144.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you are in possession (*or* have the management) of (*describe clearly the property*), and that, in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road;

or

WHEREAS it has been made to appear to me that you and a number of other persons (*mention the class of persons*) are about to meet and proceed in a religious procession along the public

FORMS. SCHEDULE V—*continued.*

street, &c. (*as the case may be*) and that such procession is likely to lead to a riot or an affray;

or

WHEREAS, &c., &c. (*as the case may be*);

I do hereby order you not to place or permit to be placed any of the earth or stones dug from your land in any part of the said road;

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (*or, as the case recited may require*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXII.—MAGISTRATE'S ORDER DECLARING PARTY ENTITLED TO RETAIN POSSESSION OF LAND, &C., IN DISPUTE.

(*See section 145.*)

IT appearing to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between (*describe the parties by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and being satisfied by due inquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said (*name or names or description*) is true,

I do decide and declare that he is (*or* they are) in possession of the said (*the subject of dispute*) and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (*or* their) possession in the meantime.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXIII.—WARRANT OF ATTACHMENT IN THE CASE OF A DISPUTE AS TO THE POSSESSION OF LAND, &C.

(*See section 146.*)

To the Police-officer in charge of the Police-station at [*or*, To the Collector of] .

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace existed between (*describe the parties concerned by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and whereas, upon due inquiry into the said claims, I have decided that neither of the said parties was in possession of the said (*the subject of dispute*) [*or* I am unable to satisfy myself as to which of the said parties was in possession as aforesaid];

This is to authorize and require you to attach the said (*the subject of dispute*) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXIV.—MAGISTRATE'S ORDER PROHIBITING THE DOING OF ANY THING ON LAND OR WATER.

(*See section 147.*)

A DISPUTE having arisen concerning the right of use of (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, the possession of which land (*or* water) is claimed exclusively by (*describe the person or persons*), and it appearing to me, on due inquiry into the same, that the said land (*or* water) has been open to the enjoyment of such use by the public (*or if by an individual or a class of persons, describe him or them*), and (*if the use can be enjoyed throughout the year*) that the said use has been enjoyed within three months of the

SCHEDULE V—*continued.* FORMS.

institution of the said inquiry (*or if the use is enjoyable only at particular seasons, say* "during the last of the seasons at which the same is capable of being enjoyed") ;

I do order that the said (*the claimant or claimants of possession*), or any one in their interest, shall not take (*or* retain) possession of the said land (*or* water) to the exclusion of the enjoyment of the right of use aforesaid, until he (*or* they) shall obtain the decree or order of a competent Court adjudging him (*or* them) to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXV.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A POLICE-OFFICER.

(*See section 169.*)

I, (*name*), of , being charged with the offence of , and after inquiry required to appear before the Magistrate of ,

or

and after inquiry called upon to enter into my own recognizance to appear when required,

do hereby bind myself to appear at , in the Court of , on the day of next (*or* on such day as I may hereafter be required to attend) to answer further to the said charge, and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or* We jointly and severally declare ourselves and each of us) surety (*or* sureties) for the above-said that he shall attend at , in the Court of , on the day of next (*or* on such day as he may hereafter be required to attend), further to answer to the charge pending against him, and, in case of his making default therein, I hereby bind myself (*or* we hereby bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVI.—BOND TO PROSECUTE OR GIVE EVIDENCE.

(*See section 170.*)

I, (*name*), of (*place*), do hereby bind myself to attend at , in the Court of , at o'clock on the day of next, and then and there to prosecute (*or*, to prosecute and give evidence, *or* to give evidence) in the matter of a charge of against one *A. B.*, and, in case of making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVII.—NOTICE OF COMMITMENT BY MAGISTRATE TO GOVERNMENT PLEADER.

(*See section 218.*)

The Magistrate of hereby gives notice that he has committed one for trial at the next Sessions ; and the Magistrate hereby instructs the Government Pleader to conduct the prosecution of the said case.

The charge against the accused is that, &c. (*state the offence as in the charge*).

Dated this day of , 18 .

(*Signature.*)

XXVIII.—CHARGES.

(*See sections 221, 222, 223.*)

(I).—CHARGES WITH ONE HEAD.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows :—

On Penal Code, section 121.

(*b*) That you, on or about the day of , at , waged war against Her Majesty the Queen, Empress of India, and thereby committed an offence punishable under section 121 of the Indian

FORMS. SCHEDULE V—*continued.*

Penal Code, and within the cognizance of the Court of Session [*when the charge is framed by a Presidency Magistrate, for* Court of Session *substitute* High Court].

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

[*To be substituted for* (*b*) :—]

On section 124.

(2) That you, on or about the day of , at , with the intention of inducing the Honourable *A. B.*, Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 161.

(3) That you, being a public servant in the Department, directly accepted from [*state the name*], for another party [*state the name*], a gratification, other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 166.

(4) That you, on or about the day of , at , did [*or* omitted to do, *as the case may be*] , such conduct being contrary to the provisions of Act , section , and known by you to be prejudicial to , and thereby committed an offence punishable under section 166 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 193.

(5) That you, on or about the day of , at , in the course of the trial of , before , stated in evidence that " ", which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 304.

(6) That you, on or about the day of , at , committed culpable homicide not amounting to murder, causing the death of , and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 306.

(7) That you, on or about the day of , at , abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 325.

(8) That you, on or about the day of , at , voluntarily caused grievous hurt to , and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 392.

(9) That you, on or about the day of , at , robbed [*state the name*] and thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 395.

(10) That you, on or about the day of , at , committed dacoity, an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

[*In cases tried by Magistrates, substitute* "within my cognizance" *for* "within the cognizance of the Court of Session," *and in* (*c*) *omit* "by the said Court."]

(II).—CHARGES WITH TWO OR MORE HEADS.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows:—

On section 241.

(*b*) *First.*—That you, on or about the day of , at , knowing a coin to be counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Secondly.—That you, on or about the day of , at , knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as

SCHEDULE V—*continued.* FORMS.

genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

[*To be substituted for* (*b*) :—]

On sections 302 and 304.

(2) *First.*—That you, on or about the day of , at , committed murder by causing the death of , and thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Secondly.—That you, on or about the day of , at , by causing the death of , committed culpable homicide not amounting to murder, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On sections 379 and 382.

(3) *First.*—That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Secondly.—That you, on or about the day of , at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Thirdly.—That you, on or about the day of , at , committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Fourthly.—That you, on or about the day of , at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Alternative charges on section 193.

(4) That you, on or about the day of , at , in the course of the inquiry into before , stated in evidence that " ", and that you, on or about the day of , at , in the course of the trial of , before , stated in evidence that " ", one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

[*In cases tried by Magistrates, substitute* " within my cognizance " *for* " within the cognizance of the Court of Session," *and in* (*c*) *omit* " by the said Court. "]

(III).—CHARGE FOR THEFT AFTER A PREVIOUS CONVICTION.

I (*name and office of Magistrate, &c.,*) hereby charge you (*name of accused person*) as follows :—

That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code and within the cognizance of the Court of Session [*or* { High Court, / Magistrate, } *as the case may be.*]

And you the said (*name of accused*) stand further charged that you, before the committing of the said offence, that is to say, on the day of , had been convicted by the (*state Court by which conviction was had*) at of an offence punishable under

FORMS. SCHEDULE V—*continued.*

Chapter XVII of the Indian Penal Code with imprisonment for a term of three years, that is to say, the offence of house-breaking by night (*describe the offence in the words used in the section under which the accused was convicted*), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 75 of the Indian Penal Code.

And I hereby direct that you be tried, &c,

XXIX.—WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE.

(*See sections 245 and 258.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar for 18 , was convicted before me (*name and official designation*) of the offence of (*mention the offence or offences concisely*) under section (*or* sections) of the Indian Penal Code (*or* of Act), and was sentenced to (*state the punishment fully and distinctly*);

This is to authorize and require you, the said Superintendent (*or* Keeper) to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXX.—WARRANT OF IMPRISONMENT ON FAILURE TO RECOVER AMENDS BY DISTRESS.

(*See section 250.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name and description*) has brought against (*name and description of the accused person*) the complaint that (*mention it concisely*), and the same has been dismissed as frivolous (*or* vexatious), and the order of dismissal awards payment by the said (*name of complainant*) of the sum of rupees as amends; and whereas the said sum has not been paid and cannot be recovered by distress of the moveable property of the said (*name of complainant*) and an order has been made for his simple imprisonment in jail for the period of days, unless the aforesaid sum be sooner paid;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), subject to the provisions of section 69 of the Indian Penal Code, unless the said sum be sooner paid, and on the receipt thereof forthwith to set him at liberty; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXI.—SUMMONS TO A WITNESS.

(*See sections 68 and 252.*)

To of

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*state the offence concisely, with time and place*) and it appears to me that you are likely to give material evidence for the prosecution;

SCHEDULE V—*continued.* FORMS.

You are hereby summoned to appear before this Court on the day of next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXII.—PRECEPT TO DISTRICT MAGISTRATE TO SUMMON JURORS AND ASSESSORS.

(*See section 326.*)

To the District Magistrate of

WHEREAS a Criminal Session is appointed to be held in the Court-house at on the day of next, and the names of the persons herein stated have been duly drawn by lot from among those named in the revised list of jurors and assessors furnished to this Court; you are hereby required to summon the said persons to attend at the said Court of Session at 10 A. M. on the said date, and, within such date, to certify that you have done so in pursuance of this precept.

(*Here enter the names of Jurors and Assessors.*)

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXIII.—SUMMONS TO ASSESSOR OR JUROR.

(*See section 328.*)

To (*name*) of (*place*).

PURSUANT to a precept directed to me by the Court of Session of requiring your attendance as an Assessor (*or* a Juror) at the next Criminal Session, you are hereby summoned to attend at the said Court of Session at (*place*) at ten o'clock in the forenoon on the day of next.

Given under my hand and seal of office, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXIV.—WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH.

(*See section 374.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS at the Session held before me on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under section of the Indian Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the Court of ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said Court.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

FORMS. SCHEDULE V—*continued.*

XXXV.—WARRANT OF EXECUTION ON A SENTENCE OF DEATH.

(*See section 381.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the Session held before me on the day of , 18 , has been by a warrant of this Court, dated the day of , committed to your custody under sentence of death, and whereas the order of the Court of confirming the said sentence has been received by this Court;

This is to authorize and require you the said Superintendent (*or* Keeper) to carry the said sentence into execution by causing the said to be hanged by the neck until he be dead, at (*time and place of execution*), and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXVI.—WARRANT AFTER A COMMUTATION OF A SENTENCE.

(*See sections 381 and 382.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS at a Session held on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session, was convicted of the offence of , punishable under section of the Indian Penal Code, and sentenced to , and was thereupon committed to your custody; and whereas by the order of the Court of (a duplicate of which is hereunto annexed) the punishment adjudged by the said sentence has been commuted to the punishment of transportation for life (*or, as the case may be*);

This is to authorize and require you, the said Superintendent (*or* Keeper), safely to keep the said (*prisoner's name*) in your custody in the said jail, as by law is required, until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the said order,

or

if the mitigated sentence is one of imprisonment, say, after the words "custody in the said jail," "and there to carry into execution the punishment of imprisonment under the said order according to law."

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXVII.—WARRANT TO LEVY A FINE BY DISTRESS AND SALE.

(*See section 386.*)

To (*name and designation of the Police-officer or other person, or persons, who is or are to execute the warrant*).

WHEREAS (*name and description of the offender*) was on the day of , 18 , convicted before me of the offence of (*mention the offence concisely*) and sentenced to pay a fine of rupees , and whereas the said (*name*), although required to pay the said fine, has not paid the same or any part thereof;

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the District of ; and, if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or* forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said fine; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

SCHEDULE V—*continued.* FORMS

XXXVIII.—WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT WHEN A FINE IS IMPOSED.

(*See section 480.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS at a Court holden before me on this day (*name and description of the offender*) in the presence (*or* view) of the Court committed wilful contempt;

And whereas for such contempt the said (*name of offender*) has been adjudged by the Court to pay a fine of rupees , or in default to suffer simple imprisonment for the space of (*state the number of months or days*);

This is to authorize and require you, the Superintendent (*or* Keeper) of the said Jail, to receive the said (*name of offender*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), unless the said fine be sooner paid; and, on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXIX.—MAGISTRATE'S OR JUDGE'S WARRANT OF COMMITMENT OF WITNESS REFUSING TO ANSWER.

(*See section 485.*)

To (*name and designation of officer of Court*)

WHEREAS (*name and description*), being summoned (*or* brought before this Court) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (*or* certain questions) put to him touching the said alleged offence, and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (*term of detention adjudged*);

This is to authorize and require you to take the said (*name*) into custody, and him safely keep in your custody for the space of days unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XL.—WARRANT OF IMPRISONMENT ON FAILURE TO PAY MAINTENANCE.

(*See section 488.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS (*name, description and address*) has been proved before me to be possessed of sufficient means to maintain his wife (*name*) [*or* his child (*name*), who is by reason of (*state the reason*) unable to maintain herself (*or* himself)] and to have neglected (*or* refused) to do so, and an order has been duly made requiring the said (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of rupees ; and whereas it has been further proved that the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or* months) of : And thereupon an order was made adjudging him to undergo simple (*or* rigorous) imprisonment in the said jail for the period of ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody in the said jail, together with this warrant, and there carry the said

FORMS. SCHEDULE V—*continued.*

order into execution according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLI.—WARRANT TO ENFORCE THE PAYMENT OF MAINTENANCE BY DISTRESS AND SALE.

(*See section 488.*)

To (*name and designation of the Police-officer or other person to execute the warrant*).

WHEREAS an order has been duly made requiring (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of rupees , and whereas the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or* months) of ;

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the district of , and if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or* forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said sum; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLII.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A MAGISTRATE.

(*See sections 496 and 499.*)

I, (*name*), of (*place*), being brought before the Magistrate of (*as the case may be*) charged with the offence of , and required to give security for my attendance in his Court and at the Court of Session, if required, do bind myself to attend at the Court of the said Magistrate on every day of the preliminary inquiry into the said charge, and should the case be sent for trial by the Court of Session, to be, and appear, before the said Court when called upon to answer the charge against me; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or* We jointly and severally declare ourselves and each of us) surety (*or* sureties) for the said (*name*) that he shall attend at the Court of on every day of the preliminary inquiry into the offence charged against him, and, should the case be sent for trial by the Court of Session, that he shall be, and appear, before the said Court to answer the charge against him, and in case of his making default therein, I bind myself (*or* we bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XLIII.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See section 500.*)

To the Superintendent (*or* Keeper) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since with his surety (*or* sureties) duly executed a bond under section 499 of the Code of Criminal Procedure;

SCHEDULE V—*continued.* FORMS.

This is to authorize and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other matter.

Given under my hand and the seal of the Court, this day of , 18 .

(*Signature.*)

XLIV.—WARRANT OF ATTACHMENT TO ENFORCE A BOND.

(*See section 514.*)

To the Police-officer in charge of the Police-station at

WHEREAS (*name, description and address of person*) has failed to appear on (*mention the occasion*) pursuant to his recognizance, and has by such default forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (*the penalty in the bond*); and whereas the said (*name of person*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him.

This is to authorize and require you to attach any moveable property of the said (*name*) that you may find within the District of , by seizure and detention, and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLV.—NOTICE TO SURETY ON BREACH OF A BOND.

(*See section 514.*)

To of .

WHEREAS on the day of , 18 , you became surety for (*name*) of (*place*) that he should appear before this Court on the day of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas the said (*name*) has failed to appear before this Court, and by reason of such default you have forfeited the aforesaid sum of rupees ;

You are hereby required to pay the said penalty or show cause, within days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVI.—NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See section 514.*)

To of

WHEREAS on the day of , 18 , you became surety by a bond for (*name*) of (*place*) that he would be of good behaviour for the period of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas the said (*name*) has been convicted of the offence of (*mention the offence concisely*) committed since you became such surety, whereby your security-bond has become forfeited;

You are hereby required to pay the said penalty of rupees , or to show cause within days why it should not be paid.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVII.—WARRANT OF ATTACHMENT AGAINST A SURETY.

(*See section 514.*)

To .

WHEREAS (*name, description and address*) has bound himself as surety for the appearance of (*mention the condition of the bond*), and the said (*name*) has made default, and thereby forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (*the penalty in the bond*);

FORMS. SCHEDULE V—*continued.*

This is to authorize and require you to attach any moveable property of the said (*name*) which you may find within the District of , by seizure and detention; and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVIII.—WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL.

(*See section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at

WHEREAS (*name and description of surety*) has bound himself as a surety for the appearance of (*state the condition of the bond*), and the said (*name*) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Her Majesty the Queen, Empress of India; and whereas the said (*name of surety*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of moveable property of his, and an order has been made for his imprisonment in the Civil Jail for (*specify the period*);

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody with this warrant and him safely to keep in the said Jail for the said (*term of imprisonment*), and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLIX.—NOTICE TO THE PRINCIPAL OF FORFEITURE OF A BOND TO KEEP THE PEACE.

(*See section 514.*)

To (*name, description and address*).

WHEREAS on the day of , 18 , you entered into a bond not to commit, &c. (*as in the bond*), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees , or to show cause before me within days why payment of the same should not be enforced against you.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

L.—WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE.

(*See section 514.*)

To (*name and designation of Police-officer*) at the Police-station of

WHEREAS (*name and description*) did on the day of , 18 , enter into a bond for the sum of rupees , binding himself not to commit a breach of the peace, &c. (*as in the bond*), and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

SCHEDULE V—*continued.* FORMS.

This is to authorize and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the District of , and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realize the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

LI.—WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE.

(*See Section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at

WHEREAS proof has been given before me and duly recorded that (*name and description*) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ; and whereas the said (*name*) has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*);

This is to authorize and require you, the said Superintendent (*or* Keeper), of the said Civil Jail to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*); and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

LII.—WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 514.*)

To the Police-officer in charge of the Police-station at

WHEREAS (*name, description and address*) did on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, &c., of the principal*), and proof has been given before me and duly recorded of the commission by the said (*name*) of the offence of , whereby the said bond has been forfeited; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorize and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the District of , and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realize the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

LIII.—WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at

WHEREAS (*name, description and address*) did on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, &c., of the principal*), and proof of the breach of the said bond has been given before me and duly

FORMS. SCHEDULE V—*concluded.*

recorded, whereby the said (*name*) has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ; and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*) ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) ; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

R. J. CROSTHWAITE,
Offg. Secy. to the Govt of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th March, 1882, and is hereby promulgated for general information :—

ACT No. XI OF 1882.

THE INDIAN TARIFF ACT, 1882.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Repeal of Acts.
   Saving clause.
3. Duties specified in schedules to be levied.
4. Export of pepper from Cochin.
5. Duties on goods crossing frontiers
   of Foreign European Settlements in Presidency of Madras,
   of foreign territory.
   Power to declare territory foreign.
6. Excise-duty on spirit distilled in British India.
7. Duty on spirit, opium and salt when protected by a certificate.
8. Application of certain provisions as to duties and goods.
9. Power to cancel notifications.

SCHEDULE I.—ACTS REPEALED.

SCHEDULE II.—IMPORT TARIFF.

SCHEDULE III.—EXPORT TARIFF.

An Act to amend the law relating to Customs Duties, and for other purposes.

Preamble.

WHEREAS it is expedient to amend the law relating to the duties of customs on goods imported and exported by sea, and to provide for the levy of duties on goods crossing the frontier of certain Foreign European Settlements in India and of the territories of certain Native Chiefs and for fixing a maximum duty of excise on spirit manufactured in British India; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Indian Tariff Act, 1882"

Local extent. Commencement.

It extends to the whole of British India except Aden; and it shall come into force on the passing thereof.

Repeal of Acts.

2. The Acts mentioned in the first schedule hereto annexed are repealed to the extent specified therein:

Saving clause.

But all notifications published, and rules and orders made, under any of such Acts, and now in force, shall, so far as they are consistent herewith, be deemed to have been respectively published and made hereunder:

All references made to the Indian Tariff Act, 1875, in Acts or Regulations passed before this Act comes into force, shall be deemed to be made to this Act:

And nothing herein contained authorizes the levy of duties of customs on any article carried from one port in British India to another, except salt, opium and spirit.

Duties specified in schedules to be levied.

3. There shall be levied and collected, in every port to which this Act applies, the duties specified in the second and third schedules hereto annexed.

Export of pepper from Cochin.

4. On all pepper exported by sea from the port of Cochin there shall be levied such duty not exceeding nine rupees per khandí as the Governor of Fort Saint George in Council from time to time determines; and at the close of each year, or as soon thereafter as may be convenient, the Customs-collector at the said port shall, after deducting the expenses of collection, pay the duty collected under this section to the Governments of Travancore and Cochin in such proportion and in such manner as the Governor of Fort Saint George in Council from time to time directs.

Duties on goods crossing frontiers

5. Duties of customs shall be levied at the rates respectively prescribed in the second and third schedules hereto annexed on goods passing by land out of or into—

of Foreign European Settlements in Presidency of Madras,

(*a*) Foreign European Settlements situate on the line of coast within the limits of the Presidency of Fort Saint George;

of foreign territory.

(*b*) any territory declared, under the power next hereinafter conferred, to be foreign territory.

Subject to the control of the Governor General in Council, the Governor of Fort St. George in Council and the Governor of Bombay in Council may, from time to time, by notification in the local official Gazette, respectively declare that the territory of any Native Chief, situate within, or bordering on, the territories respectively administered by such Governors, but not subject to the jurisdiction of the Courts and Civil authorities of such territories, shall be deemed, for the purposes of this section, to be foreign territory.

Power to declare territory foreign.

The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare that the territory of any other Native Chief shall be deemed, for the purposes of this section, to be foreign territory.

6. And whereas it is expedient that the duty of excise on spirit distilled in British India should bear a due proportion to the customs-duty on spirit imported into British India, it is hereby further enacted as follows :—

Excise-duty on spirit distilled in British India.

Subject to any general rules or special orders which the Governor General in Council may, from time to time, make in this behalf, the Local Government may, from time to time, by notification in the local official Gazette, fix the duty of excise leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, at any rate not exceeding the rate fixed for imported spirit by the second schedule hereto annexed; and all provisions now in force as to the levy of duty now chargeable on spirit shall apply to spirit upon which the duty declared under this section has not been paid.

In Act No. XVI of 1863, section one, for the words "calculated at ten" the words "not exceeding five" shall be substituted.

7. Spirit, opium and salt imported from any port in British India, and protected by the certificate of an officer empowered in that behalf by the Governor General in Council or the Local Government, are chargeable with only the amount, if any, by which the duty leviable thereon under the second schedule hereto annexed exceeds the duty shown by such certificate to have been already paid in respect thereof.

Duty on spirit, opium and salt when protected by a certificate.

The amount, if any, paid to the Government as the price of such opium or salt is not duty within the meaning of this section.

8. So far as regards the Presidency of Fort St. George, the unrepealed provisions of Act No. VI of 1844, and so far as regards the Presidency of Bombay, the unrepealed provisions of Act No. XXIX of 1857, relating to the levy of duties and to dutiable goods, shall, *mutatis mutandis*, apply to duties levied and goods liable to duty under or by virtue of section five, clause (*b*).

Application of certain provisions as to duties and goods.

9. All notifications published hereunder may be cancelled by the authority publishing the same.

Power to cancel notifications.

SCHEDULE I.

ACTS REPEALED.

umber and year.	Short Title.	Extent of Repeal.
XI of 1869 ...	The Land Customs (Madras and Bombay) Act, 1869	So much as has not been repealed.
XVI of 1875 ...	The Indian Tariff Act, 1875	Ditto.
XI of 1878 ...	The Indian Arms Act, 1878	Section 8 and the second Schedule.

SCHEDULE II.

IMPORT TARIFF.

No.	Names of Articles.	Per	Tariff valuation.	Duty. Rs.	As.
1	ARMS, AMMUNITION AND MILITARY STORES— Fire-arms and parts thereof—				
	1. Fire-arms other than pistols, for each	.....	.....	50	0
	2. Barrels for the same, whether single or double, for each ...	.....	.....	30	0
	3. Pistols, for each	.....	.....	15	0
	4. Barrels for the same, whether single or double, for each ...	.....	.....	10	0
	5. Springs used for fire-arms, for each	.....	.....	8	0
	6. Gunstocks, sights, blocks and rollers, for each ...	.....	.....	5	0
	7. Revolver-breeches, for each cartridge they will carry ...	.....	.....	2	8

No.	Names of Articles.	Per	Tariff valuation.	Rate of Duty.
	8. Extractors, nippers, heel-plates, pins, screws, tangs, bolts, thumb-pieces, triggers, trigger-guards, hammers, pistons, plates, and all other parts of a fire-arm not herein otherwise provided for, and all tools used for cleaning or putting together or loading the same, for each	.....	.....	Rs. As. 1 8
	9. Machines for making or loading or closing cartridges, for each	.....	.....	10 0
	10. Machines for capping cartridges, for each	.....	.....	2 8
	Exception I.—Articles falling under the 5th, 6th, 8th, 9th, or 10th head of the above list, when they appertain to a fire-arm falling under the 1st or 3rd head, and are fitted into the same case with such fire-arm, are free.			
	Exception II.—Arms forming part of the regular equipment of an officer entitled to wear diplomatic, military or police uniform, and a revolver or a pair of pistols accompanying a military officer, are free.			
	Proviso 1.—No duty in excess of ten per cent. *ad valorem* shall be levied upon any of the articles mentioned in the above list when they are imported in reasonable quantity, for his own private use, by any person lawfully entitled to possess the same.			
	Proviso 2.—When any articles which have been otherwise imported, and upon which duty has been levied or is leviable under this number, are purchased retail from the importer by a person lawfully entitled as aforesaid, in reasonable quantity for his own private use, the importer may apply to the Customs-collector for a refund or remission (as the case may be) of so much of the duty thereon as is in excess of ten per cent *ad valorem*; and if such collector is satisfied as to the identity of the articles, and that such importer is in other respects entitled to such refund or remission, he shall grant the same accordingly.			
			Rs. A.	
	Gunpowder, common ...	lb.	0 5	10 per cent.
	" sporting ...	lb.	1 0	
	All other sorts	.....	*Ad valorem*	
2	LIQUORS—			
	Ale, beer and porter, except when condensed or concentrated	Impl. Gallon or six quart bottles ...	.....	One anna.
	Cider, and other fermented liquors			
	Liqueurs	Ditto ...	.....	Rs. 4.
	Spirit intended to be used exclusively in arts or manufactures, or in chemistry, and which has been rendered effectually and permanently unfit for human consumption	.....	*Ad valorem*	5 per cent.
	Spirit, when used in drugs, medicines or chemicals in a proportion less than twenty per cent. of spirit of the strength of London proof	.....	*Ad valorem*	5 per cent.
	Spirit when so used in a proportion of twenty per cent. and upwards	Impl. Gallon or six quart bottles of the strength of London proof.	.....	Rs. 4, and the duty to be increased in proportion as the strength of the spirit exceeds London proof.
	Spirit, perfumed, in wood, or in bottles containing more than four ounces	Ditto ...	.....	
	Spirit, other sorts	Ditto ...	.....	

No.	Names of Articles.	Per	Tariff valuation.	Rate of Duty.
	Wines—			
	Champagne and all other sparkling wines ...	Impl. gallon or six quart bottles.	.....	Rs. 2-8.
	All other sorts of wines ...	Ditto ...	.....	Re. 1.
3	OPIUM NOT COVERED BY A GOVERNMENT PASS	Ser of 80 tolas	.....	Rs. 24.
4	SALT	Indian maund of 82⅔ lbs. avoirdupois weight.	.....	The rate at which excise duty is for the time being leviable on salt manufactured in the place where the import takes place.

SCHEDULE III.

EXPORT TARIFF.

Name of Article.	Per	Tariff valuation.	Rate of Duty.
RICE whether husked or unhusked	Indian maund of 82⅔ lbs. avoirdupois weight.	...	3 annas.

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th March, 1882, and is hereby promulgated for general information:—

ACT No. XII OF 1882.

THE INDIAN SALT ACT, 1882.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Commencement.
   Local extent.
   Power to extend Act.
2. Repeal of enactments.
3. Interpretation-clause.
4. Powers of Commissioner of Division by whom to be exercised.
5. Commissioner of Northern India Salt-revenue.

CHAPTER II.

MANUFACTURE AND REFINING OF SALT AND SALTPETRE.

6. Power of Governor General in Council—
   to regulate manufacture and refining of salt and saltpetre;
   to fix fees for licenses;
   to regulate the collection of duties;
   to regulate possession of salt in vicinity of places where saltpetre is manufactured;
   to regulate possession of salt in vicinity of places where salt is manufactured.

CHAPTER III.

DUTY AND PRICE OF SALT.

7. Power of Governor General in Council—
   to impose a duty on manufacture of salt;
   to reduce or remit duties;
   to fix minimum price of salt excavated, &c., by Government.
8. Power of Local Government to fix minimum price of salt excavated, &c.

CHAPTER IV.

OFFENCES AGAINST THE SALT-REVENUE.

SECTIONS.

9. Penalties.
10. Punishment on second and subsequent convictions.
11. Charge by whom to be preferred.
    Limitation.
    Jurisdiction.
12. Confiscation of articles in respect of offence committed.
13. Power to levy additional duty as penalty.
14. Punishment for connivance at offences mentioned in section nine.

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POWERS OF STOPPAG ACH, SEIZURE A AR.EST.

15. Power to search place factured under lice
16. Power to detain sus goods liable to confi
17. Power to arrest.
18. Procedure of officer having unlawful manufacture.
    Power to enter and search.
19. Failure of Police-officer to atten
20. Report of arrest, seizure and sear
21. Procedure in respect of articles seized.
22. Procedure on detention of article subje additional duty.
23. Procedure in respect of person arrested.
24. Officers required to assist Salt-revenue officers.
25. Vexatious search, seizure, &c., by Salt-revenue officer.
26. Power to regulate seizures and disposal of things seized.

CHAPTER VI.

MISCELLANEOUS.

27. Power to prohibit import and transit of salt.
28. Further matters for which Governor General in Council may make rules.
29. Publication of rules.
30. Power to confer powers of Assistant Commissioner and Salt-revenue officers.
31. Amendment of Madras Act VI of 1871.

THE SCHEDULE—ENACTMENTS REPEALED.

An Act for regulating the duty on Salt and for other purposes.

Preamble.

WHEREAS it is expedient to amend the law relating to the levy of duty on salt, and to the import and transit of salt, and the manufacture of salt and saltpetre, into, over and in British India; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

Commencement.

1. This Act may be called "The Indian Salt Act," 1882; and it shall come into force at once.

Local extent.

[illegible] is section, sections two, seven and eight, and so much of this Act as refers to offences against any of its provisions or against any rules made under it, extend to the whole of British India;

The rest of this Act extends to the territories for the time being respectively administered by the Lieutenant-Governors of the North-Western Provinces and the Panjáb and the Chief Commissioners of Oudh, the Central Provinces and Ajmír and Mérwára, to the Province of Sindh, to the Districts of the Pátra Dívisión, and to British territory under the jurisdiction of the Agent to the Governor General in Central India.

[illegible] and any portion of this Act, other than the portion specified in the second [illegible] to extend Act [illegible] of this section, [illegible] be extended, [illegible] the Governor General in Council publish [illegible] the *Gazette of India*, [illegible] British India other than the territories [illegible] Districts mentioned in the [illegible] section.

[illegible] cified in the schedule hereto annexed are repealed to the extent mentioned in the third [illegible], but all rules made, licenses and [illegible] prices and duties fixed, notifications published [illegible] powers conferred under any such enactment [illegible] and now in force shall, so far as they are consistent with this Act, be deemed to have been respectively made, granted, fixed, published [illegible] conferred hereunder.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"the said territories":

the expression "the said territories" means the territories to which the section of this Act, in which that expression occurs, for the time being extends;

"Assistant Commissioner":

"Assistant Commissioner" means an Assistant Commissioner of Northern India Salt-revenue, and also includes any person invested by the Local Government with the powers of an Assistant Commissioner under this Act;

"Salt-revenue officer":

"Salt-revenue officer" means any officer of the Northern India Salt Department, and also includes any person invested by the Local Government with any of the powers of a Salt-revenue officer under this Act;

"Saltpetre":

"Saltpetre" includes rasí, sajjí and all other substances manufactured from saline earth, and khárí-nún and every form of sulphate or carbonate of soda; and

"Manufacture of salt."

"manufacture of salt" includes the separation or purification of salt obtained in the manufacture of saltpetre, the separation of salt from earth or other substance so as to produce alimentary salt, and the excavation or removal of natural saline deposits or efflorescence.

Powers of Commissioner of Division by whom to be exercised.

4. The powers and duties conferred and imposed by this Act on a Commissioner of a Division may, in places where there is no such Commissioner, be exercised and performed by such officer as the Governor General in Council may from time to time appoint in this behalf.

Commissioner of Northern India Salt-revenue.

5. At the head of the administration of the salt-revenue under this Act there shall be an officer, called the Commissioner of Northern India Salt-revenue, who shall be appointed, and may be suspended or removed, by the Governor General in Council.

CHAPTER II.

MANUFACTURE AND REFINING OF SALT AND SALTPETRE.

Power of Governor General in Council—

6. The Governor General in Council may, from time to time, by rule—

to regulate manufacture and refining of salt and saltpetre;

(*a*) prohibit absolutely, or subject to such conditions as he thinks fit, the manufacture of salt, or the manufacture or refining of saltpetre, throughout the whole or any portion of the said territories;

to fix fees for licenses;

(*b*) fix fees for the following licenses, not exceeding in the case of each such license the amount hereinafter mentioned:—

	Rs.
License to manufacture and refine saltpetre and to separate and purify salt in the process of such manufacture and refining ...	50
License to manufacture saltpetre ...	2
License to manufacture sulphate of soda (*khárí-nún*) by solar heat in evaporating pans	10
License to manufacture sulphate of soda (*khárí-nún*) by artificial heat	2
License to manufacture other saline substances	2

to regulate the collection of duties;

(*c*) determine the manner, time and place in and at which, and the persons by whom, any duty imposed hereunder shall be collected in the said territories;

to regulate possession of salt in vicinity of places where saltpetre is manufactured;

(*d*) define an area no point in which shall be more than one hundred yards from the nearest point of any place in which salt is stored or sold by or on behalf of Government, or of any manufactory and its appurtenances in or on which saltpetre is manufactured or refined, and regulate the possession, storage and sale of salt within such area;

to regulate possession of salt in vicinity of places where salt is manufactured.

(*e*) define an area round any other place in which salt is manufactured, and regulate the possession, storage and sale of salt within such area.

CHAPTER III.

DUTY AND PRICE OF SALT.

Power of Governor General in Council—

7. The Governor General in Council may from time to time by rule consistent with this Act—

to impose a duty on manufacture of salt;

(*a*) impose a duty, not exceeding three rupees per maund of 82⅔ pounds avoirdupois, on salt manufactured in, or imported by land into, any part of British India;

to reduce or remit duties;

(*b*) reduce or remit any duty so imposed, and re-impose any duty so reduced or remitted;

to fix minimum price of salt excavated, &c., by Government.

(*c*) fix the minimum price at which salt excavated, manufactured or sold by or on behalf of the Government of India shall be sold.

In calculating the amount of duty payable under this section, fractions of quarter maunds may be reckoned as quarter maunds.

Power of Local Government to fix minimum price of salt excavated, &c.

8. Subject to any general rules or special orders which the Governor General in Council may from time to time make in this behalf, the Local Government may from time to time, by notification in the local official Gazette, fix the minimum price at which salt excavated, manufactured or sold by or on behalf of such Local Government shall be sold.

CHAPTER IV.

OFFENCES AGAINST THE SALT-REVENUE.

Penalties.

9. Whoever commits any of the following offences (namely):—

(*a*) does anything in contravention of this Act or of any rule made hereunder;

(*b*) evades payment of any duty or charge payable under this Act or any such rule; or

(*c*) attempts to commit, or abets within the meaning of the Indian Penal Code the commission of, any of the offences mentioned in clauses (*a*) and (*b*) of this section,

shall for every such offence be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both;

and the convicting Magistrate, on the application of the Assistant Commissioner or Salt-revenue officer, may declare to be confiscated all works, materials and implements constructed or prepared for the purpose of manufacturing or refining salt or saltpetre contrary to the provisions of this Act or any such rule.

Punishment on second and subsequent convictions.

10. Any person convicted of an offence under section nine, after having been previously convicted of an offence under that section or section 11 of the Inland Customs Act, 1875, or under any enactment repealed by that Act, shall be punished with imprisonment for a term which may extend to six months, in addition to the punishment which may be inflicted for a first offence under section nine;

and every such person shall, upon every subsequent conviction of an offence under section nine, be liable to imprisonment for a term which may extend to six months, in addition to any term of imprisonment to which he was liable at his last previous conviction.

Charge by whom to be preferred.

11. A charge of an offence under section nine, or under section 11 of the Inland Customs Act, 1875, shall not be entertained except on the complaint of an Assistant Commissioner or other Salt-revenue officer not inferior in rank to a f[illegible]spector,

and no [illegible] shall [illegible] admitte[illegible]

Limitati[illegible]

of the offence [illegible]

All such offences shall [illegible]

Jurisdiction.

[illegible] exercising [illegible] than those [illegible]

of the second class.

Confiscation of ar[illegible] in respect of which fence committed.

12. All salt or [illegible]

packages or cove[illegible] petre is contair[illegible] ances used in [illegible] fiscation.

When the artic[illegible] weight, the Commissi[illegible] the seizure takes place n[illegible] port of any Salt-revenue as he thinks fit to make committed, declare suc[illegible] or impose such lesser pen[illegible] as to him may seem fit.

If the article seized does not [illegible] weight, the Assistant Commissione[illegible] same powers in regard to its disp[illegible] by section are conferred on the Comm[illegible]ner o[illegible] Division in regard to quantities exceeding five [illegible] and may also confiscate any vessel, packa[illegible] covering in which such article is contained.

Whenever such Commissioner declares und[illegible] this section any article to be confiscated, he may also declare to be confiscated any vessel, package or covering in which such article is contained, and any animal or conveyance used in carrying it.

Power to levy additional duty as penalty.

13. The Governor General in Council may, from time to time, by rule, direct that any Salt-revenue officer, not inferior in rank to an Assistant Inspector, if satisfied in such manner as such rule may prescribe that any offence mentioned in section nine has been committed in respect of any dutiable salt, shall, instead of making a complaint to a Magistrate, or instituting proceedings with a view to confiscation, impose as a penalty an additional duty on such salt not exceeding the duty leviable thereon under Chapter III of this Act.

The imposition of every such penalty shall be at once reported, if the salt, in respect of which an offence has been committed, exceeds five sers in weight, to the Commissioner of the Division in which such penalty is imposed, and, if such salt does not exceed five sers in weight, to the Assistant Commissioner,

and shall require the sanction of the Commissioner or Assistant Commissioner, as the case may be, to whom it is so reported.

Punishment for connivance at offences mentioned in section nine.

14. Any zamíndár or other proprietor of land, and any agent of a zamíndár or proprietor of land, who wilfully connives at any offence mentioned in section nine, shall for every such offence be punishable by any Magistrate exercising powers not less than those of a Magistrate of the second-class with fine which may extend to fi[illegible] hundred [illegible] with imprisonment for a [illegible] which m[illegible] end to six [illegible] or with b[illegible]

, SEAR[illegible] SEIZURE AND RREST.

evenue officer empowered in this behalf by the Local Government may at any time enter [illegible]rch any place in [illegible]d or refined under [illegible] any rule made

er may stop and [illegible]erson whom he [illegible] believe to be [illegible]unishment under [illegible];

[illegible] or saltpetre in re- [illegible] reason to believe that [illegible] in section nine has been [illegible]uty is payable, together [illegible]s or coverings in which [illegible]ontained, and the animals [illegible] carrying it.

[illegible]-revenue officer may arrest any person whom he has reason to believe to have committed any such offence as last aforesaid.

[illegible]ower to [illegible]

Procedure of officer having reason to believe unlawful manufacture.

15. Whenever any Salt-revenue officer, not inferior in rank to a Sub-Inspector, has reason to believe that salt or saltpetre is being unlawfully manufactured, refined or stored in an unlicensed place,

such officer shall first record in writing (so far as may be practicable) (*a*) the name, residence, and calling of the informant (if any); (*b*) the locality and description of the house, boat or place where the officer believes that the salt or saltpetre is being so manufactured, refined or stored; (*c*) the name of the person by or for whom the salt or saltpetre is so manufactured, refined or stored; and (*d*) the supposed quantity and description of the salt or saltpetre, with the grounds for believing the same to be unlawfully manufactured, refined or stored;

and may then summon in writing the officer in charge of the Police-station within whose jurisdiction the house, boat or place to be searched is situate to attend him;

Power to enter and search.

and may then, after sunrise and before sunset (but always in the presence of an officer of Police not inferior in rank to a head constable), enter and search any house, boat or place in which there is reason to believe that salt or saltpetre is being so manufactured, refined or stored;

and, in case of resistance, may break open any door, and force and remove any other obstacle to such entry;

and may seize and carry away all salt and saltpetre so manufactured, refined or stored, and all materials used in the manufacture or refinement of such salt or saltpetre;

and may also detain and search and, if he thinks proper, arrest the occupier of the said house, boat or place, together with all persons concerned in the manufacture, refinement, or storing of such salt or saltpetre, or in the concealing thereof.

If the place so entered is an apartment in the actual occupancy of a woman who, according to the custom of the country, does not appear in public, the officer entering the same shall be guided by the rules prescribed for such cases in the Code of Criminal Procedure.

Before conducting a search under this section, the officer conducting it shall call upon two or more respectable inhabitants (if any) of the locality in which the house, boat or place is situate to attend and witness the search, and the search shall be made in the presence of such inhabitants (if any), and also (if practicable) of the occupant of the house, boat or place searched.

Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

Failure of Police-officer to attend.

19. Any officer in charge of a Police-station who, on application in writing made by a Salt-revenue officer to attend for any of the purposes specified in section eighteen, refuses or fails within a reasonable time so to attend or to depute a subordinate officer, not inferior in rank to a head constable, so to attend, shall for every such offence be punished with fine which may extend to five hundred rupees.

Report of arrest, seizure and search.

20. Whenever a Salt-revenue officer under the rank of Assistant Commissioner arrests under this Act any person,

or seizes any article as liable to confiscation under this Act,

or enters any house, boat or place for the purpose of searching for any such article,

he shall (unless generally empowered by the Assistant Commissioner to send the person arrested to the Magistrate) within forty-eight hours next after such arrest, seizure or entry make a full report of all the particulars of such arrest, seizure or entry to his official superior for the information of the Assistant Commissioner.

Every officer making any arrest under this Act, or his official superior, shall, if generally empowered in this behalf by the Assistant Commissioner, either send with all convenient despatch the person arrested to the Magistrate having jurisdiction to deal with the case, or order the discharge of such person.

Every officer of Police attending any search made under section eighteen shall report the same to his official superior.

Procedure in respect of articles seized.

21. Whenever the Assistant Commissioner is informed of the seizure of any article exceeding five sers in weight as liable to confiscation under this Act, he shall, with all conveni-

ent despatch, report the circumstances of the case to the Commissioner of the Division in which such seizure is made, who may thereupon proceed under section twelve.

If the article seized does not exceed five sers in weight, such Assistant Commissioner may dispose of the case himself under the said section.

Procedure on detention of article subject to additional duty.

22. Any article in respect of which a penalty is imposed under section thirteen may be detained pending the receipt of the order of the Commissioner of the Division or the Assistant Commissioner, as the case may be, on the report required by the same section:

Provided that, if the owner of any article so detained deposits the amount of such penalty with, and pays all ordinary duty and charges payable on such article to, the Salt-revenue officer detaining the same, such article shall be at once released.

When an article is so detained it shall on the receipt of the said order be dealt with in accordance with the rules made in this behalf hereunder.

When an article has been released under the second paragraph of this section, and the Commissioner of the Division or Assistant Commissioner, as the case may be, reduces, or declines to sanction, the penalty imposed in respect of such article, the amount refundable to the owner shall be paid to him on his applying therefor to the Assistant Commissioner within six months, to be computed (where the order has been made by the Commissioner of the Division) from the day on which the Assistant Commissioner has received such order, and (where the order has been made by the Assistant Commissioner) from the date of such order.

When any penalty the amount of which has been deposited under the second clause of this section is sanctioned,

or when any sum refundable under this section has not been claimed within the said period of six months,

the amount so in deposit, or the sum so refundable, shall be forfeited to Her Majesty, unless the Commissioner of Northern India Salt-revenue otherwise directs.

Procedure in respect of person arrested.

23. Whenever the Assistant Commissioner is informed of the arrest of any person, he shall (unless such person has been dealt with under the penultimate paragraph of section twenty) either send with all convenient despatch the person arrested to the Magistrate having jurisdiction to deal with the case, or order the immediate discharge of such person.

Officers required to assist Salt-revenue officers.

24. All officers of Police, and all officers of Government engaged in the collection of land-revenue, are hereby empowered and required to assist the Salt-revenue officers in the execution of this Act.

Vexatious search, seizure, &c., by Salt-revenue officer.

25. Any Salt-revenue officer who—

(a) without reasonable ground of suspicion searches or causes to be searched any house, boat or place;

(b) vexatiously and unnecessarily detains, searches or arrests any person;

(c) vexatiously and unnecessarily seizes the moveable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Act;

(d) commits as such officer any other act to the injury of any person, when such officer has not reason to believe that such act is required for the execution of his duty,

shall for every such offence be punishable, by a Magistrate exercising powers not less than those of a Magistrate of the second class, with fine which may extend to fi hundred rupees.

Any per maliciously giving false informatio search to be made under this , by a Magistrate exercising h fine w may extend to . with ment for a two with both.

Power to regulate seizures and disposal of things seized.

26. The Governor Gen tim sistent wi late the destruction of thing Act.

Such rules

(a) that the of any animal from day to day that, if he sold by pub incurred on ac ceeds of the sale ,

(b) that when an for its release is owner does not, within rules, appear to clai duty, penalties and thereof, it may be such duty, penalties the proceeds of the sale ;

(c) that the surplus-proce clause (a) or clause (b) of this the owner of the thing seized to such proceeds within a period, months, to be fixed by such rules, Her Majesty.

CHAPTER VI.

MISCELLANEOUS.

Power to prohibit import and transit of salt.

27. The Governor General in Council may, from time to time, by rule, prohibit absolutely, or subject to conditions, the importation of salt into, or the transit of salt over, the said territories or any part thereof.

Except in the case of a prohibition under this section, nothing in this Act shall affect the transit of salt into or from any of the said territories, from or into any other part of British India.

Further matters for which Governor General in Council may make rules.

28. In addition to the rules which the Governor General in Council is hereinbefore empowered to make, he may from time to time make rules consistent with this Act to regulate the following matters, namely:—

(a) the persons by whom, and the time, place and manner at or in which, anything to be done under this Act shall be done;

(*b*) the cases in which and the officers to whom, and the conditions subject to which, orders given by Salt-revenue officers under this Act shall be appealable;

(*c*) the fee to be charged on account of any license, pass, certificate, dákhilá, rawána or other such document issued under this Act;

and generally to carry out the provisions herein contained.

Publication of rules.

29. All rules made under this Act shall be published i[illegible] the *Gazette of* [illegible] shall thereupon have the force of l[illegible]

30. Subject [illegible] contained, [illegible] to confer [illegible] s for the [illegible] orce made [illegible] ior General [illegible] ie Local Gov- [illegible] ioner [illegible] Northern India [illegible] any person with the powers [illegible] ommissioner under this Act, or [illegible] the powers hereinbefore confer- [illegible] ficers.

[illegible] dras Salt Excise [illegible] the following [illegible] tituted :—

[illegible] manufactured in [illegible] or part of a dis- [illegible] his Act may be [illegible] orders as the [illegible] time makes in [illegible] all be leviable until [illegible] d from the place of [illegible] e so removed without a [illegible] oval from store, and [illegible] quantity to be re- [illegible] vied or due thereon."

SCHEDULE.

(*See section 2.*)

ENACTMENTS REPEALED.

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
VIII of 1875	The Inland Customs Act, 1875.	The whole.
II of 1876 ...	The Burma Land and Revenue Act, 1876.	Section 39, clause (*b*), and in clause (*c*) of the same section the words and letter "under clause (*b*)."
XVIII of 1877	The Salt Act, 1877	The whole.

REGULATION.

III of 1877	The Ajmír Laws Regulation, 1877.	Sections 36 and 37.

ACT OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
VII of 1864	The Salt Act, 1864	Section nine

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th March, 1882, and is hereby promulgated for general information:—

ACT No. XIII OF 1882.

An Act to amend the law relating to Kánúngos and Patwáris in the North-Western Provinces and Oudh.

Preamble.

WHEREAS it is expedient to amend, in manner hereinafter appearing, the law relating to Kánúngos and Patwáris in the North-Western Provinces; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "The Kánúngos and Patwáris Act, 1882;" and shall come into force at once.

Repeal of sections of Act No. XIX of 1873 and Act No. VIII of 1879.

2. Sections 29, 30 and 31 of the North-Western Provinces Land-Revenue Act, 1873, and sections 4 and 5 of the North-Western Provinces Land-Revenue Act, 1879, are hereby repealed.

Notwithstanding such repeal any landlord may recover from a tenant any rate, or any portion of a rate, accruing due before the thirtieth day of June, 1882, and which he is entitled to recover, under any rule made under section 29 of the said North-Western Provinces Land-Revenue Act, 1873, from such tenant.

Disposal of balance of provincial fund constituted by Act No. XIX of 1873.

3. The existing balance of the provincial fund constituted by section 29 of the said North-Western Provinces Land-Revenue Act, 1873, shall be disposed of in such manner as the Local Government, with the previous sanction of the Governor General in Council, may from time to time direct.

Information to be furnished by owner or occupier of land.

4. For the purpose of preparing the registers or accounts prescribed by the said North-Western Provinces Land-Revenue Act, 1873, or by any rule made thereunder, every owner or occupier of land in any patwári's circle, and the agent of every such owner or occupier, shall furnish to the patwári of such circle, the kánúngo or such person as the (;may appoint in this behalf ch tim the Local Gov tim rule prescribe.

Explanation.—' also a superior and an infer lessee, mortgagee or conditi session.

And whereas it is al law relating to Ká It is hereby furth

5. Sections 203 t

Repeal of sections 2 to 215 (both inclu of Act No. XVII of 18

said sections and now are consistent herewith made hereunder.

Power to fix number and limits of patwáris' circles.

6. With the previous Co Con num in his district and the respecti circles, and may, with the like san to time alter the number and limit

Patwári to be appointed for each circle.

For each such circle the De Comr sioner shall ap t a wári.

Power to make rules for selection, &c., of patwáris.

7. The Chief Con sioner may, from tin to time, make rules consistent with this Act—

(a) regulating the selection, appointment, suspension, dismissal, duties and supervision of patwáris;

(b) prescribing the fines which may be imposed on patwáris, and on persons appointed temporarily to perform their duties, for neglect of their duty.

Kánúngos and patwáris to be public servants, and their records public records.

8. Every kánúngo and patwári, and every person appointed temporarily to perform the duties of any such officer, shall be deemed to be a public servant within the meaning of the Indian Penal Code,

and all official records and papers kept by any such officer or person shall be deemed to be public records and the property of Government.

Information to be furnished by owner or occupier of land.

9. For the purpose of preparing the registers or accounts prescribed by the said Oudh Land-Revenue Act, 1876, or by any rule made

thereunder, every owner or occupier of land in any patwári's circle, and the agent of every such owner or occupier, shall furnish to the patwári of such circle, the kánúngo or such person as the Deputy Commissioner may appoint in this behalf, such information, at such times, as the Chief Commissioner may from time to time by rule prescribe.

Explanation.—"Owner" in this section includes also a superior and an inferior proprietor, and a lessee, mortgagee or [illegible]ditional vendee, in possession.

10. No su[illegible] y a landlord [illegible]nant for the [illegible]ny cess or rate [illegible] of June, 1882,

Suits for rec[illegible] ári-cess ba[illegible] ing.

and payable, in money or in kind, by such tenant on account of the remuneration of a patwári.

Local extent.

11. Sections one, ten and this section extend to the territories respectively administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh. Sections two, three and four extend to the territories administered by the said Lieutenant-Governor, and sections five to nine (both inclusive) extend to the territories administered by the said Chief Commissioner.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 1882.

☞ Separate paging is given to this Part in order that it may compilation.

PART V.

Bills introduced into the Council of the Governor Laws and Regulations, or published under rule 2

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd February, 1882, and was referred to a Select Committee :—

No. 5 OF 1882.

THE BURMA STEAM-BOILERS AND PRIME-MOVERS BILL, 1882.

CONTENTS.

PREAMBLE.

I.—Preliminary.

SECTIONS.

1. Short title.
   Commencement.
   Extent.
   Savings.
2. Interpretation-clause.

II.—Inspectors and Engineers.

3. Appointment of Inspectors.
4. Examination of, and grant of certificates to, engineers.

III.—Inspection of Boilers, &c.

5. Use of boiler or prime-mover without license prohibited.
6. On notice from owner, an Inspector to examine boiler or prime-mover.
7. Inspector may require owner to alter boiler or prime-mover.
8. When Inspector to grant license.
9. Revocation or suspension of license.
10. Appeal against refusal, revocation or suspension of license.
11. Power of Inspector to enter place or building.
12. Penalties.
13. Charges within what period to be brought.
14. Power to define limits of towns.
15. Power to make rules.

SCHEDULE.—FORM OF LICENSE.

A Bill to provide for the inspec boilers and Prime-movers c British Burma.

WHEREAS it is

Preamble.

thereto in British I follows :—

1. This Act may be

Short title.

Sı move.

and it shall come into fc

Commencement.

Lo pre

ernor General in Council, tion in the *British Burma G*

It extends in the first instance

Extent.

Rangoon, Ma and Bassein ;

and the Local Government may, tificat in the *British Burma Gazette*, extend from date as may be specified in the notification, to other local area in the territories adminis by such Government.

Savings.

Nothing herein contained shall apply to any locomotive engine used upon a railway or to any engine on board of a ship, launch or boat.

2. In this Act, unless there is something repugnant in the subject or context,—

Interpretation-clause.

"Boiler" includes any vessel used for generating steam under pressure :

"Boiler :"

"Prime-mover" includes any steam-engine, and, when attached to any such engine, a fly-wheel, first driving shaft or pulley :

"Prime-mover :"

"Owner" includes also any person using any boiler or prime-mover as agent of the owner thereof, and any person using a boiler or prime-mover which he has hired from the owner thereof.

"Owner :"

"Inspector" means a person appointed under this Act to be an Inspector.

"Inspector."

II.—Inspectors and Engineers.

Appointment of Inspectors.

3. The Local Government may from time to time appoint such persons to be Inspectors as it thinks fit, and suspend or remove any person so appointed.

Such persons shall, within such local area as the Local Government may from time to time direct, exercise the powers, and perform the duties, conferred and imposed by this Act on an Inspector.

Examination of, and grant of certificates to, engineers.

4. The Local Government may from time to time make rules regulating the examination of, and the grant (with or without examination) of certificates to, [illegible]ons to act as engineers of the first or se[illegible] this Act, and the cancellation [illegible]ted.

III [illegible] *&c.*

[illegible] No boil[illegible] be used un[illegible] license au[illegible] use has been [illegible] under, and unless [illegible] charge of an en[illegible]tificate has been granted in [illegible] the rules made under section four.

[illegible] owner of any boiler or prime-mover desires to obtain a [illegible] in respect thereof, he [illegible] notice of his in[illegible] Inspector for the [illegible]r or prime-mover [illegible] notice, the Inspect[illegible], after sunrise and [illegible] of such boiler or [illegible] be a day, if the [illegible]uate in Rangoon, not [illegible] if it is situate else[illegible]rty days, from the day on [illegible]ceived. On the day and [illegible]ed, the Inspector shall [illegible]iler or prime-mover, and [illegible] the owner or person in [illegible]ford to such Inspector all [illegible]es for such examination and all [illegible] regarding such boiler or prime-[illegible]y reasonably require.

When [illegible] boiler or prime-mover is in charge of [illegible]engine[illegible] who has obtained under section four a [illegible]ficate as engineer of the first class, the Local [illegible]ernment may appoint such engineer to be [illegible]ector with regard to such boiler or prime-mover, and in that case no other Inspector shall examine such boiler or prime-mover.

Inspector may require owner to alter boiler or prime-mover.

7. If, on making the examination under section six, the Inspector is of opinion that the boiler or prime-mover requires any alteration or addition, he shall refuse to grant a license until such alteration or addition is made, and shall serve on the owner of the boiler or prime-mover a written notice of such refusal specifying the alteration or addition which in such Inspector's opinion is required.

When Inspector to grant license.

8. If the Inspector is satisfied that such boiler or prime-mover is in good condition, and not so exposed as to be likely to be dangerous, and, when a notice has been served under section seven, that the alteration or addition specified in such notice has been properly made,

and that such boiler or prime-mover is in charge of an engineer to whom a certificate has been granted in accordance with the rules made hereunder,

he shall give to the owner thereof a written license signed by him in the form in the schedule hereto annexed, on payment, by such owner, of such fee as the Local Government may by rule prescribe.

Such license shall state the period for which such boiler or prime-mover may be used, and shall cease to be in force on the expiration of such period.

Revocation or suspension of license.

9. Any person authorized by the Chief Commissioner in this behalf may revoke or suspend any license granted under this Act in respect of any boiler or prime-mover when he has reason to believe—

(*a*) that such license has been fraudulently obtained, or has been granted erroneously, or without sufficient examination;

(*b*) that the boiler or prime-mover in respect of which it has been granted is not in charge of an engineer to whom a certificate has been granted hereunder or is not in good condition, or has, since the granting of such license, sustained injury.

Appeal against refusal, revocation or suspension of license.

10. The owner of any boiler or prime-mover may appeal from any order made hereunder refusing to grant, or revoking or suspending, a license. Such appeal shall, within seven days from the day on which such owner received the order appealed against, be presented to some person authorized by the Chief Commissioner to hear appeals hereunder. Every such person shall be deemed to be a public servant within the meaning of the Indian Penal Code, and may, if he thinks fit, summon to his assistance, in such manner as the Local Government may from time to time direct, two competent assessors, and such assessors shall attend and assist accordingly.

If such person is satisfied that such owner is entitled to such license, he shall, on payment of the fee, grant a license in the form in the schedule hereto annexed, or shall cancel the order revoking or suspending the license, as the case may be.

If such person is of opinion that the order appealed against is right, he shall dismiss the appeal, and the costs of the appeal incurred by Government and certified by him shall be recoverable from the appellant as a fine by any Magistrate having jurisdiction in the place where the boiler or prime-mover is situate.

Power of Inspector to enter place or building.

11. Except as provided in section six, any Inspector may at any time enter into any place or building, where he has reason to believe that a boiler or prime-mover is used, for the purpose of inspecting and examining the same.

Penalties.

12. Every owner, or person in charge, of any boiler or prime-mover who uses the same in contravention of the provisions of section five, and

every such owner or person who uses any boiler or prime-mover and who fails to produce the license granted hereunder in respect thereof, when called upon at any reasonable time to do so by any Magistrate having jurisdiction in the place in which such boiler or prime-mover is situate, or by any person authorized in writing by such Magistrate to demand the production of such license, and

every person who prevents an Inspector from entering, under section eleven, any place or building,

shall be punished with fine which may extend to five hundred rupees.

Charges within what period to be brought.

13. No charge of an offence under this Act shall be brought against any person before such day as the Local Government may, by notification in the *British Burma Gazette*, appoint in this behalf, or without the previous sanction of an Inspector, or after the expiration of six months from the date of the commission of the offence.

Power to define limits of towns.

14. The Local Government may, from time to time, define what shall be deemed to be for the purposes of this Act the local limits of the towns of Rangoon, Maulmain, Akyab and Bassein, respectively.

Power to make rules.

15. The Local Government may from time to time make rules consistent with this Act for all or any of the following purposes, that is to say—

(*a*) for the appointment, suspension or removal of Inspectors;

(*b*) for prescribing the powers and duties of Inspectors;

(*c*) for fixing the fees payable on account of licenses granted hereunder;

(*d*) for determining the time for which such licenses shall be in force;

(*e*) for regulating the procedure on hearing appeals; and generally

(*f*) for carryi[illegible] the purposes of this Act.

The Loca[illegible] from time to time cancel or va[illegible] hereunder.

All such [illegible] thrice in the *British Bur*[illegible]ome int[illegible] on the day [illegible]ablis[illegible] on such later [illegible] the [illegible]cation publishi[illegible]

SCHEDULE.

(See sections 7 and 9.)

FORM OF LICENSE.

Name of owner.	Description of boiler and age.	Description of prime-mover and age.	Power.	When and where made.	When and where last repaired.	No. a certi compe[illegible] serv[illegible] er[illegible]

I, the undersigned, certify that I have examined the above-named boiler (*or* prime-mover), and, to the best of my judgment, the boiler (*or* prime-mover), as shown in the above statement, is in good condition, and is not so exposed as to be likely to be dangerous. The engineer in charge is possessed of a certificate of competency or service [and (*in case alterations or additions have been required*) the alterations (*or* additions) required by me have been properly made].

A. B.,

Inspector.

STATEMENT OF OBJECTS AND REASONS.

THE recent increase in the use of steam-power in British Burma for rice-mills, sawing timber and other purposes is considerable, and will probably continue. Where the steam-engines are under the control of competent European workmen, there is not much danger of accidents; but, in Rangoon and other towns in that Province, steam-engines are sometimes placed in charge of persons who have no knowledge of steam or the steam-engine. Unless while working they are tended by skilled workmen, boilers and prime-movers are liable to speedy decay through wear and tear and neglect, and become dangerous. There is also danger from repairs to boilers and prime-movers being executed by unskilled workmen.

At present, the Government has no power of ascertaining that proper precautions are taken to prevent accidents, and it is obviously desirable, in the interests of workmen and others employed in connection with steam-engines, that such power should be given. The present Bill has accordingly [illegible] on the lines of Bengal Act No. III of 1879, which provides for the periodic[illegible] -boilers and prime-movers in the town and suburbs of Calcutta and in H[illegible] e Local Government to appoint an inspector to examine boilers and prim[illegible] licenses authorizing their use; and it prohibits the use of [illegible]oilers a[illegible] h licenses have not been granted, and which are not in charge f e[illegible] es have been given. The Bill also gives power to the Local ov[illegible] examination of, and the grant of certificates to, persons to act [illegible]ond class. Where boilers and prime-movers are in charge of a [illegible], the Bn. provides that he may be appointed inspector of such boilers and [illegible]ich will not in that case be liable to any other inspection.

WHITLEY STOKES.

1882.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

SUPPLEMENT

The Gazette of [illegible]a.

№ 10.} CALCUTTA, SATURDAY, MARC[illegible] 11,

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, contai information as the Government of India may deem to be of interest to the Public, and su known.*

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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTM[illegible]

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF T[illegible] GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF LAWS AND REGULATIONS UNDER THE PROVISIO[illegible] THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67

The Council met at Government House on Wednesday, the 8th [illegible]

PRESENT:

His Excellency the Viceroy and Governor General of India, K.G., G.M.I.E., *presiding*.
His Honour the Lieutenant-Governor of Bengal, K.C.S.I.
His Excellency the Commander-in-Chief, G.C.B., C.I.E.
The Hon'ble Whitley Stokes, C.S.I., C.I.E.
The Hon'ble Rivers Thompson, C.S.I., C.I.E.
The Hon'ble J. Gibbs, C.S.I., C.I.E.
Major the Hon'ble E. Baring, R.A., C.S.I., C.I.E.
Major-General the Hon'ble T. F. Wilson, C.B., C.I.E.
The Hon'ble Mahárájá Jotíndra Mohan Tagore, C.S.I.
The Hon'ble L. Forbes.
The Hon'ble C. H. T. Crosthwaite.
The Hon'ble A. B. Inglis.
The Hon'ble Rájá Sivá Prasád, C.S.I.
The Hon'ble W. C. Plowden.
The Hon'ble W. W. Hunter, C.I.E., LL.D.
The Hon'ble Sayyad Ahmad Khán Bahádur, C.S.I.
The Hon'ble Durgá Charan Láhá.
The Hon'ble H. J. Reynolds.

FINANCIAL STATEMENT.

Major the Hon'ble EVELYN BARING said:—

I.—Preliminary.

Preliminary.

MY LORD,—I wish to preface the Statement I am about to make by explaining that the figures are throughout given in pounds, rupees being converted into pounds at the conventional rate of £1 = Rs. 10. There are some obvious inconveniences in the adoption of this system, but the alternative procedure of giving the figures in rupees would render a comparison with the Accounts of former years difficult, unless the whole of those Accounts were recast. For the present the continuance of the existing system, which has been

in force since the year 1859, is, on the whole, desirable. In those cases where the pounds are true sterling the fact is expressly mentioned. Wherever the true sterling, as well as the conventional sterling figure, is given, the conversion has been made at the rate of 1*s.* 8*d.* the rupee.

The explanations are throughout given on the figures as arranged in Appendix II, in which the Revenue derived from Productive Public Works is shown separately from other heads of Revenue, and the "Working Expenses and Interest" on Productive Public Works are shown separately from other Expenditure.

in the form ounts.

2. I [illegible] preliminary observation to make in explanation of a chan[illegible] which the Accounts and Estimates are presented. Except[illegible] to the system, heretofore adopted, under which the im[illegible] the Provincial Governments exceeded their Revenue [illegible] on their balances, were credited as Revenue of the [illegible] under the head of *Provincial and Local Deficits.* For [illegible] the head of *Provincial and Local Deficits*, as well as that of [illegible]*al and Local Surpluses*, will appear on the debit side of the account [illegible]ly below the total of "Ordinary Expenditure." The excess ex[illegible] against accumulated balances, and the short expenditure [illegible] accumulation, will be respectively deducted from, and [illegible]ary Expenditure" against Imperial Revenues. This [illegible]ied out in the Accounts of the year 1880-81, and in [illegible]81-82 and 1882-83. The effect will be that both the [illegible]diture will be reduced by the sum now included in [illegible] *and Local Deficits*, but the surplus or deficit of the [illegible] same as under the former method.

II.—Accounts of 1880-81.

[illegible]ular Estimate for 1880-81 was as follows[1] :—

					£
[illegible]	...	...	...	...	70,672,000
[illegible]	...	...	...	...	76,891,000
			Deficit	...	6,219,000

[illegible] Accounts show the following result :—

					£
Revenue	...	...	...	...	72,560,000
Expenditure	...	...	...	...	76,604,000
			Deficit	...	4,044,000

Result inclusive of War Expenditure.

4. The Revenue, therefore, exceeded the Regular Estimate by £1,888,000. The Expenditure was less than the Regular Estimate by £287,000. The net result was better than the Regular Estimate by £2,175,000.

Result exclusive of War Expenditure.

5. If we exclude from the Revenue side of the Account the Ordinary War Receipts and the English War contribution, which together amount to £3,298,000, and from the Expenditure side of the Account the War Expenditure, which, including Frontier Railways, amounts to £13,662,000, the figures would stand as follows :—

					£
Revenue	...	...	...	...	69,262,000
Expenditure	...	...	...	...	62,942,000
			Surplus	...	6,320,000

Reference to Comptroller General's Report for details.

6. The Comptroller General's Report, which was published in the *Gazette of India* of the 4th instant, gives detailed explanations in respect to the differences between the Accounts on the one hand, and the Budget and Regular Estimates on the other hand. It is only necessary that I should here allude to the more important of those differences.

Re-distribution of English War contribution.

7. In making the last Financial Statement* I explained that, of the £5,000,000 sterling War contribution paid by the English Treasury, it was proposed to bring £2,000,000 to account in 1880-81 and £3,000,000 in 1881-82. It was at

* See paras. 15, 19, 70, and 71 of Financial Statement for 1880-81.

[1] These figures do not correspond with those given in para. 33 of the Financial Statement for 1881-82. The differences are (1) £112,000 deducted from both sides owing to the alteration, explained above (para. 2), which has been made in the method of showing the Provincial adjustments; (2) £16,000 added to Revenue, and £34,000 deducted from Expenditure at the Home Treasury, being alterations made by the Secretary of State owing to the fuller information available between the time when the Regular Estimate is published in India, and the date when it is presented to Parliament.

the time impossible to frame any accurate estimate of the net War Expenditure for 1881-82. But including a sum of £790,000 for Frontier Railways, £3,000,000 was taken as a very rough estimate of that expenditure on the assumption that the evacuation of Southern Afghanistan would be complete by the end of May.

8. I explained at the time that the distribution of the £5,000,000 would be re-adjusted before the Accounts of 1880-81 were closed, so as to show, as far as possible, in the Accounts of 1881-82 an amount equal to the Expenditure in that year on the War and on Frontier Railways, and that it was intended to credit any balance that might remain over in the Accounts of 1880-81.

9. The form which the English contribution took was as follows. The debt of £2,000,000 sterling due from India to England was wri[illegible] off, and it was arranged that an annuity of £500,000 sterling [illegible] paid t[illegible] the Home Treasury of the Government of India for six years. [illegible] cash tra[illegible]actions connected with this operation will not, therefore, be comp[illegible] until [illegible]85-86. But it was deemed advisable to bring the whole contribution [illegible] at once in order that the Accounts of future years should pre[illegible] the [illegible] Revenue and Expenditure, and should not be deranged by a [illegible] receipt unconnected with [illegible] actions of the year. The [illegible] was convenient and un[illegible] It was, therefore, with the sanction of the Secretary of State,

* The nature of this operation is described in greater detail in the Comptroller General's Report (see *Gazette of India*, March 4th, 1882, page 121).

10. In September last it became necessary, wit[illegible] Accounts of the year 1880-81, to re-examine the distri[illegible] The best estimate which could then be framed of the [illegible] current year (1881-82), including Frontier Railwa[illegible] difference between this sum and £3,000,000, *viz.*, [illegible] deducted from the receipts of 1881-82 and credited to th[illegible] under the *Army* sub-head of *English contribution for the* [illegible]

11. In the Regular Estimate for 1881-82 the Capital [illegible] incurred on the Punjab Northern State Railway was entered [illegible] Exp[illegible] diture under *32. Railways.* In the course of the yea[illegible] instructio[illegible] received from the Secretary of State to transfer this expend[illegible] to *37. Productive Public Works.* The result of this operation is that [illegible] deficit of the year is diminished by £601,000.

[illegible] of Expenditure on the Punjab Northern State Railway to Productive Publi[illegible] Works.

12. As a consequence of the arrangement made in November 18[illegible] between the Secretary of State and His Highness the Nawab Nazim, the affairs o[illegible] the Nizamat Stipend Fund were wound up during the year. The result was that a sum of £294,000, of which no account was taken in framing the Regular Estimate, was credited to the Government under the head of *XXIV. Miscellaneous.* The details of this transaction are more fully explained in the Comptroller General's Report. (See *Gazette of India* of March 4th, 1882, page 103.)

Winding up of the Nizamat Stipend Fund.

13. The collection of the *Land Revenue* was retarded by the census operations to a less extent than was anticipated last March. The receipts under this head were £157,000 better than the Regular Estimate.

I and 4 Land Revenue.

14. These four figures, *viz.*, the excess receipt of £695,000 on account of *English contribution for the Afghan War*, the transfer of £601,000 from *32. Railways* to *37. Productive Public Works*, the extraordinary receipt of £294,000 under *XXIV. Miscellaneous*, and the improvement of £157,000 in the receipts from *Land Revenue*, account for £1,747,000 out of the sum of £2,175,000 by which the net result of the year, as shown in the Accounts, is better than the anticipations formed at the time the Regular Estimate was framed. For further explanations in respect to differences on either side of the Account I must refer to the report of the Comptroller General.

Summary.

III.—Reforms in the system of Accounts, &c.

15. In my last Financial Statement (paras. 21—31) I mentioned that it was proposed to make various changes in the system of Accounts and other cognate matters. I can now state what has been done.

Reforms in the System of Accounts, &c.

16. It was decided last year that in the Finance Accounts the issues from the Civil Treasuries for carrying on Military services should be treated as Expenditure, in accordance with the practice as regards Exchequer issues in England. This has been done in the Accounts for the year 1880-81 and will always be done in subsequent years.

Finance Accounts [illegible] be based on issues.

Publication of monthly abstract accounts.

17. The importance of obtaining early information in respect to the progress of the Revenue and Expenditure of the country was brought prominently to notice in connection with the failure of the War Estimates. I mentioned in the last Financial Statement (para. 25) that we proposed that every officer in charge of a Treasury should, for the future, furnish to the Accountant General of his province an abstract account at the close of each month, giving his receipts and outgoings for the past month under five main heads of Revenue and Expenditure. This system has been carried out and has proved very successful. It has generally been possible for the Comptroller General to make up the complete abstract account for all India by the tenth day after the close of the month. The figures thus obtained are, of course, not absolutely accurate, inasmuch as many adjustments have subsequently to be made; but they are sufficiently accurate to enable a very fair idea to be formed of the progress of the Revenue and Expenditure. These monthly abstracts are now published in the *Gazette of India*.

Creation of a Deputy Secretary of Finance in the Military Department.

18. It has been decided that the Military Accountant General should occupy the positi[illegible] and exercise the authority, of a Deputy Secretary of Finance in the Milit[illegible] Department. His precise position and functions were defined in a Governm[illegible] Resolution of July 22nd, 1881. (See *Gazette of India* of July 22nd, 18[illegible]

Report of the Comptroller General on the Accounts of the year.

19. [illegible] year that in future the Comptroller General would submit [illegible] the [illegible]dia annually a report, in which the Accounts of the year [illegible]t with the Estimates of that year, and explanations giv[illegible] increase and decrease. The Comptroller General has acc[illegible]ort on the Accounts of the year 1880-81, and it has bee[illegible] information. (See *Gazette of India* of March 4th, 18[illegible]

Establishment of an independent Appropriation Audit.

[illegible]y of establishing in India an independent Appropriation Audit [illegible] the present Departmental Audit has been under the consideration [illegible] Government. We are in communication with the Secretary of Sta[illegible] this subject, but I am not as yet in a position to announce what the final dec[illegible]ion of Government will be.

Changes in Treasury administration.

21. The question of the administration of district Treasuries has been under the consideration of the Government. Numerous fraudulent transactions have taken place within the last few years in almost every Province of India. The measures which have been taken to improve the system of Treasury administration were set forth in a recent Government Resolution (see *Gazette of India* of January 21st, 1882). The question of the inspection of Treasuries is still under consideration. The present system is not altogether satisfactory, and we hope shortly to be able to adopt measures with a view to its improvement.

IV.—Improvement in the position of the Subordinate Executive Services.

Subordinate Executive Services.

22. Before proceeding to compare the Budget and Regular Estimates for the current year it will be convenient that I should give some explanations in respect to certain subjects which have recently occupied the attention of Government. These explanations are, in fact, necessary to the true comprehension of the figures as set forth in the Regular Estimates. The first subject to which I have to allude is the pay and position of the Subordinate Executive Services of Government.

Importance of Deputy Collectors.

23. Both from the political and administrative point of view the class of Deputy Collectors is one of very great importance. A large proportion of the sub-divisional charges of British India is in their hands. The sub-divisional officer is the man upon whom, in quiet times, the Government has to rely for efficient and equitable administration, and, in time of famine or disturbance, for energy, resource, and fortitude. Whether recruited from among the Tahsildar and Sub-Deputy class, or directly from without, they ought to be the cream of that portion of the Native community who are willing to embrace an official career. To fulfil this requirement they ought to receive sufficient pay throughout their career.

Importance of Tahsildars, &c.

24. The Tahsildars, Mamlatdars, Sub-Deputies, and other similar officers, however designated, are also a class entrusted with very considerable powers, revenue, magisterial, civil, or all combined, as the case may be. A large proportion of the disputes which arise between man and man in ordinary life are decided by them, and go no further. In Western and Southern India, a superior Mamlatdar usually has the powers of a 2nd class, and sometimes

those of a 1st class Magistrate, and occasionally is responsible for as much as six lakhs of rupees of revenue. As a class, they are highly efficient and laborious.

Number and pay of Deputy Collectors, Tahsildars, &c.

25. There are at present 631 Deputy Collectors and Extra Assistant Commissioners, and 893 Tahsildars, Mamlatdars, Sub-Deputies, Mukhtyarkars, Myokes, &c., in all India. The former receive salaries varying from Rs. 150 to Rs. 800 a month. The salaries of the latter vary from Rs. 50 to Rs. 250 a month.

Defects of present system.

26. A study of the details of the subject leads to the following conclusions; (1) that there are great differences in the rates of pay given in different provinces: (2) that in some provinces extremely low remuneration is given for duties of a highly responsible character; and (3) that there is a want of uniformity in the proportions of officers in the several grades, and consequently great irregularity in promotion.

Necessity of equalisation.

27. It would appear that, though an absolutely uniform scale of pay for all India is not indispensable, there is room for a considerable measure of equalisation. On the other hand, a uniform percentage proportion between grades, whatever they may be in any locality, is required, in order to secure due promotion during the period of service for pension, which is, under the Pension Code, the same everywhere.

Minimum pay of Deputy Collectors.

28. The Government of India is of opinion that, as a [illegible] rule, no officer holding the power and responsibility of a Deputy Colle[illegible]or should receive less than Rs. 300 a month. It may be that in [illegible] parts [illegible] India Rs. 250 is really equivalent to Rs. 300 elsewhere. But be[illegible] Rs. 2[illegible] it seems undesirable to go, and this rate, even when retained, s[illegible]d be reserved for probationers, or for a grade which would in ordinary co[illegible] of promotion be passed through in not more than three years.

[illegible]m pay of Deputy Collectors.

29. The minimum pay being thus settled, the next question is that of a suitable maximum. Rs. 800 a month appears to be by no means too high a maximum for general adoption. If in any provinces there be financial or other difficulties in the way of granting so much,[1] then the limit should at any rate not be below Rs. 600.

Maximum and Minimum pay of Tahsildars, &c.

30. Turning to the question of the Tahsildars, Mamlatdars, &c., the Government is of opinion that Rs. 150 a month should be the minimum pay for this class. There may be instances where local peculiarities in the charge render Rs. 100 a month sufficient, but this should be admitted with caution; and salaries of Rs. 70—or, as in Sind, of Rs. 50—should be unhesitatingly raised wherever attached to posts belonging *bonâ fide* to the class under consideration. The maximum, on the other hand, should be Rs. 250 a month, which has already prevailed for many years in Western and Southern India, and which will be unexceptionable in any Province where the minimum for Deputy Collectors is fixed at Rs. 300 a month. Where the minimum for the latter is Rs. 250 only, the maximum for Tahsildars, &c., might, as a general rule, remain at Rs. 200 (as it mostly now is); but a limited number of posts on Rs. 250 should be constituted, to serve as prizes for the numerous officers who, though highly meritorious, cannot be promoted to Deputy Collectorships, owing to imperfect knowledge of English, or other causes. The grades admissible under any circumstances might, therefore, be Rs. 250, 200, 175, 150, and, in some exceptional cases, 100.

Proportion of Grades.

31. I will not lengthen this Statement by entering into the question of the proportion of grades at which the establishments should be fixed. I will only observe that this important subject has, in communication with the several Local Governments, received very careful attention.

Cost of proposed reforms.

32. It is obvious that these changes cannot be carried out without some additional expenditure. But such expenditure is inevitable under the progressing civilisation and circumstances of India, and is, in fact, now actually being incurred. The Local Governments have been availing themselves freely of their resources under the Provincial system of finance, and their power to create new offices not exceeding Rs. 250 a month in value. Where these are insufficient, they come up to the Government of India. Large proposals from Assam, Burma, and Sind have been received for separate consideration. The Government of India, however, deems it better to recognise the necessity for general revision, and to meet it by a scheme the most uniform, equitable, and economical that can be devised, than to wait until each Local Government is forced by necessity to adopt or to propose some fragment of reform. The proposed revisions

[1] In Burma it would seem that, while high cost of living necessitates a minimum of Rs. 300, it may be desirable to hold the posts in excess of Rs. 600 a month in abeyance for a time until suitable promotion can be made to them from the grade below.

affecting Deputy Collectors and Tahsildars will cost about £50,000 a year. This is in comparison with the cost at the present time. It does not cover any increases to the numerical strength of the existing establishments, which are as yet only proposed and under discussion. Against this increased charge, however, there is a large saving arising from the reduction in the numbers of the Covenanted Service, including Military, &c., in the Commissions, which it appears only fair to take as a set-off. The reduction since 1st July 1874 has been to the extent of 133 officers. The saving owing to this reduction amounts to a total of £79,800 a year, while the additional expenditure on account of Deputy Collectors during the same period does not exceed £25,000 a year, so that, after giving all the increase which is now proposed, the superior administration will still be less costly than it was. As will be presently explained, in revising the Provincial contracts money has been placed at the disposal of the Local Governments which will enable the changes I have described to be carried out. In some Provinces it is hoped that the new scheme will come into operation on April 1st, and in all it will very shortly be adopted.

Tahsildars to be allowed to rise to the rank of Deputy Collector.

33. It may be desirable to explain that, while laying down distinct scales of pay and proportion for the Deputy Collector and Tahsildar classes, the Government of India has no intention of drawing any impassable line between the two. The Local Governments will remain, as at present, entirely unfettered in their decision as to whether they will fill vacancies in either class by promotion from among the members of the public service immediately below it, or by nomination, after sufficient probation in a somewhat lower office, of young men of good education or family who have been previously unemployed. It is well known that some of the most distinguished Native officers in high positions have risen from the very lowest grades in the District Staff, and the Government of India desires it to be distinctly understood that this avenue, by which men of ability and judgment may raise themselves from humble beginnings to any post in the Uncovenanted Service, should remain open as at present.

Increased employment of Natives of India in the Public Service.

34. Before leaving this subject I wish to observe that, while the number of European officers employed in the Civil Service has been largely reduced, the business of civil administration shows no diminution, but is likely to increase with the progress of the social, industrial, and commercial needs of the growing population. It is the intention of Her Majesty's Government and of the Government of India that a constantly increasing share of the work of the country shall be performed by Natives of India. Not only will this gradual change add to the ties which already bind educated Natives and the chief Native families to the British Government, but the work will be performed more economically than hitherto. The number of Native gentlemen holding offices of trust and position has increased during the last three years, and will continue to do so under the combined influence of the annual admissions to the Covenanted Civil Service in both England and India, and the rules of 1879 regarding appointments to the Uncovenanted Service. A strict observance of the latter by Local Governments and Administrations is indispensable, and will be enforced by Her Majesty's Secretary of State and by the Government of India. In this way the Government of India has every confidence that the intentions of Her Majesty's Government both at Home and in India will meet with fulfilment, and the reasonable aspirations of the people of India be in due time satisfied.

Proportion of Europeans and Natives now employed.

35. As the question of the degree to which Natives of India are already employed in the work of Government is frequently discussed, and as erroneous statements on the subject are not unfrequently made, it will perhaps be as well that I should state the precise facts as they now stand.

36. An analysis of the services, according to their composition as regards Europeans and Natives, shows that at the present time the working body of 4,082 officers is made up in the manner specified in the margin.[1] It must be remembered, in considering the figures given in this table, that under the recent rules, the Covenanted Service will gradually come to contain one-sixth of Natives appointed in India, in addition to any Natives who may enter by public competition in England. The

Nationality.	Covenanted.	Uncovenanted.	Total.
Europeans ...	861	1,197	2,058
Natives ...	12	2,012	2,024
Total ...	873	3,209	4,082

[1] This table has been constructed with the object of showing all branches of the public service which are directly engaged in the government or administration of the country, but not such as are concerned with its moral and material development, or the rendering of service to the community on payment. Thus, Police, Forests, Political, Jails, and Registration have been included. On the other hand, Public Works, Mints, Telegraphs, Education, Survey, Post Office, and some other miscellaneous offices, have been excluded.

number of the latter will, it is hoped, increase hereafter, under the combined influence of the breaking down of social and religious obstacles, and of the facilities now offered to Natives for study in England by the Society presided over by Lord Northbrook, and otherwise. On the other hand, the admission of Europeans to the general Uncovenanted Service has been forbidden and they will gradually disappear from its ranks.

V.—Provincialisation of Finances and development of Local Self-Government.

37. The next subject to which I have to allude is the Provincialisation of the Finances and the development of Local Self-Government. The attitude of the Government in respect to these important questions has been described in two recent Resolutions, dated respectively September 30th, 1881, and January 17th, 1882 (see *Gazette of India* of September 30th, 1881, and of January 17th, 1882). It is unnecessary that I should, on the present occasion, recapitulate all that is said in those Resolutions. The two subjects with which they deal are separate, though connected. In respect to the first, namely, the Provincialisation of the Finances, the arrangements which are to obtain between the Imperial and Provincial Governments for the next five years, commencing from the 1st April 1882, have now been settled. In respect to the second, namely, the development of Local Self-Government, much yet remains to be done.

Provincialisation of Finances and development of Local Self-Government.

(a) *Provincialisation of the Finances.*

38. Turning first to the question of the Provincialisation of the Finances, it will be remembered that the principles of the new arrangements differ, in two important particulars, from those which were adopted on the occasion of the last general settlement in 1877.

Provincialisation of Finances.

39. In the first place, all the new Provincial settlements have now been based upon the principle which was adopted in 1879 in respect to Burma. That principle is that instead of giving Local Governments, as heretofore, a fixed sum of money to make good any excess of provincialised expenditure over provincialised receipts, a certain proportion of the Imperial Revenue of each province is for the future to be devoted to this object. Certain heads, as few in number as possible, are wholly, or with minute local exceptions only, reserved as Imperial. Others are divided in proportions, for the most part equal, between Imperial and Provincial. The rest are wholly, or with minute local exceptions only, made Provincial. The balance of revenues and charges thus made Provincial, being against the Local Governments, will be rectified for each Province by a fixed percentage on its Land Revenue (otherwise reserved as Imperial), excepting in the case of Burma, where the percentage will be extended to the Imperial rice export duty and the Salt Revenue also. The advantage of this system over that which has hitherto generally prevailed is that the Provincial Governments will be given a direct interest, not only in the Provincialised Revenue, but also in the most important item of Imperial Revenue raised within their own Provinces.[1]

Principles of new settlement.

40. The general result of these arrangements is that about three-fifths of the Revenue of British India, amounting roughly to £42,000,000, and about one-fourth of the Expenditure, amounting roughly to £19,000,000, will be Provincialised; that is to say, the Provincial Governments will have to a greater or less extent, according to the circumstances of each head, an interest in and responsibility for their administration. To be more explicit, they will receive the whole of the Revenue under heads which produce about £4,000,000, half of the Revenue under heads which produce about £8,000,000, a larger or smaller percentage on heads (chiefly Land Revenue) which produce about £23,000,000, and an almost nominal share in Revenues which produce £7,000,000; while they will administer the expenditure wholly under heads for which the grants amount to about £15,000,000, and to a very small extent under heads for which the grants amount to £4,000,000.

[1] I may mention that before leaving India, Sir John Strachey left on record a draft Resolution under which the new contracts with the Provincial Governments were to be regulated on the plan explained in para. 39. The details have, of course, undergone revision, but the principle advocated by Sir John Strachey has been adopted by the present Government. The other main features in the new scheme, *viz.*, (1) the relations between the Imperial and Provincial Governments in time of war and famine, and (2) the project which, for want of a better name, I term the "de-provincialisation" of the finances, have been grafted on to the original plan since Sir John Strachey left India.

Relations between the Imperial and Provincial Governments in respect to War and Famine.

41. In the second place, the relations of the Imperial and Provincial Governments in respect to war and famine have been defined. Under the existing agreements, a Local Government is not entitled to any assistance from the Imperial Government until the whole of its resources are exhausted. For the future the Local Governments must look for no special aid from the Imperial Government, except in the case of severe famine, and then only within certain limits, which are defined in the 8th paragraph of the Resolution of September 30th, 1881. Those limits are fixed with reference to the resources of each Province, and not to the amount expended in famine relief. Aid will be afforded at an earlier point than before. On the other hand, the Government of India has declared that it will make no demand on the Provincial Governments except in the case of disaster so abnormal as to exhaust the Imperial reserves and resources, and to necessitate the suspension of the entire machinery of public improvement throughout the empire. A special and permanent annual allotment of £1,500,000 for Famine Relief and Insurance having been made in the Imperial Budget, the Governments of the North-Western Provinces, the Punjab, and the Central Provinces are henceforth relieved from any obligations, which may have been imposed upon them, of setting aside any special Revenues with a view to the relief and prevention of famine in their respective territories. All Local Governments will, indeed, find it necessary to keep in hand a moderate reserve, over and above a mere working balance, of sufficient amount to meet scarcity and distress, not indisputably amounting to severe famine, or other temporary exigencies. But it will no longer be necessary for them to accumulate any great Provincial reserve-funds out of which to meet the demands of severe famine. Where any such reserve funds have been accumulated, they will be free to be employed in works of a Productive or a Protective character.

Repayment of War contributions.

42. The satisfactory position of the finances has enabled the Imperial Government to restore to the Provincial Governments the contributions, amounting to £670,000, which were paid by these latter Governments in the years 1879-80 and 1880-81, at a time when, by reason of the Afghan War, the strain on the Imperial finances was severe.

Financial effect of new contracts.

43. It remains for me to explain what will be the financial effect of the new Provincial contracts. I need hardly say that when the contracts, which are about to close, were made, the Government of India reserved to itself the right of revising them on expiry. It is, indeed, obvious that, in view of the manifold demands on the Imperial Treasury, and the necessity for affording relief to Provinces whose means are straitened, the Government of India cannot forego all its claims on the increments of Revenue which arise from the growing wealth and prosperity of the country. We have, however, wished to approach this question in a liberal spirit, and not to make any revision which will be favorable to the Imperial at the expense of the Provincial Revenues, except in cases where this course can be adopted without embarrassing Provincial Finance or checking the growth of the material prosperity of the Province. I shall presently show (para. 64) that the net result to the Imperial Government has been a loss of Revenue.

Bombay.

44. *Bombay.*—The settlement which was made with Bombay in 1877 was less favorable to the Provincial Government than in the case of most of the other Provinces. We do not propose, therefore, that Bombay should be asked to submit to any revision favorable to the Imperial Revenue. The new contract will be based on the Regular Estimate of the current year, and a sum of £4,800 will be added to the Imperial assignment to cover the cost of improving the position of the subordinate Civil Services.

Madras.

45. *Madras.*—The case of Madras differs entirely from that of any other Local Government. The Government of Madras declined to accept the more independent position offered to it in 1877, and is, therefore, still under the old Provincial arrangement of 1870. Under this arrangement the amount of provincialised Revenue and Expenditure was relatively very small. Taking the figures of the Budget Estimate for the current year, the amount of the provincialised Revenue stood at about £197,000, and the amount of provincialised Expenditure at £1,051,800. The balance of about £855,000 was made good by an Imperial allotment. Under the new arrangement, which has been concluded with the Madras Government, the provincialised Revenue will amount to about £2,178,000 and the provincialised Expenditure will, of course, be equivalent. The Government of India has granted to Madras an extra sum of £20,000 a year for Provincial Public Works. The Government of Madras has asked for a further sum of about £100,000 a year for various objects, but as

the submission of detailed proposals, and in some cases the sanction of the Secretary of State, must necessarily precede any actual grant for these objects, it has been decided to leave them outside the new settlement to come into operation on April 1st, 1882, and to grant hereafter, by means of a revision of the percentage of Land Revenue assigned, whatever extra charge may be finally allowed.

46. *Bengal.*—The terms of the Provincial Contract of 1877 were exceptionally favorable to the Government of Bengal. It was at that time thought that a considerable burden would be imposed upon Bengal in order to guarantee to the Imperial Revenue the interest on the capital spent in Bengal on the construction of Canals and Railways. The Government of India, therefore, consented at the time to abstain from claiming any part of the further increase which might be expected to the Provincial Revenues in consequence of the greater attention which it was thought they would receive from the Local Government. At the same time it was added that "while the Government of "India is most desirous that the Local Government should benefit largely by "any increase of Revenue to which improved administration may lead, it is evi-"dently reasonable and necessary that the Imperial Revenues should eventually "share in such increases." *Bengal.*

47. The Railway receipts have increased by £150,000 in the last three years and are now more than enough to cover the whole of the expenses, including interest. I need not, however, dwell at length on this subject. It is well known that the financial condition of Bengal, partly owing to the great natural resources of the Province and partly to the able and vigorous administration of the present Lieutenant-Governor, is very flourishing. We are of opinion, therefore, that, without in any way embarrassing Bengal finances, we may withdraw from Bengal some portion of the grant from Imperial Revenues, which it has enjoyed during the last five years, and indeed, that in justice to other Provinces we ought to do so. A careful examination of the figures leads to the conclusion that the grant might fairly be reduced by £300,000 a year. On the other hand, the measures under contemplation for the improvement of the subordinate Civil Services, as well as the cost of creating a new district (Khulna), will throw an extra charge of about £30,000 a year on the Bengal Government. Making due allowance for this increased charge, a sum of £270,000 a year would remain as the amount of revision in favor of the Imperial Government. In order, however, that the Bengal Government should not be in any way embarrassed by an immediate change, and in order that the Provincial Revenue should have time to grow, we propose to grant a remission of £285,000, which will be credited to the Government of Bengal in the Accounts of the current year. This is tantamount to a grant of £57,000 a year for five years, but the Government of Bengal will be able to spread it over the period in any way which it may find will make the revision press most lightly on its finances. The real amount of the revision adverse to Bengal will, therefore, be £213,000 annually.

48. *Punjab.*—The provincialized Revenue of the Punjab has increased during the last five years at only a slightly less rapid rate than in the case of Bengal and the North-Western Provinces. Looking at the rate of increase only, a revision in favor of Imperial funds might fairly be demanded; but the Province has many wants. We do not propose, therefore, to demand anything from the Punjab, but the Provincial Revenues will bear the cost (about £4,000) which will be involved in improving the position of the subordinate Civil Services. *Punjab.*

49. *Assam.*—Assam is a poor Province with many wants. The new contract has, therefore, been based on the Regular Estimate of the year, and an extra grant of £3,100 will be given from Imperial funds to improve the position of the subordinate Civil Services. *Assam.*

50. *Central Provinces.*—The finance of the Central Provinces is in a very flourishing condition. If the new contract were made on the basis of present figures, the Local Government would start with a balance of £146,000 in hand, a surplus of above £12,500, and a normal increment of £15,000 more, independently of gain anticipated from the Railway, which is now under construction and is being fast pushed to completion. According to mere percentages, indeed, *Central Provinces.*

the position of the Central Provinces is even more favorable than that of Bengal. A revision to the extent of £15,000 a year might fairly have been claimed. On the other hand, the Central Provinces are notoriously behind-hand in administrative organisation and material development. The strength of Extra Assistant Commissioners is insufficient for the due performance of Treasury and other duties, and a large proportion of civil litigation is in the hands of Naib Tahsildars drawing only from Rs. 50 to Rs 70 a month. Further, the system of roads in the Province is very far from complete. For this state of affairs the Local Government is in no way to blame. The establishments were fixed some twenty years ago, since which time trade, population, revenue, and work, have increased till it is impossible for the existing staff to do justice to the duties imposed upon them. The present Chief Commissioner deserves high credit for having recognised that the wants of a poor Province can only be satisfied within the limits of its income. Under the circumstances, however, we should not be justified in curtailing, in however small a degree, the financial means of the Province. We have, therefore, waived any demand for revision in our favor on the understanding that the Chief Commissioner will relieve the smaller Municipalities of Police charges without imposing an equivalent, and will provide out of Provincial Revenues for such increases of establishment as may be necessary, including the cost of improving the position of the Extra Assistant Commissioners and Tahsildars, under the scheme now put forward, which will be about £3,000 a year.

Burma.

51. *Burma.*—The existing contract with Burma was entered into at the commencement of the year 1878-79, and was intended to last for five years. It would consequently run until the end of 1882-83 but for the consent, which the Chief Commissioner has given, to its being superseded by another on the new general terms.

52. The case of Burma is somewhat special, and I will not lengthen this Statement by entering into the details, which are complicated. It will be sufficient for me to say that we propose to place Burma in such a position as that the Provincial Government will earn an increase during the next five years proportionately equal to that which Bengal has obtained during the agreement now expiring. That agreement, I need hardly say, has operated most favorably to the Provincial Government. An extra grant of £10,000 a year will be given to Burma for improving the position of the subordinate Civil Services.

Abolition of duty on timber.

53. On the occasion of the visit recently paid by His Excellency the Viceroy to Burma, it was represented by the merchants interested in the timber trade of Moulmein, that various objections might be urged against the duty of 7 per cent. levied upon timber brought from the Karennee territory down the Salween River. Those objections were held to be valid. The duty has, therefore, been reduced to 1 per cent. The loss of Revenue consequent on this reduction is estimated at £25,000 a year. Half of this loss will eventually be borne by the Provincial, and half by the Imperial Revenues; but it has been arranged that a temporary grant of £10,000 a year for two years shall be made from the Imperial Revenues to Provincial funds, on the understanding that, should it be eventually determined to establish a Chief Court at Rangoon, the cost of the new establishments will devolve upon the Provincial Revenues.

54. In order not to complicate the new contract with special provisos applicable to the first year or two only, a cash grant of £20,000, and also the sum, if any, by which Burma may, by the new contract, be placed in 1882 83 in a worse position than under the old, will be placed to the credit of the Provincial Accounts before the 31st March 1882.

North-Western Provinces and Oudh.

55. *North-Western Provinces and Oudh.*—The case of the North-Western Provinces and Oudh requires to be treated somewhat more fully than that of other provinces.

56. The Revenue of the North-Western Provinces has increased, during the currency of the contract about to expire, at nearly the same rate as that of Bengal. The normal annual increment is about £60,000. The benefit of this increment to the Local Government, however, has not been so great in the North-Western Provinces as in the case of Bengal, owing to the specially favorable settlements which Bengal obtained in 1877. During the last three years the Government of the North-Western Provinces and Oudh has surrendered to the Imperial Government a larger sum (£116,700) than Bengal (£113,200) out of a Revenue 50 per cent. smaller. As regards Expenditure, the Govern-

ment of the North-Western Provinces has pursued a policy wholly different from that of Bengal. Instead of spending freely, it has saved, with the result that it has now a balance of about £858,000 at its credit, which will be increased to £1,063,000 by the repayment of the contribution of £150,000 made to the Imperial Government during the war, and the addition of £55,000 to which I will presently (para. 57) refer.

57. After full consideration of the condition of the Provincial finances we have come to the conclusion that a revision of £150,000 a year in favor of Imperial Funds might fairly be asked. On the other hand, the cost of improving the subordinate Civil Services in the North-Western Provinces will be about £8,300, thus reducing the revision in favor of Imperial funds to £140,000 in round numbers. In order, however, to give the Local Revenue time to grow, and to facilitate the execution of the policy, recently announced, of relieving Municipalities of Police charges, it has been decided to act on the same principle as has been adopted in Bengal, and to grant the Local Government a partial remission during the first year of the contract of the additional sum which will be due to the Imperial Government. A sum of £55,000 will be credited to the Local Government in the Accounts for the current year. This is tantamount to a remission of £11,000 a year for five years. The reduction in Provincial Revenues will, therefore, really be only £129,000 a year.

58. This, however, does not state the whole of the case. A careful examination of the economic condition of the people in the various Provinces of India leads to the conclusion that in the North-Western Provinces and Oudh there are but slight signs of any improvement in the mass of the people during the last decade. The number of people with incomes of not less than Rs. 500 a year derived from trade and assessed to the License Tax in 1880-81 was 1,550 less than the number assessed to the Income Tax in 1870-71 and 1871-72. This would seem to indicate a diminution of the trade-wealth of these Provinces. On the whole, it may be said that nowhere in India is a reduction of taxation more required than in the North-Western Provinces and Oudh. The Government of India is, therefore, of opinion that, so far from reducing, it will be desirable to increase, the Imperial assignment in order to effect some reduction of taxation.

59. The Lieutenant-Governor has been consulted, and he is of opinion that the best course to pursue will be to remit all taxation on account of patwaris and kanungoes in the North-Western Provinces and in Oudh. The amount of the cess levied on this account in the North-Western Provinces is £241,000. The amount of taxation remitted will be considerably in excess of that imposed under Act III of 1878 (£170,000).

60. In Oudh no cess is levied for the purpose of remunerating patwaris. The patwaris are the private servants of the landlords and payable by them. It has been estimated that they cost their employers, or should, if properly paid, cost, some £75,000 per annum. We propose that the Government should find this sum, and take the payment of the patwaris into its own hands, when, as a matter of course, they will become Government servants, as they are in the North-Western Provinces, and will be treated accordingly.

61. The kanungoes in Oudh are paid by Government and cost about £2,900 a year. But the present establishment of State-paid kanungoes is altogether insufficient for purposes of supervision. There are 96 kanungoes to supervise 9,605 patwaris, working in 24,785 villages, *i.e.*, an average of 258 villages and 100 patwaris to each kanungo. There are great diversities in the sizes of the various kanungoes' charges, the maximum number of villages in a charge being 652, the minimum 57; the maximum number of patwaris 222, the minimum 33. In the North-Western Provinces the average number of patwari circles in charge of a kanungo is about 40, and this is generally considered to be too large for efficiency. To be fairly manageable, the average charge should not, in the opinion of the best informed local authorities, be greater than about 30 patwari circles to one kanungo. The cost of providing such an establishment is estimated at £11,600 a year, *i.e.*, £8,700 a year in excess of the sum now defrayed by Government.

62. The cost involved by these measures to the Imperial Government is shown in the following table:—

		£
Remission of Patwari Cess in the North-Western Provinces	...	241,000
Payments of Patwaris in Oudh, now made by landlords	...	75,000
Cost of additional kanungoes in Oudh (in round numbers)	...	10,000
Total	...	326,000
Deduct increase of contribution from Provincial Funds to the Imperial Treasury	...	129,000
Net cost to Imperial Government	...	197,000

63. The adoption of this mode of giving a remission of taxation will, the Lieutenant-Governor thinks, "be more likely than any other to affect the "tenants at once, for most tenants pay a special contribution towards patwaris' "wages, either in cash or kind, and when it became known that the patwari "was paid by Government, this contribution would hardly be demanded." We intend to cause the fact of the remission to be made known by proclamation in the vernacular, of which not less than two copies will be sent to every village in the United Provinces. The Bill relating to kanungoes and patwaris, which will to-day be laid before the Council, contains provisions which will prevent any landlord from recovering from a tenant any cess or rate or portion thereof, payable in money or kind, on account of the remuneration of a patwari, which becomes due after the 30th of June next. I should also observe that the new position given to the patwaris in Oudh will materially aid the operations of the Agricultural Department in that province.

General result of new contracts.

64. *General result.*—The general result of the whole of the new contracts is as follows:—

The Imperial Government might resume £470,000 a year. Of this sum, however, it gives back to the Provincial Governments £77,900 for improving the position of the subordinate Civil Services, for general purposes in the Central Provinces, &c., £20,000 to the Madras Government for Provincial Public Works, and £326,000 to the North-West Provinces and Oudh, of which £10,000 is for additional kanungoes in Oudh, and the remainder (£316,000) is in the form of a remission of taxation. In addition to this the Imperial Government remits a lump sum of £360,000, equivalent to £72,000 a year for five years, on account of the first year of the new settlements by means of a transfer to the Provincial Accounts of Bengal (£285,000), Burma (£20,000), and the North-West Provinces (£55,000), to be effected before the close of the current year (1881-82). The total grants and remissions amount to £496,000 a year. The net result, therefore, is a loss to the Imperial Government of £26,000 for five years.

(*b*) *Development of Local Self-Government.*

Development of Local Self-Government.

65. Turning to the question of the development of Local Self-Government, it is to be observed that a great step in advance was made when, in 1870, India was no longer considered as a single unit for the purposes of Financial Administration. The Provincial units, however, are still very large. The Government is, therefore, of opinion that the time has come when a further step may be taken in the direction originally indicated by Lord Mayo in 1870. Boards and Committees for the administration of certain local funds already exist in most parts of India. We now wish to widen the sphere of action hitherto assigned to these bodies. The Provincial Governments have, therefore, been invited to hand over to them such items of Revenue and Expenditure as may appear most suited to give them a real interest in the administration of the resources at their command, and, on the other hand, to take over as a Provincial charge some items of Expenditure, such as Police, over which local bodies cannot exercise any real control. I will not, however, at present discuss this question at length. The Local Governments have been consulted upon the subject, and until their answers are received it will be impossible to decide upon the particular measures which it may be eventually deemed desirable to adopt. I will only say, that

whilst we recognise that the development of local self-government must be gradual, and not of a nature to outstrip the wants of the country and the standard of political education at which the people have arrived, at the same time we are desirous of making a real step in advance in the proposed direction.

Measures already adopted in Bengal.

66. I may mention, however, that one important step in advance has already been taken by the Lieutenant-Governor of Bengal, who has throughout most cordially co-operated with the Government of India in carrying out the policy now under discussion. It was indicated in the Government of India Resolution of September 30th, 1881, that it would be desirable to relieve Municipalities of Police charges and transfer to them other items of charge, such as Primary Education and Minor Public Works, the cost of which, within the limits of the Municipalities, has up to the present time been borne by Provincial Revenues. The intention was, wherever such a course was possible, merely to effect a transfer, and not either to increase or diminish Provincial or Municipal charges in the aggregate. It has been found difficult, however, more especially in the case of the smaller Municipalities, to carry this policy into effect without either increasing municipal taxation or providing extra grants from Provincial Revenues. It appears that out of a total sum of £140,000 expended by the different Municipalities, &c., in Bengal (exclusive of Calcutta, the Suburbs, and Howrah) in 1880-81, about £44,000 was spent on Police. The Government of Bengal has, therefore, decided that the charges now borne by Government in Municipalities on account of Dispensaries and Hospitals, amounting to something less than £10,000 a year, shall be transferred to those bodies, and that at the same time the Provincial Government should take upon itself the cost of the Police. The practical result of these orders will be to set free a sum of about £35,000 a year, which the Municipalities will be able to spend on conservancy, lighting, drainage, water-supply, and similar public wants. The Lieutenant-Governor has also increased the grant for Primary Education in the ensuing year by £10,000, and has announced that he will be ready to make liberal grants-in-aid to the funds of District Road Committees for the execution of well-considered projects.

And in other parts of India.

67. In other parts of India, notably in the North-West Provinces, Assam, and the Central Provinces, the transfer of Police charges from the Municipalities to the Provincial Governments is either in active progress, or will very shortly be taken in hand, and generally it may be said that the policy of the Government of India has been cordially accepted by the Local Governments.

VI.—Regular Estimates for 1881-82.

Regular Estimates, 1881-82.

68 I now proceed to compare the Regular Estimates with the Budget Estimates for the current year.

Comparison of Budget and Regular Estimates, 1881-82.

69. The Budget Estimates were as follows:—

	£
Revenue	70,160,000[1]
Expenditure	69,305,000[1]
Surplus ...	£855,000

The Regular Estimates are as follows:—

	£
Revenue	72,913,000
Expenditure	71,336,000
Surplus ...	£1,577,000

Amount of Surplus.

The Revenue is, therefore, now estimated at £2,753,000 and the Expenditure at £2,031,000 in excess of the Budget Estimate. The net result is better than the Budget Estimates by £722,000.

Explanations in respect to Surplus.

70. These figures, however, would not, without some explanatory remarks, give a true indication of the financial result of the year, or of the actual financial position. It has occasionally been the practice in making a Finan-

[1] These figures are not the same as those given in para. 72 of the Financial Statement for 1881-82. Owing to the alteration made in the form of showing the Provincial adjustments (see *ante*, para. 2), a sum of £821,000 has to be deducted from both sides of the Account. The net result is the same, viz., a surplus of £855,000.

cial Statement, after stating what is the amount of surplus or deficit as shown upon the Accounts or Estimates, to make a calculation purporting to show what is the "real" surplus or deficit,—that is to say, what is the net result after eliminating any Revenue or Expenditure of an abnormal character. Very elaborate calculations of this sort are not of much use. It always happens that in the course of the year some abnormal circumstances arise, which to a greater or less extent influence both the original Estimates and the final net result. Further, if we look at a series of years, the actual surpluses or deficits shown in the Accounts really represent the net financial result of those years. At the same time, it is quite true that, unless allowance be made for any circumstances of very special importance and of a purely extraordinary character, an incorrect idea would be formed of the net result in the particular year of their occurrence. This is particularly true as regards the finance of the year 1881-82. In the first place we have paid back £670,000 to the Local Governments (para. 42), being the amount contributed by those Governments to Imperial Funds during the Afghan War. In the second place, as I have already explained (para. 61), a sum of £360,000 has been credited to the Local Governments in the Accounts of the year in connection with the renewal of the quinquennial contracts. Both of these items have been paid out of surplus, that is to say, neither of these transactions would have been carried out had we not been assured of the possibility of effecting the payments in question without incurring a deficit. If we add together these two items, we arrive at a total of £1,030,000. On the other hand, the amount of English War contribution credited to the Accounts of the year is £2,305,000. This was greater than the amount expended on the war, including Frontier Railways. I shall presently (para. 85) show that, owing to the difficulty of making an accurate separation between Ordinary Military Expenditure and War Expenditure, it is impossible to state precisely the amount by which this sum of £2,305,000 exceeds the real amount of War Expenditure incurred during the year, but I shall not be far from the mark if I state the excess at about £250,000. Deducting £250,000 from £1,030,000, there remains £780,000. If, therefore, the Provincial Governments had not been paid £1,030,000, and if, on the other hand, the receipts had not been swelled by an extraordinary credit of about £250,000, the surplus would have been £2,357,000. Some further corrections of this nature might be made. I have, however, said enough to show that £1,577,000 falls far short of the sum by which the normal Revenue of the year is estimated to exceed the normal Expenditure.

Surplus due to Financial Administration of preceding Governments.

71. The Budget Estimates for the current year were framed on the unquestionably sound principle that, so long as the embarrassment caused by the partial occupation of a foreign territory continued, all large measures of fiscal reform must be postponed. It is now, indeed, two years since any important alterations in the fiscal system have been made, during which time the personnel of the Indian Administration, both in England and in India, has undergone very considerable changes. It follows, therefore, that so far as the flourishing condition of the finances, which the figures I have given above indicate, results from financial administration, the credit is due not to the present Government but to its predecessors.

Explanation of details.

72. I proceed to give some explanations in respect to a few of the more important differences between the Regular and Budget Estimates.

IV and 6. Excise.

73. The net Revenue from *Excise* was originally estimated at £2,932,000.[1] It is now estimated at £3,312,000, being £380,000 in excess of the Budget Estimate. The general principles which guide the Government in respect to the Revenue from Excise are so well known that I need not discuss them at any length. Both from the financial and moral point of view, it is desirable to obtain a maximum of Revenue with a minimum amount of consumption. If the price of liquor is unduly increased, illicit trade at once springs up. If it be unduly diminished, drinking is encouraged. These principles are generally recognised as quite sound. The difficulty in dealing with the subject consists

[1] A Statement (X) has been added to those heretofore published, in which the net figures for 1880-81, 1881-82, and 1882-83 are given. It is thought that this statement may be useful for reference. Under the head of "Budget 1882-83" two columns are given, *viz.*, "preliminary" and "final." The "preliminary" column give the figures as they would stand if no fiscal changes were made. The "final" column give the figures as they stand after allowing for the loss occasioned by the remissions of taxation which, as I shall presently explain, it is proposed to make.

in their proper application. So far as any increase in the Revenue represents the substitution of licit for illicit consumption, it is an unmixed good. So far as it represents facilities for drinking being afforded beyond the ordinary requirements of the population, it is an evil.

Increase in Bengal.

74. There has been an increase of Revenue in every Province of India, but the principal increase has taken place in Bengal. The net Revenue in that Province, which was originally estimated at £803,000, is now estimated at £953,000, an increase of £150,000. There is reason to suppose that in some districts of Bengal an unduly rapid extension of shops under the out-still system has taken place, but the Lieutenant Governor has drawn the attention of local officers to the subject, and in the future it is to be hoped that the number of licenses given will be so regulated as to follow, and not to precede, the demand for liquor.

XIII & 15. Post Office.

75. The net cost to the State of the *Post Office* is now estimated at £43,000 in excess of the original Estimate. The operations of the Post Office afford a good indication of the progress of the country. During the year 1880-81 about 159,000,000 letters, newspapers, parcels, &c., passed through the Post Office, as compared with about 143,000,000 in 1879-80. The system of Post-cards, which was introduced into India on July 1st, 1879, has been much appreciated by the public. In the nine months from July 1st, 1879, to March 31st, 1880, 7,472,000 of these cards were used. In 1880-81 the number rose to 14,865,000. The number of Money Orders issued in the first nine months of the current year was 1,601,412, representing a value of about £4,295,000, as compared with 1,152,716, representing a value of about £3,344,000, during the corresponding period of 1880-81. During the year 1880-81 insured property to the value of about £7,876,000 was sent through the Post Office. The rate of insurance charged is ¼ per cent. of the value. The amount of property lost, whether from accident, fraud, or highway robbery, was only £1,040. This result testifies to the general efficiency of the Post Office administration, and to the honesty of the large body of postal employés, the great majority of whom are Natives of India.

Reduction in Registration Fee.

76. Various reforms have been introduced into the Post Office administration during the current year. On August 1st, 1881, the fee for Registration was reduced from 4 to 2 annas. It is too soon yet to say what will be the ultimate financial result of this reduction, but it is certain that, since the reduction of the fee, the number of registered letters has largely increased. During the month of December 1881, which is the latest month for which returns have been received, there was an increase in Head Offices alone of about 17 per cent., as compared with April 1881.

And in postage on Newspapers.

77. In October 1881 the postage on newspapers not exceeding 3 tolas (1¼ ozs.) in weight, was reduced from 6 to 3 pie. It is too early yet to say whether this measure will have any effect upon the circulation of the Vernacular papers, which mainly benefit by the change.

Post Office Savings Banks.

78. I mentioned, on the occasion of my last Financial Statement (para. 95), that arrangements were being made to utilise the organisation of the Post Office with a view to giving increased facilities to depositors in the Savings Banks. The new scheme will come into operation on April 1st, 1882. We are unable at present to introduce it into the Bombay Presidency, owing to legal difficulties in connection with the vested rights of the Bank of Bombay. It will, therefore, for the present, only be introduced in the Bengal and Madras Presidencies. There are, at present, in those Presidencies, 179 Railway and Treasury Savings Banks. None of these will be closed, but from April 1st, 1882, 4,035 Post Office Savings Banks will be opened. The advantages of thus facilitating the investment of small sums by the rural population are obvious. Even with the limited number of Savings Banks now open, the accumulation of capital steadily increases. There were 63,293 Native and 44,485 European and Eurasian depositors in 1880-81, as compared with 52,147 Native and 39,141 European and Eurasian depositors in 1879-80. The value of the deposits was £3,299,000 in 1880-81, as compared with £2,315,000 in 1879-80. There was a remarkable and very satisfactory increase (£718,000) in the amount of Native investments. It is to be hoped that, with the additional facilities now offered, the amounts invested will increase more rapidly than heretofore.

79. The efficiency of the Post Office administration depends to a great extent on a very careful attention to small details. The requirements of the public have to be watched, and, so far as is possible, anticipated. From this point of view the criticisms and suggestions on postal administration which, from time to time, appear in the newspapers, both English and Vernacular, are of great assistance. It is desirable that the Post Office authorities should be kept fully informed of the most recent improvements introduced into the postal administration of other countries. With this object in view, a high official of the Post Office will shortly visit the principal countries of Europe, as well as the United States.

Life Assurance.

80. The Government has at present under its consideration a scheme for granting Life Assurances and Annuities, both immediate and deferred, to the employés of the Post Office. This scheme will shortly be introduced. The experience we shall thus gain will enable us to judge whether it will be desirable to extend the scheme to others besides postal employés.

Pay of Postmasters.

81. The increased work which has been thrown upon the Post Office renders it desirable to improve the position of Post Masters, more especially in Bengal, the North-Western Provinces and Oudh, where their pay has, relatively speaking, been low. The salaries of the Post Masters have, therefore, been increased in those Provinces, at a cost to the State of about £5,000 a year.

XIV and 16. Telegraph.

82. The net cost to the State of the *Telegraph* Department is now estimated at £91,000 as compared with the Budget Estimate of £81,000. In the course of the year important additions were made to the pay of the Telegraph establishment. About 1,000 miles of line have been opened and about 4,000 miles of new wire erected; 128 additional offices were opened. It is too early yet to judge of the effect on the Revenue of the alterations in the Tariff which were introduced on January 1st, 1882, or of the extent to which the system of sending "urgent" and "deferred" messages is appreciated by the public. The following figures, however, give some indication of the results attained so far. From the Calcutta Office 7 per cent. of the messages despatched during the month of January were "urgent," 71 per cent. were "ordinary," and about 21·5 per cent. were "deferred." Comparing the number of messages sent from four of the principal offices in January 1882 with the number sent in January 1881, there has been an increase in Calcutta of 9 per cent., in Madras of 11 per cent., in Rangoon of 15 per cent.; in Bombay there has been a falling off of 5 per cent. During the year Postal Telephone Offices have been established as adjuncts to the Telegraph Department. Licenses have also been granted to Telephone Exchange Companies in Calcutta, Bombay, Madras, and Kurrachee.

XXVII & 34. Other Public Works.

83. The net Expenditure on *Other Public Works* is now estimated at £215,000 in excess of the Budget Estimate. The main increase of Imperial Expenditure has taken place in Bengal, where it is expected that the Budget Estimate will be exceeded by a sum of about £83,000. This is due to additional grants having been made during the year for the new Treasury Building, the new Central Press Building, and the new Military Account Offices, the Imperial Museum at Calcutta, and for several other works. The expenditure on Military Works during the year 1880-81 fell short of the Regular Estimate by £68,000. This amount was, therefore, added to the grant for 1881-82. For some years past it has been the practice to give a fixed grant of £1,000,000 a year for Military Works, on the understanding that any unexpended balance is carried forward for expenditure in the following year.

XXVIII and 35. Army.

84. The Regular Estimate provides for a total net *Military Expenditure* of £17,491,000, *viz.*, £16,150,000 Ordinary and £1,341,000 War, as against a Budget Estimate of £17,855,000, *viz.*, £15,645,000 Ordinary and £2,210,000 War.[1] The present Estimate of net Military Expenditure is, therefore, £361,000 less than the Budget Estimate. The difference would have been greater but that a sum of £560,000 has been deducted from *Frontier Railways* and added to *Military Operations in Afghanistan.* This sum represents the amount of Capital expended on the unfinished portion of the Kandahar Railway. It was thought desirable to make this transfer in order that the Capital Account of the existing Railway, which runs from Ruk on the Indus to Sibi and Pir Chowki,

[1] This calculation excludes the English contribution from the Revenue side of the Account.

should not be burdened with expenditure which does not really belong to it, and which is properly debitable to the War. If we deduct this amount of £560,000, the net War Expenditure, exclusive of Frontier Railways, would be reduced from £1,344,000 to £784,000, and the Regular Estimate of total net Military Expenditure would be £16,934,000, being £921,000 less than the Budget Estimate.

War Expenditure of 1881-82.

85. I have already explained (para. 10) that a redistribution of the English contribution between the years 1880-81 and 1881-82 was made in September 1881. According to the original distribution, £2,000,000 was to be credited to the Account of 1880-81 and £3,000,000 to the Account of 1881-82. This latter sum of £3,000,000 was estimated to cover the cost of Military Operations in Afghanistan and of Frontier Railways in the proportion of £2,210,000 for the former, and £790,000 for the latter, class of expenditure. The distribution adopted in September, which was the best that could be made according to the information then available, was £2,695,000 for 1880-81 and £2,305,000 for 1881-82. According to the Regular Estimate, the net charge for *Military Operations in Afghanistan* during the year 1881-82 will be £1,344,000, and the charge for *Frontier Railways* £209,000. The total net cost of Military Operations proper and of Frontier Railways, taken together, during the year, has, therefore, been £1,553,000, being £752,000 less than the amount of the English contribution which will be credited to the year's account. These figures, however, do not accurately represent the state of the case. It will be observed that, whilst the net War Expenditure recorded under *Army* is estimated at £866,000 less, the net Ordinary Military Expenditure is estimated at £505,000 more, than the Budget Estimate. It has, in fact, been found impossible to distinguish accurately between Ordinary and War Expenditure. Orders were issued in the course of last autumn that from January 1st, 1882, the charges on account of the troops beyond the frontier should be treated as Ordinary, only special charges, such as compensation for loss of camels, &c., being classified as War Expenditure. It cannot be doubted that a great deal of the expenditure debited to the Ordinary account really belongs to the War. The Military Estimate must, in fact, be treated as a whole. The division into Ordinary and War Expenditure does not pretend to any great accuracy.

Total cost of the War.

86. It will be convenient in this place that I should state the total cost of the War. Exclusive of the cost of Frontier Railways, the direct cost of the War may be taken at £17,551,000 (true sterling £14,679,000). The Frontier Railways are estimated to cost £4,060,000 (true sterling £3,614,000). The total cost of the War, if we include Frontier Railways, is, therefore, £21,611,000 (true sterling £18,293,000). Of this amount £5,000,000 (true sterling) has been paid by the Government of England, and the remainder by the Government of India.

Year.	Military operations.	Frontier Railways.	Total.
	£	£	£
1878-79 (Accounts)	676,000	...	676,000
1879-80 (Accounts)	4,766,000	1,334,000	6,100,000
1880-81 (Accounts)	10,765,000	2,294,000	13,059,000
1881-82 (Regular Estimate)	1,344,000	209,000	1,553,000
1882-83 (Budget Estimate)	...	223,000	223,000
Total	17,551,000	4,060,000	21,611,000

A very accurate calculation is impossible.

87. This is the best calculation that can be made of the cost of the War, but it does not profess to be very accurate. On the one hand, certain deductions have to be made by reason of the increased receipts from Railways and Telegraphs, consequent on the War. It is impossible to say to what an extent any deduction should be made on these heads, but the amount, if it could be accurately calculated, would, no doubt, be considerable. On the other hand, some large additions have to be made, both by reason of the fact, to which I have alluded above (para. 85), that a good deal of War Expenditure has been debited to the Ordinary Account, and also because the cost of the Punjab Northern State Railway is not included in this calculation. The construction of that Railway was hurried on by reason of the War, and, in consequence, it no doubt cost considerably more than it otherwise would have done. Further, some small charges have yet to be incurred on account of the War. Provision has been made in the Budget of 1882-83 for a sum of £30,000 on account of these charges.

XXIX and 36. Exchange.

88. The Budget Estimate provided for a net *Loss by Exchange* of £3,063,000. It was anticipated that the Secretary of State would draw £17,200,000 sterling. The value of the rupee was taken at 1*s.* 8*d.* There has been a considerable demand for Council Bills lately. The opportunity has, therefore, been taken to remit home money to an extent somewhat in excess of the year's requirements. It is now estimated that the Secretary of State will draw on the Government of India to the extent of £17,504,000 sterling during the current year, at an average rate of 1*s.* 7·88*d.* The net *Loss by Exchange* is now estimated at £3,294,000, being £231,000 in excess of the Budget Estimate.

31. Famine Relief and Insurance.

89. It will be observed that the grant of £1,500,000 for *Famine Relief and Insurance* is divided into three sub-heads, *viz.*, *Relief*, *Protective Works*, and *Reduction of debt*. There has been an expenditure of £23,000 on *Famine Relief* during the current year in Madras, caused by a remission of some of the advances given to cultivators and others in 1876.

Protective Works.

90. According to the Regular Estimate the expenditure during the current year on *Protective Works* will be as follows:—

	£	£
North-West Provinces—		
Betwa Canal		25,000
Bombay—		
Nira and Gokak Canals and Maswad Tank ...	82,000	
Southern Mahratta Railway	315,000	
		397,000
Punjab—		
Swat Canal	40,000	
Rewari—Ferozepore Railway	207,700	
		247,700
Madras—		
Surveys		6,000
Expenditure in England		51,300
TOTAL		727,000

Reduction of Debt.

91. The annual grant (£750,000) to be applied to the *Reduction of Debt*, together with a portion (£90,000) of the same grant for 1882-83, will be devoted to paying off the 5 per cent. loan of 1867 (£603,000) and the 4 per cent. loans of 1871 (£203,100), of 1824-25 (£31,600), and of 1828-29 (£5,800). Various suggestions have, from time to time, been made as to the best method of spending this money for the future. I need not, at present, discuss those suggestions. They will, without doubt, be carefully considered by the Commissioners appointed under the Government Resolution published in the *Gazette of India* of February 4th, 1882. It was, in fact, with a view to the full consideration by an independent body of the various alternatives which are possible that the Commissioners were nominated; and the Resolution appointing them was drafted with a view to embracing all the different suggestions which have, from time to time, been made. We should have been glad if we could have given somewhat greater powers to the Commissioners, but it was held that we were precluded by Act of Parliament from doing so. The Commission will be a consultative body. The final responsibility for action will rest with the Government. I trust, however, that the difference will be more nominal than real. The Government will, without doubt, always be disposed to follow the advice of the Commissioners. I wish on behalf of the Government to thank the gentlemen (Mr. J. Keswick and the Honourable Durga Charan Láhá) who have consented to act as Commissioners. It is, I venture to think, desirable to take any opportunity of this sort which may arise to associate the leading members of the mercantile community with the work of Government in India. A good deal of misapprehension as to the views and intentions of Government not unfrequently arises from the want of free communication between the official and unofficial classes.

Famine Insurance policy.

92. I take the present opportunity of drawing renewed attention to the leading feature of the Famine Insurance policy. Whether the method which has now been adopted for disposing of the annual grant of £1,500,000 is the best of

which the circumstances admit, may be a matter of opinion. There can, however, be no doubt whatever that by the annual expenditure of £750,000 on works which will to some extent prevent famine, and which will also, it may reasonably be hoped, render the relief of famine, when it occurs, less costly,—and by the expenditure of a further sum of £750,000 on reducing debt in some form or another,—we are, in the strictest sense of the word, insured against famine to the extent of £1,500,000 a year. That sum the Famine Commissioners, after a very full consideration of the whole subject, named as the "amount not likely to be exceeded as the average charge for famine relief "over a series of years." Having made provision for this sum of money to be expended annually, the Government considers that all that is necessary has been done with a view to placing India in a sound financial position to meet future famines. I mention this again, although it has frequently been explained before, because, should unfortunately a famine occur with the result that any anticipated surplus of the year is turned into a deficit, it may not improbably be urged by those who take a very gloomy view of the financial position of India as a proof that their fears have been verified. I venture to think that no such inference would be justified. We do not profess to finance for a surplus in a year of famine. When a serious famine occurs, it is inevitable that the Expenditure of the year should be greater than the Revenue. We anticipate that, under the circumstances assumed, this will be the case, and we consider that all the requirements of sound finance have been met if in ordinary years a sum of £1,500,000 has been expended, partly as an insurance against the loss which must of necessity accrue when famine occurs, and partly on works which will either tend to prevent the occurrence of famine, or will, at all events, diminish the cost of relieving it when it occurs.

VII.—Expenditure on Railways.

93. The "Ordinary" Expenditure on Railways for the year 1881-82 was originally estimated at £417,000. It is now estimated at £281,000. The difference is mainly due to the transfer of the estimated outlay during the current year on the Jhelum—Rawulpindi Section and Salt Branch Extension of the Punjab Northern State Railway from *32. Railways* to *37. Productive Public Works.*

Railways.

XXV and 32. Railways.

94. The item of £39,000 under the sub-head of *Subsidized Railways* is for the purchase of the land necessary to the construction of the Bengal Central Railway, and for guaranteed interest payable to the Company. The item of £2,000 on the Revenue side of the Account represents the interest realised on the capital paid by the Company to the Secretary of State.

Subsidized Railways.

95. The decrease of £581,000 under the sub-head of *Frontier Railways* is mainly due to the transfer of £560,000 to *Military Operations in Afghanistan,* which I have already explained (para. 84).

Frontier Railways.

96. Turning to the Revenue and Expenditure Account of those Railways which are classed as Productive Public Works, it will be observed, on comparing the figures under *XXV* and *32. Railways,* that the Budget Estimate of net receipts appears to have been exceeded by £1,064,000. Of this apparent improvement, £150,000 is shown as decrease of expenditure on account of the East Indian Railway. The decrease under this head is almost entirely due to the interest on the East Indian Railway Debentures having, in the Budget Estimates, been included under *32. Railways,* whereas, in the Regular Estimate, it is charged to *1. Interest on Debt.* The result is that, whilst the charge under the former head of account is decreased, that under the latter is increased to the extent of about £150,000. Hence, the net receipts from *Railways* are really £914,000 in excess of the Budget Estimate. Almost the whole of this increase is on account of the Guaranteed and East Indian Railways. On the Guaranteed lines the main increases have taken place in the Great Indian Peninsula and Eastern Bengal Railways. The net receipts from State Railways are now estimated at £18,000 more than the Budget Estimate. The net receipts of the Rajputana—Malwa Railway have improved by £110,000; but this improvement has been, to a great extent, counterbalanced by the falling off on the Punjab Northern Railway, the net receipts from which are now taken at

Railways classed as Productive Public Works. Revenue and Expenditure Account.

£88,000 less than was originally estimated. So long as the war traffic was going on, it was difficult to frame any correct estimate of the normal net receipts on this line.

Construction of Railways by private enterprise.

97. In my last Financial Statement (para. 30) I made the following remarks: "I am not over-sanguine as to the possibility of developing the resources "of India rapidly through the agency of private enterprise; but the end to "be attained is so important that the policy merits a further trial." My main object in making these remarks was to draw public attention to the subject and to remove the impression which heretofore, whether rightly or wrongly, had prevailed, that the Government of India was disposed to discourage the construction of Railways by any other agency than that of the State. This object has been attained. The question has, indeed, now entered a new phase. Numerous offers have been received by the Government to construct Railways on terms more or less advantageous to the State. Many of these merit, and will receive, careful attention. In respect to others, all I need say is that the necessity for the warning which I gave last year to the effect that it was "important only to give concessions to such persons as can "afford good security that they have at their command a sufficient amount of "capital to carry out the undertaking to a successful issue," has been justified by subsequent events.

Central Bengal Railway.

98. I mentioned last year that a Company was about to be formed, under the auspices of Messrs. Rothschild, to construct a Railway from Calcutta to Jessore and Khulna. The original basis of negotiation was that no Government aid was to be given except the grant, free of charge, of the land necessary to the construction of the line. Ultimately it was decided to give a guarantee of 4 per cent. during the period of construction, which was limited to five years. The transaction was a great advance on anything which had heretofore been accomplished in the way of constructing Railways by unaided private enterprise in India.

Railway policy is under discussion.

99. In respect to some Railways in India it may be said that they present a sufficiently reasonable prospect of success to justify the hope that the capital necessary to their construction can be raised through the agency of private enterprise on the exclusive security of the success of the undertaking. In respect to others, whose immediate prospects of proving remunerative are less hopeful, it was inevitable that the question of the degree of aid which, in the early stages of the undertaking, may legitimately be afforded by the State, should arise. This important question now forms the subject of correspondence between the Secretary of State and the Government of India. Under these circumstances I will not at present discuss it, but will confine myself to stating in detail the actual position of affairs, both as regards the progress of Railway construction generally, and of the main projects which have recently occupied the attention of Government and of the public.

General principle of private enterprise approved by the Secretary of State.

100. I wish, however, to say that so far as the broad issue of whether permission should under any circumstances be given to private Companies to construct Railways in India is concerned, Her Majesty's Government has entirely approved of the views which I propounded on the occasion of my last Financial Statement. In a despatch reviewing that Statement the Secretary of State observed: "I have to express my cordial approval of the views enunciated "by Major Baring in his Financial Statement, regarding the encouragement of "private enterprise in India, any measures in which direction will be welcomed "by Her Majesty's Government." I repeat that I am not over-sanguine of the results which may be produced by this change of system. The success or failure of the policy obviously depends to a great extent on circumstances over which the Government can exercise no control. All I claim for the policy is that it should have a fair and impartial trial.

Lines open and under construction.

101. At the commencement of the year 1881-82, there were 9,619 miles of Railway open to traffic, and 646 miles under construction. During 1881-82, 318 miles of Railway have been opened to traffic and the commencement of 1,154 additional miles has been sanctioned. We have, therefore, now 9,937 miles open to traffic and 1,482 miles which are either under construction or whose construction will be commenced in 1882-83, making a total of 11,419 miles. Of those lines which are under construction it is expected that 491 miles will be opened during the year 1882-83.

Oudh and Rohilkhund extension.

102. In the course of the year arrangements were made with the Oudh and Rohilkhund Railway Company to extend their operations in a northerly direction from Moradabad to Saharunpore with a branch from Roorkee to Hurdwar, a total distance of 134 miles, at a cost of about £1,500,000. It is expected that this extension, together with the bridge over the Ganges at Benares, will be finished in 1883-84. There will then be through communication, without any break of gauge, from the East Indian Railway at Mogulserai through Oudh to Saharunpore.

Sonepur—Gorakhpur and Bahraich Railway.

103. A survey has been made of the line from Sonepur to Gorakhpur and Bahraich. The total length of this line, with its branches, is 432 miles. It was originally estimated to cost, on the metre gauge, £2,126,000, or about £4,900 a mile. The Consulting Engineer of the Government of India considers this estimate too low. The estimates are now being further examined. In the meanwhile the papers on the subject have been published, and we have addressed the Secretary of State, recommending that enquiries should be made with a view to ascertaining whether a Company, unaided by Government in any way except by a free grant of land, could be formed to undertake the construction of the line.

Southern Mahratta System.

104. One of the most important lines in India, whether from the point of view of protection against famine or in respect to the development of a tract of country whose progress is now retarded owing to deficient means of communication, is that which is known by the name of the Southern Mahratta System. This system includes (1) the line from Bellary to the Portuguese Frontier, which the Government of India is under a treaty obligation to construct; (2) branches to Belgaum on the one hand and to Bunkapur on the other; (3) a direct connection between Sholapur and Gadag. The total length of the line is 441 miles. £315,000 will be spent on the Sholapur—Gadag and Bellary—Hubli Sections in 1881-82 out of the grant of £750,000 for Protective Works. A further allotment of £370,000 out of the same grant has been made for 1882-83. Work is about to commence on the line between New Hubli and the Portuguese Frontier. A sum of £150,000 from Ordinary funds has been granted for this purpose in 1882-83. This is the most we can do at present with the funds at our disposal. But, in view of the very great importance of completing this Railway system without delay, we have urged upon the Secretary of State the desirability of endeavouring to arrange for its construction by a Company. It is especially in respect to lines of this nature that the question of the degree of aid which may be afforded by the State to private enterprise arises.

Railway communication with Assam.

105. The question of Railway communication with Assam has recently occupied the attention of the Government. At a recent meeting of the Indian Tea Association the Chairman (Mr. J. Keswick) said—"What we want for "Assam is good communications; for good communications will do more to "settle the labour question than anything else. The soil we know to be of the "richest description, and with sufficient labour there is no limit to its pro-"ductiveness."

Dacca—Mymensingh line.

106. The projected line from Naraingunge to Dacca and Mymensingh is 85 miles long. It is estimated to cost £600,000, or about £7,000 a mile, on the metre gauge. The line is now being located. It would be desirable that this line should be constructed, if only to open out the country about Mymensingh, but its main importance lies in the possibility of a further extension to Gauhati, a distance of about 100 miles from Mymensingh. This extension is being now reconnoitred. No official report on the results of the reconnaissance has as yet been received, but I am informed that the Engineer-in-Chief is of opinion that the route is impracticable, save at very inordinate expense.

Line from Daudkandhy to Comilla and Chittagong.

107. An alternative project would be to make a line through the Cachar hills to Sibsagar. This alternative is supported by many high authorities. No reconnaissance has as yet been made of this route. In the meanwhile the Bengal Government has under consideration a project to make a Railway from Daudkandhy to Comilla and Chittagong, a distance of 125 miles. It is estimated that, on the metre gauge, the construction of this line would cost £812,500, or £6,500 a mile.

River communication up the Brahmaputra.

108. In the meanwhile, as it is obvious that some long while must yet elapse before Railway communication with Assam can be established, arrangements are being made with a Company to start a daily service of fast steamers up the Brahmaputra from Dhubri. These arrangements are now almost complete.

Dibrugarh—Sadiya Line.

109. In the course of the year a concession was made to a Company to construct 76 miles of Railway in the most easterly portion of Assam, namely, from Dibrugarh to Sadiya (52 miles), with a branch to Makum (24 miles). This proposal has been for a long while under consideration, and the negotiations were already far advanced, when, on the occasion of my last Financial Statement, I alluded to the desire of Government to enlist private enterprise in aid of Railway construction in India. The concessions granted to the Company were very liberal, and are not to be taken as an indication of what the Government would be prepared to concede in other cases.

Direct connection between the Central Provinces and the East Indian Railway system.

110. Reconnaissance surveys are being made with a view to considering the possibility of making a direct connection between the Central Provinces and the East Indian Railway system. Various overtures have been received from capitalists of respectability, including some Natives of India, which may perhaps eventually lead to the construction of this line. Until, however, the reports of the Engineer Officers who are now employed in reconnoitering are received, I am unable to say any thing definite, either as to the route the line will eventually take, or as to the likelihood of any negotiations with a Company being conducted to a successful issue.

Raipore—Vizagapatam Line.

111. Simultaneously, a reconnaissance is being made of the country between Raipore and Vizagapatam, with a view to judging of the possibility of connecting these points by Railway.

Bareilly—Ranibagh Line.

112. Negotiations are in progress with a view to the construction, through private agency, of a Railway from Bareilly to Ranibagh, a distance of 66 miles. The cost of this undertaking will be about £220,000.

Baroon—Daltongunge Line.

113. A proposal has been received from a local Company to make a line from Baroon, on the river Sone, to Daltongunge. The length of this line is 56 miles, and the cost, on the metre gauge, is estimated at about £275,000, or £4,900 a mile. This project is now under the consideration of the Bengal Government. The information at present in the possession of Government is not of a nature to enable us to judge thoroughly of the advisability, or the reverse, of making the concessions which have been demanded.

Nilgiri Railway.

114. Negotiations are pending between the Madras Government and a Company with a view to the construction of a line from Metapaliyam to Coonoor, a distance of 12 miles. The cost of this line is estimated at £132,000.

Baidyanath—Deoghur Tramway.

115. A short line is to be constructed from the Baidyanath Station on the East Indian Railway, to Deogurh and Rohinee, a distance of 6 miles. A very satisfactory feature in respect to this small undertaking is that it is to be constructed without any aid from Government except the grant of the land, and that the capital required (£25,000) has been locally subscribed.

Rohtuk—Delhi Tramway.

116. There is also some prospect that a local Company will be formed in the Punjab to make a tramway from Rohtuk to Delhi, a distance of 43 miles.

Total cost of Railways in India.

117. It may be interesting that I should here state the sum of money which, up to the present time, has been laid out on Railways in India, together with the financial results which have ensued from their construction.

118. The total capital outlay on Railways in India up to the end of 1882-83[1] will be £138,937,000, *viz.*, £68,292,000 on Guaranteed lines, £31,852,000 on State lines, and £38,793,000 on the East Indian Railway.

119. The net charge to the State on account of the Guaranteed lines has been decreasing since 1872-73, in which year it reached its maximum figure (£2,054,000). In 1881-82 it is estimated that the net charge will only be £115,000. In 1882-83 it is at present estimated that the net charge will be £261,000.

120. The net charge to the State on account of State lines reached its maximum figure (£725,000) in 1879-80. In 1882-83 it is estimated at £206,000.

121. From 1879-80, when the East Indian Railway was taken over by the State, up to the end of 1882-83, it is estimated that this line will have yielded a net profit to Government of £4,133,000.

[1] Up to the end of 1880-81, the figures are Actuals; for 1881-82, the figures of the Regular, and for 1882-83, those of the Budget Estimate, have been taken.

122. If the subject be considered as a whole, it may be said that the total cost of the Railways to India from their commencement to the end of 1882-83, that is to say, the total sum by which the net receipts have fallen short of the interest paid on the Capital outlay, is estimated at £25,569,000. The maximum net charge to the State in any one year amounted to £2,163,000. This figure was reached in 1872-73. In 1877-78 the Railways for the first time yielded a net profit (£132,000). This was due to the large amount of traffic during the famine. In the following year (1878-79), when the country was suffering from the effects of the famine, the net charge was heavy (£1,350,000). If we balance the abnormal receipts of the year 1877-78 against the abnormal losses in 1878-79, it may be said that since 1872-73, the net charge to the State has been steadily diminishing, until during the current year it is estimated that a net profit of £723,000 will be realised. This result may possibly be exceptional, and it would be unsafe to rely on a continuance of the high receipts which have recently been obtained. But according to the moderate Budget Estimate of 1882-83, the net gain to the State during the coming year will be £261,000.

The net charge the State has been diminishing since 1872-73.

123. It may also be interesting that I should state the financial position of each Railway considered separately. The following tables show (1) the capital outlay on each line to the end of 1881-82; (2) the estimated net receipts during the current year; (3) the percentage return on the capital outlay.

1. Guaranteed Railways.

	Estimated capital outlay to end of 1881-82.	Net Receipts. Regular Estimate, 1881-82.	Percentage.
	£	£	
Eastern Bengal	3,555,509	300,000	8·43
Madras	11,424,764	200,000	1·75
South Indian	4,547,039	120,000	2·64
Bombay, Baroda, and Central India	8,756,881	580,000	6·62
Great Indian Peninsula	25,749,956	1,800,000	6·99
Oudh and Rohilkhund	6,321,766	195,000	3·08
Sind, Punjab, and Delhi	11,957,111	295,000	2·47

2. State Railways.

	Estimated capital outlay to end of 1881-82.	Net Receipts. Regular Estimate, 1881-82.	Percentage.
	£	£	
East Indian Railway	38,307,683	3,110,000	8·12
Rajputana / Western Rajputana	5,617,039	320,000	5·70
Neemuch / Holkar	3,423,441	60,000	1·75
Scindia	869,206	9,500	1·09
Wardha Coal	593,592	7,500	1·26
Nagpur and Chattisgurh	828,567	10,000	1·21
Rangoon and Irrawaddy	1,289,305	64,000	4·96
Dhond and Manmad	997,628	14,000	1·40
Northern Bengal	2,101,600	94,000	4·47
Tirhoot	575,285	24,000	4·17
Patna and Gya	380,014	17,000	4·47
Nalhati	33,624	100	·29
Calcutta and South-Eastern	679,486	—4,000	—·59
Cawnpore—Farakhabad	324,841	12,500	3·84
Muttra—Hattras	109,287	3,500	3·20
Ghazipur—Dildarnagar	67,853	500	·74
Muttra—Achneyra	66,890	100	·15
Indus Valley	8,028,093	115,000	1·43
Punjab Northern (Lahore to Rawalpindi, including Salt Branch)	4,534,743	21,500	·47

Conclusions to be drawn from the figures.

124. These tables enable us to arrive at the following conclusions:—

(1) In respect to the Guaranteed lines, £38,062,000 of the capital which has been laid out up to the end of 1881-82 is paying more than 4°/₀, and £34,251,000 is paying less than 4°/₀.

(2) The East Indian Railway, on which £38,308,000 has been expended, is paying about 8°/₀.

(3) In respect to the State lines, £9,963,000 of the capital laid out up to the end of 1881-82 is paying more, and £20,555,000 is paying less than 4°/₀. It is to be borne in mind that this latter figure includes £12,563,000 for the Indus Valley and Punjab Northern Lines, which were avowedly constructed for strategical purposes, that many of the lines are scarcely finished, and that others have only very recently been opened to traffic.

VIII.—Supply of Stores to Government.

Supply of Stores to Government.

Objects of the policy of purchasing stores locally.

125. In the last Financial Statement (para. 105) I alluded to the desirability of substituting articles of local manufacture, when possible, for such articles as the Government has been in the habit of importing from Europe. The objects of this policy are twofold. In the first place, to diminish the Home charges. In the second place, to encourage by all legitimate means the establishment of new industries in India. In respect to this latter question the Famine Commissioners observe (Report, Part II, Chap. VI) that—

"At the root of much of the poverty of the people of India, and of the risks to which "they are exposed in seasons of scarcity, lies the unfortunate circumstance that agriculture "forms almost the sole occupation of the mass of the population, and that no remedy for "present evils can be complete which does not include the introduction of a diversity of "occupations, through which the surplus population may be drawn from agricultural pursuits "and led to find the means of subsistence in manufactures or some such employments."

* * * * * * * *

"So far as the products of any industries established in India can be economically used by "Government, they might properly be preferred to articles exported from Europe, and generally "the local markets should be resorted to for all requisite supplies they can afford. We are "aware that steps have been taken, within the last few years, to enforce this principle, but more "can certainly be done, and greater attention may properly be paid to the subject."

Limits to influence of Government.

126. It would be easy to exaggerate the extent to which any Government action can exercise an influence upon the important economic question to which the Famine Commissioners allude. This was pointed out by the Commissioners in their Report. At the same time Government can do something in the proposed direction, and what it can do, it ought to do and is desirous to do.

General orders on the subject have been overlooked.

127. General orders have on previous occasions been issued to the effect that, wherever feasible, stores of Indian origin or manufacture should be substituted for imported goods. But the tendency of general orders is to be overlooked. When, therefore, a general order was issued last June prescribing that for the future every effort should be made to supply the wants of Government by the purchase in the local market of articles of *bonâ fide* local manufacture, it was deemed necessary, in order to ensure attention to the order, to follow it up by a specific prohibition in every case, in which this could reasonably be done, of the importation of stores. The prohibition could not, of course, be made absolute. It was necessarily limited to cases where the articles required could be obtained in quantities sufficient for requirements at prices not higher than, and of a quality not appreciably inferior to, the prices and quality of the imported goods for which they were to be substituted. Also, where an Indian-made article different from the imported article, but equally serviceable, was obtainable, orders were given that the former was to be preferred. Since last June the Financial Department has been actively employed in watching the operation of the orders given by the Government, and seeing that they are rigorously adhered to. The Military and Public Works Departments, which are the two largest consumers of stores, gave their adhesion to the policy under discussion, and have co-operated in carrying it into execution. The Local Governments and Administrations have also lent valuable assistance by insisting on a careful observance of the orders by the

chiefs of the departments subordinate to them. I take this opportunity of expressing a hope that the various Departments concerned, as well as the Local Governments and Administrations, will continue to watch this subject carefully. Without their cordial co-operation and assistance it will be almost impossible to give effect to the policy of the Government. General orders, as I have already said, are of little avail. The question is essentially one of detail, and unless each indent on England be carefully examined in detail, with a view to the exclusion of such articles as can be obtained locally, no considerable advance in the desired direction will be made.

Results attained up to present time.

128. It was considered that the most efficient and speedy way of ensuring the practical execution of the orders was to call for statements of the stores received by Departments from England during the two previous years, and to specify distinctly the stores entered in the lists which were not in future to be obtained elsewhere than in India. This has been done with every list of stores which has been received, and a similar process has been gone through with every current indent for stores received in the Financial Department. The work has been very laborious, and much credit is due to Mr. O'Conor, the Assistant Secretary in the Financial Department, for the manner in which it has been executed. The result so far is, briefly, that in the Civil Departments, stores, which had hitherto been imported to the annual value of about £80,000, will in future be obtained in India of Indian manufacture. The largest values are represented by cotton and woollen goods, but the list includes a great variety of other articles; for instance, agricultural and other implements, building materials, such as cement and fire bricks, chemicals, drugs and medicines, earthenware, glass-ware, hardware, iron-ware in great detail, leather, liquors, oils, paints, soap, paper and stationery, printing materials, rope and twine, silk goods, scientific instruments, &c. This list indicates the great capacity of India as a manufacturing country. Capital and acquired skill are necessary for the full development of this capacity, and it is hoped that this will be forthcoming if the prospect is held out of a continuous demand on the part of the State for all the articles which it requires. The Government has, accordingly, offered contracts for terms of years to anybody able to supply articles not now made in the country of sufficiently good quality and at reasonable prices In some cases such offers have elicited answers which are encouraging. In others no reply has been made to the offers of the Government.

Civil Departments.

Capacity of India as a manufacturing country.

Military Department.

129. In addition to the total of £80,000 mentioned above, the Military Department has already substituted Indian goods to the value of £166,700 for articles hitherto imported; among the chief items being beer and woollen goods (blankets). Arrangements have also been made to manufacture in India, through the agency of private enterprise, a portion of the boots required for the Army, and it is hoped that eventually India will be able to supply the whole demand. The change is still in active progress in the Military Department, and in the course of another year or two it is hoped that the total amount of stores purchased in India will be increased.

Public Works Department.

130. The Public Works Department has not as yet been able to do much in the same direction. The requirements of that Department mainly consist of girders, rails, and other articles made of wrought iron. Unfortunately India cannot yet manufacture wrought iron or steel, although it is hoped that before long a commencement will be made. Great facilities exist for the manufacture of these articles in more than one province, and only wait for efficient private enterprise to take them up.

Total reduction of European stores up to present time.

131. A reduction of about £250,000 out of the whole value of the Government stores imported into India is not much, but it is a good beginning. With the development of the woollen industry which has been started under favorable conditions at Cawnpore and Lahore, paper-making, leather manufacture, and brewing, all of which are now thriving, there is good reason to hope that eventually a material impression will be made on the totals of the imports on account of the State.

Result as shown by comparison total imports.

132. Sufficient time has not yet elapsed for the effect of the orders which were recently issued to be seen on a general review of the imports. Indents which had been sent to England in 1880 or before, are now being complied with; reserve stores must be exhausted, and time must be given to local manufacturers

to complete their arrangements to make and deliver goods. I give, however, the following figures, in order to show the facts of the case as they now stand.

133. The total value of the stores imported on behalf of Government in 1879-80 was £1,424,000. In 1880-81 it was £2,808,000. The increase in 1880-81 over 1879-80 is to a great extent apparent and not real, owing to the classification of stores for the East Indian Railway, after it became the property of the State, as Government stores, whereas formerly they were classed in the trade accounts under general trade. A great quantity of material was also imported for the Frontier and other State lines of Railway. The increase was, in fact, almost entirely under this head. In the ten months of the current year, for which we have returns, the value of the imports has amounted to £1,806,000 as against £2,349,000 in 1880-81 and £1,070,000 in 1879-80. Of this sum of £1,806,000, £1,014,000 was for "Railway Plant and Rolling-stock," which cannot be obtained in India, as against £1,322,000 in 1880-81 and £322,000 in 1879-80 under the same head. Excluding this item, the figures for the three years would stand thus:—

	£
1879-80	748,000
1880-81	1,027,000
1881-82	792,000

The value of imports, other than Railway material, during the first ten months of 1881-82 is, therefore, £235,000 less than during the corresponding period of 1880-81, and £44,000 more than during the corresponding period of 1879-80. Little, however, is to be learnt by comparisons of this sort. The only way to watch the development of the policy is to compare the total quantities of any particular article supplied to the State, and note the proportion in which those quantities have been obtained locally or imported from Europe.

Jail manufactures.

134. In connection with the subject now under discussion I may mention that the question of jail manufactures is at present under the consideration of Government. A circular has been addressed to Local Governments with a view to ascertaining the precise nature of the articles which are sold either to the public or to Government, and, more especially, the system which is adopted in calculating the selling price of those articles. There can be little doubt that, in some instances at all events, articles manufactured at jails are sold at prices which preclude the possibility of fair competition. Moreover, it must in some places happen that one large jail can supply articles sufficient to meet the whole local demand, so that, irrespective of price, local enterprise is in danger of being crushed out. If the question be considered from the purely financial and economic point of view, it may, I think, be held that any diminution of the charge for jails thrown on Government is dearly bought at the expense of checking the growth of Native industries. The question, however, is not purely financial and economic. Behind it lies the far more difficult question of how prisoners can best be employed. I am not at present in a position to state the nature of the decisions at which the Government will ultimately arrive. All I can now say is that we recognise the importance of this difficult question, and that it will receive careful consideration.

IX.—The Opium Question.

The Opium Question from an economic point of view.

135. The main financial and political feature of the year which is about to close, is that, whereas at its commencement we were at war, or at all events were still burthened with a heavy War Expenditure, we are now at peace. With the advent of peace the Government has been able to turn its attention to questions of domestic policy. We have, during the course of the summer, passed under review the several branches of the Indian fiscal system, and I am now in a position to announce the decisions at which we have arrived in respect to several important points connected with that system. The first question to which I propose to allude is Opium.

136. It has been often stated that the Revenue which India derives from Opium is precarious. It will be desirable to examine to what extent this description is correct. *Extent to which the Opium Revenue is precarious discussed.*

137. The general belief that the Opium Revenue is precarious, appears, to a great extent, to be based upon the violent fluctuations which in past years have taken place in the prices realised for Bengal Opium at the Calcutta sales. Sir John Strachey, in his recent work on the Finances of India (Chap. XIV), has shown that the facts of the case do not altogether warrant any such inference. The fluctuations of price in past years were to a great extent due to the fact that great variations took place in the number of chests of Opium offered annually for sale.

138. Nevertheless, the Opium Revenue is exposed to some dangers of an exceptional nature. Moreover, those dangers are somewhat more prominent at present than they have been in past years. *Dangers to which it is exposed.*

139. The policy of the Government for the last two years has been to offer 56,400 chests of Bengal Opium for sale annually. The Opium crop is precarious. To ensure a continuous supply of 56,400 chests a year, it is necessary to maintain a reserve, in order that the surplus of good years may be used to supply the deficiencies in bad years. The average annual production of "provision" Opium,—*i.e.*, Opium for sale by public auction, which is mostly exported to China,*—for the last twenty years, has been 50,154 chests. The crops of the years 1875-76 and 1876-77 were exceptionally good, producing respectively 68,051 and 67,167 chests of provision Opium. The result was that a strong reserve was constituted. It has, therefore, been possible for the last four years to offer a large number of chests for sale.† But in order to effect this object, it has been necessary to draw on the reserve, which, in consequence, has been steadily diminishing, as the following figures will show:— *The crop is precarious.*

* In addition to the quantity exported, about 4,000 chests of Bengal Opium are consumed in India. This is termed "Abkari" Opium.

	Chests.
† 1878-79	55,500
1879-80	59,100
1880-81	56,400
1881-82	56,400
Average ...	56,850

	Chests in reserve.
1878	48,482
1879	31,622
1880	25,183
1881	21,752
Estimate for December 31st, 1882	15,084

140. This process of depletion cannot continue indefinitely. An exceptionally good crop may, indeed, again replenish the reserve. But we cannot rely on a fortuitous circumstance of this sort. An average crop, or, at all events, a succession of average crops, will oblige us to resort to one of two alternatives. We shall be forced either to increase the production, or to diminish the amount offered for sale. *Depletion of reserve.*

141. The reports from the local authorities generally point to the conclusion that any considerable extension of cultivation, either in the Behar or the Benares Agency, is not to be anticipated. In order to maintain the existing cultivation it has recently become necessary to raise the price paid to the cultivators for crude Opium from Rs. 4-8 to Rs. 5 a seer. The increased cost of production resulting from this enhancement of price is estimated at £215,000. *Difficulty of extending cultivation.*

142. Whether, in the event of its being necessary to diminish the quantity of Opium offered annually for sale, we may expect to be recouped any loss of Revenue by increased prices, depends largely upon the competition of the Persian and the indigenous Chinese drugs. *Question of enhancement of price discussed.*

143. The quantity of Opium exported from Persia has increased during the last 10 years from 870 to 7,700 chests. It is believed that the cultivation of the poppy in Persia has not as yet reached its natural limits. The quality of Persian Opium is being gradually improved. Still, the evidence afforded by the Chinese Consular reports tends generally to show that Indian Opium is preferred to Persian by those who can afford to pay for the former of the two drugs. On the whole it may be said that the competition of Persian Opium constitutes a danger to the Indian Revenue, but that the danger is not at present very serious. *Competition of Persian Opium.*

Competition of Chinese Opium.

144. Turning to the question of the competition to be apprehended from the indigenous Chinese drug, a careful perusal of the Consular reports enables us to arrive at the following conclusions :—

(1) The production of Opium in China has greatly increased of late years and is still increasing. There is no reason to suppose that it has as yet nearly reached its natural limit. Consequent on the increased production and on the greater cheapness of the Chinese drug, there is a danger that amongst the poorer classes of the population, at all events, the Indian drug will be displaced by the Chinese.

(2) Up to the present time the Indian drug has been able to hold its own amongst the wealthy classes by reason of its superior quality. The quality of some of the Chinese drugs is improving, but even the best are still inferior to Indian Opium.

Summary of conclusions on a review of the economic aspects of the question.

145. To sum up this brief review of the economic aspects of the question, the facts which I have so far elicited,—that is to say, the necessity of raising the price paid for crude Opium, the difficulty of extending the area under cultivation in India, the necessity which may be forced on us of reducing the quantity of Bengal Opium annually offered for sale, and the increase in the production and the improvement in the quality of the Persian and Chinese drugs,—all point to one conclusion, namely, that it is by no means improbable that the Opium Revenue may undergo some diminution. Although the amount of Revenue derived during the last four years has been very large, it would be unwise to count upon its continuance at so high a figure. There has quite recently been a sharp fall in the price realised for Bengal Opium at the Calcutta sales, and the Malwa trade has for some while been very stagnant. To this extent, therefore, the Opium Revenue may be said to be precarious.

Consideration of the question from the moral point of view.

146. I have so far dealt with questions of fact. I now come to a much more difficult branch of the question. I must now leave the domain of fact and approach that of sentiment and morality, which opens a wide field for difference of opinion.

The problem is eminently a practical one.

147. A great deal has, from time to time, been written as to the effects of Opium, both on the individual and on the Chinese nation. I do not think that anything is to be gained by discussing this subject at any length. That Opium when used in moderation for medicinal purposes is beneficial; that in China it is very often used to excess; that when used to excess its effect is baneful; and that it would be better for the Chinese if they smoked less Opium,—are truisms which may be generally accepted.

The common-places on the subject may, to some extent at all events, be admitted by all parties. Even if it be conceded to the Anti-Opium Society that the effects of the drug are to the full as baneful as they allege, we should, whether from the Chinese or the Indian point of view, be no nearer than at present to the solution of the problem which we have in hand. It is useless to discuss what ideal condition of things would commend itself either to Chinese or to Indian statesmen. The problem we have to treat is eminently a practical one.

Direct connection of Government with the trade.

148. I pass on, therefore, to the consideration of the two points as to which the position of the Government of India has been especially attacked.

149. The first of these is the direct connection with the trade. It may be readily admitted that the Government of India being, as regards Bengal, manufacturers and dealers in the drug, are placed in a somewhat invidious and false position. But when we are invited to discontinue the present connection with the trade, we naturally ask, what is the precise nature of the alternative policy which is to be adopted? Does that policy merely involve the cessation of the connection between the Government of India and the Opium trade in Bengal? Or does it aim at a total suppression of the Opium trade between India and China? I think it may be inferred that the direct connection is merely regarded as a specially objectionable incident, and that the ultimate aim of the policy advocated by those who are opposed to the existing system under which the Revenue is raised in Bengal, is to prohibit the trade altogether.

150. In point of fact, in order to be consistent, those who object to the existing order of things in respect to Opium must of necessity go further than merely condemning the direct connection between Government and the trade. The avowed object of their policy is to stop the alleged demoralisation consequent on the extensive use of Opium in China. No one can for one moment pretend that the mere cessation of the direct connection between the Indian Government and the manufacture of Opium would of itself in any way tend to bring about this result.

A consistent Anti-Opium policy must aim at a total suppression of the trade.

151. The economic objections to the manner in which the Opium Revenue is raised, whether in Bengal or Bombay, may be admitted to be considerable. In the former case the Government itself engages in private trade,—a course which is open to obvious objections. In the second case, a very heavy export duty is imposed. In both cases the course adopted interferes with and restricts the free production of and trade in Opium. It cannot be doubted that it would be profitable to any private trader to pay for crude Opium a much higher sum than is now paid by the Government to the cultivators of Bengal. If, therefore,—supposing such a thing to be possible,—no restriction were placed upon the cultivation of the poppy, and if at the same time the export duty were taken off, it is certain that an immense stimulus would be given to the production of Opium, and that China would be flooded with the Indian drug. Thus, in direct proportion to the removal of the economic objections, the moral objections would be intensified in degree. So long, therefore, as the plea of the Anti-Opium Society is confined to the contention that the Indian Government should cease its direct connection with the Opium trade, it may be said, with perfect truth, that their policy is based purely on theory. Not only can it effect no practical good, but it almost certainly would do a great deal of harm. It would increase the consumption of Opium in China. It would, by cheapening the price of the Indian drug, cause the poorer classes of Chinamen, who now smoke native Opium, to substitute Indian Opium in its place. It would, moreover, encourage the use of Opium amongst the native population of India, some of whom, notably the Sikhs, are already addicted to the practice; and it would result in a diminution of the food-supply of India by reason of the cultivation of the poppy over tracts where cereals are now grown. If, therefore, the policy is to be not merely theoretical, but is to be productive of some practical good, it must aim, not only at the disconnection of the Indian Government with the manufacture and sale of Opium, but at the total suppression of the cultivation of the poppy. I shall presently (paras. 174—179) revert more particularly to the financial aspects of this question.

Economic objections to the present system.

152. As to whether it be more immoral for the Government to be directly connected with the manufacture and sale of Opium, than merely to derive a Revenue from the manufacture and sale of the drug by others, that is a point on which, without doubt, much difference of opinion may exist. I do not think that any useful object would be gained by a discussion of this point, or of the cognate question of whether, in Mr. Fawcett's words, there is "much "difference between raising Revenue from Opium and raising 26 millions as we "did in this country (England) to a great extent out of the intemperance, im-"providence, and vice of the people."

Morality of the direct connection.

153. I turn to the second point, in respect to which the position of the Government of India has been especially attacked—namely, the policy pursued towards the Chinese Government in relation to the Opium trade.

Relations with China.

154. It has been stated that the treaty under which Opium is admitted into China was extorted from the Chinese Government; that the Chinese Government is now forced to admit Opium; and that it is both able and willing to put a stop to the consumption of Opium in China, if the foreign import trade were stopped.

155. These are grave accusations. I think, however, that I can show that it is wholly incorrect to say that the article in the Treaty of Tientsin, which provided for the admission of Opium, was extorted from the Chinese Government; that Indian Opium is in no way forced upon China, but that on the contrary, the Chinese Government derives a large Revenue from the import trade, which it is very unwilling to sacrifice; that the statement that the Chinese Government is willing to put down the use of Opium must be received with great qualifications; and that irresistible evidence is forthcoming to show that it is not able to stop it, even if its willingness to do so be freely admitted.

Erroneous statements on this subject.

The Chinese were not forced to admit Opium when the Treaty of Tientsin was signed.

156. I need not go into the history of the various wars which have from time to time been waged with China, or examine whether the policy of those wars was justifiable or the reverse. It may be very true that the Chinese were with difficulty got to assent to the terms of the Treaty of Tientsin. There is nothing very remarkable in the fact that at the close of a war the vanquished party should accept, with great reluctance, the terms on which the victors insist. But as regards the particular point which we are now discussing, namely, the admission of Opium into China, we have excellent evidence to show that it is wholly incorrect to say that this provision of the Treaty was extorted from the Chinese. Mr. Lay, who was Chinese Secretary to Lord Elgin's Mission, and who personally conducted the Tariff negotiations, has specifically stated that "the Chinese Government admitted Opium as a legal "article of import, not under constraint, but of their own free will deliberately." Mr. Laurence Oliphant, who was Secretary to the Mission, has confirmed Mr. Lay's statement, and has added that he informed the Chinese Commissioner that he had "received instructions from Lord Elgin not to insist on the "insertion of the drug in the Tariff, should the Chinese Government wish to "omit it. This he (the Chinese Commissioner) declined to do. I then proposed "that the duty should be increased beyond the figure suggested in the Tariff; "but to this he objected, on the ground that it would increase the inducements "to smuggling." Mr. Lay's and Mr. Oliphant's statements appeared in the *Times* of October 22nd and October 25th, 1889. Their evidence, I venture to think, is a conclusive answer to the charge that the clause of the Tientsin Treaty, under which Opium is admitted into China, was extorted from the Chinese.

Neither are they forced to admit it now.

157. No less conclusive is the evidence that the foreign drug is not now forced on the Chinese Government, but that, on the contrary, it would view with dislike the cessation of a trade from which it derives a large Revenue. The account which Sir Thomas Wade gives of a conversation he recently held with the Chinese Ministers affords remarkable testimony on this point. In a telegram to Lord Granville of February 7th, 1881, he says: "I went to the "Yamên on the 16th to speak of various matters. Four Ministers received "me. Adverting to Opium, I observed that the authorities in some places were "taxing Opium, native and foreign; in others, were trying to increase the sale "and consumption of both. Without at all denying the right of the Chinese "Government to do as it chose, I should wish to know which course the Go-"vernment approved. They said the question was embarrassing. The Chinese "Government would be glad to stop opium-smoking altogether, but the habit "was too confirmed to be stopped by official intervention. No idea of abolish-"ing the trade at present was in the mind of the Government. Alluding to "the desire of well-disposed people at home to see England withdraw from "the trade, I asked if it would be of any use to diminish yearly the ex-"ports from India. The Indian Government might be thus enabled to pro-"vide otherwise for loss of income. They said, so long as the habit exists, "Opium will be procured, either from India or elsewhere. Any serious attempt "to check the evil must originate with the people themselves. The measure "I suggest would affect Chinese Revenue, but would not reach the root of the "mischief."

The Chinese Government is unable to stop the use of Opium.

158. I turn now to the question of whether the Chinese Government is both able and willing to stop the use of Opium.

159. Numerous edicts, couched in the most peremptory terms, have been from time to time issued to prohibit the use of Opium and the cultivation of the poppy. In issuing these decrees, the Chinese Government may be credited with a certain amount of sincerity. Without doubt, the Emperor of China, his Ministers, and the most enlightened portion of the population of China, deplore the extensive use of Opium. If they could afford the loss of Imperial Revenue consequent on the importation of foreign Opium,—if they could exercise any real control over the numberless corrupt officials who earn a livelihood from the use of the native drug,—if they thought it were possible to deal with a great social evil of this sort by legislation, and to coerce a large part of the population of a vast empire into a groove contrary to their inveterate habits and the current of their every-day life,—it is not improbable that they would gladly see the use of Opium abandoned. But, whatever be the views which the Chinese Ministers

entertain on this question in the abstract, nothing is more certain than that they, equally with the Indian Government, would be embarrassed by the loss of Revenue which would be caused either by a cessation of the foreign trade in Opium, or by the suppression of the manufacture and sale of the drug in China; that, save on rare occasions, when some specially energetic official may have produced a temporary effect, they have up to the present time never earnestly endeavoured to check the use of the drug; and that they recognise, both by word and deed, their complete inability to do so. A mass of evidence from the Consular reports might be adduced in support of these conclusions.

Practicability of closing the direct connection with the trade.

160. I now proceed to deal with the final branch of the subject, namely, the practicability of adopting any measures which shall render the connection of the Government of India with the Opium trade in Bengal less direct.

Opinions on the occasion of the former discussions.

161. This subject has been already frequently under the consideration of the Government of India. It was fully discussed in 1858, and again in 1864, when Sir Charles Trevelyan recorded his opinion in favor of a change of system. "The Opium monopoly," he said, "forms no exception to the general "category of Government monopolies. It will be found, when the trial is "made, that its abolition will be attended with the same good effects as the "throwing open of the India and China trade and the abolition of the Bengal "salt monopoly." In other words, Sir Charles Trevelyan looked at the question from a purely economic point of view. He did not in any way contemplate interfering with the cultivation of the poppy. On the contrary the object of his policy was evidently to extend it. It was again considered in 1868, at the instance of Sir William Muir. On the occasion of each discussion the balance of opinion was strongly in favour of the continuance of the monopoly system.

Doubts as to true nature of policy proposed.

162. In attempting to deal with this question, we are at the outset met by the difficulty to which I have already alluded. Is the final object of the policy, which we occasionally are invited to adopt, to be the severance of the direct connection between the Government of India and the Opium trade, and the substitution of private enterprise in the place of the Government monopoly? Or are we to aim at the total suppression of the cultivation of the poppy and of the Opium trade, in so far, at all events, as British India is concerned? It is absolutely necessary to have a clear idea as to which of these two alternative policies is to guide the action of Government. It is difficult, if not impossible, to effect any compromise between them.

Discussion of the question on the assumption that the aim of the policy is total suppression in British India.

163. For the reasons which I have already given, I think it may be assumed that the ultimate aim of a consistent Anti-Opium policy must be to suppress the manufacture and sale of Opium altogether, or, at all events, to limit it to the Native States of India. I proceed, therefore, in the first instance, to discuss the question of abolishing the monopoly on the hypothesis that we are to aim at a total suppression of the trade in so far as Bengal is concerned.

164. It has been alleged that the careful development of the resources of India, combined with economy in expenditure, would provide for any gradual loss of money which the abandonment of the Opium Revenue in Bengal might entail.

Bengal net Revenue.

165. The average net Revenue derived from the sale of Bengal Opium during the last ten years is £4,358,000. During the last three years the average Revenue has been £5,450,000. In dealing with a fluctuating Revenue of this sort it is difficult to speak with great accuracy, but I shall perhaps be not very far from the mark if I assume that the total abandonment of the Revenue derived from Opium in Bengal would cost about £5,000,000.[1]

Stimulus to Malwa trade.

166. This, however, does not represent the whole of the case. On the one hand the cessation of the poppy cultivation in Bengal would probably give a stimulus to the Malwa trade. Malwa Opium, I need hardly say, is manufactured wholly in the Native States of India. We cannot interfere with the growth

[1] I ought to explain that the receipts under the head of *Opium* include (1) the money realised at the Calcutta sales; (2) the receipts from the Malwa pass duty; (3) that part of the sale proceeds of Opium, sold in the Excise Department, which is taken as representing cost price. About one-third of the sale proceeds are credited under *Opium*, and about two-thirds under *Excise*. The average net Provincial receipts for the last ten years on account of the sale of Bengal Opium, which have appeared under *Excise*, amount to £381,000. It is impossible to say how far these receipts would be affected if the monopoly were abolished. Probably Malwa would, to a certain extent, take the place of the Bengal drug; but if this were the case, the Imperial Government would lose the amount of the pass-duty upon the number of chests consumed locally. All that can be said on this subject is that some loss would certainly be incurred, both by the Imperial and Provincial Governments, over and above the £5,000,000 mentioned above.

of the poppy in those States, neither could we prevent Opium being exported from them without maintaining a costly preventive line, the establishment of which would be open to great and obvious objections. It is quite impossible to frame any estimate of the degree to which we should recoup any loss of Revenue by increased receipts on account of export duty; but it may be predicted with certainty that the total loss would not nearly be recouped.

167. On the other hand, whilst the operation of the causes which would tend to mitigate the loss of Revenue are uncertain, the same cannot be said of those which would tend in an opposite direction.

Aggravation of Exchange difficulty.

168. In the first place, the diminution of the export trade from India to China would aggravate the exchange difficulty. It is almost needless to observe that one of the elements which regulates exchange between England and India is the balance of trade between the two countries. The China trade, however, exercises a very important influence on exchange. England owes China a large sum of money annually, which represents the excess of imports from China over exports from the United Kingdom. China, on the other hand, owes India a large sum annually, mainly for Opium.* This debt is, in a great measure, paid by transferring to India a portion of England's debt to China. If, therefore, the export trade from India to China were diminished by, say, £4,000,000 a year,[1] it is clear that a very depreciatory influence would be exercised on exchange between India and England. It is impossible to estimate the loss which would thereby be caused to the Indian Treasury, but it cannot be doubted that it would be considerable.

* In the last year (1880-81), for which the returns are complete, the balance of trade in favor of India was £11,282,555.

Necessity of providing for present staff.

169. In the second place, provision would have to be made for the present staff employed under the Bengal monopoly system, either by pensions, gratuities, or the bestowal of other places under Government. This would probably result in a heavy charge being thrown on the Government for some years.

170. For the sake of argument, however, I leave out of account these important but uncertain factors. I assume that the loss to the Indian Government would, as stated above, be £5,000,000.

The total loss of Revenue in Bengal could not be occupied.

171. It cannot be too clearly understood that neither by any means tending to develop the resources of the country, nor by any increase of taxation which is practically within the range of possibility, nor by any reduction of expenditure, could the Government of India in any adequate way at present hope to recoup the loss which would accrue from the suppression of the poppy cultivation in Bengal.

The sacrifice of the Bengal Opium Revenue would render India insolvent.

172. As regards the development of which the resources of the country are capable, it is to be observed that a great deal has been done in the last thirty years. Yet it may safely be stated that those resources are as yet only half developed. Hopes are now entertained that a stimulus may be given to the rapid construction of railways through the agency of private enterprise; but it is evident that, however successful this policy may eventually prove to be, some years must elapse before its full effect can be produced. Again, it is a notorious fact that any aggregate increase of taxation is open to the strongest economical and political objections; whilst, in respect to some branches of the fiscal system, a reduction of taxation is very necessary. As regards any economy which may be effected in expenditure, it is to be observed, in respect to the civil branches of the service, that, even if the most radical reforms which have from time to time been suggested, were carried into effect, any economies in this direction could bear but a slight proportion to the Revenue which would have to be abandoned if the poppy cultivation in Bengal were altogether suppressed, whilst, on the other hand, it is certain that, as civilisation advances, new wants will be developed, which will involve an increase of civil expenditure. As regards military expenditure, proposals have already been made to the Secretary of State which, if they receive the sanction of Her Majesty's Government, will result in considerable economy. No economies in the military branches of the service could, however, be effected, which would in any adequate manner balance the total loss of the Bengal Opium Revenue, without incurring political dangers of the most serious description. It is the duty of the Government of India to speak very plainly on this

[1] This is allowing £1,000,000, by comparison with the estimate of £5,000,000, for increase in the Malwa trade.

subject. The difficulties of this problem have to be fairly faced. The hard facts of the case, whether from the Chinese or the Indian point of view, have to be borne in mind. Those facts can neither be altered, nor can their significance be attenuated, by any enunciation of abstract principles. It is, therefore, essential that all who are interested in the question should have clearly before their eyes the opinion of those who for the time being are responsible for the conduct of the Indian finances. That opinion, as I venture to formulate it, is that the Government of India is at present quite unable to devise any means by which the loss of Revenue consequent on the suppression of the poppy cultivation in Bengal could be recouped, and that, until such means be devised, the loss of the Bengal Opium Revenue would result in the normal annual expenditure of the Government being greater than its receipts; that is to say, that India would be insolvent. I wish to state this in language which admits of no misapprehension, in order that those who may have to deal with this matter should do so with a perfect knowledge of the facts of the case, and after due warning that any present attempt to abandon the Opium Revenue, whilst conferring a very doubtful benefit on the population of China, would do incalculable harm to the 250 millions of people over whom we rule in India.

And unjust to the people of India.

173. From the language which is occasionally used on this subject in England, I am led to infer that many influential persons, animated by a laudable zeal to benefit the population of China, are perhaps somewhat forgetful of the duty we owe to the population of India. It has been calculated that the average income per head of population in India is not more than Rs. 27 a year; and, although I am not prepared to pledge myself to the absolute accuracy of a calculation of this sort, it is sufficiently accurate to justify the conclusion that the tax-paying community is exceedingly poor. To derive any very large increase of Revenue from so poor a population as this is obviously impossible, and if it were possible, would be unjustifiable. Apart from the practical issues involved, there are, indeed, two aspects of the question from the point of view of public morality. If, on the one hand, it be urged that it is immoral to obtain a Revenue from the use of Opium amongst a section of the Chinese community, on the other hand it may be replied that to tax the poorest classes in India in order to benefit China, would be a cruel injustice, and it is to be remembered that no large increase of Revenue in India is possible unless by means of a tax which will affect those classes. To tax India in order to provide a cure,—which would almost certainly be ineffectual,—to the vices of the Chinese, would be wholly unjustifiable.

Probable loss involved in substituting private enterprise for the present Government monopoly.

174. I turn now to the consideration of the question on the supposition that the ultimate aim of the policy is not the total suppression of the poppy cultivation in Bengal, but merely the severance of the direct connection between the Government and the Opium trade, and the substitution of private enterprise for the Government monopoly.

175. The actual cost of a chest of Bengal Opium, including interest on the capital employed and all indirect charges, is Rs. 421.[1] The average price realised at the Calcutta sales for the last ten years is Rs. 1,280 per chest. The average profit, therefore, realised on a chest of Bengal Opium may be taken at Rs. 859.

Rate of export duty.

176. The next point to be decided is the export duty which a chest of Bengal Opium would stand in the event of this method of deriving Revenue being substituted for the Government monopoly. It is certain that, in order to arrive at a correct conclusion on this point, we must leave a large margin of profit to the exporter. The trade would be very speculative. The risks being great, no one would embark in the trade unless a large margin of profit were left. Moreover, it is probable that a private individual would have both to give more liberal advances to the cultivators, and to pay a higher price for crude Opium, than is paid by Government. The local officers, who have from time to time been consulted, are unanimous in thinking that the security afforded by dealing with Government is an important element in deciding the cultivators to grow the poppy.

[1] I take the average cost of production of Behar and Benares Opium.

No private individuals could offer so good a security. Again, it is quite impossible to foresee the consequences on the China market of the withdrawal of the Government from the trade. Bengal Opium holds its own by reason of its high quality. The Government mark is regarded as a sufficient proof of the purity of the drug. It is almost certain, therefore, that if the manufacture were in the hands of private individuals, the price of Bengal Opium in China would fall. Under these circumstances, I think it is taking an optimist view to suppose that Bengal Opium would stand an export duty of Rs. 600 a chest.*

* The export duty on Malwa Opium is at present Rs. 700 a chest; but it is to be borne in mind that, although the weight of a chest of Malwa and of a chest of Bengal Opium is equal, namely, 140 lbs avoirdupois, or a Chinese *picul* (133⅓ lbs.) *plus* 5 per cent., which is appropriated by the middlemen in the trades as perquisites, the consistence of the different classes of Opium is different. Malwa Opium contains generally from 90 to 95 per cent. of fine Opium; that is to say, that at the lower of these two consistences, it contains 126·128 lbs. avoirdupois of pure Opium. A chest of Behar Opium is of 75° consistence; that is to say, it contains 105·107 lbs. of pure Opium. A chest of Benares Opium is of 70° consistence; that is to say, it contains 98·1 lbs. of pure Opium. A duty, therefore, of Rs. 700 on Malwa Opium is analogous to a duty of Rs. 583 a chest on Behar Opium, or of Rs 544 a chest on Benares Opium.

Loss roughly estimated at £2,128,000.

177. The average number of chests of Bengal Opium sold in the last ten years (1871-72 to 1880-81) was 49,337. It is very difficult to say what number of chests would be exported if the Government abandoned the monopoly. On the whole, however, I do not think that with a duty of Rs. 600 we ought to reckon on an export of more than 45,000 chests a year. I put forward this estimate under great reserve, for, in dealing with a subject of this sort, any estimate that can be framed must be little more than a conjecture. A duty of Rs. 600 on 45,000 chests would give £2,700,000 a year. The net Revenue derived from Bengal Opium may be taken at about £5,000,000. This figure, however, includes the receipts from the Excise Department on account of Abkari Opium. The average receipts on this account for the last ten years amount to £172,000. The receipts from the Calcutta sales may, therefore, be taken at £5,000,000—£172,000† = £4,828,000. The difference between this figure and £2,700,000, *viz.*, £2,128,000, represents the probable loss which would be incurred from the abolition of the Government monopoly.

† As the Akbari Opium is sold at cost price to the Excise Department, these £172,000 may be entirely left out of the calculation. On the one hand, the Imperial Government would not have to spend this sum of money: on the other hand, it would not receive it. It is, however, to be borne in mind that in addition to the loss of £2,128,000 to the Imperial Government, the Provincial Governments would certainly lose some portion of their Excise Revenue (average £381,000) by the abolition of the monopoly.

Maintenance of a Preventive Establishment.

178. This calculation, however, does not represent the whole of the case. It is certain that, if the change of system under discussion were carried into effect, a large preventive establishment would have to be maintained, and that, even with such an establishment, it would be well nigh impossible to prevent smuggling.

Withdrawal from monopoly would stimulate consumption in China.

179. These considerations lead irresistibly to the conclusion that there is only one way by which the system of levying an export duty might possibly be substituted for the Government monopoly without a financial loss which it would be impossible for the Government of India to afford. As the profit to be derived on each chest of Opium would be considerably diminished, it would be necessary, in order to recoup the loss, that the number of chests produced should be largely increased; and without doubt, if the export duty were very low, production would considerably increase. In other words, the Government of India, by withdrawing from the trade, would probably intensify the evils which the Society for the Suppression of the Opium Trade so much deplore. The Chinese market would be glutted with Indian Opium at a relatively cheap price.

180. I venture to think that this is a conclusive argument against any change of system. We are in this dilemma, that if the average production of Opium fell off, a loss of Revenue would be involved, which it is out of the question that the Government should incur; and, on the other hand, if the hazardous experiment which we are invited to try should succeed, the results would be, not only to increase the amount of opium-smoking amongst the Chinese, but to run a great risk that its use in India would be much extended.

The Government is opposed to withdrawal.

181. For these reasons the Government of India deprecates any attempt to withdraw from the monopoly. The system at present works well. It cannot be too clearly understood that any change whatsoever would involve a great risk to the Indian Revenue, whilst it would almost certainly not contribute to the objects which the Society for the Suppression of the Opium Trade have in

view. In fact, the greater the degree of success which attends the experiment, the less will the objects which the Society have in view be attained.

It is just possible that at some future time the Government may be able to deal with the question.

182. Although, however, the actual financial situation of India precludes for the present any attempt to tamper with the Opium Revenue, it does not necessarily follow that this state of things should always prevail. Reform in other branches of the fiscal system must for the present engage the attention of the Government. Again, money must be found in one form or another to push on that development of the country which a leading member of the Anti-Opium Society has himself recognised must be a preliminary to any reform in the system under which the Opium Revenue is collected. Without taking too optimist a view of the future, we may be permitted to hope that fiscal reform, accompanied by as rapid an extension of railways and canals as the financial exigencies of the situation will permit, may possibly bring within the scope of practical politics plans which cannot now be considered as otherwise than visionary. If we are ever to abandon the Revenue now derived from the poppy cultivation in Bengal, by far the wisest plan will be to maintain the monopoly in the hands of the Government. From the administrative point of view the suppression of the cultivation in Bengal presents but few difficulties. We have only to diminish the price paid for crude Opium, and the cultivators would substitute other crops in the place of the poppy. If, however, private enterprise be allowed to occupy the field, vested interests will be created, and the difficulties of ultimately dealing with the question will almost certainly be enhanced. In the meanwhile the best hope of ever carrying out the policy, which commends itself to the Society for the Suppression of the Opium Trade, will be to derive for the present as large a Revenue as possible from Opium and to utilise it to the best advantage. It is just within the range of possibility that if this policy be adopted, it may ultimately place the Government of India in such a situation as would enable it to suppress the cultivation of the poppy in Bengal altogether, should it be thought desirable to do so.

Native opinion on the subject.

183. One further point demands attention. It cannot be doubted that Native opinion in India would strongly resent any additional burdens being placed upon the tax-payers with a view to the abandonment, either whole or partial, of the Opium Revenue. It is, moreover, more than probable that the views of the British Government on this subject would be misunderstood. "There "must," a Native newspaper said a short time ago, "be some selfish motive at "the bottom of the movement made in England for the suppression of the Indian "Opium trade." No doubt an opinion of this sort is very foolish. The high motives which guide the action of the Society for the Suppression of the Opium Trade cannot for a moment be doubted. However much we may consider that the views they express do not take sufficient account,—whether from the Chinese or Indian point of view,—of the practical difficulties connected with the problem they have set themselves to solve, no reasonable person can fail to respect their motives. I trust that I have said nothing which can in any way be construed in an opposite sense. Without doubt the gentlemen who take an active part in the agitation against the Opium trade would be the first to protest if they thought the Indian ryots were suffering from any grievous injustice. But, on the other hand, it cannot be doubted that the opinions foreshadowed in the Native print from which I have quoted above are prevalent in India; that they would find louder and more frequent expression if it became generally understood that there was any serious intention of moving in the direction proposed by the Anti-Opium Society; that, even supposing England were to award a considerable compensation to India, it is exceedingly improbable that such compensation would adequately meet the loss involved in the abandonment of the Opium Revenue; and that, in consequence, a sense of injustice would be engendered amongst the Natives of this country, who would consider either that their interests had been sacrificed from selfish motives, or, at all events, that, in our regard for the Chinese, we had done an injustice to our own subjects. The fact that the measure would contribute to alienate from us the feelings of the Natives of India, is certainly an element which ought not be neglected in dealing with this question.

184. I now proceed to deal with the question of the degree of reliance which should be placed on Opium in balancing our Estimates of Revenue and Expenditure.

The Opium Estimate.

185. The Opium Revenue was this year estimated at £6,500,000 net. In comparing this estimate with the actual net Revenue of past years, a great deal depends on the number of years for which an average is taken. The average net Revenue for the last ten years (1871-72 to 1880-81) is £7,052,000; for the last five years £7,141,000; for the last four years £7,731,000; for the last three years, £8,135,000; and for the last two years, £8,351,000. The Revenue has been rising during the last four years. The result is that the further we go back the lower the average becomes. But whatever standard of comparison be adopted, there can be no question that at present £6,500,000 net is an under-estimate.

186. This estimate has during the course of the year formed the subject of a good deal of discussion and criticism. The matter has been carefully reconsidered by the Government, and I am now in a position to announce the result of our deliberations.

Under-estimate of Opium in former years.

187. In dealing with other items of Revenue and Expenditure, the Budget Estimate for the coming year is usually based on the Regular Estimate of the year about to close, due allowance being, of course, made for any exceptional circumstances which may have occurred in the current year, or which may be expected to occur in the coming year. The Opium estimate has, however, received exceptional treatment. A much wider margin has been left for a possible diminution in receipts than would be considered necessary in dealing with other branches of the Revenue. It is generally recognised that some extra amount of caution should be adopted in framing this estimate, but it has been urged that, under present circumstances, an estimate of £6,500,000 errs on the side of excessive caution, and that this sum is far less than we may expect to receive after all reasonable deductions have been made from the actuals of the last few years.

Is it safe to take off taxes in reliance on Opium?

188. Whether, however, we take the Opium estimate at £6,500,000 and reduce our nominal surplus by the amount of Revenue which we really expect to derive, or whether we take an Opium estimate of any other higher figure, say £8,000,000, and increase our nominal surplus by £1,500,000, is, relatively speaking, a matter of secondary importance. The really important issue involved is to what extent we may take off taxes or incur additional expenditure in reliance upon Opium.

Average receipts since 1871-72.

189. Before proceeding to answer this question, I invite attention to the figures given in the following table:—

Year.	Bengal.			Bombay.	Total Net Revenue.
	Number of chests sold.	Price per chest.	Net Revenue.	Net Revenue.	
		Rs.	£	£	£
1871-72	49,695	1,388	5,305,402	2,351,811	7,657,213
1872-73	42,675	1,386	4,259,162	2,611,261	6,870,423
1873-74	42,750	1,266	3,584,758	2,738,841	6,323,599
1874-75	45,000	1,207	3,264,266	2,950,817	6,215,083
1875-76	45,510	1,260	3,707,170	2,545,690	6,252,860
1876-77	47,240	1,270	3,334,338	2,946,475	6,280,813
1877-78	49,500	1,266	3,773,764	2,747,692	6,521,456
1878-79	55,500	1,225	5,319,459	2,391,212	7,700,671
1879-80	59,100	1,170	5,112,325	3,139,345	8,251,670
1880-81	56,400	1,362	5,926,836	2,524,458	8,451,294
1881-82 (Regular Estimate)	56,400	1,324	5,621,500	2,216,500	7,838,000

Increased receipts due to Bengal sales.

190. It will be observed that the increased receipts of the last few years (except in 1879-80) have been mainly derived from the Bengal sales, and not from the pass-duty on Malwa Opium. The receipts on account of Malwa Opium have varied according to no very precise law. The high receipts (£3,139,345) for 1879-80 were, it is believed, largely due to over-speculation. Turning to Bengal Opium, it will be noticed that the great increase in the receipts has

taken place during the last four years, and that this increase has been contemporaneous with the period during which a relatively large number of chests has been offered for sale.

Future prospects.

191. We know, from the present state of the reserve (*vide ante*, para. 139), that we shall be able to offer 56,400 chests for sale during the whole of the financial year 1882-83. But we cannot speak with any confidence as to our ability to continue the sale of 56,400 chests annually after the close of the year 1882-83. When the yield of the poppy crop now in the ground is known, the desirability of giving the year's notice required by custom of a diminution in the number of chests of Bengal Opium to be offered for sale in 1883-84, will be matter for consideration. The position of affairs, therefore, is as follows. The net receipts from Opium for the year 1881-82 are now estimated at £7,838,000, being £613,000 less than the actuals of 1880-81. This considerable difference shows the necessity for caution. Further, we must look forward to the possibility of a diminution of the Revenue during the year 1883-84, by reason of a smaller number of chests than heretofore being offered for sale.

192. In answering, therefore, the question of how far we may safely take off taxes in reliance on the Opium Revenue, a great deal depends on the nature of the tax we take off. If we abandon a source of Revenue which involves a permanent and absolute loss of money, and which, moreover, from whatsoever reason, it would be difficult, in the event of the Opium Revenue failing, to restore to its former position, then the course would be open to great objection. If, on the other hand, we reduce a duty with a fair hope that the reduction will increase consumption, and thus, after a while, recoup us for any loss, and if, moreover, the duty can, without any great fiscal disturbance, be re-imposed in the event of the Opium Revenue falling off, then the reduction of taxation would be unobjectionable. The Salt Duty falls within the latter of these two categories.

193. It has been decided, therefore, to estimate the net Opium Revenue in 1882-83 at £7,250,000 and simultaneously to afford some substantial relief to the tax-payers in the shape of a reduction of the Salt Duty. This estimate leaves a margin of £588,000 as compared with the Regular Estimate for the current year, and is £1,201,000 below the actual receipts of 1880-81. Bengal prices, as I have already remarked, are falling, and the Malwa trade is unusually depressed. Under these circumstances it would not be prudent to take a higher estimate than that which is now proposed.

X.—The Salt Duty.

The Salt Duty.

194. If the policy which has been pursued by successive Governments of India for the last 12 years in respect to Salt be considered as a whole, it cannot be doubted that that policy has been eminently successful. The duty has in the aggregate been considerably reduced, yet the net Salt Revenue, which in 1868-69 stood at £5,176,000, stands, according to the Regular Estimate of the current year, at £6,809,000.[1] In Sir John Strachey's words, it has been "found "financially more profitable to levy the Salt Duty at a moderate rate on a "maximum consumption, than at a high rate on a restricted consumption."

General success of past policy.

195. There have, indeed, been some disadvantages to counterbalance the advantages which the policy has bestowed on the country in general. Whilst the inhabitants of Bengal and Northern India have been relieved of taxation, those of Madras, Bombay, and the Native States of Rajputana and Central India have been obliged to pay a higher price for their salt. The number of persons who have been relieved of taxation has, however, been numerically larger than the number on whom additional taxation has been imposed.

Rates of duty now levied.

196. The actual situation is as follows. A duty of Rs. 2-8 is levied all over British India, except on salt imported by sea into, or manufactured in, Bengal and on salt consumed in the trans-Indus districts of the Punjab and in Burma. In Bengal the tax is Rs. 2-14 a maund. In the trans-Indus districts of the Punjab, salt is consumed which is produced at the Kohat mines, and on which a duty varying from 2½ to 4 annas a maund is levied. A preventive line extends for some 320 miles along the Indus. In Burma the duty is only 3 annas a maund.

Advantages of reduction.

197. The advantages to be gained by a reduction of the Salt Duty are two-fold. In the first place, it is exceedingly desirable to reduce the price of a

[1] See Statement X. This figure is what the Regular Estimate would be, supposing no change to be made in the rate of duty.

necessary of life which is used by the poorest classes. In the second place, the general financial situation will, as I shall presently show (para. 201), be much strengthened.

Levy of general rate of Rs. 2 a maund.

198. We propose, therefore, to reduce the Salt Duty to Rs. 2 a maund everywhere except in Burma and the Trans-Indus Districts of the Punjab. The differential duty of 6 annas now levied in Bengal will thus disappear. It is not proposed to make any change in Burma, or, for the present, in the trans-Indus districts of the Punjab.

Increase of consumption consequent on a reduction of duty.

199. The extent to which the reduction of duty will stimulate consumption remains to be considered. The annual average licit consumption in the principal provinces of India per head of population according to the new census, is stated in the margin. The differences are remarkable, but they must be viewed with modifications due to a variety of circumstances. It is especially to be borne in mind that the people of Northern India, both by reason of the climatic influences to which they are exposed, and to the fact that their staple food consists of wheat and pulses, require less salt than those of Southern India. At the same time, the reports of the political officers in Rajputana go to show that the inhabitants of the Native States, in which the Salt Duty was recently enhanced, have greatly diminished the consumption both of themselves and of their cattle. I do not conceive that, in respect to this particular question, the inhabitants of Rajputana differ materially from those of the North-Western Provinces, Oudh, and the Punjab. I am, therefore, led to infer that if the rate of duty were lowered, the consumption of salt in Northern India might be considerably increased. Further, the consumption in Madras has not for the last 12 years reached the figure of 6,693,000 maunds at which it stood in 1868-69 when the duty was raised from Rs. 1-8 to Rs. 1-13 a maund. It is almost certain, therefore, that consumption will be increased by so large a reduction as 30 per cent. in Bengal and 20 per cent. elsewhere. In matters of this sort the wisest policy is generally to act with boldness. A slight reduction in the duty would very probably not reach the consumer.

Provinces.	lbs.
Madras	12
Bombay	10
Bengal	9·1
Punjab	7·5
North-Western Provinces and Oudh...	6
Sind	5

Salt Estimate for 1882-83.

200. We have no reliable data on which to make any very precise estimate of the increase of consumption which may be anticipated. So many disturbing causes have been at work in the last few years, during which the main changes have taken place, as to invalidate the accuracy of any calculations based on the figures which are available. For instance, in Madras the falling off in consumption from 6,215,000 maunds in 1877-78 to 5,988,000 maunds in 1878-79, must have been due not only to the enhancement of price, but also to the loss of life during the famine, which was estimated by the Famine Commissioners at 5 per cent. of the total population. Again, it is difficult to say to what extent the rise in the Salt Revenue of Northern India is due to increased consumption in British territory alone, and to what extent it represents the consumption of salt in the Native States since the abolition of the Customs Line. Further, sufficient time has not yet elapsed to enable a fair estimate to be formed of the normal consumption in the Native States. The old stocks, which remained on hand when the Customs Line was abolished, have scarcely yet been exhausted. On the whole, however, after a careful examination of the detail, I think that we may safely take the Net Revenue for 1882-83 at £5,410,000, being about £1,400,000 below the Regular Estimate for 1881-82 (£6,809,000).[1]

Increase of strength to the general financial position.

201. I have said that, by reducing the Salt Duty, the general financial position will be strengthened. We hope that we shall be able to maintain the duty at Rs. 2 a maund, and we have at present no reason to suppose that we shall be unable to do so. By a return to a higher rate we should, of course, to some extent at all events, sacrifice the main object we have in view, *viz.*, to afford some relief from taxation to the poorest classes. At the same time I should observe that if any unforeseen circumstance, such as a heavy fall in the value of silver, takes place, and if, at the same time, the reduction in the Salt Duty does not result in any considerable increase in the consumption of salt, it would be open to us to return temporarily to a higher rate. This is an expedient to which

[1] See Statement X. This is what the figure of the Regular Estimate would be supposing no reduction to be made in the duty.

the Government would have recourse with great reluctance. I allude, however, to the possibility of its adoption, for it is clear that should an emergency arise of a nature to diminish our other sources of Revenue or to increase our Expenditure, we shall be in a better position to meet it if the Salt Duty is Rs. 2 a maund than if it were levied at a higher rate.

Method of calculating sale price of Government salt.

202. The method adopted for calculating the selling price of salt, exclusive of the duty, has recently been under the consideration of the Government. The general principle which should guide the action of Government in this matter is plain enough. Government salt should be sold at a price which covers the cost of production. If all the legitimate charges consequent on production and manufacture are not included, the State loses money and the private manufacturer of salt is placed at a disadvantage. If, on the other hand, a sum in excess of the legitimate charges is included in the calculation, the consumer really pays a higher price for his salt than is contemplated by the Legislature. This subject was fully discussed in a recent Government Resolution (see *Gazette of India* of January 21st, 1882). I need not, therefore, allude to it in detail. It will be sufficient for me to say that a distinction has now been made between those charges which, on the one hand, are common to all systems of collecting the Revenue,—*i.e.*, Customs, Excise, and Monopoly,—and which arise out of the taxation of salt by the Government, and those which, on the other hand, are incidental to its manufacture. The former will be excluded from the calculation on which the selling price of Government salt is based. The latter will be included.

XI.—The Customs Duties.

The Customs Duties.

203. I now turn to the important question of the Customs Duties. I need not dwell at any length on the history of the reforms which during the last few years have been made in the Tariff. Every member of this Council must be familiar with the nature of those reforms.

The Tariff of 1875.

204. In 1875 the Tariff was carefully revised. The general rate of import duty was reduced from 7½ to 5 per cent., and a duty of 5 per cent. was imposed on foreign raw cotton. Cotton goods, oils, seeds and spices were freed from export duty.

The changes in March 1878.

205. In March 1878 certain descriptions of grey goods were exempted from duty. The duty imposed on foreign raw cotton in 1875 was abolished. Prior to that time the articles liable to pay Customs duty on importation were classified into sixty-two major heads. Twenty-nine of these heads were exempted from duty.

The changes in March 1879.

206. These measures, which were avowedly of a tentative nature, failed to give satisfaction. In February 1879, therefore, a Commission, consisting of Messrs. Hope and Maclean, was appointed to enquire into the matter. Briefly it may be said that the result of their investigations was to show that "the really "proximate source of the complaints which have arisen is the fact that there "is little essential difference between the cloths which have been exempted, and "large classes of cloth, otherwise styled, which have not." It was determined, therefore, to exempt from duty all cotton goods containing no yarn of a higher number than 30s, and a notification to that effect was issued on March 13th, 1879. Thus the matter now stands.

Effect of recent changes on the cotton trade.

207. The effect produced on the cotton trade by the recent changes in the Tariff has been very remarkable, as the following figures of value of imports in lakhs of rupees (tens of thousands of pounds, at Rs. 10 the pound) will show:—

	Grey Piece Goods.		Other Goods.	Total Cotton Goods.
	Free.	Dutiable.		
Average 1875-76 to 1877-78	...	1,078	860	1,938
1878-79	33	832	826	1,691
1879-80	458	581	927	1,966
1880-81	983	372	1,306	2,661
1881-82 (Estimate)	957	285	1,020	2,262

The Revenue from grey goods is fast disappearing.

208. If we look at the figures month by month since April 1879, the results are still more remarkable. The monthly value of the duty-free grey piece-goods has risen from 5 to 82 per cent. (in January 1882) of the total imports of those goods, whilst the value of the dutiable grey piece-goods has declined in a similar proportion,—*i.e.*, from 95 per cent. to 18 per cent. In shirtings only the duty-free percentage in January last was 94 per cent. The character of the trade has, in fact, completely altered. It has adapted itself to the new circumstances, with the result that the Revenue derived from the duty on grey goods is, to use the words of the Bengal Chamber of Commerce, "dying a natural death."

Administrative inconvenience of the present Tariff.

209. There can be no question that, whether from the point of view of administrative convenience or from that of fiscal principle, the actual condition of affairs is open to grave objections. As regards administrative inconvenience, I will not lengthen this Statement by entering into the detail of the numerous complaints which are from time to time addressed to the Financial Department by those interested in the cotton trade, nor of the difficulties experienced by the Custom House officers in giving effect to the present law. I will only remark in general terms that the difficulty of distinguishing between dutiable and duty-free goods is very great. Honest traders are exposed to loss and inconvenience from no fault of their own. A small portion of yarn which is dutiable is occasionally mixed up in the same piece with that which is duty-free. This may happen not only without the cognisance of the importer, who must rely upon the invoice he receives from Manchester, but even without the knowledge of the manufacturer himself. It is difficult in such cases to say whether the apparent intention to evade the duties is fraudulent or accidental. Thus a constant battle is being waged between the importers and the Custom House officers. An attempt has, indeed, been made to frame regulations which shall obviate this state of things. Such regulations are, however, but the most feeble palliatives, and cannot attain the desired object. So long as the existing distinction is maintained, the minute inspection and consequent delays necessary to prevent a practice of evading the duty from springing up, must always be inconvenient to the trade, however considerate the Customs officials may be.

Objections of principle to present Tariff.

210. Next, it is to be observed that, though direct protection to local manufacture no longer exists, the immediate effect of the partial repeal of the cotton duties has been to protect one class of Manchester grey goods against another, the line drawn being an arbitrary one. The manufacture and trade in grey goods for India has, in fact, been forced artificially in one direction by the Customs impost. A very remarkable instance of the effect of the present system is given in a memorial from Messrs. Leech & Sons, which was recently addressed to the Government of India. Messrs. Leech & Sons are Lancashire manufacturers, whose Calcutta agents are Messrs. Kettlewell, Bullen & Co. They set forth that, ever since the year 1834, they have supplied certain grey shirtings to the Indian market marked with a stamp in which they have a proprietary right. These grey shirtings are made of yarns averaging No. 32s,—that is to say, they come just within the dutiable category, which comprises all yarns above 30s. Other manufacturers have been able to produce a different class of goods, and so adapt themselves to the altered condition of the trade. Messrs. Leech, however, are unwilling to adopt a similar course. They are in this dilemma: either they will be driven out of the market by competition with duty-free cloths, or they must change their machinery, which will involve a heavy outlay of capital and a considerable risk of losing the position which they, by their own exertions, have acquired in the trade. The result of this anomalous state of things is that, during the last four months of the year 1880, Messrs. Leech paid no less than 36 per cent. of the total duty collected at the Port of Calcutta on grey goods.

Manchester is protected against India.

211. This, however, is by no means the only anomaly which exists under the present Tariff. Not only is one class of Manchester goods protected against others, but, to some extent, English goods are protected against those manufactured in India. In April 1879 the Calcutta authorities represented that large classes of coarse grey piece-goods were distinguished or decorated by a narrow border, coloured or white, and made of yarn finer than 30s, and that unless this trivial want of uniformity were condoned, they would be deprived of the exemption intended for them. Borders not exceeding 1½ inches in width were

consequently allowed to pass free. Soon afterwards the Bombay authorities asked for a similar favor on behalf of the 4½-inch borders, which are in chief use among the colour-loving population of Western India. The application was granted. The result is that, while imported goods may pass free though containing coloured (or white) borders of fine yarn aggregating over six per cent. the piece, the Indian mills have had to make their borders of yarn paying duty. The disadvantage to them was, perhaps, not very heavy, but it has helped to induce them to begin to dye and double the yarn made by themselves. The Bombay Commissioner of Customs in a recent report stated that "yarn dyed and doubled in Bombay is now sold at prices as good "as, or better than, those realised by imported yarn of similar quality. The duty "is saved, and if the experiment is found profitable, the industry will extend."

Injustice of taxing white and coloured goods.

212. The defects in the present Tariff which I have so far indicated apply mainly to grey goods only. They could, for the most part, be rectified by the abolition of the duty on those goods. I do not know, however, on what principle the taxation of white and coloured goods can be justified if grey goods are exempted from duty. On this point I invite attention to the following observations of the Bengal Chamber of Commerce. In a letter dated 17th January 1880, the Committee of the Chamber says :—

"Another anomaly is that white and coloured goods made of 30s yarn or under, and coloured yarns of 30s and under, are not admitted free like grey cloths and grey yarns. The intention which Government had in view, in taking its first steps towards the reduction of these duties, was no doubt to remove the protection which our local mills were supposed to enjoy, and it was not thought that their production could possibly compete with anything but certain grey goods. There is no doubt, however, that the Natives do largely bleach and dye goods and yarns for themselves all over the country; and it therefore comes about that importers, who devote themselves more exclusively to white and coloured goods, are handicapped to the extent of the duty. There is no apparent reason why an importer should not be allowed to bleach or dye a piece of grey shirting made of 30s yarn, or under, if he chooses to do so, because there is no duty on colour *per se*. The duty on dyed yarn, for instance, is charged only upon the grey weight and not upon the dyed weight. What practical difference, therefore, can there be to the customs whether 30s yarn is dyed or not, and *pari passu* what difference can be drawn in such a case betwixt yarn and goods made of such yarn, whether grey, coloured, or bleached?

"The Committee submit that there are strong and weighty reasons why what appears to them a substantial grievance should be removed. It is seen how the trade in duty-free grey goods and yarns has developed, and it seems only right and fair that merchants who devote themselves to the importation of white and coloured goods should be put in a position to extend their efforts in similar lines. It can be shown that even now many important classes of goods under these denominations could be imported made of duty-free yarns, and there is no reasonable doubt that the variety could be largely extended were the duty removed."

The General Import Duties.

213. I now turn from the cotton duties to a consideration of the general import duties. The Calcutta Trades Association in March 1879, and again recently, urged with much force the many anomalies in the existing system under which these duties are levied. In a letter of February 10th, 1882, the Association characterises the duties as "protective, capricious, and opposed to economic prin-"ciples," and adds that "while harassing to the importer, they yield a Revenue "so insignificant as hardly to cover the cost of collection when the larger sources "of Revenue (*i.e.*, the Cotton Duties) are removed."

214. The Tariff of 1875 was complete in itself for the purposes for which it was designed, but the practical declaration on March 18th, 1878, that a duty was indefensible if it either was *at all* protective or did not yield a sum absolutely as well as relatively large, introduced two disruptive forces into a machine not constructed to meet them, and necessarily shattered it.

The duties are protective.

215. The effect of applying the protective objection is well illustrated by the following extract from the speech of Sir William Muir (then Financial Member of Council) on the Tariff Bill, when before the Legislative Council on August 5th, 1875. "If Honourable Members," he said, "will cast their eye down the "import schedule, they will find hardly any article which, in consequence of "the vast area and varying conditions of our soil and climate, cannot be more "or less produced in some part of our dominions." Apparel of many kinds, hardware, jewellery, innumerable manufactures of metal, provisions and stores of many kinds, spices, sugar, tea, tobacco, with raw silk and fabrics of silk and wool, are all made in India, some to a large extent, and every import duty on them is protective. On what principle, again, are silk and woollen goods, or goods having cotton mixed with silk or wool, to be denied the exemption accorded

to cotton goods? "The duty on *Woollen Fabrics*," the Calcutta Trades Association rightly argues, "must, if only for the sake of consistency, follow the cotton duties."

And yield only a small Revenue.

216. The effect of applying to individual dutiable items the objection of small receipts is equally destructive. Under the Tariff before 1878, the heads fitted into each other, so that articles of the same general nature were taxed under one designation or another, and disputes were avoided. But the exemption of twenty-seven main heads on March 18th, 1878, introduced endless confusion and inconsistency, since certain heads were freed which were really parts of, or connected with, others left dutiable. Thus, the freed head of "Chemical products and preparations" overlaps the dutiable one of "Drugs and Medicines." "Seeds" are in some cases also "Spices," "Drugs," or "Provisions," while both "Oils" and "Fruits" overlap "Provisions," the first-named articles in each case being alone exempt. "Oils" also overlap "Drugs" and "Perfumery." A carriage may be imported duty-free, but all the principal materials for building one in India are dutiable. The glass panels of a sideboard and the plates of a mirror are dutiable as "Glass," but the woodwork of the one and the gilt frame of the other are exempt as "Furniture." Manufactures of leather are free, but a leather portmanteau is dutiable because it is fitted with a metal lock. Spades are classed as agricultural implements and are thus exempted from duty, but shovels are dutiable. A garden engine is free, but a syringe, used for exactly the same purpose, is dutiable. Again, there are many heads still dutiable which seem to have just as good claims to exemption, whether in respect of yielding little duty, or on their own merits, as those which were exempted in 1878. Stationery, for instance, paid only £5,350 in 1880-81, of which the chief part came from schoolboys' slates. In the same year shells and cowries paid £1,102, corks £1,600, gums £3,237, and paints £8,840.

Raw material is taxed.

217. Another objection to some of these duties is, that the raw materials of industry and articles contributing to production are taxed. Dyes, ivory, paints, colours and painters' materials, and, above all, unwrought metals, are illustrations of this objection.

Further practical objections.

218. Nor are these the only objections to the existing Tariff. Many practical difficulties arise in giving effect to the law as it now stands. Of these difficulties I may mention a few examples.

Import of articles by post.

219. *First*, comes that of dealing with dutiable articles imported by letter post. There is no agency, except in the Presidency towns, by which the duty can be fixed and levied on the contents of letters; but the Calcutta Trades Association reasonably objects to the levy of duty at the Presidency towns alone. The objection might be mostly got over by exempting jewellery from duty, but it has no better claim to exemption than a dozen other articles.

Special claims for exemption.

220. *Secondly*, come the special claims for exemption in individual cases, such as organs and painted windows for churches, mess necessaries, volunteer uniforms, gas and water pipes, and many other articles. There are always a dozen reasons, and occasionally some pressure, in favor of these exemptions, and any general rule can hardly be maintained.

Difficulties of definition.

221. *Thirdly*, difficulties of definition are great, and lead to much minor injustice. The Financial Department had not long ago to issue elaborate orders explaining to Customs officers the difference between machines and machinery.

Interference with trade, &c.

222. To sum up this branch of the subject, I submit that the General Import Duties, which are still levied on thirty-one main heads, comprising many hundreds of items, not only are open to the numerous economic and practical objections which I have already enumerated, but also cause an amount of friction, scrutiny, and interference with trade quite incommensurate with the net Revenue they produce.

General Import Duties open to great objections.

223. The arguments in favor of abolishing the General Import Duties are even stronger than those which may be adduced in respect to the abolition of the Cotton Duties. The maintenance of the former, if the latter are to be abolished, would, from every point of view, be open to great objection.

224. Whether, therefore, we look to the Cotton Duties or to the General Import Duties, it is clear that it is undesirable to maintain the present Tariff.

225. Various methods have from time to time been suggested to remedy the anomalies of the existing system. It has been proposed to levy a low and uniform rate of duty on all cotton goods, to excise Indian cotton, or to impose a low registration fee on all imports and exports. I need not discuss the merits and demerits of these proposals, for we are fortunately in a position to adopt a more thorough and satisfactory remedy.

Proposals to remedy existing defects.

226. A good deal of the controversy which has arisen on the subject of Customs reform in India, appears to be due to the fact that it has generally been assumed—and I admit that the assumption has until quite recently not been at all unreasonable—that the whole or partial repeal of the Customs Duties must of necessity be accompanied by the imposition of fresh taxation—probably direct taxation—which would be more unpopular than the present method of raising Revenue by the levy of duties on imported goods. I am not called upon to discuss the relative merits and demerits of direct and indirect taxation, either in general or in respect to the particular form of taxation which under present circumstances is most suitable to India. The question is one which for many years past has divided Indian financiers and administrators into two opposite schools, and high authorities may be quoted on either side of the controversy. The substitution of a direct for an indirect tax is, however, not now under discussion. The issue the Government has had to decide is wholly different. That issue I may formulate in the following words: The ordinary Revenue of India exceeds the ordinary Expenditure. A remission of taxation is therefore possible. What form should that remission take?

Real question to be decided by Government.

227. After a full consideration of the various alternatives which might be adopted, the Government is of opinion that the form which a remission of taxation may most beneficially assume is the abolition of the whole of the Cotton Duties and of the General Import Duties. The Special Duties—namely, those on wine, beer, spirits and liqueurs—will remain; so also will the duty on arms and ammunition, salt and opium. With these exceptions, we propose that no import duties of any kind shall in the future be levied.

Abolition of Cotton and General Import Duties.

228. I have said that the adoption of this measure is possible without the imposition of any fresh taxes. It remains for me to adduce arithmetical proof in support of this position.

229. The loss of Revenue involved in the Customs reforms now proposed is estimated as follows:—

Loss of Revenue from abolition of Import Duties.

		£
Cotton Duties		655,000
General Import Duties		564,000
Total gross loss ...		1,219,000
Deduct—	£	
Refunds	35,000	
Saving in Establishments	75,000[1]	
		110,000
Total net loss		1,108,000

230. Supposing no change to be made during the coming year in the Salt or Customs Duties, and that the net Opium Revenue were estimated, as during the year 1881-82, at £6,500,000 net, there would remain a surplus of £2,105,000. This is £997,000 in excess of the loss which will be involved in the proposed Customs reforms. I state the case in this form as I wish to draw attention to the fact that, in taking off the Customs Duties, we are not increasing our reliance on Opium. We could take off those duties if we maintained the relatively low Opium estimate of £6,500,000 net. The case of Salt is different. In reducing the Salt Duty we do, to the extent of £750,000, increase our reliance on Opium.

The loss is much less than the surplus of 1882-83, supposing no changes to be made in Salt or Opium.

231. It is, of course, desirable to estimate for a moderate surplus. But to keep on taxes in order to secure too large a surplus is unjustifiable and opposed to sound financial principles. It is to be borne in mind that the surplus both of the current and of the coming year represents the excess of

[1] The saving in 1882-83 will not be so much as £75,000, by reason of the cost incurred in giving gratuities on discharge, &c.

Revenue over Expenditure after providing £1,500,000 annually as an Insurance against Famine, of which sum £750,000 is applied to the Reduction of Debt.

General observations.

232. Before leaving this subject I may perhaps be permitted to express a hope that the solution which the Government now offers of this difficult and important problem will be accepted by this Council and by the public opinion of India and England as satisfactory, and that it will finally set at rest the angry controversy which has for some years been waged. That controversy has unfortunately taken a form which no true friend of England or of India can view without regret. It has been represented—erroneously, as I venture to think—that in respect to the question now under discussion there is an antagonism of interests between the two countries.

233. I am not now concerned to go into the whole of the past history of this question, or to discuss whether, viewed by the light of subsequent events, the particular measures which have at each step been adopted to attain the desired end were the best of which the circumstances admitted. This much, however, I will say. As an incident of her connection with England, India has a right to profit from English experience and English economic history. That experience and that history show that by the adoption of Free Trade, a country benefits, indeed, all the world, but more specially benefits itself. It may perhaps be urged that the fiscal conditions of England and India are so different that no analogy can be instituted between the two countries. For the purposes of the present discussion I believe this argument to be unsound. The wealth of India, like that of other countries, is in proportion, not only to its natural resources, but to the degree of liberty it may possess in the use of those resources. By the adoption of the measures now proposed, India will be more free to exchange her exportable produce for the products of foreign lands than would be possible were the import duties maintained. The desirability of removing, so far as is possible, all checks on the Indian import trade was pointed out by Sir Charles Trevelyan so long ago as 1864 in the following words: "Our object," he said, "should be "to remove, as far as possible, every obstruction to the freedom of trade, as was "done in the analogous case at home. The great embarrassment of the trade "of India has always been the want of imports to meet the vast quantity of "exportable produce which the country is capable of sending forth. If we "desire to relieve the trade of India, and to give free scope to its further "extension, we should give all possible encouragement to her imports."

The reform will contribute to the extension of the railway system,

234. In addition to these general arguments, which would readily admit of further development, there is one consideration which applies specially to India, and which, I venture to think, is at the present moment of considerable importance. The desirability of rapidly extending our railway system is universally recognised. The main obstacle to any such rapid extension is the difficulty of attracting railway capital to India on terms which shall not be too onerous to the State. No fiscal measure of general application would be so likely to give a stimulus to railway construction as the removal of all restrictions on trade.

And will be most beneficial to India.

235. I am, indeed, very far from saying that a free-trade policy should be carried out at all hazards. "There is not," Mr. Gladstone once said,* "a free-"trade Government in this or any country which has "not freely admitted that the state of the Revenue is "an essential element in the consideration of the application even of the best "principles of free trade." The question is essentially one of Revenue. Objectionable as is the present condition of the Tariff, we should be obliged, were our general financial position less favorable than it is, to bear for a time with some, at least, of the existing evils. But, under present circumstances, there is no necessity for withholding from India any longer the full advantages of free trade. The Government, therefore, brings forward these proposals in the firm belief that their adoption will be of the utmost benefit to India, and with the knowledge that, under present circumstances, they will be unaccompanied by any counterbalancing disadvantages.

* Debate in the House of Commons, June 12th, 1879.

Minor Tariff reforms.

236. We propose to take the present opportunity for introducing two minor reforms into the Tariff.

Methylated spirit.

237. Methylated spirit at present pays a duty of 10 per cent. It is used to make varnish and other; also to preserve specimens in museums. We propose,

at the instance of the Bombay Chamber of Commerce, to reduce the rate of duty to 5 per cent. An analogous reduction will be made in the Excise duty. The loss to the Revenue will be trifling—about £250 a year.

Perfumed Spirits.

238. Under the existing law, Perfumed Spirits imported in bottles not containing more than half a pint pay a 5 per cent. *ad valorem* duty. It has been pointed out by the Bombay and Bengal Governments that large quantities of Eau-de-Cologne are imported and used as potable spirit. The law is thus evaded and the Revenue from Excise suffers. In consequence of the abolition of the General Import Duties, "Perfumery" will no longer be taxed, but we propose that Perfumed Spirit imported in wood or in bottles containing more than 4 ozs. (rather less than a quarter of a pint) should be taxed as "Spirit" at the rate of Rs. 4 the imperial gallon, with an increasing duty in proportion as the strength of the spirit exceeds London proof.

XII.—The License Tax.

The License Tax.

239. The last point, involving any question of fiscal principle with which I have to deal is the License Tax. The main question which the Government has had to decide in connection with this subject is whether, a remission of taxation being possible, the License Tax should be abolished in preference to other taxes.

Opinions of Local Governments.

240. In the autumn of 1880, His Excellency the Viceroy addressed a confidential circular to the heads of the several local Administrations with a view to obtaining their opinions as to the desirability of maintaining the present License Tax. The Governor of Madras (the Duke of Buckingham) and his colleagues were of opinion that the tax, though suitable for Municipal purposes, was objectionable as an Imperial resource owing to the defective nature of the staff available in the rural districts for its assessment and collection. The Government of Bombay preferred another form of direct taxation to the License Tax.

With these exceptions there was unanimity of opinion on the following points:—

(1) That the doubt and uncertainty produced in the minds of the people by frequent changes in the modes of taxation were greater evils than the taxes themselves, and that, therefore, any hasty change was much to be deprecated.

(2) That any objections which originally existed on account of the pressure of the License Tax on the poorer classes had been met by raising the minimum assessable income to Rs. 500.

(3) That the people were becoming accustomed to the tax, and that the method of its assessment and collection had been much improved.

Justice of direct taxation.

241. The License Tax at present yields an annual net Revenue of about £524,000. This sum is paid by 228,447 persons.* The justice of imposing some tax upon the trading classes of the community cannot be questioned. The Bengal Chamber of Commerce, in a letter addressed quite recently (February 21st) to the Government of India, said, while speaking in condemnatory terms of the incidence of the present License Tax, that "they are alive to "the difficulty of bringing by any other means a large body of Her Majesty's "subjects under contribution to the expenditure of the State in any proportion "approximate to the advantages they derive from such expenditure." The fact that those classes, who perhaps more than any others have benefited by British rule in India, pay so little, has long been recognised as a blot upon the Indian fiscal system.

* Madras	29,017
Bombay	52,973
Bengal	68,179
N.-W. Provinces and Oudh	49,515
Punjab	28,733
Total ...	228,447

There are some practical objections.

242. That there are some practical objections to direct taxation generally, and that those objections apply in India as elsewhere, and even somewhat more in India than elsewhere, may be readily admitted. The question which the Government has had to decide is the degree of urgency to be attached to those objections.

Decision not to abolish the License Tax.

243. The repeal of the License Tax would relieve the small number of people who now pay it and would do little more. The mass of the tax-payers would obtain no relief. The general financial situation would in no way be strengthened. On the other hand, by the abolition of the import duties, and by the reduction of the duty on salt, relief will be afforded to the whole country, a stimulus will be given to trade, the general financial situation will be much strengthened, and it may reasonably be expected that in course of time the actual loss to the Treasury will be to some extent recouped by increased railway receipts and increased consumption of salt. There can, I venture to think, be no question on which side the balance of advantage lies. Under these circumstances the Government has decided not now to propose the abolition of the License Tax.

Is the present system to remain in force?

244. If, however, the License Tax is not to be abolished, the question remains for consideration whether an immediate attempt should be made to remedy the defects which, it is admitted, exist in the present Acts regulating its assessment and collection.

Defects of present License Tax recognised.

245. The difficulty of making practice agree with sound theory in the administration of any system of direct taxation is well known, but the inconsistencies and defects of the License Tax Acts, which at present apply to the several Provinces of India, are glaring, and many of them are unquestionably quite remediable. Thus, excepting in the Madras Presidency, a summary License Tax is levied throughout the greater part of India. In Madras the tax approaches, in some respects, nearest to an Income Tax. Again, everywhere, excepting in the Bombay Presidency, the maximum fee leviable is Rs. 500. In Bombay it is Rs. 200. In Northern India there are two classes, sub-divided into eight grades. In Bengal there are six classes. In Madras there are eight classes. In Bombay there are eleven classes. In British Burma and Assam the tax is not levied at all. Some of these inconsistencies are difficult to defend. For instance, there can be no sort of reason why a rich trader in Bombay should not pay as much as another in a similar situation at Agra or Delhi. In fact, whatever opinions may be held in respect to direct taxation generally in India, there can be no doubt that the present License Tax is open to serious objections. Not only are there great inequalities in its incidence in various Provinces, but also it is open to the very great objections that, in respect to those classes who are taxed, it falls with disproportionate hardship on the less wealthy, and, further, that other classes, who might with justice be called upon to pay the tax, are altogether exempted.

No immediate change proposed.

246. It is clear, therefore, that the License Tax in its present form cannot be incorporated into the permanent fiscal system of the country. Whilst, however, fully recognising the validity of the objections which may be urged against the tax as it now exists, we do not propose that any changes should be made at present.

Desirability of finality in dealing with this question.

247. It is exceedingly desirable that any changes that are made should be final. The frequent changes in the personnel of the Indian Government have exercised a very baneful effect upon the manner in which the question of direct taxation has been treated. Fixity of policy has been conspicuous by its absence. In the last 22 years no less than 23 Acts of the Legislature have been passed, in which successive Governments have either rung the changes on the various expedients for imposing direct taxes, or have for the time being adopted a policy opposed to any direct taxation whatsoever. It was impossible under such a procedure that any system of direct taxation should take root in the country. It was certain that these frequent changes would keep alive rather than allay the unpopularity originally attendant on the imposition of any direct tax. The practical result of the system which has been followed has been that the fundamental principle, that the tax which each individual is bound to pay ought to be certain and not arbitrary, has been violated. Frequent changes have rendered it difficult for the tax-payers to ascertain the true amount due from them, and have facilitated arbitrary and illegal exactions on the part of the tax-gatherers.

248. After full consideration, therefore, we are of opinion that it will be desirable to continue to levy the License Tax in its present form, objectionable though it be, at all events until the experience of another year has enabled us to judge more thoroughly than is at present possible of the policy which should in the future be adopted in respect to this Tax.

Special reasons for postponing change of system.

249. The Indian fiscal system may now be said to be in a state of transition, and, if we were to make any change now, we could feel no assurance that some further change might not be required in connection with the financial arrangements of 1883-84. The special features in connection with the actual financial position which render it desirable to postpone the further consideration of this question are:—

(i) That the economy which may result from our proposals in connection with military re-organisation is as yet uncertain.

(ii) That the proposed Customs reforms and the reduction of the Salt Duty will certainly increase the Railway receipts, but to what extent it is impossible to foresee.

(iii) That increased consumption will partially recoup us the loss consequent on the reduction of the Salt Duty, but to what extent is uncertain.

(iv) That during the year 1882-83 we have to provide a sum of £223,000 in order to complete the Frontier Railways, a charge which will not recur.

(v) That, for the reasons I have already given, we cannot count with certainty on being able to take so high an Opium Estimate in the future as that which we propose for 1882-83.

(vi) That it is within the range of possibility that we may be in a better position a year hence to judge of the future of silver than is at present possible.

No new general tax will be imposed.

250. Although, however, the consideration of the question is postponed, I may at once say that the Government does not contemplate the imposition of any new general direct tax payable by all classes of the community. There are good reasons for supposing that during the last decade there has been, generally speaking, a considerable advance in the trade-wealth of the country, whilst the improvement in the position of the agricultural classes has been proportionately less rapid, at all events in some Provinces. The agricultural classes in most parts of the country are already sufficiently taxed. Whilst we consider that an amendment of the present system of direct taxation, so as to embrace in a more equitable manner all classes of the non-agricultural community, is not only open to no valid objections, but would, if it should become necessary, be just in itself, we should be opposed to the imposition of any direct tax which would add to the amount already contributed by the agricultural classes in the form of Land Revenue or Provincial Rates anything in excess of their fair share of the public burdens. So long as the agricultural classes contribute their fair share of the public burdens in either of these forms, we should not consider it necessary that they should be embraced in any system of direct taxation to which the non-agricultural community might be subject.

Summary of attitude of Government in respect to this question.

251. In order to prevent any future misapprehension, it may be desirable to sum up in a few words the attitude of the Government in respect to the License Tax. It is as follows. We recognise the evils of the present Tax. We recognise that in its present form it cannot be incorporated into the permanent fiscal system of the country. Beyond this we do not at present go. We reserve to ourselves complete liberty of action in the future, either to propose the abolition of the License Tax, to recast it, or even, should such a course appear desirable when the financial arrangements for the year 1883-84 come under consideration, to allow it to continue in existence in its present form for a while longer.

XIII.—Budget Estimates, 1882-83.

Budget Estimates, 1882-83.

252. The Budget Estimates for the coming year have been framed on the assumption that effect will be given to the various reforms to which I have alluded. They give the following results:—

	£
Revenue	... 66,459,000
Expenditure	... 66,174,000
Surplus	... 285,000

Observations on the surplus.

253. It has been laid down by successive Governments that, after providing for all ordinary expenditure, the Indian Budget should show a surplus of £500,000 to meet any unforeseen charges that may arise in the course of the year. The surplus which is at present anticipated during the year 1882-83 falls short of that sum by £215,000. The Estimates have been very carefully framed. Ample provision has been made for all expenditure that can now be foreseen. The net Opium Revenue has been taken at £588,000 less than the Regular Estimate for 1881-82, and at £1,201,000 less than the actual receipts of 1880-81. The net Railway receipts are taken at £468,000 less than the Regular Estimate for 1881-82.[1] A very moderate allowance has been made for increased consumption of salt consequent on the large reduction of duty. A reference to the columns in Appendix II, in which the Budget Estimates for the coming year are compared with the Regular Estimates of the current year, will show that in most cases allowance has been made for a decrease of Revenue and for an increase of Expenditure.[2] At the same time it is to be borne in mind that the Opium trade is at present in a somewhat unsettled state. It is not at all impossible that even our present moderate estimate for Opium (£7,250,000 net) may prove too high. Again, a bad harvest in India, or a partial cessation in the demand for wheat or other Indian produce in Europe, may produce a heavy falling-off in the traffic receipts of Railways and at the same time depreciate Exchange. High prices would also influence the Military and other Estimates. The instability of the value of silver is a permanent source of danger to the Indian Revenue. The consumption of salt may increase even less than is now anticipated. These, and other points, have all to be taken into consideration. There must always be some uncertainty as to the ultimate effect of such important reforms as those which are now proposed. Those reforms are, however, so desirable in themselves that we consider that the Estimates for the coming year may justifiably be based on a surplus of only £285,000. Further, it is to be borne in mind—and this is a consideration of great importance—that we already have in hand the surplus of the current year (£1,577,000), which amounts to more than three times the normal surplus (£500,000) for which it is, generally speaking, considered desirable to make provision.

Military Expenditure.

254. In the last Financial Statement (para. 101) I alluded to the fact that a Commission composed of high authorities had pronounced the possibility of reducing the cost of the Army, and I expressed an opinion that, when once we were free from Afghan complications, the question of reducing Military Expenditure was of all others that which most seriously demanded the attention of Government.

Subject of Military reductions has been considered.

255. This important subject has been fully considered by the Government during the course of the year, and although it has been deemed impossible to accept the proposals of the Commission in their entirety, at the same time the highest Military authorities in India are of opinion that the cost of the Army can be materially reduced without the Military strength of the Empire being impaired; indeed, that certain measures of re-organisation would not only prove economical but would also improve the efficiency of the Army.

Military Estimates for 1882-83.

256. The whole Military system has been carefully reviewed, and the proposals of the Government of India are now before the Secretary of State. I will not, however, dwell on this subject any further as, in the course of the debate on the Bills which I am about to introduce, my Honourable Colleague in charge of the Military Department proposes to deal fully with it. The Budget Estimates for the year 1882-83 provide for a net Military Expenditure of £15,260,000, being less than the ordinary net expenditure of any year since 1876-77.

XXIX & 36. Exchange.

257. *Loss by Exchange* has been taken at £2,775,000 net, being £510,000 less than the Regular Estimate for the current year. The requirements of the Home Treasury during the course of the coming year are estimated at

[1] Part of this difference appears under *XXV & 32. Railways.* Part is included in *1. Interest on Debt.*

[2] There is a net *decrease* of expenditure in 1882-83 of £1,292,000, but this decrease appears almost entirely under two heads. In the first place, the *Army* Expenditure is taken at £2,602,000 less than in 1881-82. This large difference is, of course, mainly due to the provision made in 1881-82 for War Expenditure. In the second place, there is a decrease of £529,000 under the head of *Loss by Exchange.* This is due to the requirements of the Home Treasury being about £1,500,000 less in 1882-83 than in 1881-82.

£15,592,000 (true sterling). Of this amount, £250,000 will be received from Her Majesty's Government at home in consideration of the Indian Government supplying the Hong-Kong Military Treasure Chest. The remainder, *viz.*, £15,342,000 is the estimate of the amount of Council Bills to be drawn. The rate of exchange has been taken at 1*s.* 8*d.*

XIV.—Issue of Stock Notes.

Issue of Stock Notes.

258. Before I proceed to discuss the Estimate of Ways and Means for the year, it will be desirable to allude to a recent decision of the Government which bears upon this important question.

Imports of Treasure.

259. The value of the net imports of gold into India from 1860-61 to 1880-81, inclusive, was £78,308,300; and of silver, during the same period, £151,478,300. It cannot be doubted that a considerable portion of this large amount is hoarded, either in the shape of coin or ornaments. Nothing, indeed, is more remarkable in India, than the contrast between the large quantities of the precious metals which are imported annually, and the small amount of floating capital which is available for purposes of temporary accommodation in the market.

Advantages of attracting petty investments.

260. The question of whether it would not be possible to devise some means for borrowing from *bonâ fide* local investors the amount we require annually for Productive Public Works, has for long occupied the attention of the Government. The advantages to be derived from any such scheme, supposing it to be practicable, are obvious. In the first place, we diminish the amount of the remittances to England, which have to be made either in the form of Secretary of State's bills or commercial bills when the holders of sterling or rupee securities are resident out of India. In the second place, we encourage thrift and the accumulation of capital, and afford a safe investment to the poorer classes. In the third place, we give to a certain number of people a direct interest in the stability of the Government.

Mr. Hope's scheme.

261. In 1879 a scheme based on a consideration of the American "Refunding "Certificates" and of the system of French "Rentes" was laid before the Government of India by Mr. Hope. In August 1880 the Secretary of State drew the attention of the Government of India to the subject in the following terms: "I concur in the opinion that, desirable as is the object of obtaining "subscriptions to loans in small amounts from the residents in the country, "it would not be wise to attempt to accomplish that purpose by any measure "distasteful to the large holders of your securities. The experience of other "countries, especially France, shows, however, that a very large amount of "money may be obtained in small sums from the Natives of the country, if "facilities for their investment are afforded, and I request Your Excellency "will carefully consider whether any such scheme can be applied to the cir-"cumstances of India without being open to the objections pointed out by "your Government."

Scheme worth trying.

262. We have accordingly reconsidered this important question. The opinions, both official and unofficial, which were collected in 1879, show that the principles involved meet with almost unanimous approval. Doubts, however, were expressed as to whether a rate of interest not exceeding 4 per cent. was sufficiently high to attract small investors in India. My own view of the question coincides with that set forth in the *Bombay Gazette* of November 12th, 1879, in the following terms—"In this particular matter the best "kind of 'ventilation' will be that of a practical experiment. No one can "say positively whether the plan will succeed or not, until it is tried; while "to try it would not cost much either in money or in trouble. The idea is "pretty generally accepted as a good one, if it will work; but whether it will "work or not can only be ascertained after a period of probation. After that, "should the plan not prove successful, then no harm would have been done, "and only the expense of printing a few Government Resolutions, together "with the supply of the Notes themselves, will have been incurred." We propose, therefore, to try the experiment.

263. The difficulty indicated by the Secretary of State, namely, that nothing should be done to depreciate our ordinary stock, has, we hope, been obviated by providing that the new "Stock Notes," as they will be called, shall be issued in denominations of small amount, that the interest shall be payable yearly instead of half-yearly, and that the Notes will be non-enfaceable

to Europe. For the rest, the details of the scheme, into which I need not enter as they are fully explained in the Government Resolution attached to this Statement—(see Appendix B), have been framed with a view to making this new form of investment as attractive as possible to small local investors.

264. It is not improbable that the Stock Notes will compete with the Savings Banks deposits. But if they do so, no harm will have been done; for, for all purposes of encouraging thrift and the accumulation of capital amongst the people, they will answer the same purposes as the Savings Banks, whilst, from the Government point of view, Stock Notes will be a more convenient form of investment than the Savings Banks, inasmuch, as in the former case, the capital will not be redeemable for at least 20 years, whilst in the latter case it is payable at call. It is thought that the obligation not to discharge the Notes for at least 20 years will be appreciated by investors, more especially as in consequence of the adoption of this course, the rate of interest can legitimately be fixed slightly (¼ per cent.) above that which is given for Savings Banks deposits.

XV.—Ways and Means.

Ways and Means. 1882.

265. I now proceed to state the Estimate of *Ways and Means* for the coming year.

Closing balance, 1881-82.

266. Last March it was estimated that the year 1881-82 would close with a balance of £10,000,000. It is now estimated that the closing balance of the year will be £14,200,000.

Closing balance, 1882-83.

267. We estimate that the balance on March 31st, 1883, will be £10,848,000. This estimate provides for a capital expenditure during the year of £2,765,000 on *Productive Public Works* and of £485,000 on the East Indian Railway.

Minimum balance in autumn months.

268. In deciding whether a loan is necessary to meet this Capital Expenditure, which, I need hardly say, stands outside the ordinary Account, the important point to consider is, not so much the estimated closing cash balance on March 31st, 1883, as the minimum balance during the months of October, November, and December. During these months the balances are always lower than at any other period of the year. It is, of course, economical to work with as low a cash balance as possible, but in view of the limited extent to which temporary accommodation can be obtained in the Indian market, it is not at all desirable to let the Government cash balance sink too low. The business of the country can be carried on with a cash balance of £8,000,000, but it is not desirable that the balance should be allowed to sink below £8,500,000. A closing cash balance of £10,848,000 would correspond with a balance of about £7,400,000 in the month of November. According to this estimate, therefore, the balances would require strengthening during the year to the extent of £1,000,000 to £1,500,000.

Special points to be considered.

269. On the other hand, the following points have to be taken into consideration.

In the first place, the Estimates of Revenue and Expenditure are cautious. Unless anything unforeseen occurs, the results will probably show an improvement over the Estimates.

In the second place, the creation of the Post Office Savings Banks will probably strengthen the balances to a greater extent than £80,000, for which sum only credit has on this account been taken.[1]

In the third place, the issue of Stock Notes will contribute a certain addition to the balances of the year. No credit has, however, been taken on this account in the present estimate of *Ways and Means.*

In the fourth place, it is not impossible that during the course of the year the Bombay Port Trust may repay to the Government a loan of £760,000. No credit has, however, been taken on this account.

The experience of a few months is necessary in order to enable us to judge of the extent to which these various considerations will affect the Estimate of *Ways and Means* for the year.

[1] Should the new Savings Bank scheme result in a large increase of deposits, it will eventually, in all probability, become necessary either permanently to strengthen the Cash Balance or to adopt some special method for financing these deposits. The whole of this money is, I need hardly say, held at call.

270. It has been usual, in notifying the intentions of Government in respect to borrowing, to speak under reserve. Indeed, of late years a note has always been attached to the Estimate of *Ways and Means* (see Statement VII) to the effect that *Usual reservation.*

"the estimates in this Statement of the amounts to be borrowed and to be supplied to the Home "Treasury by Bills are the best that can now be made; but they are subject to modification "as the year goes on: the Government must not be understood to pledge itself that the "Secretary of State will raise by Bills the exact amount stated; or that the exact amount stated "will be borrowed during the year; or that it will be borrowed in India or in England as the "case may be."

271. I take the present opportunity of drawing special attention to this reservation. I am fully aware of how desirable it is that the Government should state as distinctly as possible what are its intentions in respect to borrowing. At the same time I must point out that to frame, twelve months in advance, an accurate estimate of the cash necessary to carry on the whole work of Government in India, is at all times a matter of very great difficulty. The difficulty is especially great this year owing, in the first place, to the large fiscal reforms which are about to be introduced, the full effect of which upon several heads of Revenue, notably *Salt* and *Railways*, can only be learnt by experience; and, in the second place, owing to the uncertainty which must for the present prevail as to the extent to which the new Stock Notes will be taken up. All that the Government can do is to place the public fully in possession of the facts of the case as they now stand, and to indicate what is the most probable conclusion that is to be drawn from these facts. I cannot at present go further than to say (1) that it is uncertain whether we shall require any loan or not; (2) that if we have to borrow at all, it is not probable that we shall require more than £1,500,000 at most; and (3) that unless any extraordinary and unforeseen circumstance, such, for instance, as a famine, should arise, it is probable that our requirements will not be greater than could be supplied by the local banks temporarily under arrangements by which they would be repaid before the opening of the export season. But it must be clearly understood that I can at present give no sort of pledge as to the course the Government will ultimately pursue, and that we reserve to ourselves the most complete liberty of action during the year to take whatever steps further experience may show to be necessary. *Special attention drawn to reservation.*

XVI.—Conclusion.

272. I regret the length to which this Statement has extended. It is difficult, in making an Indian Financial Statement, to draw the line between saying too much and saying too little. The English practice of merely giving the broad features of the finance of the year has many advantages. The objection to applying this method to India is that, if the details are not given in the Financial Statement, they do not come under the consideration of the public at all until the Accounts are finally made up. Last year I endeavoured to make my Statement as short as possible. The result, so far as I could judge from the comments of the Press both in England and India, was that the broad features of the financial position were generally well understood, but that misapprehension prevailed on some points which might, perhaps, have been removed had my Statement been less brief. This year my Statement is necessarily much longer, as the subjects which I have had to treat are of greater importance; but I have endeavoured, so far as is possible, to avoid descending into too great detail. I think it is, on the whole, better to omit explanations on matters of comparatively minor importance than to run the risk of the main issues being obscured amidst a mass of detail. I need, however, hardly add that there is not a single item in the Estimates about which full explanation cannot be given, if the necessity for doing so should arise. Conclusion. *Length of Statement.*

273. It will be desirable, finally, to recapitulate briefly the main facts of the present Financial Statement, to state the issues which call for the decision of this Council, and to indicate the features of the Statement which, although they do not necessitate legislation, are of sufficient importance to demand special attention. Recapitulation.

274. The main facts are as follows:—

Deficit of 1880-81.

(i) The Accounts of the year 1880-81 close with a deficit of £4,044,000. This deficit was wholly due to the expenditure on the war Excluding the net expenditure on account of the war, there was a surplus of £6,320,000.

Surplus of 1881-82.

(ii) We estimate that the year 1881-82 will close with a surplus of £1,577,000 after payment to the Provincial Governments of £670,000 for their Afghan war contribution, and of £360,000 in connection with the renewal of the quinquennial contracts. On the other hand, about £250,000 of the English War contribution has been credited to the year in excess of the War Expenditure, thus abnormally increasing the surplus. But for these extraordinary items of Revenue and Expenditure, the surplus would have been £2,357,000.

Surplus of 1882-83.

(iii) We estimate the surplus of the year 1882-83 at £285,000. If no taxes were taken off and the Opium Revenue were taken at £7,250,000 net, the Surplus would be £3,171,000 (see Statement X).

Proposals involving legislation.

275. The proposals now made by the Government which involve legislation, are—

Remission of the Patwari Cess in the N.-W. Provinces.

(i) The remission of the Patwari Cess in the North-Western Provinces and the payment by Government of the patwaris in Oudh, who are now paid by the land-owners. This proposal involves a virtual remission of taxation to the extent of £316,000.

Abolition of Import Duties.

(ii) The total abolition of the Cotton Duties and the General Import Duties. This involves a remission of taxation to the extent of £1,219,000.

Reduction of Salt Duty.

(iii) The reduction of the rate of the duty on salt to Rs. 2 a maund everywhere except in the Trans-Indus districts of the Punjab and in British Burma. This involves a loss of Revenue of about £1,400,000. Legislation is not absolutely required in order to introduce this change, but as the present Salt Act requires some amendments, independently of any change in the rate of duty, we propose to take this opportunity to bring a Bill to effect these amendments under the consideration of the Council.

Other points not involving legislation.

276. The remaining points of special importance which do not involve legislation are—

Subordinate Civil Services.

(i) The improvement in the position of the Subordinate Civil Services, which it is estimated will cost about £50,000 a year.

Provincial contracts.

(ii) The arrangements in connection with the renewal of the Provincial contracts.

Opium.

(iii) The policy of the Government in respect to Opium. The net Revenue from this source has been taken at £7,250,000 in the Estimates for the coming year.

The License Tax.

(iv) The attitude of the Government in respect to the License Tax. It is proposed to make no change at present, but we reserve to ourselves complete liberty of action for the future.

Stock Notes.

(v) The introduction of a scheme to facilitate borrowing from small local investors by the issue of Stock Notes.

Military Expenditure.

277. To these must be added the steps which have been taken so far to reduce the cost of the Army and to improve its efficiency. As I have already mentioned, my Honourable Colleague, General Wilson, who can speak both with far greater authority and a more intimate knowledge of the subject than any to which I can pretend, will, in the course of the debate, explain fully the actual position of affairs in respect to Military Expenditure.

Conclusion.

278. I commend these measures to the attention of this Council and of the public in the confident belief that they will receive fair and impartial consideration, and in the firm conviction that their adoption will benefit India.

Services rendered by Mr. Hope.

279. I cannot close this Statement without cordially acknowledging the obligations the Government is under to Mr. Hope, the able Secretary in the Financial Department. Mr. Hope's wide economic knowledge, his great experience of every branch of the Indian administration, and the keen interest which he feels in every measure tending to promote the welfare of the people of India, have been invaluable in the consideration of the important measures which have recently been under discussion.

INDIAN TARIFF BILL.

Major the Hon'ble EVELYN BARING then moved for leave to introduce a Bill to amend the law relating to Customs-duties, and for other purposes.

The Hon'ble MR. INGLIS asked if he rightly understood that the Customs Bill, if passed on Friday next, would take effect at once; and secondly, that goods would be dealt with under section 37 of Act VIII of 1878, that is, that goods in bond, and goods afloat, and goods landed but not "entered," would get the benefit of the reduction, but not goods for which, before the passing of the Bill on Friday, a bill of entry had been delivered to the Customs Collector under section 86.

Major the Hon'ble E. BARING in reply said that his hon'ble friend had rightly understood the scope of the Bill in respect to both the questions: the answer to both of them was in the affirmative.

The Motion was put and agreed to.

Major the Hon'ble E. BARING also applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The PRESIDENT declared the Rules suspended.

Major the Hon'ble E. BARING then introduced the Bill.

SALT BILL.

Major the Hon'ble E. BARING also moved for leave to introduce a Bill for regulating the Duty on Salt, and for other purposes.

The Motion was put and agreed to.

Major the Hon'ble E. BARING also applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The PRESIDENT declared the Rules suspended.

Major the Hon'ble E. BARING then introduced the Bill.

N.-W. P. AND OUDH KÁNÚNGOS AND PATWÁRÍS BILL.

Major the Hon'ble E. BARING also moved for leave to introduce a Bill to amend the law relating to Kánúngos and Patwáris in the North-Western Provinces and Oudh.

The Motion was put and agreed to.

Major the Hon'ble E. BARING also applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The PRESIDENT declared the Rules suspended.

Major the Hon'ble E. BARING then introduced the Bill.

The Council adjourned to Friday, the 10th March, 1882.

CALCUTTA;

The 8th March, 1882.

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India,
Legislative Department.

I.—REVENUE AND EXPENDITURE OF THE GOVERNMENT

Estimates,

REVENUES.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82.	
							Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
I.—Land Revenue ...	21,910,314	22,195,000	22,449,000	...	46,000	22,172,000	...	277,000
II.—Tributes ...	742,209	705,000	721,000	16,000	...	701,000	...	20,000
III.—Forest	709,320	770,000	820,000	50,000	...	809,000	...	11,000
IV.—Excise ...	3,135,226	3,031,000	3,411,000	380,000	...	3,331,000	...	80,000
V.—Assessed Taxes ...	558,720	550,000	538,000	...	12,000	538,000	...	...
VI.—Provincial Rates ...	2,776,370	2,863,000	2,885,000	22,000	...	2,649,000	...	236,000
VII.—Customs	2,539,612	2,367,000	2,290,000	...	77,000	1,181,000	...	1,109,000
VIII.—Salt	7,115,988	7,153,000	7,213,000	60,000	...	6,049,000	..	1,164,000
IX.—Opium	10,480,051	8,763,000	9,900,000	1,137,000	...	9,500,000	...	400,000
X.—Stamps	3,250,581	3,290,000	3,328,000	38,000	...	3,342,000	14,000	...
XI.—Registration ...	281,230	290,000	280,000	...	10,000	284,000	4,000	...
XII.—Mint	89,565	89,000	58,000	...	31,000	145,000	87,000	...
XIII.—Post Office ...	1,018,653	967,000	976,000	9,000	...	967,000	...	9,000
XIV.—Telegraph ...	539,087	481,000	476,000	...	5,000	525,000	49,000	...
XV.—Minor Departments ...	78,492	101,000	113,000	12,000	...	66,000	...	47,000
XVI.—Law and Justice ...	687,764	664,000	643,000	...	21,000	659,000	16,000	...
XVII.—Police ...	241,769	236,000	242,000	6,000	...	248,000	6,000	...
XVIII.—Marine	246,519	210,000	206,000	...	4,000	183,000	...	23,000
XIX.—Education	170,238	143,000	179,000	36,000	...	177,000	...	2,000
XX.—Medical	43,368	42,000	43,000	1,000	...	41,000	...	2,000
XXI.—Stationery and Printing	62,462	61,000	60,000	...	1,000	59,000	...	1,000
XXII.—Interest	875,679	678,000	892,000	214,000	...	652,000	...	240,000
XXIII.—Superannuations ...	315,999	315,000	312,000	...	3,000	307,000	...	5,000
XXIV.—Miscellaneous ...	731,742	271,000	379,000	108,000	...	268,000	...	111,000
XXV.—Railways	7,952,973	7,950,000	9,087,000	1,137,000	...	8,910,000	...	177,000
XXVI.—Irrigation and Navigation ...	829,402	903,000	923,000	20,000	...	962,000	39,000	...
XXVII.—Other Public Works ...	547,313	485,000	557,000	72,000	...	485,000	...	72,000
XXVIII.—Army	924,127	814,000	969,000	155,000	...	868,000	...	101,000
English Contribution for Afghan War ..	2,695,000	3,000,000	2,305,000	...	695,000	...	...	2,305,000
Military Operations in Afghanistan ...	602,607	61,000	267,000	206,000	...	...	...	267,000
XXIX.—Gain by Exchange ...	407,521	412,000	391,000	...	21,000	381,000	...	10,000
GRAND TOTAL ...	72,559,901	70,160,000	72,913,000	2,753,000	...	66,459,000	...	6,454,000
Deficit	4,044,139	...	...	...	...	...	...	...

Fort William;
Dept. of Finance and Commerce,
The 8th March 1882.

E. W. Kellner,
Deputy Comptroller General.

OF INDIA IN INDIA AND IN ENGLAND.

1882-83.

EXPENDITURE.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
1.—Interest on Debt ...	6,051,065	6,287,000	6,414,000	127,000	...	6,391,000	...	23,000
2.—Interest, other Accounts	413,973	409,000	445,000	36,000	...	459,000	14,000	...
3.—Refunds and Drawbacks ...	469,206	350,000	423,000	73,000	...	511,000	88,000	...
4.—Land Revenue ...	2,983,679	3,032,000	3,037,000	5,000	...	3,168,000	131,000	...
5.—Forest ...	465,976	571,000	600,000	29,000	...	581,000	...	19,000
6.—Excise ...	95,404	99,000	99,000	...	...	99,000	...	...
7.—Assessed Taxes ...	21,237	15,000	14,000	...	1,000	15,000	1,000	...
8.—Provincial Rates ...	46,435	48,000	49,000	1,000	...	49,000	..	...
9.—Customs ...	198,927	206,000	196,000	...	10,000	163,000	...	33,000
10.—Salt ...	363,537	428,000	544,000	116,000	...	639,000	95,000	...
11.—Opium ...	2,028,757	2,263,000	2,062,000	...	201,000	2,250,000	188,000	...
12.—Stamps ...	107,465	114,000	109,000	...	5,000	119,000	10,000	...
13.—Registration ...	173,351	186,000	178,000	...	8,000	186,000	8,000	...
14.—Mint ...	92,618	105,000	94,000	...	11,000	108,000	14,000	...
15.—Post Office ...	1,175,505	1,098,000	1,150,000	52,000	...	1,173,000	23,000	...
16.—Telegraph ...	497,834	562,000	567,000	5,000	...	637,000	70,000	...
17.—Administration ...	1,532,056	1,519,000	1,502,000	...	17,000	1,504,000	2,000	...
18.—Minor Departments ...	401,140	458,000	547,000	89,000	...	442,000	...	105,000
19.—Law and Justice ...	3,203,613	3,351,000	3,181,000	...	170,000	3,347,000	166,000	...
20.—Police ...	2,524,198	2,571,000	2,551,000	...	20,000	2,635,000	84,000	...
21.—Marine ...	551,586	735,000	620,000	...	115,000	621,000	1,000	...
22.—Education ...	998,468	1,058,000	1,057,000	...	1,000	1,149,000	92,000	...
23.—Ecclesiastical ...	158,638	159,000	160,000	1,000	...	163,000	3,000	...
24.—Medical ...	666,735	698,000	678,000	...	20,000	703,000	25,000	...
25.—Stationery and Printing	485,010	512,000	562,000	50,000	...	440,000	...	122,000
26.—Political ...	531,183	562,000	663,000	101,000	.	520,000	...	143,000
27.—Allowces. & Assignments...	1,898,773	1,943,000	1,932,000	...	11,000	1,939,000	7,000	...
28.—Civil Furlough Allcks. ...	223,741	234,000	223,000	...	11,000	234,000	11,000	...
29.—Superannuations ...	2,150,553	2,064,000	2,073,000	9,000	...	2,101,000	28,000	...
30.—Miscellaneous ...	280,130	271,000	293,000	22,000	...	271,000	...	22,000
31.—Famine Relief & Insurance								
Relief ...	34,469	...	23,000	23,000	..	...	...	23,000
Protective Works ...	...	750,000	727,000	...	23,000	750,000	23,000	...
Reduction of Debt ...	...	750,000	750,000	...	...	750,000	...	...
32.—Railways ...	6,478,559	7,189,000	7,124,000	...	65,000	7,592,000	468,000	...
Subsidized Railways ...	...	...	39,000	39,000	...	50,000	11,000	...
Frontier Railways ...	2,293,615	790,000	209,000	...	581,000	223,000	14,000	...
33.—Irrigation & Navigation...	1,185,114	1,385,000	1,382,000	...	3,000	1,527,000	145,000	...
34.—Other Public Works ...	4,312,997	5,035,000	5,322,000	287,000	...	5,371,000	49,000	...
35.—Army ...	16,717,713	16,459,000	17,119,000	660,000	...	16,128,000	...	991,000
Military Operations in Afghanistan ...	11,368,489	2,271,000	1,611,000	...	660,000	...	...	1,611,000
36.—Loss by Exchange ...	3,124,330	3,475,000	3,685,000	210,000	...	3,156,000	...	529,000
	76,806,079	70,012,000	70,014,000	2,000	...	68,164,000	...	1,850,000
Provincial & Local — Surpluses ...	+336,686	+114,000	+ 1,357,000	+ 1,243,000	...	...	...	+1,357,000
Provincial & Local — Deficits ...	—38,725	—821,000	— 35,000	...	— 786,000	— 1,990,000	—1,955,000	...
TOTAL ...	76,604,040	69,305,000	71,336,000	2,031,000	...	66,174,000	...	5,162,000
Surplus	...	855,000	1,577,000	722,000	...	285,000	..	1,292,000
37.—Productive Public Works	3,238,070	2,608,000	2,656,000	48,000	...	2,765,000	109,000	..
Pro. P. Works E. I. Railway	418,435	860,000	1,035,000	175,000	...	485,000	...	550,000
Do. do. Madras Irrigation and Canal Company's undertaking ...	...	1,405,000	...	...	1,405,000	...	..	...

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

II.—REVENUE AND EXPENDITURE OF THE GOVERNMENT

(*Distinguishing Revenue and Charges*

Estimates,

REVENUE.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82. Increase.	Decrease.
	£	£	£	£	£	£	£	£
CIVIL.								
I.—Land Revenue ...	21,112,995	21,788,000	21,770,000	...	18,000	21,487,000	...	283,000
II.—Tributes	742,209	705,000	721,000	16,000	...	701,000	...	20,000
III.—Forest	709,320	770,000	820,000	50,000	...	809,000	...	11,000
IV.—Excise	3,135,226	3,031,000	3,411,000	380,000	...	3,331,000	...	80,000
V.—Assessed Taxes ...	558,720	550,000	538,000	...	12,000	538,000	...	...
VI.—Provincial Rates ...	2,776,370	2,863,000	2,885,000	22,000	...	2,649,000	...	236,000
VII.—Customs	2,539,612	2,367,000	2,290,000	...	77,000	1,181,000	...	1,109,000
VIII.—Salt	7,115,988	7,153,000	7,213,000	60,000	...	6,049,000	...	1,164,000
IX.—Opium	10,480,051	8,763,000	9,900,000	1,137,000	...	9,500,000	...	400,000
X.—Stamps	3,250,581	3,290,000	3,328,000	38,000	..	3,342,000	14,000	...
XI.—Registration ...	281,230	290,000	280,000	...	10,000	284,000	4,000	...
XII.—Mint	89,565	89,000	58,000	...	31,000	145,000	87,000	...
XIII.—Post Office ...	1,018,653	967,000	976,000	9,000	...	967,000	...	9,000
XIV.—Telegraph ...	539,087	481,000	476,000	...	5,000	525,000	49,000	...
XV.—Minor Departments...	78,492	101,000	113,000	12,000	...	66,000	...	47,000
XVI.—Law and Justice ...	687,764	664,000	643,000	...	21,000	659,000	16,000	...
XVII.—Police	241,769	236,000	242,000	6,000	...	248,000	6,000	...
XVIII.—Marine	246,519	210,000	206,000	...	4,000	183,000	...	23,000
XIX.—Education ...	170,238	143,000	179,000	36,000	...	177,000	...	2,000
XX.—Medical ...	43,368	42,000	43,000	1,000	...	41,000	...	2,000
XXI.—Stationery & Printing	62,462	61,000	60,000	...	1,000	59,000	...	1,000
XXII.—Interest	875,679	678,000	892,000	214,000	...	652,000	...	240,000
XXIII.—Superannuations ...	315,999	315,000	312,000	...	3,000	307,000	...	5,000
XXIV.—Miscellaneous ...	731,742	271,000	379,000	108,000	...	268,000	...	111,000
XXV.—Railways Subsidized...	...	...	2,000	2,000	...	1,000	...	1,000
XXVI.—Irrigation & Navign.	197,908	180,000	129,000	...	51,000	133,000	4,000	...
XXVII.—Other Public Works	547,313	485,000	557,000	72,000	...	485,000	...	72,000
XXVIII.—Army	924,127	814,000	969,000	155,000	...	868,000	...	101,000
English Contribution for Afghan War ..	2,695,000	3,000,000	2,305,000	...	695,000	...	...	2,305,000
Military operations in Afghanistan ...	602,607	61,000	267,000	206,000	...	...	...	267,000
XXIX.—Gain by Exchange ...	407,521	412,000	391,000	...	21,000	381,000	...	10,000
TOTAL ...	63,178,115	60,780,000	62,355,000	1,575,000	...	56,036,000	...	6,319,000
Revenue from Productive Public Works.								
XXV.—Railways—								
State (Gross Earnings)	2,269,135	2,420,000	2,485,000	65,000	...	2,776,000	291,000	...
Guaranteed (Net Traffic Receipts) ...	2,913,313	2,730,000	3,490,000	760,000	...	3,473,000	...	17,000
East Indian Railway ...	2,770,525	2,800,000	3,110,000	310,000	...	2,660,000	...	450,000
XXVI.—Irrign. & Navigation—								
Direct Receipts ...	639,144	739,000	804,000	65,000	...	844,000	40,000	...
Madras Irrigation and Canal Company (Net Traffic Receipts, &c.)	—7,650	—16,000	—10,000	6,000	...	—15,000	...	5,000
I.—Portion of Land Revenue due to Irrigation	797,319	707,000	679,000	...	28,000	685,000	6,000	...
Total ...	9,381,786	9,380,000	10,558,000	1,178,000	...	10,423,000	...	135,000
GRAND TOTAL REVENUE ...	72,559,901	70,160,000	72,913,000	2,753,000	...	66,459,000	...	6,454,000
Deficit	4,044,139	...	...	...	...	...	...	...

Fort William;
Dept. of Finance and Commerce,
The 8th March 1882.

E. W. Kellner,
Deputy Comptroller General.

OF INDIA IN INDIA AND IN ENGLAND.

of Productive Public Works.)

1882-83.

EXPENDITURE.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83 compared with Regular Estimates, 1881-82. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
1.—Interest on Debt ...	3,669,195	3,838,000	4,087,000	249,000	...	3,917,000	...	170,000
2.—Interest, other Accounts...	413,973	409,000	445,000	36,000	...	459,000	14,000	...
3.—Refunds and Drawbacks...	469,206	350,000	423,000	73,000	...	511,000	88,000	...
4.—Land Revenue ...	2,983,679	3,032,000	3,037,000	5,000	...	3,168,000	131,000	...
5.—Forest	465,976	571,000	600,000	29,000	...	581,000	...	19,000
6.—Excise	95,401	99,000	99,000	...	...	99,000	...	...
7.—Assessed Taxes ...	21,237	15,000	14,000	...	1,000	15,000	1,000	...
8.—Provincial Rates ...	46,435	48,000	49,000	1,000	...	49,000	...	...
9.—Customs	198,927	206,000	196,000	...	10,000	163,000	...	33,000
10.—Salt	863,537	428,000	544,000	116,000	...	639,000	95,000	...
11.—Opium	2,028,757	2,263,000	2,062,000	...	201,000	2,250,000	188,000	...
12.—Stamps	107,465	114,000	109,000	...	5,000	119,000	10,000	...
13.—Registration	173,351	186,000	178,000	...	8,000	186,000	8,000	...
14.—Mint	92,618	105,000	94,000	...	11,000	108,000	14,000	...
15.—Post Office	1,175,505	1,098,000	1,150,000	52,000	...	1,173,000	23,000	...
16.—Telegraph	497,834	562,000	567,000	5,000	...	637,000	70,000	...
17.—Administration ...	1,532,056	1,519,000	1,502,000	...	17,000	1,504,000	2,000	...
18.—Minor Departments ...	401,140	458,000	547,000	89,000	...	442,000	...	105,000
19.—Law and Justice ...	3,203,613	3,351,000	3,181,000	...	170,000	3,347,000	166,000	...
20.—Police	2,524,198	2,571,000	2,551,000	...	20,000	2,635,000	84,000	...
21.—Marine	551,586	735,000	620,000	...	115,000	621,000	1,000	...
22.—Education	998,468	1,058,000	1,057,000	...	1,000	1,149,000	92,000	...
23.—Ecclesiastical ...	158,638	159,000	160,000	1,000	...	163,000	3,000	...
24.—Medical	666,735	698,000	678,000	...	20,000	703,000	25,000	...
25.—Stationery & Printing ...	485,010	512,000	562,000	50,000	...	440,000	...	122,000
26.—Political	531,183	562,000	663,000	101,000	...	520,000	...	143,000
27.—Allowces. & Assignments	1,898,773	1,943,000	1,932,000	...	11,000	1,939,000	7,000	...
28.—Civil Furlough Allowces.	223,741	234,000	223,000	...	11,000	234,000	11,000	...
29.—Superannuations ...	2,150,553	2,064,000	2,073,000	9,000	...	2,101,000	28,000	...
30.—Miscellaneous ...	280,130	271,000	293,000	22,000	...	271,000	...	22,000
31.—Famine Relief & Insurance								
Relief	34,469	...	23,000	23,000	...	...	...	23,000
Protective Works ...	...	750,000	727,000	...	23,000	750,000	23,000	...
Reduction of Debt ...	...	750,000	750,000	...	...	750,000	...	...
32.—Railways	77,003	417,000	281,000	...	136,000	592,000	311,000	...
Subsidized Railways ...	...	...	39,000	39,000	...	50,000	11,000	...
Frontier Railways ...	2,293,615	790,000	209,000	...	581,000	223,000	14,000	...
33.—Irrigation & Navigation...	709,103	926,000	879,000	...	47,000	974,000	95,000	...
34.—Other Public Works ...	4,312,997	5,035,000	5,322,000	287,000	...	5,371,000	49,000	...
35.—Army	16,717,713	16,459,000	17,119,000	660,000	...	16,128,000	...	991,000
Military Operations in Afghanistan ...	11,368,489	2,271,000	1,611,000	...	660,000	...	...	1,611,000
36.—Loss by Exchange ...	3,124,330	3,475,000	3,685,000	210,000	...	3,156,000	...	529,000
	67,049,642	60,332,000	60,341,000	9,000	...	58,137,000	...	2,204,000
Provincial and Local — Surpluses ...	+ 336,686	+ 114,000	+ 1,357,000	+1,243,000	...	...	...	+1,357,000
Provincial and Local — Deficits ...	— 38,725	— 821,000	— 35,000	...	—786,000	—1,990,000	—1,955,000	...
EXPENDITURE ORDINARY ...	67,311,603	59,625,000	61,663,000	2,038,000	...	56,147,000	...	5,516,000
Expenditure on Productive Public Works (Working Expenses and Interest).								
32.—Railways—								
State (Working and Maintenance) ...	1,607,528	1,669,000	1,716,000	47,000	...	1,741,000	25,000	...
Guaranteed (Interest, Surplus Profits, &c.) ...	3,677,809	3,516,000	3,690,000	174,000	...	3,825,000	135,000	...
East Indian Railway ...	1,116,219	1,587,000	1,437,000	...	150,000	1,434,000	...	3,000
33.—Irrigation & Navigation—								
Working and Maintenance	425,473	426,000	453,000	27,000	...	503,000	50,000	...
Madras Irrigation & Canal Company (Interest, &c.)	50,538	33,000	50,000	17,000	...	50,000	...	...
1.—Interest on Debt ...	2,381,870	2,449,000	2,327,000	...	122,000	2,474,000	147,000	...
Total ...	9,259,437	9,680,000	9,673,000	...	7,000	10,027,000	354,000	...
GRAND TOTAL ...	76,604,040	69,305,000	71,336,000	2,031,000	...	66,174,000	...	5,162,000
Surplus	...	855,000	1,577,000	722,000	...	285,000	...	1,292,000
37.—Productive Public Works	3,238,070	2,608,000	2,656,000	48,000	...	2,765,000	109,000	...
Do. do. E. I. Railway ...	418,435	860,000	1,035,000	175,000	...	485,000	...	550,000
Do. do. Madras Irrigation and Canal Company's undertakings	...	1,405,000	...	...	1,405,000	...	...	...

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

III.—REVENUE AND EXPENDITURE OF THE GOVERNMENT OF INDIA IN INDIA

REVENUE.	Regular Estimates, 1881-82.				Budget Estimates, 1882-83.			
	Imperial.	Provincial.	Local.	Total.	Imperial.	Provincial.	Local.	Total.
	£	£	£	£	£	£	£	£
Opening Balance		1,950,000	1,386,200			3,267,600	1,395,000	
I.—Land Revenue	21,219,300	1,099,600	130,100	22,449,000	13,695,800	8,358,800	117,400	22,172,000
II.—Tributes	721,000	...	...	721,000	701,000	...	...	701,000
III.—Forest	757,100	35,900	27,000	820,000	398,200	384,100	26,700	809,000
IV.—Excise	645,900	2,763,700	1,400	3,411,000	1,676,900	1,652,800	1,300	3,931,000
V.—Assessed Taxes	375,400	162,600	...	538,000	269,000	269,000	...	538,000
VI.—Provincial Rates	176,800	457,200	2,251,000	2,885,000	400	639,700	2,008,900	2,649,000
VII.—Customs	2,043,900	246,100	...	2,290,000	1,006,600	174,400	...	1,181,000
VIII.—Salt	7,187,100	25,900	...	7,213,000	6,020,700	28,300	...	6,049,000
IX.—Opium	9,900,000	...	...	9,900,000	9,500,000	...	...	9,500,000
X.—Stamps	574,100	2,753,900	...	3,328,000	1,687,900	1,654,100	...	3,342,000
XI.—Registration	600	279,400	...	280,000	142,500	141,500	...	284,000
XII.—Mint	58,000	...	...	58,000	145,000	...	...	145,000
XIII.—Post Office	971,800	3,400	800	976,000	962,500	3,400	1,100	967,000
XIV.—Telegraph	476,000	...	...	476,000	525,000	...	...	525,000
XV.—Minor Departments	60,000	42,900	10,100	113,000	9,000	46,300	10,700	66,000
XVI.—Law and Justice	84,700	557,900	400	643,000	40,800	617,600	600	659,000
XVII.—Police	400	201,400	40,200	242,000	−200	210,500	37,700	248,000
XVIII.—Marine	77,600	128,400	...	206,000	74,400	108,600	...	183,000
XIX.—Education	1,400	126,400	51,200	179,000	1,500	124,900	50,600	177,000
XX.—Medical	4,300	33,600	5,100	43,000	1,700	35,600	3,700	41,000
XXI.—Stationery and Printing ...	14,700	45,300	...	60,000	7,000	52,000	...	59,000
XXII.—Interest	859,000	13,100	19,900	892,000	628,800	10,400	12,800	652,000
XXIII.—Pensions	294,500	14,000	3,500	312,000	272,500	31,000	3,500	307,000
XXIV.—Miscellaneous	65,300	184,200	129,500	379,000	44,900	120,300	102,800	268,000
XXV.—Railways	8,523,100	563,900	...	9,087,000	8,281,300	628,700	...	8,910,000
XXVI.—Irrigation and Navigation ...	315,600	606,200	1,200	923,000	275,900	685,000	1,100	962,000
XXVII.—Other Public Works ...	72,200	325,400	159,400	557,000	59,900	311,700	113,400	485,000
XXVIII.—Army	969,000	...	...	969,000	868,000	...	...	868,000
English Contribution for Afghan War.	2,305,000	...	...	2,305,000	...	...	...	...
Military Operations in Afghanistan.	267,000	...	...	267,000	...	...	...	...
XXIX.—Gain by Exchange	390,000	1,000	...	391,000	381,000	...	...	381,000
Total Revenue ...	59,410,800	10,671,400	2,830,800	72,913,000	47,678,000	16,288,700	2,492,300	66,459,000
Deposits and Advances (Local) ...		...	468,100			...	466,700	
GRAND TOTAL ...		12,621,400	4,685,100			19,556,300	4,354,000	

Fort William;
DEPT. OF FINANCE AND COMMERCE,
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

AND IN ENGLAND IN THE THREE DIVISIONS, IMPERIAL, PROVINCIAL AND LOCAL.

EXPENDITURE.	Regular Estimates, 1881-82.				Budget Estimates, 1882-83.			
	Imperial.	Provincial.	Local.	Total.	Imperial.	Provincial	Local.	Total.
	£	£	£	£	£	£	£	£
1.—Interest on Debt	5,732,500	681,500	...	6,414,000	5,662,700	728,300	...	6,391,000
2.—Interest, Other Accounts ...	440,500	900	3,600	445,000	455,000	...	4,000	459,000
3.—Refunds and Drawbacks ...	228,800	180,800	13,400	423,000	164,900	339,100	7,000	511,000
4.—Land Revenue	851,600	1,639,900	545,500	3,037,000	258,700	2,575,600	333,700	3,168,000
5.—Forest	558,200	21,600	20,200	600,000	287,700	268,100	25,200	581,000
6.—Excise	21,500	76,700	800	99,000	49,600	48,600	800	99,000
7.—Assessed Taxes	700	13,300	...	14,000	7,700	7,300	...	15,000
8.—Provincial Rates	—300	5,200	44,100	49,000	—100	5,900	43,200	49,000
9.—Customs	22,600	173,400	...	196,000	—200	163,200	...	163,000
10.—Salt	486,000	58,000	...	544,000	575,500	63,500	...	639,000
11.—Opium	2,062,000	...	...	2,062,000	2,250,000	...	...	2,250,000
12.—Stamps	14,400	94,600	...	109,000	62,500	56,500	...	119,000
13.—Registration	300	177,700	...	178,000	93,200	92,800	...	186,000
14.—Mint	94,000	...	...	94,000	108,000	...	...	108,000
15.—Post Office	1,055,900	35,600	58,500	1,150,000	1,070,900	36,000	66,100	1,173,000
16.—Telegraph	567,000	...	...	567,000	637,000	...	...	637,000
17.—Administration	884,100	589,300	28,600	1,502,000	788,500	686,300	29,200	1,504,000
18.—Minor Departments	396,500	113,500	37,000	547,000	270,700	136,000	35,300	442,000
19.—Law and Justice	567,700	2,613,100	200	3,181,000	175,700	3,171,100	200	3,347,000
20.—Police	82,200	2,205,500	263,300	2,551,000	79,000	2,271,500	284,500	2,635,000
21.—Marine	473,900	146,100	...	620,000	483,300	137,700	...	621,000
22.—Education	9,300	721,800	325,900	1,057,000	9,600	771,100	368,300	1,149,000
23.—Ecclesiastical	119,700	40,300	...	160,000	163,000	...	...	163,000
24.—Medical	174,300	405,300	98,400	678,000	21,000	571,100	110,900	703,000
25.—Stationery and Printing ...	246,400	313,000	2,600	562,000	92,000	345,300	2,700	440,000
26.—Political	662,300	600	100	663,000	519,500	400	100	520,000
27.—Allowances	1,217,000	715,000	...	1,932,000	1,253,100	685,900	...	1,939,000
28.—C. F. & A. Allowances	222,500	500	...	223,000	234,000	...	...	234,000
29.—Superannuation	1,906,000	166,200	800	2,073,000	1,603,800	496,300	900	2,101,000
30.—Miscellaneous	79,000	122,100	91,900	293,000	57,800	114,500	98,700	271,000
31.—Famine Relief and Insurance—								
Relief	200	22,800	...	23,000	...	...	...	...
Protective Works	727,000	...	...	727,000	750,000	...	...	750,000
Reduction of Debt	750,000	...	...	750,000	750,000	...	...	750,000
32.—Railways	6,633,900	490,100	...	7,124,000	6,923,700	668,300	...	7,592,000
Subsidized Railways	39,000	...	...	39,000	50,000	...	...	50,000
Frontier Railways	209,000	...	...	209,000	223,000	...	...	223,000
33.—Irrigation and Navigation ...	742,100	635,700	4,200	1,382,000	795,400	722,700	8,900	1,527,000
34.—Other Public Works	1,677,400	2,215,200	1,429,400	5,322,000	1,510,700	2,265,900	1,594,400	5,371,000
35.—Army	17,119,000	...	...	17,119,000	16,128,000	...	...	16,128,000
Military Operations in Afghanistan	1,611,000	...	...	1,611,000	...	...	...	...
36.—Loss by Exchange	3,685,000	...	...	3,685,000	3,156,000	...	...	3,156,000
Total Expenditure ...	52,370,200	14,675,300	2,968,500	70,014,000	47,720,900	17,429,000	3,014,100	68,164,000
37.—Productive Public Works ...	3,691,000			3,691,000	3,250,000			3,250,000
Add—Contributions to Imperial ...		17,900		17,900		328,600		328,600
Provincial ...			55,100	55,100			103,000	103,000
Local ...		196,900		196,900		302,300		302,300
Total ...	56,061,200	14,890,100	3,023,600	73,974,900	50,970,900	18,059,900	3,117,100	72,147,900
Deduct—Imperial Allotment ...		4,811,200		4,811,200				
Contribution from Imperial ...		670,000		670,000		600		600
Provincial			196,900	196,900			302,300	302,300
Local ...		55,100		55,100		103,000		103,000
Total for Deduction ...	...	5,536,300	196,900	5,733,200		103,600	302,300	405,900
Net Expenditure	56,061,200	9,353,800	2,826,700	68,241,700	50,970,900	17,956,300	2,814,800	71,742,000
Deposits and Advances (Local) ...			463,400				450,800	
Closing Balance ...		3,267,600	1,395,000			1,600,000	1,088,400	
GRAND TOTAL ...		12,621,400	4,685,100			19,556,300	4,354,000	
*Surplus ... ... or		1,317,600	4,100	1,321,700				
Deficit						1,667,600	322,500	1,990,100

* Being difference between Total Revenue and Net Expenditure.

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

IV.—RECEIPTS AND DISBURSEMENTS AT THE TREASURIES OF

RECEIPTS.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82. Increase.	Decrease.
	£	£	£	£	£	£	£	£
I.—Imperial revenue ...	72,862,022	70,160,000	72,913,000	2,753,000	...	66,459,000	...	6,454,000
II.—Public debt* ...	8,488,4[illegible]7	7,105,000	5,620,000	...	1,485,000	1,950,000	...	3,670,000
III.—Treasury notes and service funds ...	997,763	1,030,000	1,015,000	15,000	...	1,091,000	46,000	...
IV.—Savings banks' deposits	2,058,490	769,000	1,534,000	765,000	...	1,635,000	101,000	...
V.—Political and other excluded funds ...	596,690	452,000	612,000	160,000	...	623,000	11,000	...
VI.—Provincial and local surplus ...	336,686	114,000	1,357,000	1,243,000	...	...	...	1,357,000
VII.—Deposits and advances ..	25,167,826	24,366,000	16,978,000	...	7,388,000	19,646,000	2,668,000	...
VIII.—Loans to municipalities, native states, &c. ...	932,124	215,000	306,000	91,000	...	210,000	...	96,000
IX.—Guaranteed railway capital ...	1,842,061	1,643,000	2,145,000	502,000	...	2,729,000	584,000	...
X.—Money orders ...	4,570,858	5,433,000	5,602,000	169,000	...	5,602,000	...	...
XI.—Remittances in India ...	21,785,293	15,930,000	15,520,000	...	410,000	13,082,000	...	2,438,000
XII.—Secretary of state's bills drawn* ...	15,239,677	17,200,000	17,504,000	304,000	...	15,342,000	...	2,162,000
XIII.—Remittances between India and England ..	2,104,084	2,005,000	1,877,000	...	128,000	2,070,000	193,000	...
Total ..	156,981,981	146,422,000	143,013,000	..	3,409,000	130,439,000	...	12,574,000
Balance ...	15,300,001	16,510,000	17,498,850	988 850	...	17,251,000	...	247,850
GRAND TOTAL ...	172,281,982	162,932,000	160,511,850	...	2,420,150	147,690,000	...	12,821,850

* The Estimates in this Statement of the amounts to be supplied to the Home Treasury by Bills in 1882-83 are the best that can now of State will raise by Bills

Abstract of the above showing how the

ACCOUNTS, 1880-81.	£		£	REGULAR ESTI	£
Public debt ...	3,679,815	Deficit of Imperial revenue	7,398,523	Public debt ...	927,000
Treasury notes and service funds ...	247,367	Political and other excluded funds ...	518,792	Treasury notes and service funds ...	251,000
Savings banks' deposits ...	943,691	Loans to municipalities, native states, &c. ...	174,526	Savings banks' deposits ...	90,000
Surplus of provincial and local revenue ...	297,961	Guaranteed railway capital ...	165 600	Political and other excluded funds ...	10,000
Deposits and advances ...	4,493,470	Balance increased ...	2,198,849	Surplus of provincial and local revenue ...	1,322,000
Money orders ...	20,501			Loans to municipalities, native states, &c. ...	170,000
Secretary of state's bills drawn ..	97,462			Money orders ...	18,000
Remittances ..	676,020			Remittances ...	775,150
				Balance reduced ...	247,850
TOTAL ...	10,456,290	TOTAL ...	10,456,290	TOTAL ...	3,811,000

Fort William;
DEPT. OF FINANCE AND COMMERCE,
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

THE GOVERNMENT OF INDIA IN INDIA AND IN ENGLAND.

DISBURSEMENTS.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase	Decrease	Budget Estimates, 1882-83.	Budget Estimates 1882-83, compared with Regular Estimates 1881-82.	
							Increase.	Decrease.
	£	£	£	£	£	£	£	£
1.—Imperial expenditure ...	80,260,545	74,178,000	75,027,000	849,000	...	69,424,000	...	5,603,000
2.—Public debt	4,808,592	4,583,000	4,693,000	110,000	...	3,138,000	...	1,555,000
3.—Treasury notes and service funds	750,396	817,000	794,000	...	23,000	827,000	33,000	...
4.—Savings banks' deposits ...	1,114,796	1,146,000	1,444,000	298,000	...	1,385,000	...	59,000
5.—Political and other excluded funds ..	1,115,482	492,000	602,000	110,000	...	580,000	...	22,000
6.—Provincial and local deficits	38,725	821,000	35,000	...	786,000	1,990,000	1,955,000	...
7.—Deposits and advances ...	20,674,356	26,915,000	18,234,000	...	8,681,000	17,849,000	...	385,000
8.—Loans to municipalities, native states, &c. ...	1,106,650	113,000	136,000	23,000	...	125,000	...	11,000
9.—Guaranteed railway capital	2,007,661	2,159,000	2,586,000	427,000	...	3,271,000	685,000	...
10.—Money orders	4,550,357	5,433,000	5,584,000	151,000	...	5,584,000	...	...
11.—Remittances in India ...	21,394,055	14,998,000	14,677,850	...	320,150	13,091,000	...	1,586,850
12.—Secretary of state's bills paid	15,142,215	17,200,000	17,504,000	304,000	...	15,342,000	...	2,162,000
13.—Remittances between India and England ...	1,819,302	2,087,000	1,944,000	...	143,000	2,089,000	145,000	...
Total ..	154,783,132	150,942,000	143,261,850	...	7,681,150	134,695,000	...	8,565,850
Balance ...	17,498,850	11,990,000	17,251,000	5,261,000	...	12,995,000	...	4,256,000
GRAND TOTAL ...	172,281,982	162,932,000	160,511,850	...	2,420,150	147,690,000	...	12,821,850

be made; but they are subject to modification as the year goes on; the Government must not be understood to pledge itself that the Secretary the exact amount stated.

Ways and Means are provided.

MATES, 1881-82.	£	BUDGET ESTIMATES, 1882 83.	£		£
Deficit of Imperial revenue ...	2,114,000	Treasury notes and service funds	264,000	Deficit of Imperial revenue	2,965,000
Deposits and advances ...	1,256,000	Savings banks' deposits ...	250,000	Public debt	1,188,000
Guaranteed railway capital	441,000	Political and other excluded funds ...	43,000	Deficit of provincial and local revenue ...	1,990,000
		Deposits and advances ...	1,797,000	Guaranteed railway capital	542,000
		Loans to municipalities, native states, &c. ...	85,000	Remittances	28,000
		Money orders	18,000		
		Balance reduced ...	4,256,000		
TOTAL ...	3,811,000	TOTAL ...	6,713,000	TOTAL ...	6,713,000

STLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

V.—REVENUE AND EXPENDITURE OF THE

Estimates,

REVENUE.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
I.—Land Revenue ...	21,112,995	21,788,000	21,770,000	...	18,000	21,487,000	...	283,000
II.—Tributes	742,209	705,000	721,000	16,000	...	701,000	...	20,000
III.—Forest	707,718	768,100	818,000	49,900	...	806,900	...	11,100
IV.—Excise	3,135,226	3,031,000	3,411,000	380,000	...	3,331,000	...	80,000
V.—Assessed Taxes ...	558,720	550,000	538,000	...	12,000	538,000	...	...
VI.—Provincial Rates ...	2,776,370	2,863,000	2,885,000	22,000	...	2,649,000	...	236,000
VII.—Customs	2,539,612	2,367,000	2,290,000	...	77,000	1,181,000	...	1,109,000
VIII.—Salt	7,115,988	7,153,000	7,213,000	60,000	...	6,049,000	...	1,164,000
IX.—Opium	10,480,051	8,763,000	9,900,000	1,137,000	...	9,500,000	...	400,000
X.—Stamps	3,250,581	3,290,000	3,328,000	38,000	...	3,342,000	14,000	...
XI.—Registration ...	281,230	290,000	280,000	...	10,000	284,000	4,000	...
XII.—Mint	89,525	89,000	58,000	...	31,000	145,000	87,000	...
XIII.—Post Office ...	1,018,653	967,000	976,000	9,000	...	967,000	...	9,000
XIV.—Telegraph ...	508,743	452,600	422,800	...	29,800	493,700	70,900	...
XV.—Minor Departments ...	62,401	62,500	68,600	6,100	...	65,500	...	3,100
XVI.—Law and Justice ...	687,764	664,000	643,000	...	21,000	659,000	16,000	...
XVII.—Police	241,769	236,000	242,000	6,000	...	248,000	6,000	...
XVIII.—Marine	246,519	210,000	206,000	...	4,000	183,000	...	23,000
XIX.—Education	170,238	143,000	179,000	36,000	...	177,000	...	2,000
XX.—Medical ...	41,258	37,700	39,000	1,300	...	39,000	...	...
XXI.—Stationery and Printing	62,396	61,000	60,000	...	1,000	59,000	...	1,000
XXII.—Interest	678,129	668,000	838,000	170,000	...	647,000	...	191,000
XXIII.—Superannuation Contributions	212,546	215,600	208,100	...	7,500	206,800	...	1,300
XXIV.—Miscellaneous ...	636,362	265,000	365,800	100,800	...	262,000	...	103,800
XXV.—Railways (Subsidized)	...	...	—300	—300	...	...	...	—300
XXVI.—Irrigation and Navigation	197,908	180,000	129,000	...	51,000	133,000	4,000	...
XXVII.—Other Public Works...	533,502	472,500	543,300	70,800	...	469,000	...	74,300
XXVIII.—Army	837,075	777,000	902,500	125,500	...	813,500	...	89,000
Military Operations in Afghanistan ...	602,607	61,000	267,000	206,000	...	...	...	267,000
XXIX.—Gain by Exchange ...	407,521	412,000	391,000	...	21,000	381,000	...	10,000
Total ...	59,935,616	57,542,000	59,692,800	2,150,800	..	55,817,400	...	3,875,400
Revenue from Productive Public Works.								
XXV.—Railways—								
State (Gross Earnings)..	2,268,905	2,420,000	2,484,800	64,800	...	2,775,800	291,000	...
Guaranteed (Net Traffic Receipts) ..	2,913,313	2,729,800	3,490,000	760,200	...	3,473,000	...	17,000
East Indian Railway ...	2,770,525	2,800,000	3,110,000	310,000	...	2,660,000	...	450,000
XXVI.—Irrign. and Navigation—								
Direct Receipts ..	638,656	738,500	803,800	65,300	...	843,800	40,000	...
Madras Irrigation and Canal Company (Net Traffic Receipts, &c.)...	—7,650	—16,000	—10,000	6,000	...	—15,000	...	5,000
I.—Portion of Land Revenue due to Irrigation	797,319	707,000	679,000	...	28,000	685,000	6,000	...
Total ...	9,381,068	9,379,300	10,557,600	1,178,300	...	10,422,600	...	135,000
GRAND TOTAL ..	69,316,684	66,921,300	70,250,400	3,329,100	...	66,240,000	...	4,010,400

Fort William;
DEPT. OF FINANCE AND COMMERCE,
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

GOVERNMENT OF INDIA IN INDIA.

1882-83.

EXPENDITURE.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83 compared with Regular Estimates, 1881-82. Increase.	Decrease.
CIVIL.	£	£	£	£	£	£	£	£
1.—Interest on Debt ...	1,327,977	1,367,300	1,580,700	213,400	...	1,477,300	...	103,400
2.—Interest, other Accounts	413,412	407,300	442,300	35,000	...	457,200	14,900	...
3.—Refunds and Drawbacks ...	469,206	350,000	423,000	73,000	...	511,000	88,000	...
4.—Land Revenue ...	2,982,998	3,031,100	3,036,400	5,300	...	3,167,000	130,600	...
5.—Forest	461,908	565,200	594,800	29,000	...	575,800	...	19,000
6.—Excise	95,404	99,000	99,000	...	...	99,000	...	...
7.—Assessed Taxes ...	21,237	15,000	14,000	...	1,000	15,000	1,000	...
8.—Provincial Rates ...	46,435	48,000	49,000	1,000	...	49,000	...	...
9.—Customs	198,927	206,000	196,000	...	10,000	163,000	...	33,000
10.—Salt	363,536	428,000	544,000	116,000	..	639,000	95,000	...
11.—Opium	2,028,669	2,262,500	2,060,900	...	201,600	2,249,900	189,000	...
12.—Stamps	75,863	74,000	77,400	3,400	...	80,000	2,600	...
13.—Registration	173,351	186,000	178,000	...	8,000	186,000	8,000	...
14.—Mint	89,227	85,200	71,200	...	14,000	104,400	33,200	...
15.—Post Office	1,069,147	997,900	1,051,300	53,400	...	1,069,400	18,100	...
16.—Telegraph	408,955	459,600	455,900	...	3,700	514,900	59,000	...
17.—Administration ...	1,291,483	1,298,900	1,275,300	...	23,600	1,286,300	11,000	...
18.—Minor Departments ...	371,289	438,700	525,500	86,800	...	420,800	...	104,700
19.—Law and Justice ...	3,203,347	3,349,600	3,180,700	...	168,900	3,345,700	165,000	...
20.—Police	2,524,198	2,571,000	2,551,000	...	20,000	2,635,000	84,000	...
21.—Marine	398,915	432,100	394,000	...	38,100	376,300	...	17,700
22.—Education	998,061	1,057,600	1,056,600	...	1,000	1,148,600	92,000	...
23.—Ecclesiastical	157,983	158,200	159,500	1,300	...	162,000	2,500	...
24.—Medical	659,532	690,500	670,500	...	20,000	695,500	25,000	...
25.—Stationery and Printing...	410,401	424,400	434,400	10,000	...	309,000	...	125,400
26.—Political	444,896	535,700	636,200	100,500	...	492,700	...	143,500
27.—Allowances and Assignts....	1,873,872	1,881,900	1,910,900	29,000	...	1,873,900	...	37,000
28.—Civil Furlo. Allowances	6,217	4,000	5,000	1,000	...	4,000	...	1,000
29.—Superannuations ...	779,589	708,000	706,000	...	2,000	741,000	35,000	...
30.—Miscellaneous ..	249,307	251,000	271,000	20,000	...	253,000	...	18,000
31.—Famine Relief and Insurance—								
Relief	32,638	...	22,800	22,800	...	...	...	22,800
Protective Works ...	...	750,000	727,000	...	23,000	750,000	23,000	...
Reduction of Debt ...	...	750,000	750,000	...	...	750,000	...	...
32.—Railways	77,003	417,000	281,000	...	136,000	592,000	311,000	...
Subsidized Railways ...	...	...	34,700	34,700	...	33,500	...	1,200
Frontier Railways ...	1,598,918	386,000	—131,000	...	517,000	120,000	251,000	...
33.—Irrigation and Navigation	703,817	925,900	878,800	...	47,100	973,800	95,000	...
34.—Other Public Works ...	4,224,748	4,939,400	5,221,000	281,600	...	5,280,300	59,300	..
35.—Army	12,613,468	12,392,000	13,034,800	642,800	...	12,103,000	...	931,800
Military Operations in Afghanistan ...	11,297,926	2,271,000	1,610,000	...	661,000	...	...	1,610,000
36.—Loss by Exchange ...	3,124,330	3,475,000	3,685,000	210,000	...	3,156,000	...	529,000
	57,268,190	50,690,600	50,764,600	74,000	...	48,860,300	...	1,904,300
Provincial and Local ... Surpluses + ... and Deficits — ...	+ 336,686	+114,000	+1,357,000	+1,243,000	...	—	...	+1,357,000
	—38,725	—821,000	—35,000	...	—786,000	—1,990,000	-1,955,000	...
Total ...	57,566,151	49,983,600	52,086,600	2,103,000	...	46,870,300	...	5,216,300
Expenditure on Productive Public Works (Working Expenses and Interest).								
32.—Railways—								
State (Working & Maintenance)	1,607,528	1,669,000	1,716,000	47,000	...	1,741,000	25,000	...
Guaranteed (Interest, Surplus Profits, &c.) ...	423,305	249,000	425,000	176,000	—	547,000	122,000	...
East Indian Railway ...	123,046	204,600	199,600	...	5,000	214,700	15,100	—
33.—Irrigation & Navigation— Working and Maintenance	435,347	426,000	453,000	27,000	...	503,000	50,000	...
Madras Irrigation and Canal Company (Interest, &c.)	555	—200	—200	...	...	—200	...	—
1.—Interest on Debt ...	2,037,876	2,209,400	1,973,100	...	236,300	2,132,000	158,900	...
Total ...	4,617,657	4,757,800	4,766,500	8,700		5,137,500	371,000	...
GRAND TOTAL ...	62,183,808	54,741,400	56,853,100	2,111,700	...	52,007,800	..	4,845,300
37.—Productive Public Works	2,667,392	2,150,000	2,211,000	61,000	...	2,215,000	4,000	...
Do. do. E. I. Railway...	418,435	890,000	535,000	...	325,000	485,000	...	50,000

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

VI.—REVENUE AND EXPENDITURE OF THE HOME

Estimates,

REVENUE.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83 compared with Regular Estimates, 1881-82. Increase.	Decrease.
	£	£	£	£	£	£	£	£
III.—Forest	1,602	1,900	2,000	100	...	2,100	100	...
XII.—Mint	40	...	...	...	...	...	...	...
XIV.—Telegraph ...	30,344	28,400	53,200	24,800	...	31,300	...	21,900
XV.—Minor Departments	16,091	38,500	44,400	5,900	...	500	...	43,900
XX.—Medical ...	2,110	4,300	4,000	...	300	2,000	...	2,000
XXI.—Stationery and Printing ...	66	...	...	...	...	...	...	...
XXII.—Interest ...	197,550	10,000	54,000	44,000	...	5,000	...	49,000
XXIII.—Superannuation Contributions ...	103,453	99,400	103,900	4,500	...	100,200	...	3,700
XXIV.—Miscellaneous ...	95,380	6,000	13,200	7,200	...	6,000	...	7,200
XXV.—Railways ...	...	...	2,300	2,300	...	1,000	...	1,300
XXVII.—Other Public Works ...	13,811	12,500	13,700	1,200	...	16,000	2,300	...
XXVIII.—Army ..	87,052	37,000	66,500	29,500	...	54,500	...	12,000
English Contribution for Afghan War ...	2,695,000	3,000,000	2,305,000	...	695,000	...	...	2,305,000
TOTAL ...	3,242,499	3,238,000	2,662,200	...	575,800	218,600	...	2,443,600
Revenue from Productive Public Works.								
XXV.—Railways ...	230	200	200	...	...	200	...	...
XXVI.—Irrigation ...	488	500	200	...	300	200	...	...
	718	700	400	...	300	400	...	...
TOTAL ...	3,243 217	3,238,700	2,662,600	...	576,100	219,000	...	2,443,600

Fort William;
DEPT. OF FINANCE AND COMMERCE,
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

TREASURY OF THE GOVERNMENT OF INDIA.

1882-83.

EXPENDITURE.	ACCOUNTS, 1880-81.	BUDGET ESTIMATES, 1881-82.	REGULAR ESTIMATES, 1881-82.	INCREASE.	DECREASE.	BUDGET ESTIMATES, 1882-83.	BUDGET ESTIMATES, 1882-83, COMPARED WITH REGULAR ESTIMATES, 1881-82. Increase.	Decrease.
	£	£	£	£	£	£	£	£
1.—INTEREST ON DEBT ...	2,341,216	2,470,700	2,506,300	35,600	...	2,439,700	...	66,600
2.—INTEREST, OTHER ACCOUNTS ...	561	1,700	2,700	1,000	...	1,800	...	900
4.—LAND REVENUE ...	681	900	600	...	300	1,000	400	...
5.—FOREST	4,038	5,200	5,200	...	...	5,200	...	...
10.—SALT	1	...	...	...	...	...	...	...
11.—OPIUM	88	500	1,100	600	...	100	...	1,000
12.—STAMPS	31,602	40,000	31,600	...	8,400	39,000	7,400	...
14.—MINTS	3,391	19,800	22,800	3,000	...	3,600	...	19,200
15.—POST OFFICE ...	103,358	100,100	93,700	...	1,400	103,600	4,900	...
16.—TELEGRAPH ...	88,879	102,400	111,100	8,700	...	122,100	11,000	...
17.—ADMINISTRATION ...	240,573	220,100	226,700	6,600	...	217,700	...	9,000
18.—MINOR DEPARTMENTS ..	29,851	19,300	21,500	2,200	...	21,200	...	300
19.—LAW AND JUSTICE ..	266	1,400	300	...	1,100	1,300	1,000	...
21.—MARINE	152,671	302,900	226,000	...	76,900	244,700	18,700	...
22.—EDUCATION	497	400	400	...	...	400	..	..
23.—ECCLESIASTICAL ...	655	800	500	...	300	1,000	500	...
24.—MEDICAL	7,203	7,500	7,500	...	...	7,500	...	...
25.—STATIONERY & PRINTING	74,609	87,600	127,600	40,000	...	131,000	3,400	...
26.—POLITICAL	86,287	26,300	26,800	500	...	27,300	500	...
27.—ALLOWANCES AND ASSIGNMENTS	21,901	61,100	21,100	...	40,000	65,100	44,000	...
28.—CIVIL FURLOUGH ALLOWANCES	217,524	230,000	218,000	...	12,000	230,000	12,000	...
29.—SUPERANNUATIONS ..	1,370,061	1,356,000	1,367,000	11,000	...	1,360,000	...	7,000
30.—MISCELLANEOUS ...	30,823	20,000	22,000	2,000	...	18,000	...	4,000
31.—FAMINE RELIEF ...	1,531	...	200	200	...	...	...	200
32.—RAILWAYS (FRONTIER RAILWAYS) ...	694,697	404,000	310,000	...	64,000	103,000	...	237,000
SUBSIDIZED RAILWAYS...	...	...	4,300	4,300	...	16,500	12,200	...
33.—IRRIGATION ...	5,286	100	200	100	...	200	...	...
34.—OTHER PUBLIC WORKS ...	88,249	95,600	101,000	5,400	...	90,700	...	10,300
35.—ARMY ..	4,104,215	4,067,000	4,084,200	17,200	...	4,025,000	...	59,200
MILITARY OPERATIONS IN AFGHANISTAN ...	70,563	...	1,000	1,000	...	...	...	1,000
TOTAL ...	9,778,452	9,641,400	9,576,400	...	65,000	9,276,700	...	299,700
Expenditure on Productive Public Works.								
1.—INTEREST ..	343,994	239,600	353,900	114,300	...	342,000	...	11,900
32.—RAILWAYS (GUARANTEED)	3,254,504	3,267,000	3,265,000	...	2,000	3,278,000	13,000	...
E. I. RAILWAY	993,173	1,382,400	1,237,400	...	145,000	1,219,300	...	18,100
33.—IRRIGATION (MADRAS IRRIGATION AND CANAL COMPANY)	50,109	33,200	50,200	17,000	...	50,200	...	...
	4,641,780	4,922,200	4,906,500	...	15,700	4,889,500	...	17,000
TOTAL ...	14,420,232	14,563,600	14,482,900	...	80,700	14,166,200	...	316,700
37.—PRODUCTIVE PUBLIC WORKS	670,678	458,000	445,000	...	13,000	550,000	105,000	...
Do. do. E. I. RAILWAY	...	...	500,000	500,000	...	...	...	500,000
Do. do. MADRAS IRRIGN. & CANAL CO.'S UNDERTAKINGS	...	1,405,000	...	...	1,405,000	...	...	...

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

VII.—RECEIPTS AND DISBURSEMENTS AT THE TREASURIES

RECEIPTS.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82.	
							Increase.	Decrease.
	£	£	£	£	£	£	£	£
I.—Imperial revenue ...	69,618,805	66,921,300	70,250,400	3,329,100	...	66,240,000	...	4,010,400
II.—Public debt* ...	3,451,163	3,000,000	3,000,700	700	...	...	...	3,000,700
III.—Treasury notes and service funds ...	994,057	1,026,200	1,041,000	14,800	...	1,087,000	46,000	...
IV.—Savings banks' deposits	2,058,490	769,000	1,534,000	765,000	...	1,635,000	101,000	...
V.—Political and other excluded funds ...	596,690	452,000	612,000	160,000	...	623,000	11,000	...
VI.—Provincial and local surplus... ...	336,686	114,000	1,357,000	1,243,000	...	...	...	1,357,000
VII.—Deposits and advances...	25,162,130	24,363,000	16,961,500	...	7,401,500	19,143,000	2,181,500	...
VIII.—Loans to municipalities, native states, &c.	932,124	215,000	306,000	91,000	...	210,000	...	96,000
IX.—Guaranteed railway capital ...	1,602,478	1,542,600	1,479,500	...	63,100	1,674,000	194,500	...
X.—Money orders ...	4,570,858	5,433,000	5,602,000	169,000	...	5,602,000	...	...
XI.—Remittances in India ...	21,785,293	15,930,000	15,520,000	...	410,000	13,082,000	...	2,438,000
XIII.—Remittances between India and England ...	1,803,187	1,879,500	1,570,900	...	308,600	1,722,000	151,100	...
Total ...	132,911,961	121,645,600	119,235,000	...	2,410,600	111,018,000	...	8,217,000
Balance	13,029,894	12,799,993	13,371,101	571,108	...	14,199,651	828,550	...
GRAND TOTAL ...	145,941,855	134,445,593	132,606,101		1,839,492	125,217,651	...	7,388,450

* The Estimates in this Statement of the amounts to be supplied to the Home Treasury by Bills in 1882-83 are the best that can now be
State will raise by Bills

Abstract of the above showing how the

ACCOUNTS, 1880-81.

	£
Surplus of imperial revenue ...	4,349,170
Public debt ...	3,087,482
Treasury notes and service funds ...	244,105
Savings banks' deposits ...	943,694
Surplus of provincial and local revenue ...	297,961
Deposits and advances ...	4,688,563
Loans to municipalities, native states, &c. ...	
Guaranteed railway capital	572,972
Money orders ...	20,501
Remittances ...	1,972,287
TOTAL ...	16,176,740

	£
Political and other excluded funds ...	518,792
Loans to municipalities, native states, &c. ...	174,526
Secretary of state's bills paid	15,142,215
Balance increased ...	341,207
TOTAL ...	16,176,740

REGULAR ESTI

	£
Surplus of imperial revenue ...	10,651,300
Public debt ...	2,770,400
Treasury notes and service funds ...	247,500
Savings banks' deposits ...	90,000
Political and other excluded funds ...	10,000
Surplus of provincial and local revenue ...	1,322,000
Deposits and advances ...	546,300
Loans to municipalities, native states, &c. ...	170,000
Guaranteed railway capital	355,000
Money orders	18,000
Remittances ...	2,152,050
TOTAL ...	18,332,550

Fort William;
DEPT. OF FINANCE AND COMMERCE,
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

OF THE GOVERNMENT OF INDIA IN INDIA.

DISBURSEMENTS.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with Regular Estimates, 1881-82.	
							Increase.	Decrease.
	£	£	£	£	£	£	£	£
1.—Imperial expenditure ...	65,269,635	57,751,400	59,599,100	1,847,700	...	54,707,800	...	4,891,300
2.—Public debt ...	363,681	30,800	230,300	199,500	...	590,000	359,700	...
3.—Treasury notes and service funds ...	749,952	816,400	793,500	...	22,900	826,500	33,000	...
4.—Savings banks' deposits ...	1,114,796	1,146,000	1,444,000	298,000	...	1,385,000	...	59,000
5.—Political and other excluded funds ...	1,115,482	492,000	602,000	110,000	...	580,000	...	22,000
6.—Provincial and local deficits	38,725	821,000	35,000	...	786,000	1,990,000	1,955,000	...
7.—Deposits and advances ...	20,473,562	24,412,000	16,415,200	..	7,996,800	17,846,000	1,430,800	...
8.—Loans to municipalities, native states, &c. ...	1,106,650	113,000	136,000	23,000	...	125,000	...	11,000
9.—Guaranteed railway capital	1,029,506	1,054,400	1,124,500	70,100	...	1,901,000	776,500	...
10.—Money orders ...	4,550,357	5,433,000	5,584,000	151,000	...	5,584,000	...	...
11.—Remittances in india ...	21,394,055	14,998,000	14,677,850	...	320,150	13,091,000	...	1,586,850
12.—Secretary of state's bills paid*	15,142,215	17,200,000	17,504,000	304,000	...	15,342,000	...	2,162,000
13.—Remittances between india and england ...	222,138	178,200	261,000	82,800	...	401,000	140,000	...
Total ...	132,570,754	124,446,200	118,406,450	...	6,039,750	114,369,300	...	4,037,150
Balance ...	13,371,101	9,999,393	14,199,651	4,200,258	...	10,848,351	...	3,351,300
GRAND TOTAL ...	145,941,855	134,445,593	132,606,101	...	1,839,492	125,217,651	...	7,388,450

made; but they are subject to modification as the year goes on; the Government must not be understood to pledge itself that the Secretary of the exact amount stated.

Ways and Means are provided.

MATES, 1881-82.

	£
Secretary of state's bills paid ...	17,504,000
Balance increased ...	828,550
TOTAL ...	18,332,550

BUDGET ESTIMATES, 1882-83.

	£
Surplus of imperial revenue	11,532,200
Treasury notes and service funds ...	260,500
Savings banks' deposits ...	250,000
Political and other excluded funds ...	43,000
Deposits and advances ...	1,297,000
Loans to municipalities, native states, &c. ...	85,000
Money orders ...	18,000
Remittances ...	1,312,000
Balance reduced ...	3,351,300
TOTAL ...	18,149,000

	£
Public debt ...	590,000
Deficits of provincial and local revenue ...	1,990,000
Guaranteed railway capital ...	227,000
Secretary of state's bills paid ..	15,342,000
TOTAL ...	18,149,000

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

VIII.—RECEIPTS AND DISBURSEMENTS AT THE HOME

RECEIPTS.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with the Regular Estimates, 1881-82.	
							Increase.	Decrease.
	£	£	£	£	£	£	£	£
I.—Public revenue ...	3,243,217	3,238,700	2,662,600	...	576,100	219,000	...	2,443,600
II.—Public debt*	5,037,244	4,105,000	2,619,300	...	1,485,700	1,950,000	...	669,300
III.—Service funds ...	3,706	3,800	4,000	200	...	4,000	...	...
VII.—Deposits and advances ...	5,696	3,000	16,500	13,500	...	503,000	486,500	...
IX.—Guaranteed railway capital	239,583	100,400	665,500	565,100	...	1,055,000	389,500	...
XII.—Secretary of State's bills drawn	15,239,677	17,200,000	17,504,000	304,000	..	15 342,000	...	2,162,000
XIII.—Remittances between India and England	300,897	125,500	306,100	180,600	..	348,000	41,900	...
Total ...	24,070,020	24,776,400	23,778,000	...	998,400	19,421,000	...	4,357,000
Balance	2,270,107	3,710,007	4,127,749	417,742	...	3,051,349	...	1,076,400
GRAND TOTAL ...	26,340,127	28,186,407	27,905,749	...	580,658	22,472,349	...	5,433,400

* The Estimates in this Statement of the amount to be supplied to the Home Treasury by Bills in 1882-83 and of the Debt transactions are the the Secretary of State will raise by Bills the exact amount stated, or that

Abstract of the above showing how the

ACCOUNTS, 1880-81.				REGULAR ESTI	
	£		£		£
Net public debt ...	592,333	Deficit of revenue ...	11,747,693	Service funds	3,500
Service funds	3,262	Net deposits and advances	195,098	Secretary of State's bills drawn	17,504,000
Secretary of State's bills drawn	15,239,677	Net guaranteed railway capital	738,572	Balance decreased ...	1,076,400
		Net remittances between India and England ...	1,296,267		
		Balance increased ...	1,857,642		
TOTAL ...	15,835,272	TOTAL ...	15,835,272	TOTAL ...	18,583,900

Fort William;
DEPT. OF FINANCE AND COMMERCE,
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

TREASURY OF THE GOVERNMENT OF INDIA.

DISBURSEMENTS.	Accounts, 1880-81.	Budget Estimates, 1881-82.	Regular Estimates, 1881-82.	Increase.	Decrease.	Budget Estimates, 1882-83.	Budget Estimates, 1882-83, compared with the Regular Estimates, 1881-82. Increase.	Decrease.
	£	£	£	£	£	£	£	£
1.—Public expenditure ...	14,990,910	16,426,600	15,427,900	...	998,700	14,716,200	...	711,700
2.—Public debt	4,444,911	4,552,200	4,462,700	...	89,500	2,548,000	...	1,914,700
3.—Service funds	444	600	500	...	100	500	...	...
7.—Deposits and advances ...	200,794	2,503,000	1,818,800	...	684,200	3,000	...	1,815,800
9.—Guaranteed railway capital	978,155	1,104,600	1,461,500	356,900	...	1,370,000	...	91,500
13.—Remittances between India and England	1,597,164	1,908,800	1,683,000	...	225,800	1,688,000	5,000	...
TOTAL ...	22,212,378	26,495,800	24,854,400	...	1,641,400	20,325,700	...	4,528,700
Balance	4,127,749	1,990,607	3,051,349	1,060,742	...	2,146,649	...	904,700
GRAND TOTAL ...	26,340,127	28,486,407	27,905,749	...	580,658	22,472,349	...	5,433,400

best that can now be made; but they are subject to modification as the year goes on; the Government must not be understood to pledge itself that the Debt transactions will be carried out as estimated.

Ways and Means are provided.

MATES, 1881-82.	£	BUDGET ESTIMATES, 1882-83.	£		£
Deficit of revenue ...	12,765,300	Service funds ...	3,500	Deficit of revenue ...	14,497,200
Net public debt ...	1,843,400	Deposits and advances ...	500,000	Net debt	598,000
Net deposits and advances ...	1,862,300	Secretary of State's bills drawn	15,342,000	Net guaranteed railway capital	315,000
Net guaranteed railway capital	796,000	Balance decreased ...	904,700	Net miscellaneous remittances between India and England	1,340,000
Net miscellaneous remittances between India and England	1,376,900				
TOTAL ...	18,583,900	TOTAL ...	16,750,200	TOTAL ...	16,750,200

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

IX.—CLOSING BALANCES OF THE PROVINCIAL GOVERNMENTS.

	Actuals, 1880-81.				Regular Estimate, 1881-82.				Budget Estimate, 1882-83.			
	Provincial.	Local.	Local Deposits and Advances.	Total.	Provincial.	Local.	Local Deposits and Advances.	Total.	Provincial.	Local.	Local Deposits and Advances.	Total.
	£	£	£	£	£	£	£	£	£	£	£	£
India, General	...	6,416	175	6,591	...	2,100	200	2,300	...	—1,200	200	—1,000
Central Provinces	66,382	45,809	—942	111,249	145,700	35,500	—6,300	174,900	147,800	24,000	—6,300	165,500
British Burma	288,597	97,531	...	386,128	290,600	64,800	...	355,400	88,200	13,200	...	101,400
Assam	58,016	1,852	—1,851	58,017	98,900	2,000	—1,900	99,000	67,400	2,000	—1,900	67,500
Bengal	499,112	197,687	—2,964	693,835	708,800	169,300	12,000	890,100	84,600	93,800	27,000	205,400
North-Western Provinces and Oudh	666,561	258,592	—1,126	924,027	1,062,600	290,700	100	1,353,400	621,000	260,800	1,300	883,100
Punjab	150,314	96,583	—488	246,409	301,700	117,300	—500	418,500	178,300	118,800	—500	296,600
Madras	73,071	498,792	45,467	617,330	107,200	506,700	39,700	653,600	126,300	413,200	39,700	579,200
Bombay	148,003	144,746	—8	292,741	552,100	163,600	—300	715,400	286,400	104,900	—600	390,700
Total ...	1,950,056	1,348,008	38,263	3,336,327	3,267,600	1,352,000	43,000	4,662,600	1,600,000	1,029,500	58,900	2,688,400

Fort William;
DEPT. OF FINANCE AND COMMERCE.
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

J WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

X. STATEMENT SHOWING THE NET REVENUE AND EXPENDITURE OF INDIA.

In thousands of Conventional £.

REVENUE.	1880-81.	1881-82.		1882-83.	
				Budget.	
	Actuals.	Budget.	Regular.	Preliminary.*	Final.
	£	£	£	£	£
Land Revenue	18,129	18,756	18,733	18,394	18,319
Assessed Taxes	538	535	524	523	523
Customs	2,341	2,161	2,094	2,200	1,018
Salt	6,753	6,725	6,669	6,833	5,410
Opium	8,451	6,500	7,838	7,250	7,250
Excise	3,040	2,932	3,312	3,232	3,232
Stamps	3,143	3,176	3,219	3,223	3,223
Registration — —	108	104	102	98	98
Forest	243	199	220	228	228
Tributes and Contributions, Mint and Miscellaneous, less Refunds and Drawbacks	722	339	348	189	224
Provincial Rates	2,730	2,815	2,836	2,841	2,600
Provincial and Local Adjustments, Ordinary ...	—298	707	—652	1,990	1,990
Ditto, Special ... — ...	...	...	—670	...	...
TOTAL NET REVENUE ...	45,900	44,949	44,573	47,001	44,115
Deficit ...	4,044	...	...	...	...
TOTAL ..	49,944	44,949	44,573	47,001	44,115

EXPENDITURE.	1880-81.	1881-82.		1882-83.	
				Budget.	
	Actuals	Budget.	Regular.	Preliminary.*	Final.
	£	£	£	£	£
Administration	1,532	1,519	1,502	1,504	1,504
Law and Justice	2,516	2,687	2,538	2,688	2,688
Police	2,282	2,335	2,309	2,387	2,387
Education	828	915	878	972	972
Ecclesiastical	159	159	160	163	163
Minor Departments, Marine, Medical, Stationery and Printing— Post Office and Telegraph	1,789	2,201	2,250	2,175	2,175
Political, and Allowances, &c., under Treaties	2,430	2,505	2,595	2,459	2,459
Furlough and Superannuation, &c., Allowances	2,058	1,983	1,984	2,028	2,028
ARMY—					
Ordinary	15,794	15,645	16,150	15,260	15,260
War and Frontier Railways... (Actuals, 1880-81: 13,060; Budget Estimate, 1881-82: 3,000; Regular final: 1,553)	10,365	...	—752	...	...
English Contribution for Afghan War ... ... (Actuals, 1880-81: 2,695; Budget Estimate, 1881-82: 3,000; Regular final: 2,305)					
Famine Relief and Insurance	35	1,500	1,500	1,500	1,500
Interest, exclusive of that for Productive Public Works	3,207	3,569	3,640	3,724	3,724
Loss by Exchange	2,717	3,063	3,294	2,775	2,775
Public Works, Ordinary	4,354	5,713	5,833	6,591	6,591†
PRODUCTIVE PUBLIC WORKS—	50,066	43,794	43,881	44,226	44,226
+Land & other Receipts (Actuals, 1880-81: 8,905; Budget Estimate, 1881-82: 8,921; Regular, 1881-82: 10,055; Budget Preliminary: 9,870; Budget final: 9,870)	—122	300	—885	—396	—396
—Interest and charges ... (Actuals, 1880-81: 8,783; Budget Estimate, 1881-82: 9,221; Regular, 1881-82: 9,170; Budget Preliminary: 9,474; Budget final: 9,474)					
TOTAL NET EXPENDITURE	49,944	44,094	42,996	43,830	43,830
Surplus ...	...	855	1,577	3,171	285
TOTAL ...	49,944	44,949	44,573	47,001	44,115

* These figures show the Budget as it would stand if no remissions of taxation were made, and the payment of Patwaris in Oude was not undertaken by the State.

† Includes 223 Frontier Railways.

FORT WILLIAM;
DEPT. OF FINCE. AND COMMERCE,
The 8th March 1882.

E. W. KELLNER,
Deputy Comptroller General.

J. WESTLAND,
Comptroller General.

T. C. HOPE,
Secy. to the Govt. of India.

APPENDIX A.

TABLE I.—*Miscellaneous.*

	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.	1881-82.	1882-83
	£	£	£	£	£	£	£ Estimates.	£ Estimates.
DEFICIT of recorded Revenue compared with whole recorded Expenditure	2,601,684	5,992,062	8,334,139	2,337,507	4,547,279	7,700,644	2,114,000	2,965,000
PRODUCTIVE PUBLIC WORKS, Capital Expenditure	4,270,629	3,809,284	4,791,052	4,381,898	3,364,330	3,656,505	3,691,000	3,250,000
Recorded Revenue compared with the recorded Expenditure, excluding Expenditure on Productive Public Works—								
SURPLUS	1,668,945	.....	.....	2,044,391	.....	.....	1,577,000	285,000
DEFICIT	.....	2,182,778	3,543,087	.....	1,182,949	4,044,139	...	...
Net Public Debt incurred	4,109,522	4,750,145	7,345,426	4,199,268	5,105,160*	5,679,815	927,000	—1,188,000
NET PUBLIC DEBT incurred, including Capital transactions with Guaranteed Railway and other Companies and Native States, &c.	2,878,300	3,317,000	6,496,200	3,209,100	5,756,708	5,339,444	656,000	—1,645,000
Value of commodities exported, excluding Gold and Silver	58,091,000	61,014,000	65,222,000	60,937,000	67,212,000	74,581,000		
Value of commodities imported, excluding Gold and Silver	38,887,000	37,428,000	41,464,000	37,800,000	41,166,000	53,117,000		
EXCESS OF EXPORTS OVER IMPORTS, excluding Gold and Silver	19,204,000	23,586,000	23,758,000	23,137,000	26,046,000	21,464,000		
Net imports of Gold	1,545,000	207,000	468,000	(Exports) 896,000	1,750,000	3,655,000		
Net imports of Silver	1,553,000	7,199,000	14,676,000	3,970,000	7,870,000	3,893,000		
TOTAL NET IMPORTS OF GOLD AND SILVER	3,098,000	7,406,000	15,144,000	3,074,000	9,620,000	7,548,000		
Excess of Exports over Imports, including Gold and Silver	16,106,000	16,180,000	8,614,000	20,063,000	16,426,000	13,916,000		
Grand total value of Imports and Exports of all kinds	104,480,000	113,908,000	126,252,000	109,777,000	122,069,000	138,126,000		
SECRETARY OF STATE'S BILLS sold (Rupees) Rs.	13,75,00,000	14,85,70,000	11,69,85,000	18,78,21,000	13,95,71,000	18,32,77,000	21,23,48,000	18,71,10,000
Sterling Equivalent received £	12,390,000	12,696,000	10,134,000	15,465,000†	15,749,000‡	15,239,677	17,589,500§	15,592,500‖
SILVER coined at the Indian Mints	2,550,000	6,271,000	18,180,000	7,210,770	10,257,093	4,249,676	9,17,830	
Gold coined in Germany	12,756,000	2,873,000	7,112,000	5,475,340	1,509,877	...		
Silver coined in Germany	6,602,000	9,523,000	1,669,000	88,498	...	...		
Maximum PRICE OF AN OZ. TROY STANDARD SILVER IN LONDON	57⅝d. (27th April)	58⅝d. (18th Jan.)	55⅛ (8th Oct.)	54¼d. (2nd April)	53¾ (Nov.)	52⅞ (July)	52⅛	
Minimum ditto	52¼d. (22ndMarch)	47d. (7th July)	53¼ (21st June)	48¼d. (21st Dec.)	49⅝ (April)	51 (Jan.)	50⅞ (July)	
Maximum price of a sovereign in Calcutta Rs.	11 12 0	13 (7th July)	11 14 0 (5th Sept.)	12 11 (March)	12 11 (May)	12-1-6	12-6-4	
Minimum ditto ,,	11	11 Rs. 3as. (6th Feb.)	11 4 0 (10th April)	11 11 (11th June)	11 15 (Jan.)	(throughout the year.)	(throughout).	
AVERAGE EXCHANGE upon Secy. of State's Bills sold per rupee £	1s. 9·64d.	1s. 8·49d.	1s. 8·79d.	1s. 7·761d.	1s. 7·94d.	1s. 7·956d.	1s. 7·88d.	1s. 8d.
Fixed RATE OF EXCHANGE for the ADJUSTMENT of transactions between the Indian and Imperial Treasuries	1s. 10¼d.	1s. 9¼d.	1s. 9½d.	1s. 9d.	1s. 7½d.	1s. 8½d.	1s. 8d.	1s. 8d.
Maximum RATE OF DISCOUNT ON LOANS on demand at the BANK OF BENGAL, Calcutta	9 (May)	11 (April)	12 (May)	9 (1st April)	9 (April)	7 (April)	9 (Feb.)	
Minimum ditto	4 (Nov.&Dec.)	5 (Aug. & Sept.)	(Dec.&Jan.)	3 (7th Nov.)	3 (Jan.)	3 (Nov. to Jan.)	4 (June)	
Maximum RATE OF DISCOUNT at the BANK OF ENGLAND	4 (Oct. & Jan.)	2 throughout the year	5 (Oct.&Nov.)	6 (Oct. & Nov.)	3 (Apl. to Oct.)	3 (April)	6 (Feb.)	
Minimum ditto	2 (Aug.)		2 subsequently)	2½ (30th May)	2 (Nov. toFeb.)	2½	2½ (throughout first half year).	
Maximum MONEY BALANCES of the three PRESIDENCY BANKS	7,041,800 (July)	6,382,700 (July)	7,574,900 (Jan.)	6,978,500 (July)	7,733,500 (Feb.)	7,472,500 (Feb.)	6,097,600(July)	
Minimum ditto	4,762,300 (May)	4,132,500 (Oct.)	3,672,200 (April)	4,589,300 (Jan.)	4,150,400 (April)	4,442,700(March)	3,340,600(Jan.)	
Maximum price in Calcutta of Govt. FOUR PER CENT. RUPEE SECURITIES	102⅛(3rd June)	102⅜ (25th July)	98¼ (27th June)	97 (July & Aug.)	95¼ (July)	102½ (Mar.)	106 6 (June)	
Minimum ditto	99 (21st March)	96¼ (13th Jan.)	92 (8th Sept.)	91⅞ (March)	91¼ (May)	93-10 (May)	99 8 (Aug.)	
Maximum amount outstanding on London Register, of RUPEE SECURITIES ENFACED FOR INTEREST DRAFTS	14,407,861 (Oct.)	14,125,982 (April)	14,588,744	15,950,002 (Feb.)	19,431,239 (Mar.)	19,739,473 (June)	21,328,200 (Feb)	
Minimum ditto	14,111,441 (April)	12,655,322 (Dec.)	13,057,964	13,826,493 (Oct.)	15,908,182 (May)	18,719,445 (Jan.)	19,013,628(Apl)	
Maximum price in London of such securities (in Gold)	93¼(7th April)	92 (15th Dec.)	84½ (5th April)	81⅞ (1st April)	80¾ (Oct.)	84½ (Feb.)	87 (July)	
Minimum ditto	82 (4th March)	77 (6th July)	81¼ (23rd Jan.)	72 (23rd Oct.)	71½ (May)	78 (May)	82½ (Sep.)	
Maximum price in London of Secretary of State's FOUR PER CENT. STERLING BONDS	106½ 5th Aug.)	104⅞ (22nd Feb.)	104½ (30th Aug.)	104¼(July&Aug.)	105½	105¾ (Jan.)	106⅝ (July)	
Minimum ditto	102¼(3rd June)	101 (20th Oct.)	100¼ (21st Mar.	97 (Oct.)	100⅜	101¾ (Sep.)	103⅛ (Sep.)	
Maximum GOVERNMENT PAPER CURRENCY outstanding	12,161,224 (22nd Oct.)	12,551,185 (7th Feb.)	15,757,790 (15th Jan.)	14,584,900 (Sept.)	14,329,700 (Jan.)	14,513,100 (Dec.)	14,422,600(Sep)	
Minimum ditto	10,668,628 (7th May)	10,532,294 (15th May)	11,130,528 (30th April)	11,423,600 (March)	11,113,800 (June)	12,528,400 (Apl.)	12,877,900(Apl)	
Number of SAVINGS BANKS	330	340	343	338	371	388	363	
Number of Depositors in Savings Banks	73,401	80,004	83,518	84,503	91,288	107,778	113,295	
Amount deposited in Savings Banks	1,895,452	1,936,193	1,925,335	1,912,401	2,282,823	3,213,671	3,188,370	
Average of each Deposit	25	24	23	22	25	29	28	
Net addition to Deposits	148,659	40,741	10,858 (Decrease)	12,934 (Decrease)	370,422	930,848	25,301 (Decrease).	
Cash Reserve at the BANK OF FRANCE in December of each year —in 000's of Francs	1,679,300	2,169,000	2,042,500	2,041,700	1,979,017	1,786,873	1,817,164	
Silver ditto ditto	505,000	638,600	865,400	1,058,100	1,220,501	1,222,604	1,161,468	
Percentage of Silver on the Total Reserve	31	30	43	52	62	68	64	

* Exclusive of £9,730,962, Debt incurred for the purchase of the East Indian Railway. † Includes £1,516,193, amount remitted by Bills of Exchange on India. ‡ Includes £486,947, Gold remittances from India.
§ Includes £84,000 Hong Kong Bills. ‖ Includes £250,000 Hong-Kong Bills.

APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE II.—*Sea-borne Trade for the Year.*

(*Principal articles arranged in order of their declared value*).

No.	EXPORTS.		1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
1	COTTON—						
	Raw—						
	Quantity	Cwt.	4,557,914	3,459,077	2,966,060	3,948,476	4,541,539
	Value	£	11,746,184	9,383,534	7,913,046	11,145,453	13,241,734
	Average declared value per lb.— Annas	...	As. 3 8	As. 3 10	As. 3 10	As. 4 0	As. 4 2
	Average declared value per lb.— Pence, at average exchange ...	...	4·71	4·98	4·73	4·98	5·20
	Twist and Yarn—						
	Quantity	Lbs.	7,926,710	15,600,291	21,332,508	25,862,474	26,901,346
	Value	£	367,303	682,059	886,481	1,109,234	1,282,576
	Average declared value per lb.	Annas	As. 7 5	As. 7 0	As. 6 7	As. 6 10	As. 7 8
	Other manufactures—Value	£	445,079	460,674	511,498	512,513	626,558
	Average declared value per yard— Grey or unbleached ...	Annas	As. 2 6	As. 2 3	As. 2 1	As. 2 0	As. 2 0
	Average declared value per yard— Coloured, printed, or dyed ...	"	As. 5 8	As. 4 10	As. 4 7	As. 4 5	As. 4 9
	Percentage of manufactures on whole value exported ...	...	6·47	10·85	15·01	12·70	12·60
2	OPIUM—						
	Quantity	Chests	96,870	92,820	91,200	105,507	92,190
	Value	£	12,404,748	12,374,355	12,993,979	14,323,314	13,600,148
	Average declared value per chest, in Rupees ...	Rs.	1,281	1,333	1,425	1,358	1,475
3	RICE and PADDY—						
	Quantity	Cwt.	19,914,334	18,428,386	21,237,233	22,165,765	27,266,040
	Value	£	5,815,221	6,950,276	8,973,722	8,402,502	9,057,153
	Average declared value of husked rice per cwt.— Rupees	...	2 15 1	3 12 6	4 4 4	3 12 11	3 5 7
	Average declared value of husked rice per cwt.— Shillings, at average exchange	...	5·02	6·55	7·03	6·33	5·57
4	SEEDS—						
	Quantity	Cwt.	9,582,865	12,187,020	7,200,977	7,091,469	10,229,109
	Value	£	5,319,124	7,360,284	4,675,036	4,685,893	6,345,209
	Average declared value of Linseed per cwt.— Rupees	...	5 5 11	5 13 10	6 3 11	6 8 8	6 2 8
	Average declared value of Linseed per cwt.— Shillings, at average exchange	...	9·17	10·16	10·28	10·87	10·26
5	JUTE—						
	Raw and manufactured—Value	£	3,356,124	4,289,241	4,898,860	5,565,394	5,064,701
	Average declared value of Raw Jute per cwt.— Rupees	...	5 13 1	6 7 3	6 5 0	6 8 8	6 12 4
	Average declared value of Raw Jute per cwt.— Shillings, at average exchange	...	9·94	11·18	10·39	10·87	11·26
	Percentage of manufactures on whole value exported ...	...	21·43	17 97	22·42	21·48	22·32
6	HIDES AND SKINS—						
	Quantity	No.	19,792,877	22,916,317	21,223,403	24,291,356	23,395,702
	Value	£	2,998,684	3,756,888	3,096,847	3,738,005	3,733,565
	Percentage of dressed or manufactured to whole value	...	49·77	48·29	42·06	36·35	43·23
7	INDIGO—						
	Quantity	Cwt.	100,384	120,605	105,051	100,923	116,[illegible]70
	Value	£	2,962,785	3,494,334	2,960,462	2,947,227	3,571,581
	Average declared value per cwt.— Rupees	...	295 2 4	289 11 9	281 13 0	292 0 5	305 9 8
	Average declared value per cwt.— Sterling at average exchange	£	25·19	25·09	23 20	24·26	25·41
8	WHEAT—						
	Quantity	Cwt.	5,583,336	6,340,150	1,044,709	2,195,550	7,444,375
	Value	£	1,956,332	2,856,990	513,778	1,121,015	3,277,942
	Average declared value per cwt.— Rupees	...	3 8 0	4 8 1	4 14 8	5 1 8	4 6 5
	Average declared value per cwt.— Shillings, at average exchange	...	5·98	7·80	8·09	8·48	7·32
9	TEA—						
	Quantity	Lbs.	27,784,124	33,459,075	34,432,573	38,173,521	46,413,510
	Value	£	2,607,425	3,044,571	3,138,424	3,051,020	3,054,240
	Average declared value per lb.— Annas	...	As. 15 0	As. 14 6	As. 14 7	As. 12 9	As. 10 6
	Average declared value per lb.— Shillings, at average exchange	...	1 60	1·57	1·50	1·33	1·09
10	COFFEE—						
	Quantity	Cwt.	302,489	297,327	341,186	359,313	369,357
	Value	£	1,345,822	1,338,499	1,543,643	1,626,747	1,599,669
	Average declared value per cwt.— Rupees	...	44 7 10	45 0 3	45 3 11	45 4 5	43 4 11
	Average declared value per cwt.— Shillings at average exchange	...	75·97	77·98	74·50	75·23	72 02
11	WOOL—						
	Raw and manufactured—Value	£	1,293,490	1,151,518	1,243,275	1,242,486	1,224,412
	Average declared value of Raw Wool per lb.— Annas	...	As. 7 2	As. 6 6	As. 6 4	As. 6 8	As. 7 2
	Average declared value of Raw Wool per lb.— Pence, at average exchange...	...	9·22	8·44	7·82	8·31	6·94
12	SILK—						
	Raw and manufactured—Value	£	1,000,566	854,629	746,687	744,659	771,016
	Average declared value of Raw Silk per lb.— Rupees	...	5 7 8	4 10 5	4 4 7	3 10 11	4 3 4
	Average declared value of Raw Silk per lb.— Shillings, at average exchange	...	9·25	8·06	7·06	6·12	7·08
13	OILS—						
	Value...	£	377,740	371,552	537,579	569,453	581,139
14	LAC—						
	Value	£	536,976	362,048	298,716	371,496	578,320
15	TEAK WOOD—						
	Quantity	Cubic Tons	45,108	56,939	37,413	38,620	65,626
	Value	£	332,764	406,652	268,959	281,959	500,047
	Average declared value per cubic ton— Rupees	...	73 12 4	71 6 8	71 14 3	73 0 2	76 3 2
	Average declared value per cubic ton— Sterling, at average exchange	£	6·29	6·19	5·92	6·07	6·34
16	SALTPETRE—						
	Quantity	Cwt.	466,218	389,002	382,405	500,372	352,895
	Value	£	381,706	379,002	361,766	469,797	351,728
	Average declared value per cwt.— Rupees	...	8 3 0	9 11 11	9 7 4	9 3 7	9 15 5
	Average declared value per cwt.— Shillings at average exchange	...	13·06	16·88	15·57	15·33	16·57
17	SUGAR—						
	Value	£	925,196	745,851	204,360	205,871	311,751

APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE II.—*Sea-borne Trade for the Year*—continued.

No.	IMPORTS.		1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
1	COTTON—						
	Twist and Yarn—						
	Quantity	Lbs.	33,270,208	36,196,661	33,145,651	33,212,952	45,877,379
	Value	£	2,733,535	2,850,616	2,779,774	2,745,306	3,699,273
	Average declared value per lb. { Annas		13·14	12·60	13·42	13·23	12·90
	Average declared value per lb. { Pence, at average exchange		1s. 4·83d.	1s. 4·37d.	1s. 4·57d.	1s. 4·48d.	1s. 4·09d.
	Other manufactures—						
	Value	£	16,012,932	17,332,639	14,137,694	16,923,747	22,914,314
	TOTAL COTTON GOODS—Gross Imports ...	£	18,746,467	20,183,255	16,917,468	19,669,053	26,613,587
	Re-exports—						
	Twist and Yarn—						
	Quantity	*Lbs.*	*839,539*	*934,437*	*754,648*	*842,239*	*625,840*
	Value	*£*	*58,423*	*62,783*	*51,217*	*54,712*	*47,475*
	Other manufactures—						
	Value	*£*	*1,064,392*	*1,089,614*	*1,132,627*	*1,061,457*	*1,151,417*
	Total Re-exports ...	*£*	*1,122,815*	*1,152,347*	*1,183,844*	*1,116,169*	*1,198,892*
	TOTAL COTTON GOODS—Net Imports ...	£	17,623,652	19,030,908	15,733,624	18,552,884	25,414,695
2	METALS	Value £	3,722,165	3,736,958	3,372,903	3,444,195	3,846,996
3	RAILWAY PLANT AND ROLLING-STOCK	„ „	1,194,145	1,727,560	1,491,831	1,528,497	2,742,689
4	SILK (Raw and Manufactured)	„ „	1,036,684	1,482,951	1,491,285	1,521,126	2,417,402
5	SUGAR	„ „	403,556	798,036	1,480,880	1,068,788	1,611,157
6	LIQUORS	„ „	1,585,345	1,683,655	1,372,487	1,496,108	1,537,812
7	WOOLLEN MANUFACTURES	„ „	911,890	955,142	961,666	1,028,450	1,466,121
8	COAL (excluding coke and patent fuel)—						
	Quantity	Tons	523,384	603,731	473,027	587,634	712,020
	Value	£	918,309	1,004,942	881,444	1,125,482	1,280,060
	Average declared value per ton— { Rupees		17·54	16·64	18·63	19·15	17·98
	Average declared value per ton— { Shillings, at average exchange ...		30·34	28·83	30·68	31·82	29·90
9	PROVISIONS...	Value £	661,059	858,797	975,835	1,048,832	920,181
10	MACHINERY AND MILL-WORK	„ „	963,504	873,960	893,875	644,192	835,503
11	APPAREL	„ „	542,915	579,106	546,089	561,203	688,403
12	SALT—						
	Quantity	Tons.	298,776	254,231	274,180	352,288	373,376
	Value	£	430,890	401,366	593,612	762,532	665,517
	Average declared value per ton— { Rupees		14·42	15·78	21·65	21·65	17·82
	Average declared value per ton— { Shillings, at average exchange ...		24·62	27·35	35·65	35·97	29·63
13	SPICES	Value £	432,989	488,884	509,043	526,328	542,861
14	OILS	„ „	78,413	295,667	369,865	545,931	529,175

TABLE III.—*Sea-borne Trade for the first Ten Months of the Year.*

(Principal articles arranged in order of their declared value.)

	1877-78.	1878-79.	1879-80.	1880-81.	1881-82.
	£	£	£	£	£
Value of commodities Exported, excluding gold and silver	52,210,342	47,821,206	51,518,640	58,278,889	64,518,336
Value of commodities Imported, excluding gold and silver	34,457,473	32,426,305	33,530,283	44,019,148	40,975,795
Excess Exports ...	17,752,869	15,394,901	17,988,557	14,259,741	23,542,541
Net Imports of silver	13,117,467	2,187,577	6,681,284	3,331,588	2,846,788
Net Imports of gold	278,765	—482,078	1,388,522	2,958,798	4,214,854
TOTAL NET IMPORTS OF GOLD AND SILVER ...	13,396,232	1,705,499	8,069,806	6,290,386	7,061,642
GRAND TOTAL IMPORTS AND EXPORTS OF ALL KINDS ...	104,112,057	88,090,522	96,913,709	111,081,061	114,406,777

APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE III.—*Sea-borne Trade for the first Ten Months of the Year*—continued.

No.	EXPORTS.			Ten Months, 1st April to 31st January				
				1877-78.	1878-79.	1879-80.	1880-81.	1881-82.
1	COTTON, RAW	Quantity	Cwt.	2,585,377	2,281,507	2,895,634	3,399,355	3,855,588
		Value	£	6,949,554	6,149,132	7,989,392	10,045,853	10,290,948
		Average value per lb.	Rs.	0-3-10	0-3-10	0-3-11	0-4-3	0-3-10
	" MANUFACTURES—							
	Twist and Yarn	Quantity	Lbs.	12,779,989	18,306,631	20,446,026	22,632,378	26,346,512
		Value	£	558 913	767,675	854,727	1,076,159	1,185,811
		Average value per lb.	Rs.	0-6-11	0-6-8	0-6-8	0-7-7	0-7-2
	Other manufactures—Value		£	392,895	431,844	420,627	526,904	540,363
	TOTAL COTTON (RAW AND MANUFACTURED)		£	7,901,362	7,348,651	9,264,746	11,648,916	12,017,722
2	OPIUM	Quantity	Chests	77,387	76,165	91,082	75,444	75,959
		Value	£	10,264,066	10,917,614	12,299,005	11,115,263	10,656,680
		Average value per chest	Rs.	1,326-5-3	1,433-6-8	1,350-5-2	1,473-5-0	1,402-15-3
3	WHEAT	Quantity	Cwt.	6,206,669	1,035,857	1,810,650	6,292,924	18,052,526
		Value	£	2,790,304	508,125	917,109	2,762,759	7,844,119
		Average value per cwt.	Rs.	4-7-11	4-14-6	5-1-0	4 6 3	4 5-6
4	RICE AND PADDY.	Quantity	Cwt.	10,186,650	12,420,606	12,723,419	16,369,942	17,765,895
		Value	£	4,017,310	5,699,274	5,150,492	5,690,268	5,398,390
		Average value per cwt.	Rs.	3-15-1	4-9-5	4-0-9	3-7-7	3-0-7
5	SEEDS	Quantity	Cwt.	11,239,493	6,357,845	5,766,213	8,700,116	8,535,775
		Value	£	6,758,930	4,080,485	3,764,064	5,369,367	4,985,915
		Average value per cwt.	Rs.	6-0-2	6-6-11	6-8-5	6-2-9	5-13-6
6	JUTE (Raw and Manufactured)—Value		£	3,679,332	4,076,573	4,539,802	4,172,591	4,857,656
7	INDIGO	Quantity	Cwt	90,577	64,514	78,538	87,477	115,725
		Value	£	2,632,728	1,767,026	2,256,424	2,734,908	3,531,771
		Average value per cwt.	Rs.	290-10-7	273-15-0	287-5-2	312-10-3	305-2-11
8	TEA	Quantity	Lbs.	30,306,610	30,692,313	34,273,392	42,347,398	43,667,412
		Value	£	2,770,735	2,808 432	2,749,011	2,797,637	3,261,579
		Average value per lb.	Rs.	0-14-7	0-14-8	0-12-10	0-10-7	0-11-11
9	HIDES AND SKINS.	Quantity	Cwt.	709,852	630,278	709,708	632,180	637,183
		Value	£	2,990,696	2,455,013	2,785,714	2,919,811	3,090,954
		Average value per cwt.	Rs.	42-2-1	38-15-2	39-4-0	46-3-0	48-10-5
10	COFFEE	Quantity	Cwt.	191,693	201,626	188,171	269,445	204,121
		Value	£	846,358	885,939	833,663	1,160,862	858,252
		Average value per cwt.	Rs.	44-2-5	43-15-0	44 4-10	43-1-4	42-0-9
11	WOOL (Raw and Manufactured)—Value		£	939,198	1,049,930	1,007,620	1,045,637	827,203
12	LAC		£	299,599	234,712	220,109	414,104	538,509
13	SUGAR		£	673,022	184,724	156,542	279,767	511,156
14	SILK (Raw and Manufactured)—Value		£	766,098	607,139	584,584	581,255	502,787
15	TEAK	Quantity	Cubic tons	44,153	34,115	30,835	52,822	48,569
		Value	£	311,678	247,752	222,883	398,647	434,522
		Average value per cubic ton	Rs.	70-2-0	72-9-11	72-4-6	75-7-6	89-7-5
16	OILS		£	308,569	424,437	457,190	433,080	370,265
17	SALTPETRE	Quantity	Cwt.	311,682	311,091	421,245	301,985	271,558
		Value	£	304,068	296,222	386,478	298,024	276 184
		Average value per cwt.	Rs.	9-12-1	9-8-4	9-2-10	9-14-4	10-2-8

APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE III.—*Sea-borne Trade for the first Ten Months of the Year*—concluded.

No.	IMPORTS.		Ten Months, 1st April to 31st January.				
			1877-78.	1878-79.	1879-80.	1880-81.	1881-82.
1	COTTON— Twist and yarn ... Quantity	Lbs.	30,872,371	29,736,857	27,309,908	38,777,313	34,326,157
	Value	£	2,425,336	2,480,030	2,248,420	3,133,285	2,706,394
	Average value per lb. ...	Rs.	0-12-7	0-13-4	0-13-2	0-12-11	0-12-7
	Ditto in sterling at average exchange ...		1s. 4½d.	1s. 4½d.	1s. 4½d.	1s. 4d.	1s. 3¾d.
	Other manufactures—Value	£	14,512,524	12,274,502	13,819,121	18,908,436	17,205,010
	TOTAL COTTON GOODS—Gross Imports ...	£	16,937,860	14,754,532	16,067,541	22,041,721	19,911,404
	Re-exports—						
	Twist and yarn ... Quantity	*Lbs.*	*736,160*	*651,378*	*730,083*	*479,928*	*632,769*
	Value	*£*	*49,811*	*44,508*	*47,720*	*36,840*	*43,563*
	Average value per lb. ...	*Rs.*	*0-10-10*	*0-10-11*	*0-10 5*	*0-12-8*	*0-11-0*
	Other manufactures—Value	*£*	*875,357*	*966,712*	*857,854*	*899,570*	*1,018,796*
	Total Re-exports	*£*	*925,168*	*1,011,220*	*905,574*	*936,410*	*1,062,359*
	TOTAL COTTON GOODS—Net Imports... ...	£	16,012,692	13,743,312	15,161,967	21,105,311	18,849,045
2	METALS	Value £	3,008,118	2,919,762	2,849,490	3,100,352	2,911,296
3	RAILWAY PLANT AND ROLLING-STOCK	" "	1,227,159	1,249,238	1,080,073	2,278,383	1,899,919
4	SILK (Raw and Manufactured)	" "	1,271,782	1,308,615	1,263,584	2,046,391	1,748,234
5	LIQUORS	" "	1,431,367	1,113,119	1,248,620	1,257,911	1,203,906
6	WOOLLEN MANUFACTURES	" "	849,529	846,254	901,663	1,315,961	1,166,313
7	SUGAR	" "	657,043	1,137,030	853,947	1,339,169	1,071,975
8	MACHINERY AND MILLWORK	" "	724,078	781,963	549,656	650,035	985,866
9	PROVISIONS	" "	714,619	831,861	883,442	769,765	894,292
10	COAL (excluding Coke and Patent Fuel)— Quantity	Tons	469,270	377,684	449,267	514,951	528 290
	Value	£	764,610	708,320	860,501	945,191	835,022
	Average value per ton	Rs.	16-4 8	18-12-1	19-2-5	18-5-8	15-12 11
11	APPAREL	Value £	491,306	464,159	466,912	587,827	573,682
12	SALT ... Quantity	Tons	217,202	223,563	277,156	321.146	303,541
	Value	£	324,628	477,375	611,324	562,651	491,246
	Average value per ton	Rs.	14-15 1	21-5-7	22-0-9	17-8-4	16 2-11
13	OILS	Value £	253,369	289,122	445,185	479,508	414,411
14	SPICES	" "	389,649	430,862	406,200	462,766	425,013

TABLE IV.—*Wholesale Prices of typical commodities in Gold and Silver in London and Calcutta in December of each year.*

(*Prices of March 1873=100.*)

IN LONDON—(*prices quoted from the* LONDON ECONOMIST.)	Measured in Gold.							Measured in Silver.*						
	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1875.	1876.	1877.	1878.	1879.	1880.	1881.
Scotch Pig Iron (Warrants) ...	54	49	43	36	55	43	44	58	51	48	44	63	50	51
Coals, Hetton, Wallsend (London) ...	75	57	55	60	50	52	51	79	59	61	72	57	60	59
Copper, Chili Bars	92	85	74	64	74	68	79	98	90	82	77	85	78	91
Straits Tin	56	52	45	42	62	63	76	60	54	50	50	71	73	88
Wheat	83	91	94	72	85	77	80	88	96	104	87	97	89	92
Flour, town-made	90	82	98	69	86	81	91	96	86	109	83	98	93	105
Beef, inferior	128	98	85	90	85	100	97	136	102	94	108	97	116	112
Cotton, No. 40, Mule Twist	86	80	71	61	77	75	77	91	84	78	73	87	87	89
Wool, Southdown Hogs	85	80	76	65	71	76	68	91	85	84	78	81	87	78
Sugar, Foreign Muscovado	77	113	74	80	95	80	71	82	119	82	96	108	92	82
Coffee	105	101	98	73	83	71	64	111	106	109	88	94	81	74
Saltpetre	83	87	98	89	96	102	105	88	92	109	108	110	118	121
Gold	...	...	...	..	...	...	...	106	105	111	120	114	115	115
Silver	94	95	90	83	88	86	87	...	...	...	...	...	..	..
IN CALCUTTA (*prices quoted from the* CALCUTTA PRICE CURRENT.)														
Grey Shirtings (8¼ lbs.)								84	78	73	74	81	80	78
Mule Twist, White, good, No. 40								87	87	75	75	88	83	81
" " Turkey red, No. 40 (12 lbs.)								94	85	85	78	77	69	69
" " Orange, No. 40—60								87	90	83	73	87	88	85
Copper, Sheathing								102	93	83	80	87	80	87
Iron, flat, bolt, bar and square								78	68	60	56	76	56	65
Spelter, hard								148	143	130	107	121	95	96
Hides, buffalo, slaughtered								75	104	75	69	96	93	88
Indigo, good								90	110	86	100	119	105	113
Jute, picked								125	160	147	153	169	148	140
Lacdye, fine								55	69	58	54	73	49	36
Shell Lac, fine orange								119	68	49	56	153	122	93
Linseed, fine bold clean								92	102	106	*Nil*	120	104	93
Rice, Bullam								135	159	166	259	153	103	97
Silk, raw, Cossimbazar								40	98	80	69	87	80	86
Tea, good Souchong								104	123	100	77	82	64	82
Wheat, Deodiah								78	96	104	100	109	92	92
Gold								102	103	105	109	110	115	115

* The values measured in silver in London have been calculated from the values in gold on the basis of the price of standard silver in London.

APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE V.—*Actual CAPITAL EXPENDITURE on STATE RAILWAYS in 1880-81, and estimated expenditure on such works in 1881-82 and 1882-83 and to the end of 1882-83.*

	Accounts, 1880-81.	1881-82, Regular Estimate.	1882-83, Budget Estimate.	To end of 1882-83.	Sanctioned outlay.	Balance remaining unspent.
	£	£	£	£	£	£
East Indian	418,435	1,035,000	485,000	11,675,000	...	...
Rajputana	277,338	309,450	468,930	8,235,000	8,235,000	...
Western Rajputana	458,669					
Sindia-Neemuch	77,828	52,700				
Neemuch-Nasirabad	363,436	264,300				
Sindia	53,118	35,000	20,000	889,000	889,000	...
Holkar	13,078	24,600	11,300	1,285,000	1,285,000	...
Wurdah Coal	13,331	16,130	15,500	609,000	609,000	...
Nagpur-Chattisgurh	204,403	242,020	97,160	926,000	1,037,460	111,460
Rangoon and Irrawaddy Valley	15,183	26,700	41,700	1,331,000	1,331,000	...
Rangoon and Sittang Valley	...	205,570	376,100	582,000	1,170,000	588,000
Northern Bengal	35,764	—7,700	1,500	2,103,000	2,103,000	...
Tirhoot	48,320	—18,300	28,450	604,000	604,000	...
Tirhoot Extension	5,496	317,900	316,750	642,000	600,000	—42,000
Patna and Gya	30,981	22,170	18,450	398,000	398,000	...
Nalhatti	—260	—860	—300	33,000	33,000	...
Calcutta and South-Eastern	8,508	—2,500	—2,450	677,000	677,000	...
Cawnpore-Farakhabad	106,895	20,267	5,000	330,000	330,000	...
Ghazipore-Dildarnagar	14,120	8,500	10,000	78,000	78,000	...
Muttra Hathras	—915	640	150	109,000	109,000	...
Muttra-Achneyra	40,870	20,710	...	67,000	67,000	...
Bareilly-Philibhit*	...	...	25,000	25,000	25,000*	...
Dhond and Manmad	—33,889	3,330	12,750	1,010,000	1,010,000	...
Indus Valley	280,290	321,950	262,175	6,993,000	6,993,000	...
Punjab Northern	617,826	120,600	34,700	4,569,000	4,569,000	...
Amritsur-Pathankot	...	20,000	180,000	200,000	450,000	250,000
Stores and Reserve	—76,770	—66,277	—55,165	155,000	...	—155,000
PRODUCTIVE PUBLIC WORKS outlay	2,553,620	1,936,900	1,867,700	31,850,000	32,602,460	752,460
Railways constructed wholly from ORDINARY FUNDS—						
Frontier Railways—						
Punjab Northern, Northern Section	1,021,508	1,093,200	152,500	2,605,000	...	..
Kandahar ... Upper section	380,440	—596,000	...	...	...	...
Kandahar ... Lower „	405,547	179,550	30,800	1,328,000	...	...
Stores and Reserve, &c.	466,120	—468,910	9,700	165,000	...	...
Bhopal	...	70,000	55,000	125,000	125,000	...
Sonarpur-Diamond-Harbour	12,152	100,000	88,800	201,000	235,980	34,980
Parbatipore-Dinagepore	...	25,000	60,000	85,000	119,108	34,108
Cawnpore-Farakhabad Extension*	...	...	100,000	100,000*	...	...
Jumna Bridge*	...	...	30,000	30,000*	...	...
Patri Salt Branch	...	...	...	82,000	90,000	8,000
Total ORDINARY ...	2,305,767	403,740	556,800	4,721,000	...	...
GRAND TOTAL ...	4,859,387	2,340,640	2,424,500	36,571,000	...	...

* Estimates not yet sanctioned.

APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE VI.—*Actual Capital Expenditure on works of Irrigation, &c., for which Capital and Revenue Accounts are kept, in 1880-81, and estimated Expenditure on such works in 1881-82, 1882-83, and to the end of 1882-83, &c.*

	1880-81, Actuals.	1881-82, Regular Estimate.	1882-83, Budget Estimate.	To end of 1882-83. Outlay against current sanctions.	Outlay against sanctions that have expired.	Total.	Estimated cost (current sanctions.)	Balance of current sanctions remaining to be spent.
	£	£	£	£	£	£	£	£
PRODUCTIVE PUBLIC WORKS—								
Orissa canals	45,059	52,500	60,600	2,035,700	...	2,035,700	1,969,900	...
Midnapore canal	23,045	20,000	29,800	821,900	...	821,900	824,900	3,000
Tidal canal	.	...	..	177,300	...	177,300	177,300	...
Sone canal	82,140	67,500	49,600	2,375,200		2,375,200	2,736,300	361,100
Ganges canal	20,541	30,000	51,100	658,800	1,982,900	2,641,700	991,300	332,500
Agra canal	2,926	5,000	7,400	792,500	...	792,500	800,800	8,300
Lower Ganges canal	172,882	(c)120,000	129,500	2,090,800	360,300	2,451,100	2,553,500	462,700
Eastern Jumna canal	(a)	5,000	12,000	81,700	197,600	279,300	146,600	64,900
Western Jumna canal	49,700	57,400	60,000	547,100	311,900	859,000	759,700	212,600
Bari Doab canal...	525	1,800	6,300	360,200	1,143,400	1,503,600	508,800	148,600
Other projects	217,632	287,800	490,900	..	...	5,126,800	...	.
TOTAL ...	614,450	647,000	897,200	...	...	19,064,100	...	...
IRRIGATION AND NAVIGATION WORKS—								
(Not classed as Productive Public Works)—								
Eastern Jumna canal	6,358	(b)	(b)	(b)	(b)	(b)	(b)	...
Other projects	208,599	214,000	203,400	...	...	3,244,000	...	...
TOTAL ...	214,957	214,000	203,400	...	...	3,244,000	...	...
GRAND TOTAL ...	829,407	861,000	1,100,600	...	...	22,308,100	...	..

(a) Shown under Irrigation and Navigation (b) Transferred to head Productive Public Works.
(c) Includes Rs. 1,00,000, additions sanctioned by the Government of India.

APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE VII.—*Gross Earnings, Working Expenses and Net Traffic Earnings of Guaranteed and State Railways to the end of 1880-81, with Regular Estimates for 1881-82 and Budget Estimates for 1882-83.*

	ACTUALS.					Regular Estimates, 1881-82.	Budget Estimates, 1882-83.
	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.		
GUARANTEED RAILWAYS.							
Open mileage at beginning of year	4,398	4,495	4,532	4,541	4,569	4,600	4,600
Gross earnings.	£	£	£	£	£	£	£
East Indian	...	...	...	...	†18,660	...	...
Eastern Bengal	387,680	512,204	478,168	534,503	564,194	645,000	610,000
Madras	913,924	1,175,479	713,611	693,419	657,887	660,000	660,000
South Indian	230,248	341,467	334,795	357,154	377,290	377,500	388,000
Bombay, Baroda and Central India	727,917	835,860	794,367	777,224	888,794	1,030,000	1,120,000
Great Indian Peninsula	3,009,666	3,737,727	3,221,746	2,717,443	2,865,799	3,500,000	3,400,000
Oudh and Rohilkund	403,302	629,316	552,706	472,410	514,783	550,000	500,000
Scinde, Punjab and Delhi	1,065,138	1,252,560	1,298,414	1,701,478	2,013,628	1,500,000	1,500,000
TOTAL ...	6,757,875	8,484,613	7,393,807	7,833,631	7,900,935	8,262,500	8,368,000
Working expenses.							
Eastern Bengal	185,568	203,438	240,713	283,034	295,698	345,000	352,500
Madras	625,623	819,082	551,076	458,984	460,256	460,000	480,000
South Indian	125,755	182,275	257,097	261,854	240,113	267,500	248,000
Bombay, Baroda and Central India	394,659	424,263	478,968	448,183	511,789	480,000	480,000
Great Indian Peninsula	1,652,220	1,961,167	1,855,875	1,763,100	1,661,983	1,700,000	1,750,000
Oudh and Rohilkund	258,958	429,913	323,254	318,341	307,584	355,000	375,000
Scinde, Punjab and Delhi	867,598	818,828	951,5[illegible]0	1,325,799	1,519,219	1,265,000	1,110,000
TOTAL ...	4,108,411	4,835,456	4,658,483	4,857,284	4,987,622	4,772,500	4,795,500
Net Traffic earnings.							
East Indian	...	...	...	...	†18,660	...	...
Eastern Bengal	202,052	308,766	237,455	251,469	268,496	300,000	257,500
Madras	288,301	356,397	162,535	229,435	197,631	200,000	180,000
South Indian	104,493	159,192	77,698	95,320	137,177	120,000	140,000
Bombay, Baroda and Central India	333,228	411,607	315,399	329,041	377,005	560,000	640,000
Great Indian Peninsula	1,357,446	1,776,560	1,365,871	954,334	1,203,836	1,800,000	1,650,000
Oudh and Rohilkund	146,404	199,403	229,452	154,069	207,199	195,000	215,000
Scinde, Punjab and Delhi	217,540	437,232	346,914	465,679	503,309	295,000	300,000
TOTAL ...	2,649,464	3,849,157	2,735,224	2,476,347	2,913,313	3,490,000	3,472,500
STATE RAILWAYS.							
EAST INDIAN RAILWAY.							
Open mileage at beginning of year	1,503	1,503	1,503	1,503	1,504	1,504	1,504
Gross earnings	4,116,900	4,809,785	4,405,367	4,611,878	4,252,841	4,600,000	4,346,400
Working expenses	1,652,231	1,797,288	1,861,906	1,516,487	1,482,316	1,490,000	1,686,400
Net Traffic earnings	2,464,669	3,012,497	2,543,461	3,095,391	2,770,525	3,110,000	2,660,000
Other State Railways							
Open mileage at beginning of year	683	806	1,287	2,014	2,489	3,030	3,310
Gross earnings.							
Rents of premises on account of the East Indian Railway realised in England	...	...	...	...	230	500	200
Rajputana and Western Rajputana (Northern Section).	239,349	261,434	} 330,077	{ 379,397	} 460,327	785,000	} 1,150,000
Western Rajputana (Southern Section)	...	...		17,244			
Holkar and Neemuch	39,272	62,666	93,511	120,392	151,622	200,000	
Sindia	...	1,319	10,812	10,556	22,280	32,500	35,000
Wurdah Coal	3,685	10,639	11,373	29,775	24,586	52,000	52,000
Punjab Northern	50,154	76,412	108,400	182,537	401,140	317,500	375,000
Indus Valley	...	...	113,921	385,633	682,027	520,000	530,000
Dhond and Manmad*	...	...	25,041	50,959	52,958	14,000	15,000
Nagpur and Chattisgarh	...	...	...	...	15,905	37,500	55,000
Rangoon and Irrawaddy Valley	...	62,876	97,561	108,523	141,146	153,000	162,000
Patna and Gya	...	...	...	33,984	49,829	51,500	52,500
Northern Bengal	...	17,111	109,289	146,781	170,325	199,000	195,000
Tirhoot	21,358	34,324	44,981	47,693	54,338	58,500	75,000
Calcutta and South-Eastern	9,775	12,816	12,509	13,548	14,667	15,500	20,000
Nalhati	8,098	9,130	8,531	9,392	6,732	6,400	6,650
Cawnpore and Furrukhabad	...	...	...	...	4,594	32,500	36,000
Muttra-Hathras	8,977	9,363	10,822	12,335	14,012	13,000	14,000
Muttra-Achneyra	...	...	...	...	...	2,000	3,[illegible]0
Ghazipore and Dildarnagar	...	...	...	...	1,788	4,000	4,200
TOTAL ...	380,668	557,890	976,828	1,546,728	2,269,135	3,485,400	3,778,350
Working expenses.							
Rajputana and Western Rajputana (Northern Section).	159,082	184,831	} 203,816	{ 247,289	} 319,157	465,000	} 640,000
Western Rajputana (Southern Section) ..	...	...		12,471			
Holkar and Neemuch	39,047	39,319	67,903	87,726	111,049	140,000	
Sindia	...	2,137	12,734	12,757	19,868	21,000	23,000
Wurdah Coal	3,658	7,043	11,104	29,733	44,676	44,500	40,000
Punjab Northern	45,958	70,499	86,506	176,473	306,008	296,000	280,000
Indus Valley	...	...	109,862	314,896	406,950	405,000	370,000
Dhond and Manmad*	...	...	24,569	57,412	47,016	..	...
Nagpur and Chattisgarh	...	...	...	...	11,435	27,500	46,000
Rangoon and Irrawaddy Valley	...	59,994	92,561	77,653	85,953	89,000	92,000
Patna and Gya	...	...	...	18,706	27,563	34,500	33,500
Northern Bengal	..	16,403	89,573	122,865	92,519	96,[illegible]20	100,000
Tirhoot	14,189	23,572	32,993	34,327	31,551	34,500	42,500
Calcutta and South-Eastern	12,820	8,226	−1,738	10,118	9,622	10,500	14,000
Nalhati	8,316	8,732	4,404	6,274	6,970	6,300	6,250
Cawnpore and Furrukhabad	...	...	...	...	2,894	20,000	21,000
Muttra-Hathras	4,919	5,251	5,996	6,581	7,971	9,500	11,000
Muttra-Achneyra	...	...	...	...	...	1,900	5,000
Ghazipore and Dildarnagar	...	...	...	...	2,318	3,500	3,600
TOTAL ..	287,988	426,006	740,373	1,315,231	1,607,528	1,715,700	1,740,850
Net Traffic earnings.							
Rents of premises on account of the East Indian Railway realised in England	...	...	...	...	230	500	200
Rajputana and Western Rajputana (Northern Section).	80,267	76,603	} 126,261	{ 132,158	} 141,170	320,000	} 500,000
Western Rajputana (Southern Section)	...	...		4,773			
Holkar and Neemuch	225	23,347	25,608	32,666	40,573	60,000	
Sindia	...	−818	−1,022	−2,201	3,012	9,500	12,000
Wurdah Coal	27	3,596	269	43	−20,092	7,500	12,500
Punjab Northern	4,196	5,913	21,894	6,063	94,532	21,500	95,000
Indus Valley	...	...	4,059	70,737	201,071	115,000	150,000
Dhond and Manmad*	...	...	473	−6,453	5,973	14,000	15,000
Nagpur and Chattisgarh	...	...	...	...	4,469	10,000	18,000
Rangoon and Irrawaddy Valley	...	2,882	5,000	30,870	55,193	64,000	70,000
Patna and Gya	...	...	...	15,258	22,265	17,000	20,000
Northern Bengal	...	709	19,716	23,916	77,806	94,000	95,000
Tirhoot	7,169	10,752	11,988	13,365	23,787	24,000	32,[illegible]0
Calcutta and South-Eastern	−3,045	4,390	14,247	3,430	5,646	−4,000	6,000
Nalhati	−217	398	4,037	3,118	−238	100	400
Cawnpore and Furrukhabad	...	...	...	...	1,700	12,500	15,000
Muttra-Hathras	4,058	4,112	4,826	5,754	6,041	3,500	3,000
Muttra-Achneyra	...	...	...	...	...	100	3,300
Ghazipore and Dildarnagar	...	...	...	...	−530	500	600
TOTAL ...	92,680	131,884	236,455	333,407	661,007	769,700	1,025,500

* The working of the line has been transferred to the Great Indian Peninsula Railway from 1st January 1881; the Government of India only gets percentage of the gross receipts.

† Balance of Stores belonging to the collieries borne on the Revenue books on 31st December 1879 omitted to be adjusted in 1879-80.

APPENDIX A—*contd.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE VIII.—*Gross Earnings, Working Expenses and Net Earnings of Works of Irrigation, &c., for which Capital and Revenue Accounts are kept, to end of 1880-81, with Regular Estimates for 1881-82 and Budget Estimates for 1882-83.*

	Actuals.					Regular Estimates, 1881-82.	Budget-Estimates, 1882-83.
	1876-77	1877-78	1878-79.	1879-80.	1880-81.		
PRODUCTIVE PUBLIC WORKS.	£	£	£	£	£	£	£
GROSS DIRECT REVENUE—							
Orissa canals ...	7,456	16,110	18,200	27,019	26,978	21,800	33,200
Midnapore canal ...	13,699	17,009	17,071	24,722	21,646	23,200	29,200
Tidal canal ,, ...	4,503	6,228	6,079	4,578	5,419	5,900	6,150
Sone canals ...	7,318	10,130	43,763	53,159	47,864	56,500	51,650
Ganges canal ...	220,154	250,453	261,114	290,564	180,289	190,000	200,000
Agra ,, ...	8,952	21,467	42,633	42,151	25,316	55,000	54,900
Lower Ganges canal ...	...	...	...	5,860	102,828	136,500	138,500
Eastern Jumna ,, ...	...	..	...	...	...	72,500	72,500
Western Jumna ,, ...	87,813	99,210	118,056	113,055	91,013	105,600	121,470
Bari Doab ,, ...	59,270	50,903	80,606	119,129	107,493	103,030	102,500
Other projects ...	16,038	25,372	25,748	26,904	30,269	84,300	33,600
TOTAL ...	425,201	502,882	613,270	708,041	639,144	803,730	843,770
INDIRECT REVENUE—							
Ganges canal ...	64,279	72,290	67,181	66,893	44,301	44,301	44,301
Agra ,, ...	...	4,509	...	...	...	...	...
Lower Ganges canal ...	...	...	...	...	20,783	20,783	20,783
Eastern Jumna ,, ...	...	...	...	...	...	22,153	22,153
Western Jumna ,, ...	38,593	37,376	10,037	27,583	90,761	5,800	5,800
Bari Doab ,, ...	4,679	11,903	17,736	...	70,400	25,890	28,300
Other projects ...	25,966	27,789	31,078	507,021	571,074	560,400	564,000
TOTAL ...	133,517	153,867	126,034	602,397	797,319	679,327	685,337
TOTAL DIRECT AND INDIRECT REVENUE—							
Orissa canals ...	7,456	16,110	18,200	27,019	26,978	21,800	33,200
Midnapore canal ...	13,699	17,009	17,071	24,722	21,646	23,200	29,200
Tidal ,, ...	4,503	6,228	6,079	4,578	5,419	5,900	6,150
Sone canals ...	7,318	10,130	43,763	53,159	47,864	56,500	51,650
Ganges canal ...	284,433	322,743	328,295	357,457	224,590	234,301	244,301
Agra ,, ...	8,952	25,976	42,633	42,151	25,316	55,000	54,900
Lower Ganges canal ...	...	...	...	5,860	123,011	157,283	159,383
Eastern Jumna ,, ...	...	...	...	..	...	94,653	94,653
Western Jumna ,, ...	126,406	136,586	128,993	140,638	181,774	110,400	127,270
Bari Doab ,, ...	63,949	68,800	98,344	119,129	177,893	128,920	130,800
Other projects ,, ...	42,002	53,161	56,526	534,825	601,343	594,700	597,600
TOTAL ...	558,718	656,749	740,204	1,310,438	1,436,463	1,483,057	1,529,107
WORKING EXPENSES—							
Orissa canals ...	21,466	21,6	23,909	36,777	30,607	26,040	32,000
Midnapore canal ...	17,128	20,382	17,282	15,440	18,922	19,631	22,000
Tidal ,, ...	1,243	3,056	2,318	4,328	2,559	3,673	3,000
Sone canals ...	19,950	25,21	37,051	35,731	47,257	46,310	49,200
Ganges canal ...	105,040	97,870	96,991	107,496	81,559	78,820	78,750
Agra ,, ...	11,613	15,702	18,859	21,684	20,651	22,500	21,460
Lower Ganges canal ...	...	...	450	7,071	40,992	49,100	53,730
Eastern Jumna ,, ...	...	...	...	...	...	17,040	20,450
Western Jumna ,, ...	38,937	41,873	51,436	48,624	37,343	41,580	44,720
Bari Doab ,, ...	55,365	42,398	41,543	46,415	38,792	49,320	46,180
Other Projects ...	92,605	86,239	91,710	140,785	106,791	99,800	130,900
TOTAL ...	363,356	364,458	381,550	459,251	425,473	452,814	502,420
NET REVENUE—							
Orissa canals ...	−14,010	−5,497	−5,709	−8,858	−3,629	−4,240	1,200
Midnapore canal ...	−3,429	−3,373	−212	9,282	2,724	3,569	7,200
Tidal ,, ...	3,260	3,172	3,761	350	2,890	3,327	3,150
Sone canals ...	−12,641	−15,111	6,712	17,428	607	10,190	2,450
Ganges canal ...	179,393	224,873	231,304	249,961	143,031	155,481	165,551
Agra ,, ...	−2,661	10,184	23,774	20,467	4,665	32,500	33,440
Lower Ganges canal ...	...	...	−450	−1,211	82,619	108,183	105,653
Eastern Jumna ,, ...	...	...	...	...	...	77,613	74,303
Western Jumna ,, ...	87,469	94,713	77,557	97,014	144,431	69,220	82,550
Bari Doab ,, ...	8,584	16,408	56,8 1	72,714	139,100	79,600	84,620
Other projects ...	−50,603	−33,078	−34,884	394,040	494,552	494,900	466,700
TOTAL ...	195,362	292,291	358,654	851,187	1,010,990	1,030,243	1,028,697
IRRIGATION AND NAVIGATION WORKS. (*Not classed as Productive Public Works*)							
GROSS DIRECT REVENUE—							
Eastern Jumna canal ...	56,541	57,563	63,198	85,127	74,113	...	...
Other projects ...	29,596	19,353	23,908	24,426	38,936	39,200	43,800
TOTAL ...	86,137	76,916	87,106	109,553	113,049	39,200	43,800
INDIRECT REVENUE—							
Eastern Jumna canal ...	22,153	22,680	22,153	22,153	22,153	...	...
Other projects ...	123,480	125,987	134,131	74,370	199,144	177,300	188,600
TOTAL ...	145,633	148,667	150,284	96,523	221,297	177,300	188,600
TOTAL DIRECT AND INDIRECT REVENUE—							
Eastern Jumna canal ...	78,694	80,243	85,351	107,280	96,266	...	...
Other projects ...	153,076	145,340	158,039	98,700	238,080	216,500	232,400
TOTAL ...	231,770	225,583	243,390	209,076	334,346	216,500	232,400
WORKING EXPENSES—							
Eastern Jumna canal ...	21,474	20,357	20,415	19,502	19,001	...	...
Other projects ...	108,489	109,822	95,925	118,995	97,251	118,200	108,800
TOTAL ...	129,963	130,179	116,340	138,497	117,152	118,200	108,800
NET REVENUE—							
Eastern Jumna canal ...	57,220	59,886	64,936	87,778	76,885	...	...
Other projects ...	44,587	35,518	62,114	−20,199	140,829	98,300	123,600
TOTAL ...	101,807	95,404	127,050	67,579	217,194	98,300	123,600

APPENDIX A—*concld.*

COMMERCIAL AND FINANCIAL STATISTICS.

TABLE IX.—*Statement showing the true financial results to the revenues of India of the guarantee of interest upon the Capital of the Guaranteed Railway Companies, excluding the East Indian Railway Company.*

	1874-75.	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.	1881-82. Original Estimate.	1881-82. Regular Estimate.	1882-83, Estimate.
Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.
Open mileage to end of official year ...	4,093	4,308	4,495	4,532	4,541	4,558	4,600	4,593	4,600	4,667
	£	£	£	£	£	£	£	£	£	£
Gross Earnings	5,104,172	5,782,089	6,757,875	8,484,613	7,393,807	7,333,631	7,882,275	7,490,000	8,262,500	8,268,000
Working expenses	3,123,810	3,321,802	4,108,411	4,835,456	4,658,483	4,857,284	4,987,622	4,760,000	4,772,500	4,795,500
Percentage of working expenses on earnings	61·20	57·45	60·79	56·99	63·01	66·23	63·28	63·5	57·76	58·01
Net traffic earnings	1,980,362	2,460,287	2,649,464	3,649,157	2,735,324	2,476,347	2,894,653	2,730,000	3,490,000	3,472,500
Net gain by the remittance to England of Capital receipts and disbursements in India at the contract rates of exchange instead of at the average yearly rates obtained for the Secretary of State's bills ...	65,901	19,257	...	...	...	...	...	...	...	44,300
Total Revenue ...	2,046,263	2,479,544	2,649,464	3,649,157	2,735,324	2,476,347	2,894,653	2,730,000	3,490,000	3,516,700
Gross guaranteed interest paid in India ...	24,453	22,001	14,544	13,463	10,486	9,095	7,447	4,870	6,290	5,700
Ditto ditto in London* ...	3,125,534	3,142,253	3,157,152	3,157,301	3,200,825	3,241,047	3,254,504	3,267,000	3,265,000	3,290,000
Total guaranteed interest (sterling payments converted at the average exchange of the year)	3,403,207	3,505,653	3,911,644	3,659,307	3,866,311	3,907,974	3,824,152	3,926,000	3,934,290	3,952,500
Surplus paid to Railway Companies ...	11,424	86,674	79,735	248,436	204,716	97,829	91,619	165,500	233,500	449,500
Land and supervision	45,088	83,176	40,756	48,414	45,777	45,720	57,612	75,200	85,600	92,340
Interest on Revenue balances	15,461	10,912	15,918	1,091	1,525	1,344	1,216	1,500	1,800	1,860
Net loss on receipts and disbursements of Capital in India calculated in the same way as the gain	...	...	9,544	7,018	62,044	63,285	69,046	38,600	28,830	...
Total Expenditure ...	3,475,370	3,696,414	4,057,397	3,960,168	4,271,373	4,116,163	4,034,646	4,206,700	4,374,010	4,483,150
Net Expenditure from the Public Treasury	1,429,107	1,216,870	1,407,933	311,011	1,536,049	1,639,816	1,139,993	1,476,700	884,010	966,450
Net Revenue	...	...	...	...	...	...	...	...	...	...

* With the exception of the figures in this line which are true sterling figures, all the amounts in this table are in rupees converted into the conventional sterling of the account by the removal of one digit to the right.

APPENDIX B.

No. 1438, dated 8th March 1882.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read again—

Despatch from Her Majesty's Secretary of State for India, No. 261, dated 17th July 1879, paragraph 50.

Memorandum from Mr. T. C. Hope, C.S., dated August 1879.

Despatch to Her Majesty's Secretary of State for India, No. 81, dated 25th February 1880, paragraphs 17 and 18.

Despatch from Her Majesty's Secretary of State for India, No. 101, dated 25th March 1880, paragraph 3.

Financial Statement for 1880-81, paragraph 210.

Despatch from Her Majesty's Secretary of State for India, No. 259, dated 5th August 1880, paragraph 65.

Accounts and Finance Proceedings, July 1880, Nos. 677 to 740.

Despatch to Her Majesty's Secretary of State for India, No. 173, dated 1st July 1881.

Ditto	from	ditto	ditto,	No. 334, dated 10th Novr. 1881.
Ditto	to	ditto	ditto,	No. 306, dated 12th Decr. 1881.
Ditto	from	ditto	ditto,	No. 10, dated 12th Jany. 1882.

RESOLUTION.—The importance of increasing the portion of the Indian debt in silver, which is actually held in India, so as, on the one hand, to diminish the necessity for sterling loans, or rupee loans fed by funds from Europe, and, on the other, to afford to the masses of the people a mode of investment of their savings more profitable to themselves and to the community at large than the hoarding of coin or ornaments, depositing with small bankers, and petty private money-lending now usually resorted to, has long pressed itself on the attention of the Government of India. In 1877 the issue of local loans for particular works was advocated in the Council of the Governor General for making Laws and Regulations, and has since been partially commenced by the debenture loans started in 1879-80. In the autumn of 1879, a scheme, based on a consideration of the American "Refunding Certificates," established in 1870, and of the system of the French "Rentes," was laid before the Government of India. The scheme contemplated the issue of certificates and notes of small amount, the former to be for Rs. 12½, Rs. 25, and Rs. 50, the latter for Rs. 100 and Rs. 250, both transferable by delivery. The rate of interest was to be 4 per cent., payable to bearer.

2. The scheme was circulated to Local Governments, and by them to selected officers all over India. The Financial Department also consulted its principal authorities, and a sketch of the scheme was communicated to the public press. Official opinion was naturally much divided, the principal doubt expressed being whether a rate of interest not exceeding 4 per cent. was sufficient to attract petty sums in the mofussil, but some of the highest authorities approved of the proposal. The public press was without exception in favour of a trial of the scheme.

3. In any consideration of the probable success, or otherwise, of such a scheme, it must be premised, and distinctly borne in mind, that the masses of the people in the mofussil, and not the monied, investing, or speculating classes of the Presidency and other principal towns, are those to whom it is addressed, and whom it is intended to benefit, by fertilising petty savings and encouraging accumulation. If the notes proposed were to be issued at a rate higher

APPENDIX B—*contd.*

than 4 per cent., there can be no reasonable doubt that they would, at once, be appropriated by the monetary world, instead of by the classes in the mofussil for whom they are designed, while, at the same time, the general borrowing power of the State would be prejudiced to the extent of the excess. On the other hand, many of the officers to whom the scheme was referred have urged that those in the mofussil who have any savings at all invest them far more profitably than they could in these Notes. It is reported, for instance, that savings are employed in agricultural stock, land, houses, petty trades, and supply of "secondary wants." So far as this may be the case anywhere, it is a subject of unmixed satisfaction. But the object to which savings are usually said to be devoted is money-lending, and the interest received is stated at various rates from 12 to 76 per cent. That money generally yields in the mofussil any such profit, appears open to considerable doubt, in view of the evidence which has, on other occasions, been adduced to show how little of his advances and his nominally high interest the money-lender in many cases actually recovers, and at what worry and risk his business is often carried on. It appears safe to assume that the *average* profits are far below popular estimate, though some individuals may be pressed to the full extent to make up for the default of others. In any case, however, the fact that there is a considerable amount of money in the hands of certain classes which is now to be had at about 4 per cent., may be held to be proved by (1) the statements to that effect in the present reports by many officers; (2) the increase of the Savings Bank deposits from one crore in 1869-70 to nearly three crores in 1881; and (3) the small effect upon those deposits produced by the reduction of the rate of interest to $3\frac{3}{4}$ per cent. which was carried out on the 1st June last. His Excellency the Governor General in Council sees no reason to doubt that the increased facilities which the proposed notes offer will, notwithstanding the low rate of interest, attract much money now risked or lost in various ways. With legitimate money-lending and sound agricultural advances the Government of India have no desire to interfere; nor are the notes at all likely to do so. But if the agriculturist can be relieved from the temptations to reckless borrowing to which he is exposed in consequence of the increase, caused by general prosperity, in the amount of capital for employment and of money-lenders competing with each other, and if thrift, together with safe and profitable investment, can be encouraged, a great benefit will have been conferred on the population at large. Under these circumstances His Excellency the Governor General in Council has decided that the proposal to issue "Stock Notes" (as they will hereafter be called) shall be carried into effect. His Excellency is well aware that it is of the nature of an experiment, and will place no undue reliance upon it for financial purposes, but considers that as an experiment, it is well worthy of a fair trial, since it cannot, under careful issue, do any harm, and it must prove beneficial even though it should progress in popular appreciation with no greater rapidity than the Savings Banks have done.

4. The following are the principal features of the scheme, as finally matured:—

(1) With the object of affording greater facilities for the investment of small sums at interest, the Government of India have determined to issue a new kind of security termed "stock notes."

(2) Stock notes will be of four denominations, *viz.*, Rs. $12\frac{1}{2}$, Rs. 25, Rs. 50, and Rs. 100.

(3) Stock notes will be issued at par, and will bear interest at the rate of 4 per cent. per annum.

(4) Stock notes will be transferable from hand to hand without endorsement, or any other formality whatever, the purchaser, presumably, paying to the vendor the interest accrued up to date of transfer. The amount of interest accruing monthly on each note will. for the convenience and security of the public, be stated on the face of it.

(5) The interest payable on stock notes will be free from taxation of every description.

(6) In order to obviate inconvenience to landowners from the collection and payment of land revenue, stock notes may be deposited at

APPENDIX B—*contd.*

the Government treasury where such revenue is payable, and the interest thereon will be credited, as it falls due, to the land revenue account of the depositor. The notes will be returned and the arrangement terminated whenever the depositor so desires. The interest on coupons, if they are presented undetached from the stock note to which they belong, will also be credited, when it has become due, in payment of land revenue and State demands of all kinds.

(7) Stock notes will appertain to certain circles of issue, and the value of the note and amount of interest accruing monthly will be stated thereon in the vernacular languages of the circle, as in the analogous case of currency notes.

(8) Stock notes will be obtainable on demand at all district, subdivisional, and tahsildars' or similar subordinate treasuries. Notes of any of the three lower denominations will also be exchangeable at such treasuries for their equivalent in notes of the higher denominations. Arrangements will be matured hereafter, as circumstances permit, for the sale of notes by stamp and other licensed vendors, and at post offices.

(9) A commission of 1 per cent. on actual sales will be allowed to all persons, whether in the service of Government or not, who are charged with the sale of notes of the three lower denominations. On the sale of notes of the higher denomination, no commission will be paid, except in special cases.

(10) Notes of the three lower denominations, *viz.*, Rs. 12½, Rs. 25, and Rs. 50, will be in Form A, subjoined hereto. Interest will be payable annually, on presentation of the note, on or after the dates specified thereon, at *any* of the treasuries described in clause 8 which is situated within the circle to which the note belongs. The transfer of payment of interest from one circle to another will not ordinarily be allowed. On the first presentation the disbursing officer will himself cut off, and retain as a voucher for the debit in his accounts, the coupon or portion of the note relating to the first payment of interest; and on subsequent presentations he will similarly cut off and retain the succeeding coupons. On presentation of the final or principal portion of the note he will retain it, and issue to the holder a new note, which will similarly run for a fresh series of years; and so on, unless the note shall have been advertised for repayment. No note will be discharged within twenty years from the date of issue thereof, or without six months' previous notice of intention to discharge.

(11) Notes of the higher denomination, *viz.*, Rs. 100, will be in Form B, subjoined hereto. Interest will be payable annually, on presentation of the note, on or after the dates specified thereon, at any of the treasuries aforesaid. The disbursing officer will himself cut off, and retain as a voucher, the coupon relating to the period for which interest is due. Notes must in this case, as under clause 10, be presented intact, and the proper portion will be cut off by the disbursing officer. On the tenth presentation the note itself will be retained, and a new note, with nine coupons attached, will be issued in its place, to run for a fresh term of years; and so on, subject, however, to the power to discharge, as stated in clause 10.

5. From the above statement it will be seen that stock notes differ from the ordinary Government securities in several important particulars. They will be under three disabilities or disadvantages, in comparison with them, namely, (1) the denominations will be of small amount, (2) the interest will be payable yearly instead of half-yearly, and (3) the notes will not be enfaceable to Europe. On the other hand, they will have three recommendations: th e notes themselves and the accrued interest will be readily obtainable at all treasuries, they will be transferable by simple delivery, and they will be exempt from all liability to tax-

APPENDIX B—*contd.*

ation. With reference to the last point it may be explained that the exemption is principally based on the practical impossibility of levying accurately and without risk of abuses any impost on the petty amounts to be paid as interest, the difficulty in keeping accounts of such an item with the vast number of agencies through whom Stock Notes will issue, and the vexatious complications in transfers which would be created thereby. Comparing Stock Notes with Savings Banks, the investor in the latter has the security of a booked account, and of realising whenever he pleases, without the necessity of finding a purchaser, but he has to attend at a Government office, he receives interest a quarter per cent. lower, and that interest runs on his minimum monthly balance only. The balance of these advantages and disadvantages, and the extent to which the value of Stock Notes will be affected thereby, can be determined by experience alone; but if the result should, in the interior at least, be a condition of equilibrium, or circulation at par, it would be more convenient for purposes of account, and more suited to the mofussil and the masses of the people, than transfer at a fluctuating market rate.

6. It is not possible at present to specify the date when Stock Notes, which are now being manufactured under the supervision of the Bank of England, will be available at all Treasuries for purchase by the public, but definite information on this point will be published as soon as it is received. Probably the arrangements will not be complete until about the end of the month of June next. In the event, however, of banks or syndicates desiring to obtain, on the terms as to commission specified in clause (9) of paragraph 4, notes in large quantities for *bonâ fide* issue in the mofussil of any Province through private agency, special communication may at any time be made by letter, with sufficient references, to the local Accountants General or Controllers, or to the Financial Secretary to the Government of India, and special arrangements for supplying them immediately on the arrival of the notes from England may be effected.

ORDERED, that this Resolution be communicated to the Comptroller General and the several Accountants General for information, and to the Local Governments and Administrations for information and for publication in the local official Gazettes in English and such vernacular languages as they may deem fit.

T. C. HOPE,

Secretary to the Government of India.

APPENDIX B—*contd.*

Form A.

INDIA STOCK NOTE, 1882.

25 *TWENTY-FIVE Rupees.* 25

عـــه پچیس روپیه पचिस रुपेया। २५

२५ পঁচিশ টাকা। પચિસ રૂપેઆ ૨૫

E/15 92844 *Calcutta Circle.* E/15 92844

Interest 16 pies monthly, payable February 1st, 1886.

١٦ پائي سود ماهانه پہلي فبروري سنه ١٨٨٦ ع کو دیا جائیگا '

মাসিক ১৬ পাই হিসাবে সুদ, ১৮৮৬ সালের ১লা ফেবরুয়ারি তারিখে দেওয়া যাইবে।

१६ पाइ सुद माहाना पहली फ़ेबरवरी १८८६ को दिया जायेगा।

૧૬ પાઈ સૂદ માહાના પહલી ફેવરવરી ૧૮૮૬ કો દીઆ જાએગા

E/15 92844 *Calcutta Circle.* E/15 92844

Interest 16 pies monthly, payable February 1st, 1885.

١٦ پائي سود ماهانه پہلی فبروري سنه ١٨٨٥ ع کو دیا جائیگا '

মাসিক ১৬ পাই হিসাবে সুদ, ১৮৮৫ সালের ১লা ফেবরুয়ারি তারিখে দেওয়া যাইবে।

१६ पाइ सुद माहाना पहली फ़ेबरवरी १८८५ को दिया जायेगा।

૧૬ પાઈ સૂદ માહાના પહલી ફેવરવરી ૧૮૮૫ કો દીઆ જાએગા

E/15 92844 *Calcutta Circle.* E/15 92844

Interest 16 pies monthly, payable February 1st, 1884.

١٦ پائي سود ماهانه پہلي فبروري سنه ١٨٨٤ ع کو دیا جائیگا '

মাসিক ১৬ পাই হিসাবে সুদ, ১৮৮৪ সালের ১লা ফেবরুয়ারি তারিখে দেওয়া যাইবে।

१६ पाइ सुद माहाना पहली फ़ेबरवरी १८८४ को दिया जायेगा।

૧૬ પાઈ સૂદ માહાના પહલી ફેવરવરી ૧૮૮૪ કો દીઆ જાએગા

E/15 92844 *Calcutta Circle.* E/15 92844

Interest 16 pies monthly, payable February 1st, 1883.

١٦ پائي سود ماهانه پہلي فبروري سنه ١٨٨٣ ع کو دیا جائیگا '

মাসিক ১৬ পাই হিসাবে সুদ, ১৮৮৩ সালের ১লা ফেবরুয়ারি তারিখে দেওয়া যাইবে।

१६ पाइ सुद माहाना पहली फ़ेबरवरी १८८३ को दिया जायेगा।

૧૬ પાઈ સૂદ માહાના પહલી ફેવરવરી ૧૮૮૩ કો દીઆ જાએગા

APPENDIX B—*concld.*

Form B.

INDIA STOCK NOTE, 1882.

100 *ONE HUNDRED Rupees.* 100

ایک سو روپیہ ایک سو روپیہ

एक शत टांका। एक सौ रुपैया १००

F/12 00981 *Calcutta Circle.* F/12 00981

Interest 4 rupees annually, payable February 1st.

سود سوا روپیہ چہارم فروری کو دیا جائیگا،

वार्षिक ४ टांका हिसाब सूद, १ला फेब्रुवारि तारिख देखा जाईल।

४ रुपैया सूद साखाना पहली फ़ेबरवरी को दिया जायेगा।

૪ ચાર રૂપેયા સૂદ સાલાના પહેલી ફેબરવરી ઉપર આપીશ ૧૯૯૧

F/12 00981 Interest 4 rupees, February 1st, 1891.
सुद ४ रुपैया—१पहली फ़ेबरवरी, सन १८९१।

F/12 00981 Interest 4 rupees, February 1st, 1890.
सुद ४ रुपैया—१पहली फ़ेबरवरी, सन १८९०।

F/12 00981 Interest 4 rupees, February 1st, 1889.
सुद ४ रुपैया—१पहली फ़ेबरवरी, सन १८८९।

F/12 00981 Interest 4 rupees, February 1st, 1888.
सुद ४ रुपैया—१पहली फ़ेबरवरी, सन १८८८।

F/12 00981 Interest 4 rupees, February 1st, 1887.
सुद ४ रुपैया—१पहली फ़ेबरवरी, सन १८८७।

F/12 00981 Interest 4 rupees, February 1st, 1886.
सुद ४ रुपैया—१पहली फ़ेबरवरी, सन १८८६।

F/12 00981 Interest 4 rupees, February 1st, 1885.
सुद ४ रुपैया—१पहली फ़ेबरवरी, सन १८८५।

F/12 00981 Interest 4 rupees, February 1st, 1884.
सुद ४ रुपैया—१पहली फ़ेबरवरी, सन १८८४।

F/12 00981 Interest 4 rupees, February 1st, 1883.
सुद ४ रुपैया—१पहली फ़ेबरवरी, सन १८८३।

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION BRANCH.

IRRIGATION OPERATIONS IN BENGAL FOR 1881-82.

Areas leased for Irrigation up to end of December 1881.

Circle.	District.	Canal.	Supply of Water in the Canals. Estimated full discharge in cubic feet per second.	Average discharge in cubic feet per second throughout the month.	Estimated discharge utilised.	Kharif. Five-year leases. Leased in December 1881.	Five-year leases. Leased up to end of December 1881.	Five-year leases. Total, inclusive of unexpired leases of previous years.	Three-year leases. Leased in December 1881.	Three-year leases. Leased up to end of December 1881.	Three-year leases. Total, inclusive of unexpired leases of previous years.	Annual leases. Leased in December 1881.	Annual leases. Leased up to end of December 1881.	Rabi. Three-year leases. Leased in December 1881.	Three-year leases. Leased up to end of December 1881.	Three-year leases. Total, inclusive of unexpired leases of previous years.	Annual leases. Leased in December 1881.	Annual leases. Leased up to end of December 1881.	Sugarcane. Leased in December 1881.	Sugarcane. Leased up to end of December 1881.	Grand Total. Kharif.	Grand Total. Rabi.	Grand Total. Sugarcane.	Grand Total. Total.	Grand total of the corresponding month of last year.	Rainfall. Inches during the month.	Rainfall. Inches during 1881-82.	Rainfall. Average of the ten previous years of the same period.	Remarks.
			c. ft.	c. ft.	c. ft	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Ins.	Ins.	Ins.	
Orissa	Cuttack	Kendrapara	1,269	239·40	...	...	...	40,081	53	5,891	11,766	...	...	...	...	...	...	3,940	...	93	51,847	3,940	93	55,880	47,130	0·00	68·15	0·22	
		Paramoondee	1,043	32·90	...	...	...	11,272	...	553	719	...	...	...	...	...	...	525	...	...	11,991	525	...	12,516	12,486				
		High Level, Section I	675	171·07	...	...	...	13,587	109	296	616	...	...	...	...	...	14	95	...	2	14,203	98	2	14,303	14,246				
		Taldanda	1,300	0·00	...	...	...	10,076	...	2	278	...	...	...	...	...	23	350	...	38	10,554	350	38	10,742	10,697				
		Marchgong	830	0·00	...	...	...	25,269	...	209	3,069	...	...	...	...	...	...	474	...	78	28,338	474	78	28,890	28,459				
	Balasore	High Level, Section II	727·16	0·00	...	...	...	304	5	5	1,176	...	...	...	...	...	...	2	...	56	1,380	2	56	1,438	1,391				
	Total of the month		...	...	...	...	...	100,489	167	6,961	17,634	...	...	...	...	...	37	(a)5,359	...	(b)267	118,113	5,399	267	123,769	114,409	...	...	...	
	Total of the corresponding month of previous year		...	...	...	...	264	101,463	198	7,889	7,888	...	...	...	...	...	...	4,887	...	171	109,351	4,887	171	114,409	...	...	...	...	
South-Western	Midnapore	Midnapore	875	156	...	...	−1,194	90,420	...	−1	75	...	...	...	...	...	...	...	...	...	90,495	...	...	90,495	89,317	0·24	66·77	*52·40	
	Howrah	Panchkoorah	300	41	...	...	1,421	13,337	...	−193	30	...	...	...	...	...	...	...	...	...	13,367	...	...	13,367	11,111	0·58	79·05	50·49	
	Total of the month		...	...	...	...	227	103,757	...	−194	105	...	...	...	...	...	...	...	...	...	103,862	...	...	103,862	100,428	...	...	...	
	Total of the corresponding month of previous year		...	...	...	386	1,569	100,129	...	240	299	...	...	...	...	...	...	...	...	...	100,428	...	...	100,428	...	...	...	...	
Sone	Shahabad	Western Main	4,343	1,084	1,084	...	165	29[illegible]	...	...	...	...	3,715	...	...	...	1,465	1,465	...	1,215	4,010	1,465	1,215	6,690	10,180	...	...	...	
		Buxar				...	2,094	2,094	...	...	...	...	11,042	...	...	...	1,705	1,705	...	4,237	13,136	1,705	4,237	19,078	28,374				
		Arrah	1,620	566	566	3,731	25,363	30,409	...	...	6,995	...	15,047	...	...	3,347	6,313	6,313	...	7,522	52,442	9,660	7,522	69,624	71,782	...	...	...	
	Patna and Gya	Eastern Main	1,466	499	499	...	...	...	...	...	...	...	151	...	...	...	15	15	...	15	151	15	15	181	626	...	...	...	
		Patna				1,012	5,679	5,879	...	...	...	...	6,971	...	...	...	2,423	2,423	31	1,059	12,860	2,423	1,059	16,331	19,144	...	...	...	
	Total of the month		...	...	...	4,743	33,521	38,673	...	...	6,995	...	36,930	...	...	3,347	11,920	11,920	31	14,048	82,589	15,267	14,048	111,904	138,106	...	...	...	
	Total of the corresponding month of previous year		...	...	...	315	1,247	1,247	...	−2,140	2,280	...	96,417	...	560	4,352	13,531	13,531	117	13,279	106,944	17,983	13,279	138,106	...	...	...	...	
	Grand total of the month		...	...	...	4,743	33,758	212,919	167	6,767	24,715	...	36,930	...	...	3,347	11,957	17,309	31	14,315	304,564	20,656	14,315	339,535	352,943	...	...	...	
	Grand total of the corresponding month of previous year		...	...	...	701	3,[illegible]90	202,839	198	5,988	17,467	...	96,417	...	560	4,352	13,531	18,418	117	13,450	316,723	22,770	13,450	352,943	...	...	...	...	

* A deduction of 84 acres has been made, it having been found unirrigable.
(a) Exclusive of 11 acres leased prior to 1st April last.
(b) Exclusive of 1 acre under Matongoug Canal leased prior to 1st April last.

G. F. E. S. NEILL, *Major, M.S.C.*,
Asst. Secy. to the Govt. of Bengal.
in the P. W. Dept., Irrigation Br.

CALCUTTA,
The 10th February 1882.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 7th MARCH 1882.

GENERAL REMARKS.—There has been slight rain during the week in a few districts of Madras and Bengal, in two districts of the North-Western Provinces and Oudh, in three districts of the Punjab, and generally in Assam. General prospects continue much the same as in the preceding week.

The spring crops promise a favourable harvest in the Punjab, and are being reaped in the Central Provinces and Bengal with a fair average outturn, excepting in a few places in the latter Province. In the North-Western Provinces and Oudh the yield on unirrigated lands in the central tract will probably be light. In the Bombay Presidency the *rabi* harvest has been completed in some districts and is still progressing in others, as well as in Berar.

In the Madras Presidency standing crops are in need of water in some parts. In Mysore the sugarcane and *vaisakh* paddy, the only standing crops of importance, are suffering from scarcity of water, but prospects are reported to be generally fair, prices being steady and pasturage sufficient.

No remarks seem necessary regarding other Provinces, and the Native States, except that scarcity of water is felt in the Nizam's Territories.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—		
Bellary ...	...	Standing crops, wet generally good, dry withering in parts; harvest wet and dry grains; sugarcane yield below average; fever and small-pox in parts.
Kurnool ...	...	Standing crops dry generally good; harvest dry grains, outturn below average; cattle disease in three taluks.
Ganjam ...	52 average of two stations.	Gingelly and cotton thriving.
Kistna ...	...	Standing crops good; harvest dry grains, chillies and oil-seeds, outturn below average; ague, small-pox and cattle disease in parts; cholera in one town.
Chingleput (Madras) ...	...	Standing crops under larger tanks and river channels in good condition, elsewhere backward; harvest paddy, outturn below average; agricultural operations progressing; fever and cattle disease in parts; cholera abating.
Coimbatore ...	...	Standing crops wet generally good; dry in parts suffering from want of rain and from insects; harvest wet and dry grains, outturn poor; fever and cholera in parts.
Tanjore ...	·55 one station.	Standing crops good; harvest wet and dry grains, outturn below average; cholera in parts but much less severe.
Madura ...	·12 one station.	Standing crops wet suffering from blight and deficient water-supply in parts; harvest paddy, yield poor; cholera in parts.
Malabar ...	...	Fever, small-pox and cattle disease in parts; a few cases of cholera.
Travancore ...	·06	Harvest paddy progressing; fever exists. *General Remarks.*—No rain except in Ganjam, Tanjore, Madura and Travancore; general prospects good.
Bombay—(March 8th)		
Kurrachee ...	...	Fever in five talukas; river on 1st 4¾ feet against 1¼ feet on same date last year; *rabi* crops coming into ear in places; wheat, red rice and *bajri* in Karachi 22, 40 and 38, in Kotri 26, 38 and 50, in Ghorabari 17, 46 and 54, in Shahbandar 18, 44 and 60, in Sakro 16, 40 and 56, in Sehwan 28, 44 and 48, and in Manjhand 24, 44 and 48 pounds per rupee, respectively.
Hyderabad ...	...	*Rabi* crops have suffered from frost; slight fever in nine talukas; cattle disease in Talkabad; wheat 23, *jowari* 48, *bajri* 46, red rice 34 and white rice 22 pounds per rupee, respectively.
Ahmedabad ...	...	*Rabi* harvest progressing; health good; wheat 30 pounds, and *bajri* 33 pounds per rupee.
Baroda ...	...	*Rabi* crop and public health good; prices: *bajri* 30 and common rice 24 pounds per rupee.
Surat ...	...	Wheat and cotton being harvested; fever in Pardi; *jowari* 40 and *nagli* 52 pounds per rupee.
Násik ...	...	Reaping of *rabi* crops completed in places; public health generally good; *bajri* 47, wheat 31 and *jowari* 67 pounds per rupee.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bombay—*contd.*		
Colaba (Bombay) ...	...	Average abnormal temperature 2° cool; abnormal wind northerly and dry on 3rd.
Poona ...	...	Harvesting *rabi* crops nearly completed; average prices: *bajri* 49 and *jowari* 62 pounds per rupee; in Poona bazar, *bajri* 41 and *jowari* 52 pounds per rupee.
Ahmednagar ...	...	Harvesting of *rabi* finished throughout the district, except in Rahuri, Sheogaon and Nagar; *jowari* maximum 102 pounds in Jhamkhed, minimum 66 in Koperguon; *bajri* 66 pounds in Jamkhed, 51 in Nagar.
Sholapur ...	...	*Rabi* harvest continues; *jowari* 74 pounds 32 tolas, and *bajri* 63 pounds 10 tolas per rupee.
Dharwar ...	...	Wheat and gram being reaped; cotton-picking in progress; *rabi* and *jowari* withering in Navalgund; scarcity of drinking water in Navalgund, Gadag, Hangal and Karajghi, Kalghatghi and Kod; public health generally good; slight cattle disease in two talukas; rice 23 and *jowari* 61 pounds per rupee.
Kanara ...	...	Slight fever prevails in some talukas; cattle disease in Akola and Zellapur; second crop grain healthy and garden crops favourable; common rice in Karwar 17 seers, in district average 17½ seers per rupee.
Rajkot ...	...	Weather cool; fever in some places and small-pox in Songad; *bajri* 29 and *jowari* 35 pounds per rupee.
		General Remarks.—*Rabi* harvest completed in some districts, in progress in others; scarcity of drinking water in parts of Dharwar continues; fever and cattle disease disappearing; prices generally steady.
Bengal—(March 7th)		
Chittagong ...	*Nil*	Weather seasonable; prospects and yield of crops good; prices stationary; small-pox still prevails; general health good.
Dacca ...	0·12	State and prospects of crops generally satisfactory; more rain wanted; cultivation of *aus* and *amun* paddy and of jute commenced; public health good.
24-Pergunnahs (Alipore)	*Nil*	Harvesting of winter crops going on; outturn fair; lands being prepared for early and *amun* crops; public health generally good; cholera reported from the Baraset Sub-Division.
Moorshedabad ...	0·04	The late heavy rain and hail have done some mischief to the standing winter crops and the mango-crop; except a few cases of cholera here and there, the health of district generally good.
Rajshahye ...	*Nil*	Weather getting hot; rain urgently wanted; outturn of spring crops good; *boro* paddy being transplanted; fever prevalent; a few cases of cholera reported.
Burdwan ...	*Nil*	Weather hot; *rabi* crops being harvested; cholera still reported.
Rungpore ...	*Nil*	Weather seasonable; prospects of crops favourable; public health good.
Bhagulpore ...	*Nil*	Prospects of crops good; cases of cholera and small-pox in the town.
Purneah ...	0·03	Tobacco and linseed being cut, outturn 10 annas; all crops improved by rain; ploughing going on; sporadic cholera in nearly every thana.
Patna ...	*Nil*	Prospects of *rabi* crops good; public health good.
Durbhanga ...	*Nil*	Prospects of *rabi* crops continue excellent; *mung*, *dhan* and *cheuna* are being sown; prices rising slightly; small-pox and sporadic cases of cholera reported in the Modhoobanee Sub-Division; health otherwise good.
Hazaribagh ...	*Nil*	Weather warm; cold-weather crops ready for harvest in almost all places; prices have fallen slightly; general health good.
Cuttack ...	*Nil*	Rain wanted for *dalua* rice; miscellaneous crops doing well; public health good.
		General Remarks.—The hot weather has now set in; the late rain has generally much improved prospects; rain is still much wanted in Rajshahye and Cuttack; harvesting of the *rabi* and tobacco crops has commenced, generally with prospect of a fair average outturn, except in places where they suffered from previous want of rain; sugarcane is being cut and pressed with a good outturn; ploughing for autumn crops is in fair progress; sporadic cases of cholera and small-pox continue to be reported in some places; cholera is spreading in almost all the sub-divisions of Nuddea; cattle disease reported in places in the Orissa and Chota Nagpore Divisions.
N.-W. Provinces and Oudh—		
Benares (March 7th)	No rain	Crops being reaped; wheat crop very poor; little or no straw and light grain, an 8 annas crop at the outside; peas fairly good, about 14 annas; mustard seed plentiful but light; *arhar* good, average about 12 annas; barley poor, about 8 annas; sugarcane poor; no disease amongst men or cattle save a few isolated cases of cow-pock in places in Chandauli; bazars well supplied with food grains at moderate prices.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
N.-W. Provinces and Oudh—*contd.*		
Allahabad (Mar. 8th)	No rain	General fall in prices; *rabi* harvest progressing; no cattle disease; occasional fever; cholera reduced but still lingering.
Gorakhpur („ 7th)	Slight local showers.	Crops good; some cholera in south; prices slightly rising.
Jhansi („ 6th)	...	Weather fine; gram, peas and barley being cut; wheat ripening; *rabi* prospects good; supplies sufficient; prices fluctuating; health good; condition of cattle fair.
Agra („ 7th)	No rain	Gram and *sarson* slightly damaged by insects; irrigation going on; gram being cut; health good; prices stationary.
Bareilly („ „)	Rainfall on 3rd at Nawabganj ·10 and Adula ·20	Crops fair; prices steady; people and cattle in good health.
Meerut („ „)	...	Weather warm and consequent increase of small-pox; health generally good; crops promising and prices stationary.
Kumaun („ „)	No rain	No rain required for the present; health good but measles and small-pox in some places; prices slightly fallen; cattle disease continues.
Lucknow („ „)	No rain	Harvest operations in progress; prospects fair; weather seasonable; health good; prices rising.
Pertabgarh („ „)	...	Prospects favourable; crops being cut; wheat rising a little in price other grains stationary.
Sitapur („ „)	No rain	Harvest begun; unirrigated crops poor; health good; prices stationary.
Fyzabad („ „)	No rain	Health generally good; harvest of wheat, barley and gram begun.
Cawnpore („ „)	No rain	Crops ripe for harvesting; extra crops being sown; irrigated *rabi* continues promising; health good, except fever here and there; prices stationary.
Farukhabad („ „)	No rain	Crops promise fairly; barley reaping commenced; slight injury from frost in tahsil Aligarh; prices stationary.
Rai Bareli („ „)	...	Weather seasonable; harvest progressing; prospects good.
		General Remarks.—Light rain has fallen in Gorakhpur and Moradabad; the crops are being cut, and prospects are on the whole good; although in Benares the outturn of wheat and barley is poor, and there has been some further injury from insects in Agra; prices have risen slightly in Gorakhpur and Lucknow but have fallen in Allahabad and Kumaon, while in other districts they are stationary; cholera still lingers in Allahabad and South Gorakhpur and small-pox in Moradabad and Kumaon, but the general health continues good; there is still some cattle disease in Kumaon.
Punjab—(March 7th)		
Delhi ...	...	Prospects good; small-pox in city; prices steady.
Hissar ...	...	Grain crops somewhat injured by frost; prices falling; health good.
Umballa ...	...	*Rabi* crops flourishing; prices stationary; health good.
Jullundur ...	...	Prices falling; health and crops good.
Amritsar ...	·2	Health good; prices fluctuating.
Lahore ...	Slight fall on 2nd.	Health good; state of crops excellent; prices steady.
Ferozepore ...	...	Health and prospects good; prices rising.
Sialkot ...	·4	Crops and health good; prices steady.
Ráwalpindi ...	...	Agricultural prospects fair; fever in tahsil Attock; prices rising.
Peshawar ...	...	Health and prospects good; prices fluctuating.
Mooltan ...	...	Prospects and health good; prices steady.
Dera Ismail Khan ...	...	Rain much needed; health good; prospects fair; prices fluctuating.
		General Remarks.—Harvest prospects favourable; health good; prices fluctuating.
Central Provinces—		
Nagpur (March 8th)	...	Weather hot; *rabi* being threshed; health good; prices stationary.
Saugor („ 6th)	...	Weather seasonable; *rabi* harvest commenced; small-pox reported; cholera almost abated; prices steady.
Seoni („ 7th)	...	Weather warmer; reaping and threshing in progress; cholera and small-pox reported; prices stationary.
Khandwa („ „)	...	Weather getting warm; small-pox reported; prospects of *rabi* good; public heath good; wheat 18 seers per rupee.
Hoshangabad („ „)	...	Weather warmer and unchanged; *rabi* being reaped; outturn less than last year; cholera disappeared.
Raipur („ 4th)	...	Days warm; mornings cool; *rabi* being reaped; cattle disease reported; health good.
Sambalpur („ 2nd)	...	Weather warmer; prospects of crops and health good; rice 47 seers per rupee.
		General Remarks.—Weather warmer; *rabi* crops being reaped, fair outturn expected; small pox reported from a few districts; cholera fast disappearing; public health good; prices remain stationary.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
British Burma—		
Akyab ...	*Nil*	Small-pox prevails slightly in town and district, otherwise public health good; total rainfall ·40 inches.
Rangoon ...	*Nil*	One fatal case of cholera; otherwise public health good; total rainfall ·34 inches.
Bassein ...	*Nil*	Five deaths from cholera; in Kyonepyaw township, otherwise public health good; health of cattle good; total rainfall 62 inches.
Prome ...	...	Public health good; no cholera.
Amherst (Moulmein) ...	...	Public health in Moulmein and district good; crops fair.
Toungoo ...	...	Public health good; rainfall for week ending 25th February ·3 inches total ·3 inches.
		General Remarks.—Slight small-pox in Akyab, a little cholera in two or three districts, otherwise public health good; no cattle disease reported.
Assam—		
Gauhâti ...	·01	Weather getting hot; sowing of *aus* in progress; some cases of cholera north of Brahmaputra.
Sylhet ...	·06	Ploughing for *amun* still going on; area of *bura dhan* in the west of district is said to be less than last year; linseed and chillies on the ground; prospects good; cholera is still prevalent.
Cachar ...	·69	Weather warm; three cases of cholera from Sudder station, and six from Lakipur reported; common rice 25½ seers per rupee.
Dibrugarh (March 8th)	1·00	Weather cloudy; ploughing for *aus*; cattle disease still reported; district healthy.
Mysore and Coorg—		
Bangalore ...	...	Dry crops have been harvested, wet crops withering from want of water; prospects fair; drinking water becoming scarce in Nellamangaler and Kankanhalli taluks; rice and horse gram a little dearer, *ragi* half a seer cheaper.
Mysore ...	...	Sugarcane, the only standing crop, in good condition; prospects fair price of rice rising generally.
Mercara ...	No rain	Season over; threshing of crops nearly completed; no demand for cardamoms and little for coffee; small-pox prevalent in Mercara and other places.
		General Remarks.—Sugarcane and *vaishakhi* paddy, the only standing crops of importance, suffering from scarcity of water; prospects generally fair; pasturage sufficient; prices steady; dearest *ragi* reported 20 seers; in Chitaldroog small-pox continues.
Berar & Hyderabad—		
Amraoti	...	Threshing of *rabi* grain progressing; wheat 18 seers, *jowari* 36 seers per rupee.
Akola	...	Weather getting warm; *rabi* harvesting continues.
Hyderabad	...	*Rabi* sowings continue; *tabi* crops prospering; scarcity of water felt in some taluks; fever and cattle diseases prevail in places; prices: wheat 18 seers, common rice 11 seers, white *jowari* 25 seers, yellow *jowari* 29¼ seers, and *tur* 31 seers per current sicca rupee.
Central India States—		
Indore ...	...	No material change since last report.
Morar (Gwalior) ...	*Nil*	Weather changeable; prices stationary.
Sutna ...	...	Health and prospects good.
Neemuch ...	...	Small-pox still in the district outside the cantonment.
Goona ...	...	Health and prospects good.
Bhopal ...	...	Health and prospects good.
Agar ...	...	Health and prospects good.
Nowgong ...	...	*Rabi* prospects for the crop will be about half the average; weather getting warm; cholera in the Chatarpur State, 22 attacks and 12 deaths reported.
Manpur ...	...	Weather clear and cool; the yield of gram crops is estimated to be up to the average; fever and cough prevalent; prices stationary.
Rajputana—		
Abu (March 8th)	...	Weather seasonable.
Sirohi („ „)	...	Tanks and wells full; health and crops good; weather cool.
Marwar („ 3rd)	...	Tanks and wells almost full; health and crops good; weather clear cold and mild; prices stationary, but tending to rise.
Meywar („ 4th)	...	Tanks and wells good; few cases of small-pox; health generally good; crops very good; gram being cut in places.
Harowti („ „)	...	Gram being harvested; barley and wheat ripening; high easterly wind prevailing; health good; prospects fair; prices steady.
Jhallawar („ 1st)	...	Weather windy; health and prospects good.
Ajmere („ 7th)	...	Crops ripening; prospects and health good; prices stationary.
Jeypore („ „)	...	Crops ripening favourably, average outturn expected; health good.
Ulwar („ „)	...	Health good; prospects good; wells falling.
Nepal—		
Nepal (March 2nd)	*Nil*	Weather cold and cloudy; rain needed.

E. C. BUCK,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

No. III OF 1882.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total mean length open.	Receipts for week ending 22nd January 1881. Total.	Per mile open.	Total mean length open.	Receipts for week ending 21st January 1882. Total.	Per mile open.	Total Receipts from 1st April 1880 to 22nd January 1881. Total.	Per mile open per week.	Total Receipts from 1st April 1881 to 21st January 1882. Total.	Per mile open per week.	Total Increase in 1881-82.	Total Decrease.
	Guaranteed.		Rs.	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
4th Feb. 1882	Eastern Bengal ...	176	77,967	443	172	80,934	471	36,97,499	504	44,36,306	610	7,38,807	...
4th ditto ...	Oudh and Rohilkhand	547	1,05,139	192	547	1,44,889	265	36,53,517	158	41,24,895	179	4,71,378	...
4th ditto ...	Sind, Punjab & Delhi	676	2,27,818	337	676	1,86,058	275	1,00,11,814	349	76,19,274	267	...	23,92,540
4th ditto ...	Madras ...	858	1,06,980	125	858	1,10,909	130	48,97,650	134	50,64,040	139	1,66,390	...
4th ditto ...	South Indian ...	655	69,382	106	655	56,718	87	29,39,390	108	30,41,529	110	1,02,139	...
11th ditto ...	Great Indian Peninsula	1,448	6,65,287	460	1,446	8,54,448	591	2,02,88,542	334	2,63,05,897	431	60,17,355	...
4th ditto ...	Bombay, Baroda and Central India ...	444	1,85,362	418	444	2,02,469	455	65,69,715	349	75,53,746	402	9,84,031	...
	TOTAL ...	4,804	14,37,935	299	4,798	16,36,420	341	5,20,58,127	257	5,81,45,687	286	60,87,560	...
	State.												
4th Feb. 1882	East Indian ...	1,507	10,00,657	664	1,504	12,28,439	817	3,42,21,506	535	3,68,15,218	579	25,93,712	...
11th ditto ...	Calcutta and South-Eastern ...	28	2,501	89	28	3,082	110	1,13,353	95	1,19,827	101	6,474	...
11th ditto ...	Nalhati ...	27	1,283	47	27	1,302	48	51,941	45	52,832	46	891	...
11th ditto ...	Northern Bengal ...	231	35,014	152	233	45,210	194	13,05,281	133	15,31,559	156	2,26,278	...
11th ditto ...	Tirhoot ...	82	10,624	130	85	12,305	145	4,39,585	129	4,60,818	136	21,233	...
28th Jan. 1882	Patna-Gya ...	57	7,178	126	57	12,935	227	3,94,630	163	4,10,166	170	15,536	...
11th Feb. 1882	Muttra-Hathras ...	29	2,620	90	29	1,737	60	1,15,535	94	1,05,966	86	...	9,569
11th ditto ...	Cawnpore-Farukhabad	49	1,398	28	86	10,411	121	6,029	22	2,63,745	73	2,57,716	...
28th Jan. 1882	Dildarnagar-Ghazipur	12	1,019	85	12	1,472	123	11,146	59	32,887	65	21,741	...
11th Feb. 1882	Rajputana-Malwa ...	981	1,52,932	156	1,117	2,34,066	209	44,80,246	131	75,14,743	172	30,34,497	...
4th ditto ...	Wardha Coal ...	45	3,102	69	45	12,082	268	1,55,352	78	4,02,607	212	2,47,255	...
4th ditto ...	Nagpur & Chhattisgarh	53	3,294	62	98	13,626	139	1,17,192	51	2,51,504	92	1,34,312	...
4th ditto ...	Rangoon and Irrawaddy Valley ...	161	25,780	160	161	21,758	135	9,58,479	139	10,68,978	157	1,10,499	...
4th ditto ...	Sindia ...	70	4,139	59	75	8,904	119	1,74,044	60	2,56,224	82	82,180	...
4th ditto ...	Punjab Northern ...	285	82,221	289	363	65,342	180	29,42,682	352	24,66,454	160	...	4,76,228
4th ditto ...	Indus Valley and Kandahar ...	660	1,06,643	162	660	1,11,512	169	57,47,857	214	41,18,607	148	...	16,29,250
4th ditto ...	Muttra-Achneyra ...	...	...	...	23	589	25	...	...	7,773	31	7,773	...
	TOTAL ...	2,770	4,39,748	159	3,099	5,56,333	180	1,70,13,352	165	1,90,64,690	153	20,51,338	...
	Native States.												
4th Feb. 1882	Bhavnagar-Gondal ...	192	6,213	32	192	14,291	74	19,776	35	6,22,341	87	6,02,565	...
4th ditto ...	Nizam's ...	121	13,406	111	121	13,743	114	5,61,409	110	6,16,468	120	55,059	...
28th Jan. 1882	Mysore ...	...	...	...	58	1,843	32	...	...	1,23,813	50	1,23,813	...
	TOTAL ...	313	19,619	63	371	29,877	81	5,81,185	102	13,62,622	92	7,81,437	...
	GRAND TOTAL ...	9,394	28,97,959	308	9,772	34,51,069	353	10,38,74,170	276	11,53,88,217	284	1,15,14,047	...
	GROSS ESTIMATED EXPENSES ...	...	...	...	...	...	...	5,36,51,519	143	5,70,09,662	140	...	...
	NET RECEIPTS ...	...	...	...	...	...	...	5,02,22,651	133	5,83,79,155	144	81,56,504	...

No. IV of 1882.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total mean length open.	Receipts for week ending 29th of January 1881. Total.	Receipts for week ending 29th of January 1881. Per mile open.	Total mean length open.	Receipts for week ending 28th January 1882. Total.	Receipts for week ending 28th January 1882. Per mile open.	Total Receipts from 1st April 1880 to 29th January 1881. Total.	Total Receipts from 1st April 1880 to 29th January 1881. Per mile open per week.	Total Receipts from 1st April 1881 to 28th January 1882. Total.	Total Receipts from 1st April 1881 to 28th January 1882. Per mile open per week.	Total Increase in 1881-82.	Total Decrease in 1881-82.
			Rs.	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	Guaranteed.												
4th, 1882	Eastern Bengal ...	176	83,270	473	172	84,830	493	37,80,769	503	45,21,136	607	7,40,367	...
4th ditto ...	Oudh and Rohilkhand	547	90,627	166	547	1,43,169	262	37,44,144	158	42,68,064	180	5,23,920	...
4th ditto ...	Sind, Punjab & Delhi	676	2,44,683	362	676	1,96,679	291	1,02,56,497	349	78,15,953	267	...	24,40,544
4th ditto ...	Madras ...	858	1,23,104	143	858	1,28,318	150	50,20,754	135	51,92,358	140	1,71,604	...
4th ditto ...	South Indian ...	655	64,696	99	655	62,254	95	30,04,086	108	31,03,783	109	99,697	...
11th ditto ...	Great Indian Peninsula	1,448	6,33,944	438	1,446	8,83,587	611	2,09,22,486	337	2,71,89,484	435	62,66,998	...
4th ditto ...	Bombay, Baroda and Central India ...	444	1,69,765	382	444	2,05,165	462	67,39,480	349	77,58,911	404	10,19,431	...
	TOTAL ...	4,804	14,10,089	294	4,798	17,04,002	355	5,34,68,216	258	5,98,49,689	288	63,81,473	...
	State.												
4th Feb. 1882	East Indian ...	1,507	9,35,442	621	1,504	11,71,529	779	3 51,56,948	537	3,79,86,747	584	28,29,799	...
11th ditto ...	Calcutta and South-Eastern ...	28	5,137	183	28	4,972	178	1,18,490	97	1,24,799	103	6,309	...
11th ditto ...	Nalhati ...	27	1,100	41	27	1,410	52	53,041	45	54,242	46	1,201	...
11th ditto ..	Northern Bengal ...	231	35,940	156	233	44,020	189	13,41,221	134	15,75,579	157	2,34,358	...
11th ditto ...	Tirhoot ..	82	11,686	142	85	11,171	131	4,51,271	130	4,71,989	134	20,718	...
28th Jan. 1882	Patna-Gya ...	57	6,865	120	57	13,862	243	4,01,495	162	4,24,028	172	22,533	...
11th Feb. 1882	Muttra-Hathras ...	29	2,439	84	29	2,051	71	1,17,974	94	1,08,017	86	...	9,957
11th ditto ...	Cawnpore-Farukhabad	49	1,656	34	86	11,716	136	7,685	23	2,75,461	74	2,67,776	...
28th Jan. 1882	Dildarnagar-Ghazipur	12	957	80	12	1,046	87	12,103	60	33,933	65	21,830	...
11th Feb. 1862	Rajputana-Malwa ...	981	1,78,858	182	1,117	2,36,795	212	46,59,104	132	77,51,538	172	30,92,434	...
4th ditto ...	Wardha Coal ...	45	24,786	551	45	11,255	250	1,80,138	88	4,13,862	213	2,33,724	...
4th ditto .	Nagpur & Chhattisgarh	53	3,537	67	98	14,410	147	1,20,729	53	2,65,914	93	1,45,185	...
4th ditto ...	Rangoon and Irrawaddy Valley ...	161	32,019	199	161	28,411	176	9,90,498	141	10,97,389	157	1,06,891	...
4th ditto ...	Sindia	70	6,022	86	75	10,985	146	1,80,066	60	2,67,209	83	87,143	...
4th ditto ...	Punjab Northern ...	285	89,651	315	363	57,296	158	30,32,333	351	25,23,750	160	...	5,08,583
4th ditto ..	Indus Valley & Kandahar	660	1,33,897	203	660	1,03,195	156	58,81,754	214	42,21,802	148	...	16,59,952
4th ditto ...	Muttra-Achneyra ...	...	...	...	23	1,091	47	...	...	8,864	33	8,864	...
	TOTAL ...	2,770	5,34,550	193	3,099	5,53,686	179	1,75,47,902	166	1,96,18,376	153	20,70,474	...
	Native States.												
4th Feb. 1882	Bhavnagar-Gondal ..	192	8,484	44	192	17,701	92	28,260	37	6,40,041	87	6,11,781	...
4th ditto ...	Nizam's ...	121	13,521	112	121	15,633	129	5,74,930	110	6,32,101	120	57,171	...
28th Jan. 1882	Mysore ...	...	...	...	58	1,720	30	...	...	1,25,533	50	1,25,533	...
	TOTAL ...	313	22,005	70	371	35,054	94	6,03,190	101	13,97,675	92	7,94,485	...
	GRAND TOTAL ...	9,394	29,02,086	309	9,772	34,64,271	355	10,67,76,256	278	11,88,52,487	286	1,20,76,231	...
	GROSS ESTIMATED EXPENSES ...	...	...	...	...	...	...	5,49,57,458	143	5,86,37,270	141	...	...
	NET RECEIPTS ...	...	...	...	...	...	...	5,18,18 798	135	6,02,15,217	145	83,96,419	...

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

COMPARATIVE STATEMENTS OF IRRIGATION AND RAINFALL FOR THE YEARS 1879-80 AND 1880-81 IN THE SEVERAL DISTRICTS OF THE MADRAS PRESIDENCY.

Proceedings of the Board of Revenue, Madras, No. 1939, dated 4th October 1881.

Read the following letters—

No. 1507, dated Chatrapur, 23rd June 1881.

From—The Collector of Ganjam,

To—The Secretary to the Board of Revenue.

ABSTRACT.—Comparative Statement of Irrigation and Rainfall for the years 1879-80 and 1880-81 in the District of Ganjam.

No. 197, dated Cocanada, 13th July 1881.

From—The Collector of the Godavari District,

To—The Secretary to the Board of Revenue.

ABSTRACT.—Submitting the Irrigation and Rainfall Statement for 1880-81, and explaining the figures given under the different heads.

No. 2626, dated 27th July 1881.

From—The Collector of Nellore,

To—The Secretary to the Board of Revenue.

ABSTRACT.—Submitting Irrigation and Rainfall Return for 1880-81.

No. 3189, dated 2nd July 1881.

From—The Collector of Bellary,

To—The Secretary to the Board of Revenue.

ABSTRACT.—Submitting Comparative Statement of Irrigation and Rainfall for the Bellary District for 1880-81.

No. 288, dated Saidapet, 26th July 1881.

From—The Collector of the Chingleput District,

To—The Secretary to the Board of Revenue.

ABSTRACT.—Comparative Statement of Irrigation and Rainfall for the years 1879-80 and 1880-81.

No. A., dated Cuddalore, 9th July 1881.

From—The Collector of South Arcot,

To—The Secretary to the Board of Revenue.

ABSTRACT.—Comparative Statement of Irrigation and Rainfall for the years 1879-80 and 1880 81 in the South Arcot District.

No. 1988, dated 2nd July 1881.

From—The Collector of Trichinopoly,

To—The Secretary to the Board of Revenue.

ABSTRACT.—Comparative Statement of Irrigation and Rainfall for 1880-81.

No. 370, dated 30th June 1881.

From—The Collector of Tinnevelly,
To—The Secretary to the Board of Revenue.

ABSTRACT.—Comparative Statement of Irrigation and Rainfall for the years 1879-80 and 1880-81 in the District of Tinnevelly.

No. 1530, dated Thummumpatty, 18th June 1881.

From—The Acting Collector of Salem,
To—The Secretary to the Board of Revenue.

ABSTRACT.—Submitting Comparative Statement of Irrigation and Rainfall for the year 1880-81.

Dated 12th July 1881.

From—The Acting Collector of Vizagapatam,
To—The Secretary to the Board of Revenue.

ABSTRACT.—Irrigation and Rainfall Statement for 1880-81 of the Vizagapatam District.

No. 1489, dated Masulipatam, 13th July 1881.

From—The Acting Collector of the Kistna District,
To—The Secretary to the Board of Revenue.

ABSTRACT.—Comparative Statement of Irrigation and Rainfall for the years 1879-80 and 1880-81.

No. 308, dated 9th July 1881.

From—The Acting Collector of Cuddapah,
To—The Secretary to the Board of Revenue.

ABSTRACT.—Statement of Irrigation and Rainfall for the year 1880-81 as compared with 1879-80.

No. 296, dated 30th June 1881.

From—The Collector of Kurnool,
To—The Secretary to the Board of Revenue.

ABSTRACT.—Comparative Statement of Irrigation and Rainfall for the years 1879-80 and 1880-81 in the District of Kurnool.

Dated Chittoor, 18th July 1881.

From—The Collector of North Arcot,
To—The Secretary to the Board of Revenue.

ABSTRACT.—Comparative Statement of Irrigation and Rainfall for the years 1879-80 and 1880-81 in the District of North Arcot.

No. 3617, dated 1st July 1881.

From—The Acting Collector of Tanjore,
To—The Secretary to the Board of Revenue.

ABSTRACT.—Comparative Statement of Irrigation and Rainfall for the years 1879-80 and 1880-81 in the District of Tanjore.

No. 248, dated Periyakulam, 27th June 1881.

From—The Collector of Madura,
To—The Secretary to the Board of Revenue.

ABSTRACT.—Comparative Statement of Irrigation and Rainfall for the years 1879-80 and 1880-81 in the District of Madura.

No. 166, dated 9th July 1881.

From—The Collector Coimbatore,

To—The Secretary to the Board of Revenue.

ABSTRACT.—Informing that the Comparative Statement of Irrigation and Rainfall for the official year 1880-81 was despatched on the 7th July 1881, and enclosing a copy of the statement.

A statement compiled from the above returns will, as usual, be forwarded to the Chief Engineer for Irrigation, with reference to Board's Proceedings, dated 11th May 1874, No. 1092.

2. The area actually irrigated from Government sources of irrigation in 1880-81 is compared with that irrigated in 1879-80 in the subjoined abstract:—

—	Government Land.	Inam Land.	Zemindari Land.	TOTAL.
	Acres.	Acres.	Acres.	Acres.
Anicuts and other important works .	1,434,213	341,228	122,272	1,897,713
Other works	2,262,405	580,392	57,900	2,900,697
TOTAL .	3,696,618	921,620	180,172	4,798,410
For 1879-80	3,812,244	872,673	186,465	4,871,382
	—115,626	+48,947	—6,293	—72,972

The decrease in the area is chiefly in the districts of Godavari, Kistna, and Tanjore, and is due to the scanty rainfall in the earlier months.

Appendix No. I.

Comparative Statement of Irrigation and Rainfall for the Years 1879-80 and 1880-81 in the several districts.

Districts.	Total Area in Acres.	Cultivable Area in Acres.	Cultivated Area in Acres.	Area Irrigated. Sown from April to November 1880. Total Area.	In comparison with 1879-80. Increase.	In comparison with 1879-80. Decrease.	Sown from December 1880 to March 1881. Total area.	In comparison with 1879-80. Increase.	In comparison with 1879-80. Decrease.	Whole year of 1880-81. Total Area.	In comparison with 1879-80. Increase.	In comparison with 1879-80. Decrease.	Percentage of Increase or Decrease in 1880-81	Rainfall. 1879-80.	1880-81.	Percentage of Increase or Decrease in 1880-81.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Ganjam.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.		Inches.	Inches.	
Government land	528,351	360,562	315,321	172,369	21,378	...	7,280	...	1,379	179,649	19,999	...	+ 12 52			
Inam land	142,668	133,503	115,117	56,363	...	3,074	7,052	942	...	63,355	...	2,132	— 3 25			
Zemindari	...	...	...	19,913	...	...	956	...	...	20,869	...	...	...	40·26	54 64	+ 35·38
Total	671,019	494,065	430,438	248,585	18,304	...	15,288	...	437	263,873	17,867	...	+ 7·26			
Vizagapatam.																
Government land	180,957	110,101	128,188	42,879	...	855	6,862	1,402	...	49,741	547	..	+ 1 11			
Inam land	42,045	41,642	42,727	16,232	..	1,505	248	77	...	16,480	...	1,428	— 7·97			
Zemindari	...	...	.	11,352	5,461	...	818	818	...	12,170	6,279	...	+ 106·58	41·07	48·63	+ 18·40
Total	223,002	152,043	170,915	70,463	3,101	...	7,928	2,297	...	78,391	5,398	...	+ 7 39			
Godavari.																
Godavari Anicut (a) — Government land	Particulars not known.			248,697	...	17,154	15,166	432	...	263,863	...	16,722	— 5·95			
Godavari Anicut (a) — Inam land				145,407	...	6,086	5,947	1,491	...	151,354	...	4,595	— 2 94			
Godavari Anicut (a) — Zemindari				114,379	...	11,929	3,156	596	...	117,535	...	11,333	— 8·79			
Total				508,483	...	35,169	24,269	2,519	...	532,752	...	32,650	— 5·77			
All other Works — Government land				31,753	...	19,918	2,540	...	1,953	34,293	...	21 911	— 38 98			
All other Works — Inam land				16,632	...	6,070	1,515	...	647	18,147	...	6,717	— 27.01			
All other Works — Zemindari				469	...	355	...	...	130	469	...	485	— 50·83	35·66	18·95	— 46·86
Total — Government land	1,834,692	1,032,187	633,565	280,450	...	37,112	17,706	...	1,521	298,156	...	38,623	— 11·47			
Total — Inam land	446,798	428,838	336,356	162,039	...	12,156	7,462	844	...	169,501	...	11,312	— 6 25			
Total — Zemindari	...	...	...	114,848	...	12,284	3,156	466	...	118,004	..	11,818	— 9·10			
Total	2,281,490	1,461,025	969,921	557,337	...	61,552	28,324	...	211	585,661	...	61,763	— 9·53			

Kistna.																
Kistna Anicut (b) — Government land	Particulars not known.			176,380	...	20,268	651	...	594	177,031	...	20,862	— 10·54	38·54	29·37	— 23·79
Kistna Anicut (b) — Inam land				43,093	...	4,237	343	168	...	43,436	...	4,069	— 8·56			
Kistna Anicut (b) — Zemindari				3,740	...	42	21	...	523	3,761	...	565	— 13·06			
Total				223,213	...	24,547	1,015	...	949	224,228	...	25,496	— 10·21			
All other Works — Government land				12,077	...	17,652	1,381	...	534	13,458	...	18,186	— 57·47			
All other Works — Inam land				1,916	...	1,926	200	...	127	2,116	...	2,053	— 49·24			
All other Works — Zemindari				...	...	...	..	...	...	...	...	...	...			
Total — Government land	3,383,379	2,114,004	1,435,876	188,457	...	37,920	2,032	...	1,128	190,489	...	39,048	— 17·01			
Total — Inam land	666,776	636,110	406,898	45,009	...	6,163	543	41	...	45,552	...	6,122	— 11·84			
Total — Zemindari	...	...	...	3,740	...	42	21	...	523	3,761	...	565	— 13·06			
Total	4,050,155	2,750,114	1,842,774	237,206	...	44,125	2,596	...	1,610	239,802	...	45,735	— 16·02			
Nellore.																
Pennar Anicut — Government land	Particulars not known.			28,151	...	4,941	14,655	7,117	...	42,806	2,176	...	+ 5·35	38·37	44·58	+ 16·18
Pennar Anicut — Inam land				12,263	4,418	...	7,947	3,638	...	20,210	8,056	...	+ 66·28			
Pennar Anicut — Zemindari				...	...	...	...	...	...	...	...	...	...			
Total				40,414	..	523	22,602	10,755	...	63,016	10,232	...	+ 19·38			
All other Works — Government land				70,573	...	16,305	67,493	17,872	...	138,066	1,567	...	+ 1·14			
All other Works — Inam land				38,537	10,301	...	27,400	11,668	...	65,937	21,969	...	+ 49·96			
All other Works — Zemindari				306	...	619	140	...	375	446	...	994	— 69·02			
Total — Government land	2,250,953	1,255,742	758,229	98,724		21,246	82,148	24,989	...	180,872	3,743	...	+ 2·11			
Total — Inam land	712,492	581,574	322,717	50,800	14,719	...	35,347	15,306	...	86,147	30,025	...	+ 53·49			
Total — Zemindari	...	...	...	306	...	619	140	...	375	446	...	994	— 69·02			
Total	2,963,445	1,837,316	1,080 946	149,830	...	7,146	117,635	39,920	...	267,465	32,774	...	+ 13·96			
Cuddapah.																
Government land	4,794,543	1,835,877	1,028,059	99,214	16,207	...	12,607	...	7,191	111,821	9,016	...	+ 8·77	25·10	28·23	+ 12·47
Inam land	775,543	775,543	448,673	31,224	...	4,805	24,677	8,105	...	55,901	3,300	...	+ 6·27			
Zemindari	...	...	...	...	...	...	...	...	...	...	...	...	...			
Total	5,570,086	2,611,420	1,476,732	130,438	11,402	...	37,284	914	...	167,722	12,316	...	+ 7·92			
Bellary.																
Government land	5,621,790	4,877,468	1,873,512	73,854	...	17,744	39,543	...	902	113,397	...	18,646	— 14·12	24·28	25·85	+ 6·47
Inam land	1,428,804	1,319,572	754,057	31,239	...	4,683	13,095	...	902	44,334	...	5,585	— 11·19			
Zemindari	...	...	...	...	...	...	...	...	...	...	...	...	...			
Total	7,050,594	6,197,040	2,627,569	105,093	...	22,427	52,638	...	1,804	157,731	...	24,231	— 13·31			

(a) The figures include the lands under this Anicut in the Kistna District also.
(b) The figures under this include the lands under this Anicut in the Godavari District.

Comparative Statement of Irrigation and Rainfall for the years 1879-80 and 1880-81 in the several districts —continued.

Districts.	Total Area in Acres.	Cultivable Area in Acres.	Cultivated Area in Acres.	Area irrigated. Sown from April to November 1880. Total Area.	In comparison with 1879-80. Increase.	In comparison with 1879-80. Decrease.	Sown from December 1880 to March 1881. Total Area.	In comparison with 1879-80. Increase.	In comparison with 1879-80. Decrease.	Whole year of 1880-81. Total Area.	In comparison with 1879-80. Increase.	In comparison with 1879-80. Decrease.	Percentage of Increase or Decrease in 1880-81.	Rainfall 1879-80.	1880-81.	Percentage of Increase or Decrease in 1880-81.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Kurnool.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.		Inches	Inches.	
Government land	3,458,603	1,569,454	894,533	24,420	...	2,568	2,483	...	1,337	26,903	...	3,905	— 12·67			
Inam land	1,038,408	1,038,408	621,020	16,985	...	407	672	..	437	17,657	...	844	— 4·56			
Zemindari	...	...	...	...	...	...	.	—	...	..	...	...				
Total	4,497,011	2,607,862	1,515,553	41,405	...	2,975	3,155	. .	1,774	44,560	...	4,749	— 9·63	22·67	22 66	...
Chingleput.																
Chembrambaukam Tank. Government land	Particulars not known.			4,025	...	670	7,915	...	5	11,940	...	675	— 5·35			
Chembrambaukam Tank. Inam land				1,903	413	...	...	...	1,000	1,903	...	557	— 22·64			
Chembrambaukam Tank. Zemindari				...	...	...	..	...	...	...	...	...	...			
Total				5,928	...	227	7,915	...	1,005	13,843	...	1,232	— 8·17			
All other Works. Government land				216,457	...	25,143	102,933	16,842	...	319,390	...	8,301	— 2·53			
All other Works. Inam land				67,878	29,119	...	13,857	2,899	...	81,735	32,018	...	+ 64·40			
All other Works. Zemindari				3,232	39	...	837	...	116	4,069	...	77	— 1·85	48·30	47·29	— 2·09
Total. Government land	1,314,884	742,008	517,864	220,482	...	25,813	110,848	16,837	...	331,330	..	8,976	— 2·63			
Total. Inam land	264,120	264,120	119,304	69,781	29,562	...	13,857	1,899	...	83,638	31,461	...	+ 60·29			
Total. Zemindari	...	...	.	3,232	39	...	837	...	116	4,069	...	77	— 1·85			
Total	1,579,004	1,006,128	637,168	293,495	3,788	...	125,542	18,620	...	419,037	22,408	...	+ 5 64			
North Arcot.																
Palar Anicut (c) Government land	Particulars not known.			28,207	...	13,137	23,353	13,764	...	51,560	627	...	+ 1·23	...	...	...
Palar Anicut (c) Inam land				5,900	1,055	...	1,374	196	...	7,274	1,251	...	+ 20 77	...	...	...
Palar Anicut (c) Zemindari				...	—	...	...	...	...	...	...	...	..	...	...	...
Total				34,107	...	12,082	24,727	13,960	...	58,834	1,878	...	+ 3·29	—	...	...
All other Works. Government land				113,792	...	19,146	79,992	42,992	...	193,784	23,846	...	+ 14 03	...	...	...
All other Works. Inam land				32,770	3,004	...	14,371	7,912	...	47,141	10,916	...	+ 30·13	—	...	...
All other Works. Zemindari				...	...	...	...	...	...	...	...	...	...	...	...	...

Total	Government land	2,455,745	897,281	493,876	141,999	...	32,283	103,345	56,756	...	245,344	24,473	...	+ 11·08	31·56	39·33	+ 24·62
	Inam land	186,330	228,649	82,217	38,670	4,059	...	15,745	8,108	...	54,415	12,167	...	+ 28·79			
	Zemindari	...	..	...	...	...	...	...	...	...	...	...	...	...			
	TOTAL	2,642,075	1,125,930	576,084	180,669	...	28,224	119,090	64,864	...	299,759	36,640	...	+ 13·92			
South Arcot.																	
Pelandorai Anicut.	Government land	Particulars not known.			2,886	234	...	336	...	723	2,922	...	489	— 14·33	32·44	45·79	+ 41·15
	Inam land				405	45	...	140	...	45	545	...	...	...			
	Zemindari				...	...	...	...	...	...	...	...	...	...			
	TOTAL				2,991	279	...	476	...	768	3,467	...	489	— 12·36			
All other Works.	Government land				144,500	...	49,602	124,917	52,452	...	269,417	2,850	...	+ 1·06			
	Inam land				14,958	...	7,061	16,502	8,155	...	31,360	1,094	...	+ 3·61			
	Zemindari				1,325	378	...	758	678	...	2,083	1,056	...	+ 102·79			
Total	Government land	2,965,512	2,192,022	1,176,483	147,086	...	49,368	125,253	51,729	...	272,339	2,361	...	+ 0·87			
	Inam land	160,129	145,689	96,242	15,263	...	7,016	16,642	8,110	...	31,905	1,094	...	+ 3·55			
	Zemindari	..	...	..	1,325	378	...	758	678	...	2,083	1,056	...	+ 102·82			
	TOTAL	3,125,641	2,337,711	1,272,725	163,674	...	56,006	142,653	60,517	...	306,327	4,511	...	+ 1·49			
Tanjore.																	
Upper Anicut. (*d*)	Government land	Particulars not known.			660,621	.	90,518	77,931	31,570	...	738,552	...	58,948	— 7·38	45·32	54·91	+ 21·16
	Inam land				91,054	...	12,069	12,085	4,910	...	103,139	...	7,159	— 6·49			
	Zemindari				...	...	...	..	...	...	..	...	...	...			
	TOTAL				751,675	...	102,587	90,016	36,480	...	841,691	...	66,107	— 7·28			
Lower Anicut. (*e*)	Government land				110,750	20,775	...	7,823	...	21,470	118,573	...	695	— 0·58			
	Inam land				11,069	1,791	.	1,277	..	1,012	12,346	779	...	+ 6·73			
	Zemindari				...	...	...	..	...	...	...	...	...	...			
	TOTAL				121,819	22,566	...	9,100		22,482	130,919	84	...	+ 0·06			
All other Works.	Government land				62,276	...	7,426	12,965	6,266	...	75,241	...	1,160	— 1·51			
	Inam land				34,074	...	21,423	27,217	26,794	...	61,291	5,371	...	+ 9·60			
	Zemindari				..	...	...	...	...	...	...	..	...	...			
Total	Government land	1,578,674	1,159,489	991,548	833,647	..	77,169	98,719	16,366	...	932,366	...	60,803	— 6·12			
	Inam land	625,335	463,146	266,113	136,197	...	31,701	40,579	30,692	...	176,776	...	1,009	— 0·56			
	Zemindari	...	...	...	...	..	...	...	...	...	...	...	...	...			
	TOTAL	2,204,009	1,622,635	1,257,661	969,844	...	108,870	139,298	47,058	...	1,109,142	...	61,812	— 5·27			
Trichinopoly.																	
All other Works.	Government land	1,627,003	1,284,127	860,164	104,543	...	9,030	61,288	10,091	...	165,831	1,061	...	+ 0·64	26·67	41·68	+ 56·28
	Inam land	232,970	189,876	117,471	16,809	...	1,482	4,076	...	152	20,885	...	1,634	— 7·25			
	Zemindari	...	...	..	...	...	...	...	...	...	...	...	...	...			
	TOTAL	1,859,973	1,474,003	977,635	121,352	...	10,512	65,364	9,939	...	186,716	...	573	— 0·30			

(*c*) The figures under this head include the lands under this Anicut in the Chingleput District also.
(*d*) The figures include the lands under this Work in the Trichinopoly District also.
(*e*) Do. do. do. Anicut in the District of South Arcot also.

Comparative Statement of Irrigation and Rain fall for the years 1879-80 and 1880-81 in the several Districts—continued.

Districts	Total Area in Acres.	Cultivable Area in Acres.	Cultivated Area in Acres.	Area Irrigated. Sown from April to November 1880. Total Area.	In comparison with 1879-80. Increase.	Decrease.	Sown from December 1880 to March 1881. Total Area	In comparison with 1879-80. Increase.	Decrease.	Whole year of 1880-81. Total Area	In comparison with 1879-80 Increase.	Decrease	Percentage of Increase or Decrease in 1880-81.	Rainfall. 1879-80.	1880-81.	Percentage of Increase or Decrease in 1880-81.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Acres.	Acres.	Acres.	Acres.	Acres	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.		Inches	Inches.	
Madura.																
Government land	1,719,355	1,316,634	727,603	87,481		18,671	50,693	15,049	...	138,174	...	3,622	— 2 55			
Inam land	240,445	222,862	109,891	6,856		2,362	5,371	2,283	.	12,227	...	79	— 0·64			
Zemindari	...	.	...	16	.	6	.		..	16	...	6	— 27 27	23 63	35·90	+ 51 92
Total	1,959,800	1,538,896	837,494	94,353	...	21,039	56,064	17,332	...	150,417	.	3,707	— 2·40			
Tinnevelly.																
Srivai-Kuntham Anicut. Government land	Particulars not known.			11,155	...	1,764	15,811		884	26,966	...	2,648	— 8·94			
Srivai-Kuntham Anicut. Inam land				323	...	19	698	...	253	1,021	..	272	— 21·03			
Srivai-Kuntham Anicut. Zemindari				391	83	...	585	424	...	976	507	...	+ 108 10			
Total				11.869	—	1,700	17,094	...	713	28,963	...	2,413	— 7·69			
All other Works. Government land				76,024	...	22,362	160,451	14,461	..	236,475	...	7,901	— 3·23			
All other Works. Inam land				5,483	...	1,690	12,716	209	...	18,199	—	1,481	— 7 52			
All other Works. Zemindari				5,670	—	256	11,288		551	16.958	...	807	— 4·54	27·01	33·58	+ 24 32
Total. Government land	1,897.355	1,530,539	1,088,833	,87.179	...	24,126	176,262	13,577	...	263,441	...	10,549	— 3 85			
Total. Inam land	271,352	257,944	168,601	5,806	...	1,709	13.414	...	44	19,220	...	1,753	— 8·35			
Total. Zemindari	...	...	—	6,061	—	173	11,873	...	127	17.934	...	300	— 1 69			
Total	2,168,707	1,768,483	1,257,434	99,046	...	26,008	201.549	13,406	...	300,595	...	12 602	— 4·02			
Coimbatore.																
Government land	3,738,967	2,662,527	1,852,168	76,851	2,055	..	15,515	2,952	...	92,336	5,007	...	+ 5·73			
Inam land	323,961	309,016	219,941	8,289	..	276	1,919	116	...	10,208	..	160	— 1 54			
Zemindari	...	...	...	138	138	—	.	...		138	138	...	...	20 23	33·13	+ 63 27
Total	4,062,928	2,971,543	2,072,109	85,278	1,917	—	17,434	3,068	...	102,712	4,985	...	+ 5 10			

Salem.																	
Government land	3,651,581	1,700,120	992,304	69,876	...	2,014	34,523	4,363	...	104,399	2,349	...	+ 2·30	28·62	37·16	+29·84
Inam land	260,740	152,879	100,110	11,700	3,068	...	1,719	...	130	13,419	2,958	...	+ 28·27			
Zemindari	...	...	...		...	6	233	...	...	682	...	6	— 0·87			
TOTAL	3,912,321	1,852,999	1,092,414	82,025	1,068	...	36,475	4,233	...	118,500	5,301	...	+ 4·68			
Total Anicut. — Government land	Particulars not known.			1,270,572	...	127,443	163,641	29,207	...	1,434,213	...	98,236	— 6·41			
Total Anicut. — Inam land				311,417	...	14,659	29,811	8,093	...	341,228	...	6,566	— 1·88			
Total Anicut. — Zemindari				118,510	...	11,888	3,762	497	...	122,272	...	11,391	— 8·52			
TOTAL				1,700,499	...	153,990	197,214	37,797	...	1,897,713	...	116,193	— 5·76			
Total of other Works. — Government land				1,478,939	...	188,836	783,466	171,446	...	2,262,405	...	17,390	— 0·76			
Total of other Works. — Inam land				407,785	...	11,252	172,607	66,765	...	580,392	55,513	...	+ 10·57			
Total of other Works. — Zemindari				42,870	4,774	...	15,030	324	...	57,900	5,098	...	+ 9·65			
TOTAL	...	...	...	1,929,594	...	195,314	971,103	238,535	...	2,900,697	43,221	...	+ 1·51			
Grand Total, including Anicut and other Works. — Government land	43,002,344	26,639,842	15,768,117	2,749,511	...	316,279	947,107	200,653	...	3,696,618	...	115,626	—3·03	32·34	Average. 37·74	+ 16·70
Grand Total, including Anicut and other Works. — Inam land	7,818,916	7,169,371	4,327,455	719,202	...	25,911	202,418	74,858	...	921,620	48,947	...	+5·60			
Grand Total, including Anicut and other Works. — Zemindari	...	...	...	161,380	...	7,114	18,792	821	...	180,172	...	6,293	—3·87			
TOTAL	*50,821,260	*33,809,213	20,095,572	3,630,093	...	349,304	1,168,317	276,332	...	4,798,410	...	72,972	—1·49			

* These figures do not correspond with those given in the similar statement for last year. The differences are stated to be due to correct areas ascertained during the recent Census, Statement No. 4, and to the introduction of the new Survey areas in some districts.

2. Area twice cropped is entered twice over in column 4. The area entered in that column therefore happens to be in some cases in excess of that in column 3.

E. GIBSON,
Acting Secretary.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 AND 25 VIC., CAP. 67.

The Council met at Government House on Thursday, the 2nd March, 1882.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I., G.M.I.E., *presiding*.
The Hon'ble Whitley Stokes, C.S.I., C.I.E.
The Hon'ble Rivers Thompson, C.S.I., C.I.E.
The Hon'ble J. Gibbs, C.S.I., C.I.E.
Major the Hon'ble E. Baring, R.A., C.S.I., C.I.E.
Major General the Hon'ble T. F. Wilson, C.B., C.I.E.
The Hon'ble Mahárájá Jotíndra Mohan Tagore, C.S.I.
The Hon'ble L. Forbes.
The Hon'ble C. H. T. Crosthwaite.
The Hon'ble A. B. Inglis.
The Hon'ble Rájá Sivá Prasád, C.S.I.
The Hon'ble W. C. Plowden.
The Hon'ble W. W. Hunter, C.I.E., LL.D.
The Hon'ble Sayyad Ahmad Khán Bahádur, C.S.I.
The Hon'ble Durgá Charan Láhá.
The Hon'ble H. J. Reynolds.

INDIAN PAPER CURRENCY ACT AMENDMENT BILL.

The Hon'ble MR. STOKES moved that the Report of the Select Committee on the Bill to amend the Indian Paper Currency Act, 1871, be taken into consideration. He said that, at the suggestion of the Financial Department, the Committee had repealed the provisions of the Act which related to the issue of currency-notes in exchange for bullion or foreign coin. The effect of the present law was, that importers of bullion, instead of having to wait until their bullion could be converted under the Indian Coinage Act into coin, could at once obtain the equivalent in coin, at the expense of the Currency Reserve; that was to say, they could transfer from themselves to the Currency Department the inconvenience of having to hold their importation, pending coinage, in a form which was not legal tender. The rush of silver bullion which occurred in 1877 showed that this might be carried to such an extent as to sensibly diminish, for a time, the value of the Currency Reserve as a security for the due encashment of currency-notes. It had, therefore, been considered advisable to abolish those provisions of the law which might divert the Currency Reserve from its primary use as a reserve for the encashment of notes. In order to give the public notice of this change in the law, the Committee had provided that this repeal should not take effect till the first of July next.

The Hon'ble MR. INGLIS said, he had to apologise to the Hon'ble Member in charge of this Bill for having at the last moment raised some objections to the proposals of the Select Committee. When the Committee's report was presented to the Council four weeks ago, he was not aware that it proposed to repeal the existing Currency Act and re-enact it with certain amendments. He was under the impression then that the Bill was one simply for extending the paper currency to Burma, which was the form it took when first introduced into the Council. It was not until the notice-paper relating to the business to come before the Council to-day came round, that he discovered that certain important changes were proposed. He was told it was not the rule of the Council to accompany the presentation of the Report of a Select

Committee with any remarks. He thought, however, in cases where the Select Committee proposed to make important changes, it was very desirable that attention should be prominently drawn to them when reports were presented. Had this been done in the present instance, the parties affected by the proposed changes in the Currency Act would have had ample time to consult together, and represent their views to Government before this. As matters stood, he found on enquiry that the changes proposed by the Select Committee had escaped the notice of importers of bullion, who were the parties chiefly affected by them, and that they entertained great objection to the proposed alteration in the law.

The Select Committee proposed to repeal the provisions of the existing Act which related to the issue of currency-notes in exchange for bullion or foreign coin, on the ground that importers of bullion, instead of having to wait until their bullion could be converted, under the Indian Coinage Act, into coin, could at once obtain the equivalent in coin at the expense of the Currency Reserve. The Committee said that the effect of the present law was that importers of bullion "can transfer from themselves to the Currency Department the inconvenience of having to hold their importation, pending coinage, in a form which is not legal tender. The rush of silver bullion which occurred in 1877 showed that this might be carried to such an extent as to sensibly diminish for a time the value of the Currency Reserve as a security for the due encashment of currency-notes. It had, therefore, been considered advisable to abolish those provisions of the law which might divert the Currency Reserve from its primary use as a reserve for the encashment of notes."

He had some diffidence in putting forward the arguments made use of by importers of bullion against the proposed change, as the subject was one he was not practically acquainted with himself, and, therefore, in what he was about to say, the Council would understand that he did not profess to state all the arguments that could be adduced in favour of leaving things as they were. He hoped, however, if the Council agreed to postpone the Motion, which was next on the notice-paper, for the passing of the Bill, that those who were interested in this question would submit their views to Government.

Those who were opposed to the change recommended by the Select Committee point out that the year 1877 was altogether an exceptional one. The Indian Government had during that year to deal with the Madras famine, and the Secretary of State's bills were reduced from $11\frac{1}{2}$ to $8\frac{1}{2}$ millions sterling. The reduction in Council bills coincided with very large imports of silver, and undoubtedly this caused a very great pressure at the time in the way referred to by the Select Committee. It seemed, however, to him to be inexpedient to legislate for a state of things which was altogether exceptional, especially as, under the existing law, Government had the power to protect themselves. Under section 14, clause (*c*), of Act III of 1871, it was provided that the certificate to be issued to a person tendering bullion should state the interval on the expiration of which the holder should be entitled to receive the amount of notes he had to get for his bullion. It would be quite within the power of Government, under this clause, to name a period in abnormal times, such as occurred in 1877, which would allow of the bullion being coined.

In reply to the argument that the loss of interest while bullion was being coined was by the present method thrown upon the Currency Department rather than upon the importer, who ought to bear it, he would point out that the cost of coining bullion into rupees in Birmingham, if that were practicable, would not exceed, he was told, one per cent. The actual cost of coinage to the importers of bullion in the Indian mints was, he believed, 2·15 per cent., and they said that this heavy charge in excess of the actual cost of the process elsewhere might fairly be reckoned as a set-off against any small loss of interest to the Currency Department.

If the change proposed by the Select Committee was carried out, it would, in the opinion of many persons, operate to check imports of bullion, and this was a point which should be well considered by the Council before agreeing to the Bill. The work of introducing into the country a sufficient supply of bullion to maintain its currency-requirements was at present carried out by banks and other traders. If, from any cause, such parties were deterred from

importing, the burden of doing so would fall upon the Government, and they might soon lose in the process a good deal more than they would gain by the proposed change. It should also be considered that any failure in the supply of bullion would result in the enforced idleness of the mints and the loss of any profits to be derived from that source.

As regarded any danger to the Currency Reserve from the present method, many persons thought these reserves were too high, and that, instead of withdrawing a facility from the public for converting bullion into coin, which it was the duty of every competent State paper currency to afford, the remedy for the state of things referred to by the Select Committee should rather be the reduction of the investments of the reserves in Government-securities.

He understood the Hon'ble Member in charge of the Bill was willing to postpone the Motion for the passing of the Bill for a fortnight, to give time to the parties interested in this question to express their views to Government.

The Hon'ble MAJOR BARING said that the observations which he had now to make to the Council were those he had intended to have made on the occasion of the presentation of the Report of the Select Committee if the rules of the Council had not prevented him from doing so. Under these circumstances, he could very well understand that the banks mainly interested in the proposed change in the law only had their attention directed to this question a few days ago. The original scope of the measure was merely to establish a circle of issue in Burma, and, as regards that, he need not say anything; the measure had been long under consideration, and had been accepted by the mercantile community of Burma, who were principally interested in the matter; it merely created a Burmese circle of issue in the same sense as other circles of issue. The Government had, however, following the general principles of codification which His Excellency the Viceroy mentioned the other day, thought it desirable to repeal the existing currency law, so that the whole law on the subject might be embodied in one complete enactment. He need hardly say that, in doing so, they had made no really substantial change in the law, for the change to which the Hon'ble Mr. Inglis had alluded, although one of considerable importance, was not one of first rate importance. The currency law would remain substantially the same as it was when one of his most distinguished predecessors, Mr. Wilson, introduced it. There were, however, a few points to which he would allude. It was the present practice for the Head Commissioner to send currency-notes to the various Currency Agents, who, if they thought fit, might issue them against the receipt of cash, and, *vice versâ*, he might cash currency-notes presented to him. But, though at the present time that was the practice, it was a practice which was not recognized by law. The law only recognized the Deputy Commissioners of Issue. It was irregular that this action of the Currency Agents should be outside the law, and it was, therefore, proposed to legalise the practice. He did not understand that, so far as that amendment was concerned, any objection was raised, and he would, therefore, not dwell upon that point any longer.

The other, and indeed the only important, change was that to which his hon'ble friend Mr. Inglis drew attention; but the proposal was not a new one. It had been under the consideration of Government for three years before he came to India, and it formed the subject of correspondence between the Government of India and the Secretary of State in 1878.

In consequence of a despatch from Lord Cranbrook the question was considered by the Government of India; it stood over for a long while, and now on the present occasion it was proposed to give effect to the measure proposed by Lord Cranbrook. It was perfectly true, as had been pointed out by his hon'ble friend, that what was proposed might have been done by a Mint rule, which the Government had power to issue under the Act of 1866; but, for all practical purposes, MAJOR BARING did not see much difference between a Mint rule and the law which was now proposed. The only difference was, that those who were interested wished a Mint rule to be brought forward only in a time of emergency; but, if that course were followed, the Government might find themselves in considerable difficulty before they could introduce a rule. The point was, however, worthy of consideration, and he had, therefore, no objection to

urge against the proposal that the passing of the Bill should be postponed for two weeks.

There was another objection raised, although it had not been referred to at the present time, to which he would allude. It had been pointed out to him that the position of the Government of India was the same, for the purposes of this argument, as the position of the Bank of England in England. The analogy, in his opinion, held good, not as between the Government of India and the Bank of England, but as between the Government of India and the Mint. What happened in England was this. An importer of bullion could take his bullion to the Mint and receive from the Mint the value of it in coin. The amount he would receive there was £3-17-10½ per ounce. But, in fact, he did not generally take it to the Mint, because, if he did so, he would have to wait for a fortnight or a month before he got his money. The Bank of England gave him £3-17-9, which was 1½*d.* less than the Mint, and which covered the cost to the Bank for having the money coined. He must say that, *primâ facie*, he did not see why the Government, or in other words, the taxpayers, should bear the cost of money lying idle in the Bank. It seemed to him fair that persons who wanted their bullion to be made into coin should bear that loss. He would not, however, now enter into the whole merits of the question, it was exceedingly desirable that gentlemen who were interested should have an opportunity of expressing their opinion on it, and he, therefore, hoped the Council would postpone the passing of the Bill for a fortnight.

The Motion was put and agreed to.

The Hon'ble MR. STOKES asked leave to postpone for a fortnight the Motion that the Bill, as amended, be passed.

Leave was granted.

CRIMINAL PROCEDURE BILL.

The Hon'ble MR. STOKES also moved that the Report of the Select Committee on the Bill to consolidate and amend the law relating to Criminal Procedure be taken into consideration. He had, when presenting the Report, stated the principal amendments which the Committee had made.

The Motion was put and agreed to.

The Hon'ble MR. STOKES also moved that, in section one, clause (*a*), of the same Bill, for the words "Commissioner of Police," the words "Commissioners of Police in the Towns of Calcutta, Madras and Bombay" be substituted, and that, in the first schedule, column 3, the words "and so much of section four as refers to the Criminal Procedure Code" be omitted. He said that the amendment had been made at the desire of the Madras Government, and it was intended simply to put the Commissioner of Police in the town of Madras on the same footing as the Commissioners of Police in Calcutta and Bombay, whose powers were saved by the Bill.

The Motion was put and agreed to.

The Hon'ble MR. STOKES also moved that, to section forty-six of the same Bill, the following words be added, namely :—

"or with transportation for life."

He said that the last clause of section 46 was introduced to lay down a rule as to when the Police might cause the death of a person who forcibly resisted the attempt to arrest him, or attempted to evade the arrest. In England, according to Archbold, if the offence with which the man was charged were a treason or a felony (which included manslaughter, robbery, rape and even larceny) or a dangerous wound given, the homicide was justifiable. In Scotland, however, the killing was justifiable only when the runaway was charged with a capital offence. The Committee had followed the lenient Scotch law. But it had lately been very strongly urged by the Government of the North-Western Provinces that, if this were the rule, "it will be hopeless to expect the Police to cope with the well-armed and desperate bands of

dakáíts who from time to time infest some of the districts of these Provinces. These outlaws will not surrender unless the only alternative be that of death; and if the Police are not allowed to meet them on at least equal terms, the attempt to arrest them may be abandoned." Similar representations had come from the Central Provinces. The effect of adopting the amendment which MR. STOKES proposed would be to enable the Police to deal, not only with persons accused of dakáítí, or dakáítí with murder, or belonging to a gang of dakáíts (Penal Code, sections 395, 396, 400), but also with persons accused of the grave offences mentioned in the Penal Code, sections 122, 125, 128, 130, 131, 194, 222 and 225 (where the person in confinement, or who ought to have been apprehended, or who has been rescued, is under sentence of death), 226, 238, 255, 304, 307 (where hurt is caused by the attempt to murder), 311, 313, 314 (where the act is done without the woman's consent), 326, 329, 364, 371, 376, 377, 388 and 389 (where the offence of which accusation is threatened is unnatural), 394, 409, 412, 413, 436, 438, 449, 459, 460, 467, 472, 474 (where the document is one of the description mentioned in section 467), 475 and 477, and the subsequent offences referred to in section 75.

The Motion was put and agreed to.

The Hon'ble MAHÁRÁJÁ JOTÍNDRA MOHAN TAGORE moved that sections 417 and 427 be omitted, and the consequent alterations made in sections 422, 423 and 431. He said that the object of the amendment, it would be perceived, was to expunge from the Bill that objectionable section which gave power to the Government to appeal against an acquittal. Such a provision, as far as he was aware, did not find a place in the criminal code of any civilized nation, and it did not exist in the Indian code when it was originally passed. It was inserted at the same time that the clause for the enhancement of punishment on appeal was first introduced, and as, under the benign influence of the liberal views of His Lordship's Government, that provision would no longer disfigure the Indian code, it was fitting that its companion clause should also go out at the same time. It could not be denied that Courts of the first instance had the best opportunity of examining witnesses, of making necessary local enquiries, and of judging of the character and antecedents of persons charged with any offence, and the presumption naturally was, that these tribunals had the best means of coming to a right decision as to whether an accused person was guilty or not; and when, after a fair trial, a person was pronounced innocent, surely it could not be just to allow an appeal against such acquittal. He believed these were some of the reasons why appeals against acquittals were not permitted in any other civilized country, and he did not see any good or valid ground for allowing the Government here to retain such an exceptional privilege in this respect, especially when the Indian code did not sanction an appeal of this kind by a private party. It was idle to say, he submitted, that, without such a power in the hands of Government, the ends of justice were likely to be defeated, when, in the absence of a similar provision in their codes, no complaint of failure of justice was heard of among other civilized nations of the world. To give this exceptional privilege to the Government would imply a want of sufficient confidence in our Magistracy, which could not be conducive to the administration of justice in the Criminal Courts of this country. Moreover, it should be borne in mind that, when the Criminal Procedure Code was first passed, men with wide experience of the country, like Sir Barnes Peacock and Sir John Peter Grant, were Members of the Legislative Council, and they did not consider that there was any peculiarity in the circumstances of the country which called for a departure from the recognized principles of criminal jurisprudence. It was also worthy of remark that Sir FitzJames Stephen, in the exhaustive speech which he made in this Council with reference to the Criminal Procedure Code of 1872, did not even attempt to justify the introduction of this objectionable provision; but, touching upon this point, he contented himself with simply saying that "this alteration was one of those which he would leave it to his hon'ble friends to explain and justify."

The Hon'ble MR. REYNOLDS said that he desired to say a very few words in reference to this amendment, which he for one found himself unable to

accept. It appeared to him that the provisions of the law as regarded appeals from acquittals were practically confined to a small class of cases; they did not practically apply to trials by jury at all, because, if the jury acquitted a prisoner and the Judge did not concur with the verdict, he could refer the case to the High Court, and the amendment did not propose to do away with that reference. On the other hand, if the jury acquitted the prisoner, and the Judge agreed with the jury, he could hardly imagine any circumstances under which the Government would desire to appeal from such an acquittal. Practically, therefore, such appeals were confined to sessions trials held with the aid of assessors; and it appeared to him that, in cases of this kind, the power of appealing against an acquittal, although he was quite prepared to allow that it should be cautiously and sparingly applied, might be at times a valuable and useful safeguard to prevent a failure of justice. The hon'ble mover of the amendment had told the Council that this provision of law was not known to the codes of European and other civilized nations. MR. REYNOLDS was not prepared to meet his hon'ble friend as to that fact, but he must say that that argument was not one to which he was disposed to attach any weight. If a provision of law was defensible in principle, and if it could be shown by the experience of some years to have worked satisfactorily, he did not think that it made the least difference whether it existed in other codes or not. It appeared to him that this provision was perfectly defensible in principle. The power of appeal was given in order that mistakes committed by a lower Court might be set right by a higher Court, and there was as much failure of justice where a person was acquitted who ought to have been convicted, as in the case where a person was convicted who ought to have been acquitted. As to the practical working of the law in past years, he was not aware that any single case of hardship had been adduced, and he was quite prepared to rest the vote he was about to give on the figures and the opinions which were embodied in the papers before the Council.

The Hon'ble DURGÁ CHARAN LÁHÁ said that, from what had fallen from the mover of the amendment, he thought the reasons which had been adduced for doing away with the provision to which he objected seemed to be just. If the right of appeal was given in cases of acquittal, there would be a great deal of harassment to the prisoner in being obliged to be brought to another Court, and he had, therefore, much pleasure in supporting the amendment.

The Hon'ble MR. HUNTER said he ventured to make one remark. He understood the Hon'ble Legal Member would show the Council that this right of appeal did exist in the English law, and that cases had occurred in which it had been exercised. He ventured to suggest that, when the Hon'ble Member brought forward those instances, he might say whether, as a matter of fact, it was the Government or the prosecutor on behalf of the Treasury who exercised that right of appeal, or whether it was a private prosecutor who exercised it.

The Hon'ble Mr. PLOWDEN said that he should not support the amendment. He had no doubt that in theory there were some very excellent reasons for doing away with this power, which seemed to be exceptional. But the Council had to consider actual facts. Now, though it was quite true that, generally speaking, the Court which tried the case would hear the evidence of witnesses and would judge from their demeanour what credit the witnesses' statements were entitled to, though it was true that Courts of first instance were often able to come to a very good judgment, yet it was known that there were cases in which they came to a wrong judgment. He recollected a case illustrative of this, in which he was consulted as to whether an appeal should be lodged. In that case, under the law, the zamíndár was bound to give information of any crime which might be committed in his village. It was distinctly proved that a very bad crime had been committed in a certain village; it had been committed by a son of the zamíndár himself, and the zamíndár not only refused to give information himself, but did his best to prevent the people of the village from giving it. When the Judge who tried the case came to dispose of it, he was met by a difficulty which occurred to him, but which did not occur to others. He found that this

village, under the partition-law, had been divided into two portions; but that the village-site had not been partitioned. The Judge contended that information in regard to this particular crime could not be said to be information which the zamíndár was bound to give, because the village had been divided. There was a distinct miscarriage of justice there. He acquitted the prisoner on this ground, and the Government was asked by the officer concerned in the prosecution to permit him to appeal. They directed an appeal, and the zámíndár was punished.

The Hon'ble SAYYAD AHMAD KHÁN said that he was in favour of the amendment proposed by his hon'ble friend Mahárájá Jotíndra Mohan Tagore.

The Hon'ble RÁJÁ SIVÁ PRASÁD said that, as the mover of the amendment said that these two objectionable sections did not exist in the law of civilized nations, he did not think any case had been made out for retaining these sections in the Indian Statute-book. His colleague to the right (Mr. Plowden) had given an example of a case in which this right of appeal had been properly exercised; but, although he (the speaker) was not prepared to dispute this, he believed he would be able to cite half a dozen instances in which appeals from acquittals had been preferred to the High Court, and the acquittal had been upheld. Acting on the principle that it was better to allow 99 criminals out of 100 to escape than to hang one innocent man, he supported the amendment.

The Hon'ble MR. CROSTHWAITE said he was opposed to the adoption of the amendment proposed by his hon'ble friend Mahárájá Jotíndra Mohan Tagore for several reasons. In the first place, the amendment involved a question of very considerable importance, which it would be impossible to decide without consulting the Local Governments and the officers concerned in the working of the law. The hon'ble the mover of the amendment had had ample opportunity of pressing the matter before, either by bringing it forward in Select Committee, or by presenting a memorial to the Council or the Government. To bring forward an amendment of this nature at the last moment, when the Bill was about to be passed, was tantamount to a Motion for the postponement of the Bill for an indefinite and considerable period, and MR. CROSTHWAITE did not think that the Council should listen to such a proposal.

In the second place, the power to which the hon'ble the mover of the amendment objected—the power of directing an appeal to be made from a sentence of acquittal—had been exercised by the Local Governments for the last ten years. So far as he was aware, no cases had occurred of the abuse of this power. When it was proposed to ask for a radical change in an important principle of law, the proper course he conceived to be this: Those who advocated the change should bring forward facts to show that the law had worked badly. It would have been easy to have procured and examined the records of all the cases in which this power had been exercised by the Governments of the different provinces of India. Such cases had been rare, and the task of examining them, even for the whole of India, would not have been great. But nothing of this sort had been done. No instances of the law having been misused had been given. The Council was asked to alter the law purely on *á priori* grounds, and—with all deference to his hon'ble friend Mahárájá Jotíndra Mohan Tagore—on grounds of a weak character. His hon'ble friend said that the Judges and Magistrates who tried the cases in the first instance, and who had the witnesses and the prisoner face to face, were the best judges of the facts, that their decision should be final, and that no power should be given to any one to interfere with their verdicts. This he said with reference to sentences of acquittal. But he seemed to MR. CROSTHWAITE to have overlooked the fact that his arguments told equally against all appeals. If the decision of the first Court was of such a character, if that Court was necessarily the best judge of the facts, then there was no justification for permitting an appeal at all. He apprehended, however, that his hon'ble friend was not prepared to follow his argument to this conclusion.

As a matter of experience, he was prepared to maintain that the power conferred by law on the Government had not been abused, and that it was necessary for the proper administration of justice. In out-of-the-way places, where

many cases were tried, it was impossible to procure good counsel for the prosecution. The Judges were sometimes inexperienced men, unaccustomed to deal with evidence. Mistakes must, and did, occur, and, unless the Council were prepared to see some of the worst criminals escape justice, they must maintain this provision of the law.

The hon'ble the mover had coupled the provision which allowed an appeal against a conviction with that permitting an enhancement of punishment on appeal, and he had represented Sir FitzJames Stephen as doubting the expediency of both provisions. MR. CROSTHWAITE thought that his hon'ble friend had mistaken the meaning of what Sir FitzJames Stephen said. In his speech, his final speech when Act X, 1872, was passed, Sir F. Stephen said—

"As to the chapter on appeals, the only alterations we have made are that in certain carefully selected cases we permit an appeal against an acquittal, and that we allow the appellate Court to enhance sentences passed if it considers them sufficient. *This* alteration is one of those which I will leave it to my hon'ble friends to explain."

MR. CROSTHWAITE understood *this* to refer to the enhancement of punishment, not to the appeal from acquittals. And this view was confirmed by the fact that Sir George Campbell, who, so far as he could discover, was the only Member of Council who referred to this matter in his speech, spoke of "the scintilla of doubt" expressed by the hon'ble the Law Member regarding the enhancement of punishment.

And in his first speech, in introducing the Bill to amend the Criminal Procedure Code—a speech made about a year and a half before the passing of Act X, 1872—Sir F. Stephen advocated the giving to the superior criminal Courts power to do full and complete justice to the parties if the question was re-opened at all. He did not think, then, that he could have been opposed to the establishment of an appeal from a sentence of acquittal.

The argument deduced by the Hon'ble Mahárájá from the alleged non-existence of a similar power in the Codes of other nations, it was difficult to answer without more knowledge of those codes than MR. CROSTHWAITE possessed. But, as regarded England, he believed the question of establishing a system of criminal appeal had been raised during past years, and that it had always been argued that, if there was an appeal at all, there ought to be an appeal on both sides. He stated this on the authority of Sir F. Stephen.

He denied, however, the validity of any argument based on the provisions of foreign codes. Such arguments had no force unless the Council were prepared to maintain that no measure should be introduced into India in support of which no example could be cited from the codes of other nations.

He voted against the amendment.

The Hon'ble MR. GIBBS said that he was unable to support the amendment, and, in saying so, he had merely to draw attention to one point. The Hon'ble Member put forward, as a reason for his amendment, that similar powers did not exist in the criminal code of any civilized country. That argument had been answered by the Hon'ble Mr. Crosthwaite, but it seemed to MR. GIBBS that there was another very important reason why the Government should not be bound in the way in which the hon'ble mover of the amendment wished them to be bound, and that was, that the Courts in this country were not perfect, that they did not approach that degree of perfection which Courts in other civilized countries had attained; and, speaking from his own experience as a Judge for eight years in the Bombay High Court, he thought that this power was absolutely necessary for the ends of justice. He had seen cases in which, if it had not been for this power, criminals would have got off, not because the High Court took a different view of the evidence recorded in the case, but because the Judges had got confused notions of law, and so allowed a criminal to escape when there was no possible doubt about the man's guilt. Considering, therefore, the want of training on the part of Judges in many parts of the country, this power, he thought, was absolutely necessary. The hon'ble mover of the amendment had also alluded to the objection that this power was given to the Government, but not to private individuals. That was

perfectly intelligible. It would never do to give every private prosecutor the right to appeal because he did not obtain a conviction against a prisoner. But the Bill did not cut off this right, because a private prosecutor might move the Government or the Public Prosecutor; and, if he showed sufficiently good grounds why an appeal against an acquittal should take place, the Government or the Public Prosecutor might move in the matter in the same way as they could do on the information of the Commissioner of the Division or other head of a District. Therefore, the necessity of keeping this very valuable and necessary power was apparent. MR. GIBBS could not help thinking that there was a feeling abroad amongst Native gentlemen, and especially among Native gentlemen on this side of India, of what he might perhaps call too great tenderness on behalf of the culprit. That feeling might be natural, but it seemed to lead them to think that the great thing to attain was not the ends of justice, but to see if there was not a possibility of obtaining an acquittal, and so enable a guilty prisoner to get off. Considering the state of society in this country, he did not consider that that was a sound principle to follow. He would vote against the amendment.

The Hon'ble MR. STOKES said that he opposed this Motion. It had been made, he feared, under two misconceptions. First, the British Indian Association, with whom his hon'ble friend was acting, asserted, in their memorial of 27th February, 1882, that no period of limitation was provided for appeals from judgments of acquittal. That was not so. The Limitation Act, XV of 1877, schedule II, No. 157, which was the proper place for this provision, distinctly laid down that such appeals must be presented within six months from the date of the judgment appealed against. The notion that the Government could hold for ever an appeal "*in terrorem* over an acquitted person" was therefore altogether groundless. Secondly, the hon'ble Mahárájá and the same Association supposed that no such appeal lay in any civilized country. "Such a provision," said the Association, "does not obtain in the Criminal Code of any civilized country on the face of the globe," and "is opposed to all recognized rules of civilized jurisprudence." MR. STOKES did not possess the wide and accurate legal knowledge of the Association: he could not speak confidently of the criminal law of every civilized country in the world, or even of the countries of continental Europe; but he could assure the Hon'ble Mahárájá and the Association that in England, under 20 & 21 Vic., c. 43, and 42 & 43 Vic., c. 49, section 33, what was called "an appeal from a Court of summary jurisdiction by special case" might be brought by the complainant, on the ground that the order, determination or other proceeding of the Court was erroneous in point of law, or was in excess of jurisdiction. And, in the last volume of the Law Journal Reports, the Officiating Secretary, Mr. Crosthwaite, had found four cases in which such appeals had been brought. But, in truth, it did not seem to MR. STOKES that the sections to which the Mahárájá objected, required any English or other precedents to support them. The question was or ought to be, solely whether, in the present condition of the Indian magistracy, the power to appeal from an acquittal was needed. So far as he (MR. STOKES) could form an opinion on the matter, such a power was needed, and would continue to be needed so long as any Native Magistrates supposed that the commission of a crime could not be proved without the evidence of an eye-witness, so long as any Hindú Magistrates acquitted a Bráhman because he was a Bráhman, though the evidence of his guilt was clear, and so long as Local Governments were sometimes compelled to appoint European Magistrates who had had little or no local experience or legal training. The question now raised was no new one. It was raised in 1876, in connexion with the Bill which was now the Presidency Magistrates Act (IV of 1877). The Home Department then consulted all the Local Governments as to the working of section 272 of the present code, which allowed an appeal on the part of the Crown against the acquittal or discharge of an accused. The Local Governments were unanimously of an opinion favourable to the provision in question, which, though it had been cautiously and sparingly used, had proved of great value in cases where it was clear that the public had been injured by a wrong acquittal or discharge. Moreover, in 1876, no cases of complaint, hardship or abuse of the authority which section 272 conferred on the Local Governments had been brought to notice during the four years which had elapsed since Act X of 1872

was passed. And neither the Mahárájá nor the British Indian Association had been able to show that any such cases had occurred during the past six years. "No such appeal," said the Government of the North-Western Provinces, (and the remark held good for the other Local Governments) "can be made without the special sanction of the Government after a careful consideration of the case; and, in these circumstances, it is believed that the working of the section cannot well be otherwise than for the furtherance of justice, and that the risk of individual hardship is either completely obviated or reduced to a minimum."

The Hon'ble MAHÁRÁJÁ JOTÍNDRA MOHAN TAGORE said that he wished, with His Ecellency's permission, to say a few words by way of explanation with reference to what had fallen from hon'ble members who had just spoken. His object in saying that such a provision, as far as he was aware, did not exist in the codes of other civilized nations was to show that, if it were right in principle, it would have been adopted by them in their codes, and it must be shown there was something peculiar in the circumstances of this country which would justify the introduction of such an exceptional clause in the Indian code; but this, he submitted, had not been done. Then, as to the experience of the past, he admitted that certain cases had occurred in which, if there was no appeal against acquittal, there would have been a failure of justice; but then there had been cases also, if he mistook not, and as had been rightly said by his hon'ble friend Rájá Sivá Prasád, in which the order for acquittal had been upheld by the High Court. In such cases, the needless trouble, anxiety and hardship to the person once pronounced innocent could well be imagined. Moreover, if such a power of appeal were given to private persons, he dared say a few cases could have been found to support the extension of this power to all persons without exception; for human nature was fallible, and Magistrates were likely to make mistakes as any other men. He might mention here that cases had been cited to show the necessity of retaining the provision sanctioning enhancement of sentence on appeal, but it had nevertheless been expunged, because the Government had justly thought that it was founded on a wrong principle.

Then, as to the incompetency of the Magistrates in this country, he begged to say that, in many most important matters, the Government placed implicit confidence in their ability and judgment; and it was hard, he submitted, to bring forward the argument of their incompetency only in a question of this nature, which involved the vesting of the Executive Government with larger power. It had been said by his hon'ble friend Mr. Crosthwaite that this question ought to have been discussed at an earlier stage of the Bill. He hoped his hon'ble and learned friend opposite (Mr. Stokes) would bear him out when he said that he did raise this point in the Select Committee, but he was then told that almost all the Local Governments were strongly opposed to his view. Next, as to what fell from him, that his argument would cut the ground from under questions of all appeals in general, he begged to observe that a great distinction ought to be drawn between cases relating to right and property and those which affected the life and liberty of the people. It had been hinted by his hon'ble friend opposite (Mr. Gibbs) that the Natives evince an undue solicitude for the protection of the criminal class of the population. He begged simply to say that "let ten guilty men escape rather than one innocent man should suffer" was an English maxim, and that their sympathy for the protection of the liberty of the people was based upon that principle, and nothing more.

His Excellency THE PRESIDENT said:—"I have listened very carefully to the discussion, in which opinions have been expressed on both sides of the proposal submitted to us by the Mahárájá, and I am bound to say that my own opinion is that it would not be desirable to adopt the amendment moved by my hon'ble friend the Mahárájá, at all events on the present occasion. My hon'ble friend was good enough to inform me a few days ago that he desired to bring this question before the Council, and I then told him that I would give my attention to the subject and would not fail carefully to consider it. I need not say that I have not had time to do that up to the present moment. The question is obviously not a new one. The statements brought forward today

show that it has been considered on various occasions by the Government of India and by the Local Governments, and it is certainly not a question on which I should feel myself justified in taking action without further inquiry than we have yet been able to institute. It is evidently a matter upon which the opinion of the Local Governments ought to be called for before any step is adopted which would be contrary to the opinions which they have expressed on previous occasions. I do not think that anybody is likely to suppose that I have an inherent objection to reform; but, at the same time, I am quite of opinion that it is the duty of the Government of India, while it is always ready to consider any proposals for the amendment of the law, or for the improvement of the administration of the country, to proceed cautiously and without undue haste. I have endeavoured, since I have been in this country, to adopt that principle, and, even in cases about which I might individually have had no doubt, I have felt it right carefully to inform myself as fully as possible as to the facts and circumstances of the case, as it relates to this country, before I attempted to act upon any preconceived notions which I might have derived from my English experience.

"I believe that a steady progress of reform is the only wise course which in these matters the Government of India can adopt; and I frankly say that I have not had an opportunity of giving to this question that full consideration, and consulting all those persons whose opinion it appears to me I am bound to take into consideration, before I adopt a change involving the abandonment of a principle which has evidently been adopted most deliberately by the Legislature of this country, acting in accordance with the sanction of the Secretary of State.

"Under these circumstances, my counsel to the members of this Council is not to adopt this amendment. I have the fullest intention of fulfilling the promise made to my hon'ble friend the Mahárájá that I will give the subject my consideration as soon as opportunity offers; but if I am asked to say 'aye' or 'no' upon this Motion at the present moment, I have no alternative but to oppose it."

The Motion was put and negatived.

The Hon'ble DURGÁ CHARAN LÁHÁ moved the following amendments in section 456 of the same Bill:—

(1) that in line one, for the words "European British subject," the word "person" be substituted,

(2) that in line four, for the words "European British subject," the word "person" be substituted, and

(3) that the words "which would have jurisdiction over such European British subject in respect of any offence committed by him at the place where he is detained, or to which he would be entitled to appeal from any conviction for any such offence," be omitted.

He said that, in moving this amendment, the object he had in view was to ask the legislature to provide for his Native fellow-countrymen the same safeguards for the protection of personal liberty which had been prescribed for the benefit of European British subjects under section 456. That there should be one law for one class of Her Majesty's subjects and another law for another class could not, he respectfully submitted, be consistent with the principles and spirit of British rule in India. As to the necessity of the provision, and in justification of what he contended for, he would, with His Excellency's permission, read some extracts from a letter on the subject which appeared in the *Englishman* last week. The writer, referring to the corresponding section in Act X of 1872, said—

"Under the section just quoted, any European British subject, who is detained in custody by any person, and who considers such detention unlawful, may apply to the High Court having jurisdiction 'for an order directing the person detaining him to bring him before such High Court to abide by such further order as may be made by it.' This privilege is denied to the Native, and though apparently the necessity for protecting the Native was brought to the notice of the then Legal Member, the Hon'ble FitzJames Stephen, that high authority considered that the liberty of the Native in the Mufassal was already sufficiently protected. With reference to this subject, Sir FitzJames Stephen said, when presenting the Report of the

Select Committee on the present Criminal Procedure Act: 'It must not be supposed that personal liberty is at all unprotected in the Mufassal. Wrongful restraint (which is very widely defined) is an offence against the Indian Penal Code. And a person subjected to wrongful restraint can always procure his release by presenting a petition to any Magistrate for a summons or warrant against the person who wrongfully restrains him, and by procuring himself to be summoned as a witness.' This is all very well in theory, but experience has shown the solution suggested to be next to impracticable, especially in the Non-regulation Provinces, when the wrongfully restraining person is an official such as the Magistrate of the District or Deputy Commissioner. During 1880, no less than three separate cases of 'wrongful restraint' of this nature were brought to the notice of the Chief Court of the Panjáb; and that Court was asked to interfere in the exercise of its powers of revision, but was unable to do so, as in each case the official complained against *professed not to be acting judicially.* The petitioners were in each of the cases told that their only remedy was by civil or criminal action against the Deputy Commissioner in fault. One of these cases was the illegal arrest and confinement of certain individuals who, the Magistrate suspected, might possibly have been implicated in the matter of the Commissariat frauds now under investigation by a special commission of enquiry. It was admitted by the Chief Court Judges that it seemed quite clear that the officer, if acting judicially, was acting beyond his jurisdiction; but, as he professed not to be so acting, they could not interfere. Another case took place at Simla, right under the very noses of the Viceregal Council and the Lieutenant-Governor of the Panjáb, and yet the sufferers could obtain no redress of an immediate nature. The victims were residents and subjects of a foreign State, whom the Superintendent of Hill States deemed guilty of having committed an offence in the jurisdiction of another Hill State. Happening to be in Simla, a warrant was issued for their arrest, and they were taken into custody and released on heavy bail to appear before the Superintendent of Hill States on a certain date. Before that date an application was made by one of the leading counsel of the Lahore Bar before the Judges of the Chief Court, but, in so much as the Superintendent of Hill States professed to be acting politically, and therefore not judicially, the Bench expressed their inability to interfere. They, however, were forced to admit that the Superintendent of Hill States had no power, political or otherwise, to act as he had done, and that the remedy in the hands of the arrested was either a civil or criminal action. The Rájá, whose subjects the men were, protested against the action of the Political and demanded the extradition of the men, and they thus escaped an illegal trial and, probably, a sentence which would undoutedly be *ultra vires.*

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"The instances above quoted are not solitary or exceptional instances of the abuse of power by executive officers; and what has occurred in the Panjáb may happen—in fact, has in other forms taken place—in Bombay and elsewhere in India.

"The natural tendency of the Executive in India is to overlook the strict provisions of the law, when specially interested in the carrying out of any policy and in the direction of arbitrary action. The difficulty is to keep this tendency in check, without entirely tying the hands of the executive officers. That some such check is necessary few will deny; and it is perfectly clear, from the cases we have cited, that cases of oppression through illegal action have occurred for which there is no simple preventative. The remedy is simple, namely, to enact a general provision similar to that which protects the European British subject. The principle that all sorts and conditions of men should be treated alike in the eye of the law is well acknowledged. The Queen's proclamation professed to give justice to every inhabitant of India without respect to class, creed or nationality, and, consequently, the extension of this required protection to the Native of India cannot justly or logically be denied to him.

"Of course, it will still be necessary to leave in the hands of the Viceroy those exceptional powers which are exercised by the issue of a Secretary's warrant; but, possibly, in some of the less civilised and wilder of our Frontier Districts, it may be necessary to give the District-officer special powers, to be exercised only in cases of special political emergency; but this can be done by special regulation. But, notwithstanding the above possible necessity, it seems extremely necessary that the Native in India should be similarly protected to his European fellow-subject or fellow-sojourner."

He was afraid that there were many cases of this kind which had not reached the public.

The Hon'ble RÁJÁ SIVÁ PRASÁD said that, as section 457 of the Bill gave ample power to the High Court of granting or refusing applications for writs of *habeas corpus*, and as the Magistracy of this country it was acknowledged, was not so experienced as the Magistracy in England, in his humble opinion it would be a mere act of justice to support the amendment.

The Hon'ble MR. CROSTHWAITE said that he opposed the amendment because it was not necessary. Ample security to the liberty of every class of Her Majesty's subjects had been given in this Bill. Section 439 gave the very widest powers of revision to the High Court. The word "judicial" had been omitted before the word "proceeding" in section 439, which corresponded with

section 297 of the present Act, and the effect of this omission was to widen the powers of the Court to a large extent.

Then they had, in section 100, which was a new provision, given powers to the Presidency Magistrates, Magistrates of the first class and Sub-divisional Magistrates to issue search-warrants for the discovery of persons wrongfully confined. He did not see, therefore, what would be gained by the adoption of the amendment proposed by his hon'ble friend.

There were three cases in which a person might be wrongfully detained in custody. He might be detained by a private person; he might be detained by a Magistrate under an order given illegally, or on insufficient evidence, or without proper reasons and due consideration; or he might be detained by a Magistrate in a purely arbitrary manner without any show of law at all.

Now, the first case was amply provided for by the provisions regarding wrongful restraint, coupled with section 100 of the present Bill. The person injured, or his relatives, or some one on his behalf, could petition the Magistrate, who might institute a search for the person detained, might have him brought before him, and pass suitable orders regarding him.

In the second case, where the person was detained under an illegal or erroneous order made by a Magistrate, all that had to be done was to present a petition to the High Court, who had the most ample powers to deal with the case by releasing the detained person, with or without bail or security.

The third case, the detention of a person by a Magistrate without any written order or show of law at all, was one that he could hardly think was within the range of possibility.

His Excellency THE PRESIDENT asked whether section 100 did not apply to such cases also?

The Hon'ble MR. CROSTHWAITE replied that it did. Section 100 would certainly apply to such cases also, and he could not understand what else the Council could do but leave such cases to the operation of the general law. A person who was detained in such a way by a Magistrate would have his remedy under the Penal Code, and could bring his case to the notice of the Executive Government, which would, he thought, deal very sharply with such Magistrate. His hon'ble friend the mover would probably ask, If the Magistrate was the wrong-doer, to whom was the injured person to apply for a search-warrant, or before whom was he to bring his case. But MR. CROSTHWAITE could not conceive that an aggrieved person would have any difficulty in getting redress in such cases; and, as he had said before, they must be very rare, and must be confined, in fact, to occasions in which the Magistrate had become a lunatic.

As to cases where a person was detained from political reasons under an order of the Executive Government, such an order could only be passed in the exercise of a power conferred by law, and the High Court would have no authority in such a case, whether the person detained was or was not a British subject.

The Hon'ble MAHÁRÁJÁ JOTÍNDRA MOHAN TAGORE said that he fully agreed with the view expressed by his hon'ble friend opposite (Durgá Charan Láhá). The remedy for wrongful restraint as regards Natives, which was alluded to by Sir FitzJames Stephen in his speech, had by experience been found insufficient, and the cases mentioned in the memorial of the British Indian Association, and also cited by his hon'ble friend, showed it had failed in those instances.

If the two sections alluded to by his hon'ble friend to his right were considered sufficient, might he ask what was the necessity of having a special provision for the protection of the British subject, and might not section 456 as well go out of the Bill altogether? For to draw a distinction between Europeans and Natives in the question of protection of personal liberty could not but have an injurious effect on the impartial administration of justice, and was opposed to the principle of equality in the eye of the law. He, therefore, begged to support the amendment moved by his hon'ble friend.

Major the Hon'ble E. BARING said that he rarely made a speech in this Council, except on what concerned his own work; but he would on this

occasion like to offer a few remarks on his hon'ble friend's amendment to section 456, which related to the rights of a European British subject to apply for an order directing the person unlawfully detaining him to bring him before the High Court. The effect of the amendment of his hon'ble colleague was to apply the provisions of that section, without distinction, to all persons. His hon'ble friends, the mover of the amendment and the Hon'ble Mahárájá Jotendro Mohun Tagore, had ably and temperately placed their view of the case before the Council; and the Council had also had the advantage of perusing a very able document from a public body,—the British Indian Association,—whose representations always met with the attention of the Government and of this Council. He (MAJOR BARING) wished to say, as regards the spirit in which his hon'ble friend the Mahárájá, and the spirit also in which the British Indian Association, had approached the question, that there was a great deal in it with which he (the speaker) entirely sympathised. He was not prepared to vote for the amendment as it stood, for reasons which he was about to give. But as regards the spirit and effect of their proposals, namely, that there should be perfect equality and protection in respect of all races, that was a sentiment which was entirely in harmony with the general course of British legislation, and one with which he thoroughly sympathised. This was, nevertheless, a difficult question, which required very great and careful consideration. MAJOR BARING thought that his hon'ble friend Mr. Crosthwaite had shown, and he (the speaker) believed that his hon'ble colleague the Law Member would further show, that there was some misapprehension as to the facts. And if the Council were to proceed any further in the direction which was now proposed, the subject would require more thorough consideration than it had yet received; but he did not think it was possible to pass an amendment like that put forward at this meeting of Council. The real issue was, in fact, somewhat different from what appeared from the mere reading of the amendment, and he (MAJOR BARING) would like to show what, in his opinion, the real issue was. His Excellency the President addressed to the Council the other day a very instructive and eloquent speech on the subject of codification in general. In the views set forth in that speech, MAJOR BARING entirely concurred, and he was glad to notice that his hon'ble friend Sayyad Ahmed Khán and other hon'ble members also concurred, that codification was a good thing in itself. Upon this point the speaker thought there could hardly be two opinions. We all knew, or, at all events, some of us knew, to our cost, what the effect of going to law was in England. We go to a solicitor; then we take the opinion of some distinguished Counsel, and, when we have that opinion in our favour, we resort to a Court of law, there to find, occasionally, that another distinguished Counsel has given an opinion diametrically opposed to that given to us; and we find that the Court agrees with the opinion of the latter, and not with that given by our Counsel. That, of course, was a state of things which may occur in every country. At the same time MAJOR BARING submitted that, with codification, the risk of futile litigation would be minimised, for every ordinary layman could now, except in cases of exceptional difficulty, find out for himself what the law of the country really was. Hardly a day passed in which he (MAJOR BARING) did not want to know what the law on some particular point was, and, unless the subject was a very difficult one, he at once turned to the Code and found out what he wanted. That was the great advantage of codification; but, on the other hand, it had this disadvantage. It was a disadvantage more of procedure than of substance. The disadvantage was that, if the Code was really to be a manual, which should be useful to those who administer justice and those for whose interest justice is administered, then, whenever an amendment was required to be made, the whole Code must be re-enacted, and the amendment incorporated with it; otherwise, in process of time, the object of codification would be defeated, and, instead of one complete manual, we would have a more or less obsolete Code with a number of minor Acts grafted on to it. His hon'ble colleague Mr. Stokes had produced this bulky Code now, which was a re-enactment of the existing law, with a re-arrangement of its provisions, which, MAJOR BARING was told on good authority, was an improvement upon the arrangement which existed hitherto; and he also proposed three important amendments in addition to some minor ones.

The first of these was, that the latitude heretofore given to the Courts in regard to the examination of accused persons should be limited; secondly, that the law as regarded whipping should be altered in the sense of diminishing the power which is now allowed; and thirdly, that the power of enhancing sentences upon appeal by the Appellate Courts was withdrawn. These amendments were, he understood, generally accepted by this Council and public opinion. They were all amendments conceived in a liberal spirit, and in harmony with the general tone of Native opinion, and although, as his hon'ble friend on his left (Mr. Gibbs) had remarked, from our English point of view, Native opinion seemed to sympathise to an extreme degree with the culprit, at the same time the Council ought to remember that charity and sympathy with suffering was inculcated by the Hindú religion, and was indeed one of the most amiable traits of the Native character. The real issue, however, was this—Were the Council to pass and accept this Code, which was a good one, with the amendments which were generally accepted, or were they to let the whole thing be postponed until they could consider the further and important amendment which had been moved by his hon'ble friend Durgá Charan Láhá? That was the issue which presented itself to MAJOR BARING's mind, and, in that sense, he deprecated the amendment, while he at the same time thought that the point raised was well worthy of attention. But if, on every occasion of codification, the whole merits of the Code had to be discussed; and if difficulties which are presented in regard to each of its sections had to be discussed again, the process of codification would become impossible, and the law would practically be thrown into the comparatively chaotic state which preceded codification. On these grounds, MAJOR BARING opposed the amendment, but at the same time he wished to repeat that he sympathised with the spirit of the remarks which had been made by his hon'ble friend Mahárájá Jotendro Mohun Tagore and the British Indian Association.

The Hon'ble MR. GIBBS said that he had only one word to say. He did not think that this amendment should be agreed to. It seemed to him to form a portion of a very large amendment of principle which the Council would have to go into if they took it up at all, and at this stage of the proceedings he did not think it was possible to do that. The section which his hon'ble friend objected to formed part of a chapter in the Code referring to British-born subjects. That chapter would become imperfect if the amendment of his hon'ble friend Durgá Charan Láhá was made. At the same time, it had been shown by his hon'ble friend Mr. Crosthwaite—and he understood would be also shown by his hon'ble friend Mr. Stokes—that the rest of Her Majesty's subjects were, by amendments made by the Select Committee, exactly in a similar position to that in which these particular clauses placed European British subjects. Under these circumstances, as the Council could not now open up the much wider question, he objected to the amendment.

The Hon'ble MR. STOKES said that he opposed this amendment for three reasons: First, for the reason referred to by his hon'ble friend Mr. Crosthwaite, that the amendment, if carried, would turn the section into nonsense. Any hon'ble member could ascertain that for himself by making the substitutions and omissions which the hon'ble mover proposed. The section would then run as follows:—

"456. When any person is unlawfully detained in custody by any person, such person, or any person on his behalf, may apply to the High Court for an order directing the person detaining him to bring him before the High Court to abide such further order as it may pass."

Secondly, because the amendment would convert three sections which now related only to European British subjects, and which found a place in the Part of the Code which was headed "Special Proceedings" and in the chapter entitled "Criminal Proceedings against Europeans and Americans", into general provisions applicable to persons of every nationality, and thus render those sections incongruous with the provisions of the Code in connection with which they appeared.

Thirdly, because it seemed to him that the amendment was not necessary. He had reason to believe that the hon'ble member, when he brought his amendment to the Secretary, was unaware of the existence of that important section

(100), which was inserted for the first time in the present Bill, and which gave power to certain Magistrates, when they had reason to believe that any person was unlawfully confined, to issue a search-warrant for the production of such person. That section declared—

"100. If any Presidency Magistrate, Magistrate of the first class or Sub-divisional Magistrate has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person if found shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper."

The British Indian Association also ignored the existence of that section, and it was clear that they must have been unaware of it. Furthermore, the hon'ble member and the Association had overlooked the fact that the section dealing with the High Court's power of revision had been greatly extended in its operation, and some of the cases which had been cited by the hon'ble mover of the amendment could not possibly have occurred if this Code had been law. The extension resulted from the omission of the word "judicial" in the first line of section 439. That section clearly now applied to *all* proceedings under the Code, the record of which had been called for by the High Court, or which had been reported for orders, or which otherwise came to its knowledge. The High Court could do under that section practically all that the hon'ble member wished it to do. The Hon'ble Jotíndra Mohan Tagore had remarked that experience had proved that the present power of revision had been insufficient. MR. STOKES did not deny that, but the object of the amendment to which he had just referred, namely, the omission of the word "judicial", was for the very purpose of meeting that defect. Then his hon'ble friend also said "What was the use of those sections (456, 457, 458) relating to European British subjects?" MR. STOKES dared say that, with sections 100 and 491 in the Code, and with the extended power of revision to which he had referred, it might be plausibly contended that sections 456, 457 and 458 were superfluous; but they were part of the personal law of European British subjects: if the Council attempted to withdraw them, there would be an agitation throughout the country amongst Europeans; and the Government of India would never undertake such an alteration of the law without previously communicating with the Secretary of State and the Local Governments. As the sittings of the Council at Calcutta were now nearly at an end, and a Bill like this could not be passed at Simla, such a communication would involve a delay of nearly a year; and he did not think the hon'ble member would be willing to deprive his countrymen for so long a time of the benefits of the changes which would be made by the new Code.

His Excellency THE PRESIDENT said:—"It has often been my fate in discussions in Parliament and elsewhere to find that, when I spoke late in a debate, I was placed in a most unfortunate position; because most of what I was going to say—all my best arguments—were taken away from me by those who had preceded me on the same side. I have very great cause of quarrel in this respect with my hon'ble friend Major Baring, because he has stated so fully and ably the views which I hold on this subject, that there is very little for me to say beyond what the gentleman at Bristol said, when he and Mr. Burke were canvassing for that city—'I say ditto to Mr. Burke.' Nevertheless, at the risk of repeating some of the arguments he has used, I will, for a few moments, go over the ground traversed by him and others, who feel that it is not advisable to adopt this amendment on the present occasion. In the first place, I think it is quite clear that the particular case to which my hon'ble friend Durgá Charan Láhá alluded, and in respect to which he read an extract from a letter in the *Englishman* newspaper, is, if I understand the extract that he read, met by the amendments made in the existing law by the Bill now before us; because the difficulty which arose in the cases in the Panjáb to which my hon'ble friend referred appeared to have arisen because the Court could not inquire into any proceedings on the part of a Magistrate which were not in the nature of judicial proceedings. The word 'judicial' does appear in the existing code, but has been removed from the clause as it stands in this Bill. At the present moment, the words are 'in any judicial proceeding.' The word 'judicial

has been taken out, and that will, I hope, meet the particular case quoted by my hon'ble friend from the *Englishman*.

"Besides this, however, section 100 of the Bill provides greater security than at present exists against anything in the nature of arbitrary or illegal imprisonment. Now, I certainly cannot think it necessary that I should say that no one can be more opposed to anything of that kind than I should be; and I desire to give every person in this country, of whatever race he may be, the fullest security against suffering so grievous a wrong as that which would undoubtedly result from anything in the nature of illegal or improper imprisonment. I venture to hope, however, that sufficient provision has been made in this Bill, by the changes to which I have alluded, to give reasonable and adequate security against danger of that kind. I must, however, admit that I sympathise a good deal with what I think is the feeling at the bottom of the amendment moved by my hon'ble friend Durgá Charan Láhá. I think the real meaning of the amendment is that he feels a certain amount of disinclination to there being such a chapter as the 33rd chapter of this Bill—a chapter providing a special mode of procedure for Europeans and Americans. I should be very glad if it was possible to place the law in regard to every person in this country, not only on the same footing,—for that the Bill will, I hope, practically do,—but to embody it in the very same language, whether it relates to Europeans or Natives. But no one who recollects the history of questions of this kind in this country can doubt that to deal with that special chapter, which regulates the procedure with regard to Europeans and Americans, in the manner that has been suggested, would be to deal with very difficult and very delicate questions. Cases have arisen, not under this particular clause, but of a kindred nature, in which the Government of the day has been beaten in this Legislative Council. We all know the agitation that has taken place and the strong excitement which has arisen in past times upon questions of this sort. They are certainly matters not to be entered upon without very full consideration, or, as my hon'ble friend Mr. Stokes remarked, without consultation, not only on the part of the Government here, but also with the Government at home. Under these circumstances, I would strongly recommend that that particular section, and that particular portion of the Bill, be left alone now. Whether any alterations can be made in them from time to time will always be a matter of interest to the Government,—certainly to me,—and I will not fail to consider this particular subject of *habeas corpus* when opportunity offers; but I think that it is impossible to open a question of that magnitude, complication and difficulty without a great deal more thought and examination than would be possible for the Council and the Government to give to it at the present time.

"Then there is the point upon which my hon'ble friend Major Baring touched, namely, whether, as this amendment is proposed, and as other amendments might easily be proposed, in this Code of Criminal Procedure, we should not wait until all the possible amendments have been got together and considered, instead of adopting the more limited amendments which the Bill proposes at the present time. I must say that I earnestly hope the Council will not take that course, for I confess to a great personal interest in some of the amendments which it is proposed to make in the law by this Bill. The three amendments to which special attention has been drawn by my hon'ble friend Major Baring, and the amendments in the direction of greater security for personal liberty, are all amendments to which I myself attach great importance; and I think that it would be a great misfortune—at all events, if that is too strong a term, I should greatly regret—if those amendments were not introduced now, and if the country were to be deprived for another period of twelve months of the advantage of those amendments. Take one of them,—the question of enhancing, a sentence upon appeal. That is a thing which is going on from time to time and, in fact, instances of such enhancement have only very recently been brought under my notice; and I think it is a very undesirable power to entrust to the Courts if it were only for the reason that it is evidently a distinct discouragement to a man who thinks he has been aggrieved to resort to appeal; and I should be very sorry to deprive the people of India of the advantage of that and other amendments for twelve months longer, simply because there are some further amendments which might, in the opinion of some of my hon'ble friends, be introduced.

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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Fort William, the 14th March 1882.

No. 84.—Mr. R. J. Crosthwaite, C.S., Officiating Secretary to the Government of India in the Legislative Department, is appointed to officiate as Judicial Commissioner of the Central Provinces during the absence on leave of Mr. J. W. Neill, or until further orders.

No. 87.—The services of Lieutenant C. H. Morris, B.S.C., Officiating Cantonment Magistrate of Saugor, in the Central Provinces, are placed at the disposal of the Government of the Punjab.

The 15th March 1882.

No. 89.—Consequent on the departure on furlough of Lieutenant-Colonel J. Johnstone, C.S.I., Deputy Commissioner, 3rd Grade, in Assam, and Political Agent, Manipur, Captain W. F. Trotter, Assistant Commissioner, 2nd Grade, is appointed to officiate as Deputy Commissioner, 4th Grade, and to be Political Agent in Manipur.

The 16th March 1882.

No. 95.—The following temporary promotions are made in the British Burma Commission:—

Consequent on the departure on furlough of Lieutenant-Colonel G. E. Fryer, Assistant Commissioner, 1st Grade, on the 16th January 1882, Captain W. F. H. Grey, Assistant Commissioner, 3rd (officiating 2nd) Grade, to officiate as Assistant Commissioner, 1st Grade.

Consequent on the return from privilege leave of Mr. E. S. Symes, C.S., Junior Secretary to the Chief Commissioner, on the 9th February 1882, Mr. H. Sankey, C.S., Assistant Commissioner, 4th Grade, and Officiating Junior Secretary to the Chief Commissioner, to officiate as Assistant Commissioner, 3rd Grade.

Consequent on the departure on furlough of Major C. H. A. Gower, Deputy Commissioner, 4th (officiating 3rd) Grade, on the 25th February 1882, Mr. R. H. Pilcher, C.S., Deputy Commissioner, 4th Grade, to officiate as Deputy Commissioner, 3rd Grade.

Consequent on the departure on furlough of Mr. G. J. S. Hodgkinson, C.S., Commissioner of the Irrawaddy Division, Lieutenant-Colonel W. C. Plant, Deputy Commissioner, 1st Grade, to officiate as Commissioner of that Division, with effect from the 17th March 1882, or the date on which he may assume charge.

Major H. R. Spearman, Deputy Commissioner, 2nd Grade, to officiate as Deputy Commissioner, 1st Grade, *vice* Lieutenant-Colonel Plant.

Mr. H. Buckle, Deputy Commissioner, 3rd Grade, to officiate as Deputy Commissioner, 2nd Grade, *vice* Major Spearman.

The 17th March 1882.

No. 98.—Subject to the approbation of Her Majesty the Queen, Empress of India, the Governor General of India has been pleased to appoint Sir Charles Umpherston Aitchison, K.C.S.I., of the Bengal Civil Service, to be Lieutenant-Governor of the Punjab and its Dependencies.

No. 99.—Subject to the approbation of Her Majesty the Queen, Empress of India, the Governor General of India has been pleased to appoint Sir Alfred Comyns Lyall, K.C.B., of the Bengal Civil Service, to be Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh.

No. 102.—The services of Mr. A. P. Howell, C.S., Commissioner of the Nerbudda Division, in the Central Provinces, are placed temporarily at the disposal of the Foreign Department.

SANITARY.

The 17th March 1882.

No. 85.—The following Rules have been sanctioned by the Governor General in Council under the provisions of Act I of 1870, as a temporary measure, to provide for quarantine against cholera in the port of Aden:—

I. The Commander of every vessel, including buggalows or other native craft arriving from the port of Bombay or from the Turkish Red Sea ports, shall, before entering the harbour, indicate by signal the port from which such vessel has come.

II. Such Commander shall not, except as hereinafter provided, allow any communication, either with the pilot boat, except orally, or with the shore, or with any other vessel or boat in the harbour.

III. Immediately on any such arrival being signalled, the Health Officer of the port shall go alongside the vessel and, if communication with the shore is desired, shall direct the Commander to take the vessel to the quarantine anchorage, duly appointed and notified in that behalf by the Resident, there to remain for a period of seven days from the date of arrival in the harbour, and undergo disinfection, which should apply as well to crew, passengers, effects and susceptible goods. The Health Officer shall also direct the Commander to prohibit, during the period for which the vessel remains at the quarantine anchorage as aforesaid, all communication, except such as is hereinafter provided for, between such vessel and the shore, or other vessels and boats in the harbour. If communication with the shore is not required the vessel shall not enter the inner harbour, and no communication in any way shall be allowed with the pilot boat, except orally, or with the shore or with any vessel or boat in the harbour.

IV. If during the period a vessel is at the quarantine anchorage aforesaid, any case or cases of cholera should occur on board, the said vessel shall remain in quarantine for a period of seven days from the date of the last case occurring, and be subject to all the prohibitions provided for in Rule III.

V. When any vessel has been placed in quarantine as aforesaid, the Health Officer may direct the removal of so man of the passengers and crew as may not be suffering from illness, and whose services may not be required on board the vessel, to such particular spots, as may from time to time be selected by the Resident as places of quarantine, there to remain for a period of seven days. If a case of cholera occurs among such passengers and crew during any such period, they shall remain in a place of quarantine for a period of fifteen days from the date of the occurrence of the last case of such illness.

VI. Any mails or cargo which may be brought by any vessel so arriving, shall be landed under such precautions as the Health Officer may deem necessary to prevent the spread of the disease.

VII. It will be the duty of the Port Officer to facilitate the conveyance to all vessels in quarantine of such supplies of provisions, stores and other articles, as may be required by those on board. Such supplies will be placed on the boats of the vessels in quarantine to be subsequently removed by members of their crews.

VIII. All vessels arriving at Aden which may have communicated with vessels coming from the port of Bombay or from the Turkish Red Sea ports shall be subjected to the same quarantine as vessels arriving at Aden from the port of Bombay or from the Turkish Red Sea ports.

IX. All vessels which have undergone quarantine in the manner above prescribed, should have the fact clearly stated on their Bills of Health.

JUDICIAL.

The 11th March 1882.

No. 357.—The Hon'ble Charles Pontifex, a Judge of the High Court of Judicature at Fort William in Bengal, has obtained furlough for one year, with effect from the 31st instant, or from any subsequent date on which he may avail himself of it, together with subsidiary leave for twelve days.

The 17th March 1882.

No. 384.—In exercise of the power conferred by Section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend Sections 3 and 4 of Act XIV of 1869 (the Bombay Civil Courts Act, 1869) to the Province of Sind.

No. 386.—Under the provisions of Section 3, Act XXVI of 1881 (the Negotiable Instruments Act, 1881), the Governor General in Coun-

cil has been pleased to appoint the following persons to perform the functions of Notaries Public under that Act:—

Babu Ram Gopal Chakravarti, Government Pleader—Gauhati.
Babu Chandra Nath Nandi, Government Pleader—Silchar.
Babu Kailas Chandra Ghose, Government Pleader—Sylhet.

No. 389.—The Hon'ble G. G. Morris, a Judge of the High Court of Judicature at Fort William in Bengal, has obtained furlough for 5 months and 16 days, with effect from the 31st instant, together with subsidiary leave for 4 days from the 27th idem.

No. 391.—Under the provisions of the Act of Parliament 24 and 25 Vic., Cap. 104, Section 7, the Governor General in Council is pleased to direct that the Hon'ble James O'Kinealy, an Officiating Judge of the High Court of Judicature at Fort William in Bengal, shall officiate as a Judge of that Court during the absence of the Hon'ble G. G. Morris on furlough.

ECCLESIASTICAL.

The 17th March 1882.

No. 37.—Her Majesty's Secretary of State for India has appointed the Reverend Frederick Vivian Knox, M.A., to be a Junior Chaplain on the Bengal Ecclesiastical Establishment, to fill an existing vacancy.

No. 38.—Her Majesty's Secretary of State for India has permitted the Reverend J. H. Hocking, M.A., a Senior Chaplain on the Bengal Ecclesiastical Establishment, to retire from the service, with effect from the 1st April 1882.

A. MACKENZIE,
Officiating Secretary to the Government of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Fort William, the 16th March, 1882.

No. 225 *G.*—During the absence of the Governor General in Council from Calcutta, the Officiating Secretary to the Government of India in the Military Department at the Presidency will have charge of that portion of the Revenue and Agricultural Department which is left at Calcutta.

No. 226 *G.*—The services of Mr. C. L. Tupper, C.S., Officiating Under Secretary to the Government of India in the Revenue and Agricultural Department, are placed at the disposal of the Punjab Government, with effect from the 9th instant.

Mr. T. W. Holderness, C.S., will continue to officiate as Under Secretary to the Government of India in the Department of Revenue and Agriculture.

E. C. BUCK,
Officiating Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—JUDICIAL.

Fort William, the 16th March 1882.

No. 8 *E. J.—Extract from the Proceedings of the Government of India in the Foreign Department (Judicial).*

Read again the correspondence regarding the case of Muhammad Hyat Khan, ending with the Resolution by the Government of India in the Foreign Department, No. 1195, dated Simla, the 9th June 1881.

Read also the following papers:—

To Punjab Government, No. 1196 E. P., dated 9th June 1881.
To Punjab Government, No. 1339 E. P., dated 22nd June 1881.
From Government Advocate, Punjab, letter dated 5th December 1881.
To Solicitor to Government, letter No. 56 E. P., dated 11th January 1882.
From Solicitor to Government, letter No. 76, dated 27th January 1882.
Depositions taken at Kabul.
To Solicitor to Government, letter No. 288 E. P., dated 16th February 1882.
From Solicitor to Government, letter No. 166, dated 21st February 1882.

RESOLUTION.—By Resolution of the Government of India in the Foreign Department (Political), No. 1195 of 9th June 1881, it was ordered that an inquiry should be held under Act XXXVII of 1850 into the conduct of Muhammad Hyat Khan, C.S.I., while in political employ at Kabul. The Resolution briefly noticed the circumstances which led to this order, and the preliminary action which had already been taken by the Government in connection with them; but in view of the present position of the case, it will be convenient to recapitulate the facts concerning the charges under consideration.

Muhammad Hyat Khan was employed as a political officer under General Roberts during the occupation of Kabul in the winter of 1879-80. He left Kabul early in the year 1880, and soon after his departure rumours became prevalent imputing to him corruption and extortion in the discharge of his duties in Afghanistan. In some cases written documents were submitted to the higher authorities there, containing explicit charges of that nature against him; but as there was no means of holding a judicial inquiry into the matter, and as, besides, Hyat Khan had already left Kabul, no investigation was held at the time, and the charges remained unrefuted. The Government felt that it was impossible to allow the matter to remain in this position. The rumours affecting Hyat Khan's reputation had been, and continued to be, persistent and reiterated, and charges of a distinct and definite nature had been made against him in writing. These charges involved a gross abuse of his position by an officer in the employment of the Government of India for purposes of extortion, and to have ignored them would have been alike prejudicial to the character of the public service, and unfair to the officer himself. The alleged offences were committed, it is true, in a foreign country occupied by British troops as the result of warlike operations; but this circumstance did not appear to the Government in any way to mitigate the gravity of such offences as those of which Muhammad Hyat Khan was accused, and they felt that the practice of intimidation and extortion in an

enemy's country by a British officer was calculated to reflect grave discredit upon the Government which he served. The Government of India had therefore to determine in what way the charges against Muhammad Hyat Khan should be brought to a definite issue. It was clear that they could not be left to be dealt with by the ordinary processes of law, for the acts complained of, if committed, had been committed in a foreign country, in which we were carrying on warlike operations, and could not therefore be dealt with by the Criminal Courts of British India. It was, accordingly, necessary that any action that might be taken should be of a special character, and must originate with the Government as a measure of discipline. Looking at it from this point of view, the Government was confronted at the outset by the difficulty arising from the absence of formal and declared prosecutors, and the uncertainty in regard to the evidence which could be brought to bear upon the charges. It was therefore decided to hold a preliminary inquiry in the *first* instance for the purpose of ascertaining with some greater degree of precision what grounds there might be for proceeding against the accused; and *secondly*, in the event of its appearing that good grounds existed for further proceedings in order to enable the Government to determine what form those proceedings should take. This inquiry was entrusted to Mr. D. G. Barkley (at the time officiating as a Judge of the Chief Court of the Punjab), assisted by Messrs. Silcock and Anderson, Assistant Commissioners of the Punjab, and was held at Peshawar between 21st February and 7th April 1881. The report made to Government by these gentlemen is published herewith. From it it will be seen that they inquired into seven specific charges against Muhammad Hyat Khan, and that, although there was some difference of opinion, they were practically unanimous in considering that the innocence of the accused was not established on any of the seven charges, and that on some the evidence inclined them to pronounce an unfavourable verdict. Having regard to the importance of the issues, the Government did not feel justified in treating this report as conclusive. The evidence had not all been taken on oath, and in other respects it was admitted by the Commissioners themselves to be imperfect. The Commissioners differed among themselves upon important points, and it could not be said that upon any of the graver charges the finding of the Commission as a whole was conclusive against Muhammad Hyat Khan. Moreover, the accused officer represented that under the conditions of the inquiry—conditions that arose of necessity from its informal and departmental character—he had been prejudiced in his defence. With the view therefore, not only of making the investigation as thorough and complete as possible, but also for the purpose of affording the accused the fullest opportunity of defending himself in an open and public trial, the Government determined on the inquiry which was ordered to be undertaken by the Resolution of 9th June 1881.

That Resolution directed that the procedure prescribed in Act XXXVII of 1850 should be followed, and that 'the imputations made against Muhammad Hyat Khan should be drawn into distinct articles of charge, and a Commission should be appointed to make a regular inquiry into the truth of them.' In conformity with these directions, Mr. J. W. Smyth, a Judge of the Chief Court, Punjab, was selected as sole Commissioner for the purposes of the inquiry, and the Government Advocate, Punjab, was appointed to conduct the prosecution. All the papers in the case were accordingly sent to this latter officer in order that he might frame specific articles of charge. After a careful perusal of the papers he represented that in order to establish the charges it would be necessary to obtain the evidence of witnesses resident in Afghanistan. A list of persons, whose evidence he considered to be required was accordingly sent to the Amir of Afghanistan, and His Highness was invited to cause their attendance at Peshawur. In reply, His Highness expressed his inability to compel the attendance of the witnesses, but after some time forwarded certain depositions, which are annexed to this Resolution. Under these circumstances the Government submitted the whole of the papers connected with the case to the law officers of the Government of India, who were of opinion that, in the absence of witnesses from Afghanistan, no evidence is forthcoming which would establish any of the charges against the accused, except, perhaps, under one comparatively insignificant head. The Government of India has therefore determined to abandon the prosecution, and the Resolution of 9th June 1881 is accordingly rescinded, in so far as it directs a trial under Act XXXVII of 1850.

The Governor General in Council cannot conceal from himself that the position in which this case is left is not satisfactory. Charges of the gravest import have been brought against an officer who has passed a long and honorable career in the public service, and whose title to be regarded as worthy of confidence and respect has up to recent date not been questioned. By some these charges have been believed to be true, by others they have been regarded as the vilest calumnies. The Government has exhausted all the means at its command for the purpose of sifting those charges, and in the opinion of the law officers it would now be impossible to bring them to the test of a judicial examination. The result is that the charges against the accused have not been established. The suspension of Muhammad Hyat Khan is consequently removed.

ORDERED, that this Resolution* be published in the *Gazette of India*.

* A selection of the papers quoted in the preamble will be found published in the Supplement to the Gazette.

GENERAL.

The 11th March 1882.

No. 375 *G. G.*—Captain J. Burne, B.S.C., Officiating Political Assistant of the 2nd Class, and 2nd Assistant to the Agent to the Governor General in Central India, is appointed to officiate as Cantonment Magistrate at Mhow, *vice* Lieutenant-Colonel H. M. Burlton, B.S.C., proceeding on furlough.

The 14th March 1882.

No. 382 *G. G.*—Major H. M. S. Magrath, M.S.C., 1st Assistant Commissioner of Coorg, is appointed to officiate as Magistrate and President of the Municipal Commission of the Civil and Military Station of Bangalore, with effect from the 7th March 1882, during the absence of Major E. P. Maltby, Madras Infantry, on privilege leave.

No. 384 *G. G.*—The services of Lieutenant-Colonel R. A. Cole, M.S.C., are replaced at the disposal of the Government of Madras.

The 15th March 1882.

No. 389 *G. G.*—During the absence of the Governor General in Council from Calcutta, the Officiating Secretary to the Government of India in the Military Department at the Presidency will have charge of that portion of the Foreign Department which is left at Calcutta.

No. 391 *G. G.*—The following promotions and alterations of rank are made in the Political Department, with effect from the dates specified :—

Major A. W. Roberts, Officiating Political Agent, 2nd Class, to be a Political Agent, 2nd Class, sub. *pro tem.*, with effect from the 11th February 1882.

Major F. A. Wilson, Political Agent, 3rd Class, to officiate as a Political Agent, 2nd Class, with effect from the 11th February 1882.

Major E. Mockler, Political Agent, 3rd Class, to officiate as a Political Agent, 2nd Class, with effect from the date of departure on furlough of Major V. E. Law.

The 16th March 1882.

No. 396 *G. G.*—Mr. W. J. Cunningham, Bombay Civil Service, Officiating Political Agent of the 2nd Class, is granted furlough for one year and four months from the 1st March 1882, or such subsequent date as he may avail himself of it.

No. 399 *G. G.*—Major H. Wylie, C.S.I., Bengal General List, Infantry, Political Agent of the 3rd Class, is, on return from furlough, posted as Assistant to the Resident in Mysore, and Secretary to the Chief Commissioner of Coorg.

No. 406 *G. G.*—Nawab Mirza Hasan Ali Khan, C.I.E., is appointed Attaché to the Agent to the Governor General in Beluchistan, substantive *pro tempore*.

The 17th March 1882.

No. 414 *G. G.*—Under Section 60 of the Civil Leave Code, Mr. W. B. Jones, Commissioner of the Hyderabad Assigned Districts, is granted three months' leave on urgent private affairs, with effect from the 1st April 1882, or from such date as he may avail himself of it.

Mr. A. P. Howell, Commissioner of the Nerbudda Division, Central Provinces, is appointed to officiate as Commissioner of the Hyderabad Assigned Districts, *vice* Mr. Jones, with effect from the date of assuming charge.

POLITICAL.

The 13th March 1882.

No. 76 *G. P.*—His Excellency the Viceroy and Governor General in Council is pleased to recognize the appointment of Mr. John Macfadyen as Vice-Consul for Denmark at Calcutta.

The 15th March 1882.

No. 79 *G. P.*—His Excellency the Viceroy and Governor General is pleased to confer upon Babu Dwarkanath Mukarji, Honorary Assistant Engineer, the title of "Rai Bahadur," as a personal distinction.

C. GRANT,

Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Fort William, the 17th March 1882.

The following Addenda to the Codes of the Financial Department are published for general information :—

No. 1627.

CIVIL LEAVE CODE.

PAGE 179.

Section 113 (a), Rule 1.

Substitute the following for the Rule :—

1. Except on medical certificate or on very urgent private affairs, furlough or special leave may not be granted to a Church of England Chaplain if twenty per cent. of the whole number of Chaplains belonging to his Diocese are already absent on furlough or special leave. The Bishop of Calcutta, Lahore, or Rangoon, as the case may be, will report to the Government of India when the limit is reached.

No. 1508.

P. & A. A. C.

PAGES 284 & 285.

Section 51.

In the list of officers in the Public Works Department entitled to a minimum salary of :—

Rs. 900.

For "the Rajputana State Railway and one Guaranteed Railway" *substitute* "the Rajputana-Malwa State Railway and the Calcutta Guaranteed Railways."

Rs 650.

For "the Madras Valley State Railway" *substitute* "Indus Valley State Railway."

Strike out "the Holkar and Neemuch State Railway."

And add "the Southern Mahratta Railway, the Northern Bengal State Railway, and the British Burma State Railways."

Rs. 500.

Strike out "the Northern Bengal State Railway and the Rangoon and Irrawaddy Valley State Railway."

No. 1547.—Mr. R. E. Hamilton, appointed to officiate as Assistant Secretary to the Government of India in the Department of Finance and Commerce, during the absence, on furlough, of Mr. J. E. O'Conor, or until further orders, received charge of that office, before noon, on the 11th March 1882.

No. 1573.—ERRATUM.—In paragraph 1 of Notification No. 1449, dated the 10th March 1882, published in the *Gazette of India* of the 10th and 11th instant, after the word "portion" insert "other than the Kalabagh Mines."

No. 1646.—Mr. G. W. Cline, LL. D., assumed charge of the office of Assistant Accountant General, Madras, before noon, on the 10th March 1882.

No. 1647.—Moung Hla Oung having been appointed to officiate as Assistant Comptroller

General received charge of that office, before noon, on the 10th March 1882.

No. 1657.—Privilege leave for three months is granted to Mr. J. Westland, Comptroller General and Head Commissioner of the Department of Issue of State Paper Currency, from the 28th instant, or the subsequent date on which he may avail himself of it.

Mr. E. F. T. Atkinson, B.C.S., is appointed to officiate as Comptroller General and Head Commissioner of the Department of Issue of State Paper Currency during the absence on privilege leave of Mr. J. Westland, or until further orders.

No. 1659.—In supersession of the order in this Department, No. 626 G., dated the 30th September 1862, the Governor General in Council is pleased to rule that Military and Commissioned Medical Officers, joining appointments in the Civil Department, shall be subject to the same rules as officers proceeding from one appointment in the Civil Department to another.

No. 1667.—Privilege leave for three months is granted to Mr. A. U. Fanshawe, Officiating Post Master General, Bombay, with effect from the 11th March 1882.

Mr. C. A. Stuart, appointed to officiate as Post Master General, Bombay, during the absence on privilege leave of Mr. Fanshawe, received charge of that office, after noon, on the 10th March 1882.

Mr. W. Merrett, appointed to officiate as Presidency Post Master, Bombay, received charge of that office, after noon, on the 10th March 1882.

T. C. HOPE,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 17th March, 1882.

APPOINTMENTS.

No. 129.—PERSONAL STAFF—

The following appointment has been made on the Personal Staff of His Excellency the Commander-in-Chief in India:—

Lieutenant R. Owen, 14th Hussars, to be Aide-de-Camp. Dated 8th February, 1882.

No. 130.—MILITARY ACCOUNTS DEPARTMENT—

Lieutenant T. H. Eyre, Squadron Officer, 16th Bengal Cavalry, to be Assistant Military Accountant, on probation, with effect from the 9th March, 1882.

No. 131.—MILITARY WORKS DEPARTMENT—

Lieutenant-Colonel G. Newmarch, R.E., Executive Engineer, 1st grade, having reporte his return from special leave on the 5th instant, is posted to the Military Works Department. Dated 10th March, 1882.

INTELLIGENCE.

No. 132.—The Most Hon'ble the Governor General in Council is pleased to direct the publication of the following correspondence:—

No. 58, *Field Operations—C*, dated Army Hd.-Qrs., Fort Wm., 9th March, 1882.

From—Major-General Sir C. M. MACGREGOR, K.C.B., &c., Quartermaster-General in India,
To—Colonel G. CHESNEY, Secretary to the Government of India, Mily. Dept.

Dated 30th January, 1882, with annexures.

I am directed to forward, for the information of the Government of India, the accompanying most valuable and exhaustive report by Brigadier-General Wilkinson on the route marched by the force under his command from Quetta to Dera Ghazi Khan in November, 1881.

2. This march has been a very interesting and a very valuable one; it sets at rest, as His Excellency thought it would, the question as to the best road from the Indus to Kandahar; it proves that detachments of British troops can march through the country of wild, untamed tribes without any collision arising; it establishes the fact that with due care long marches can be made through the roughest country without any material loss of transport, and it is an honorable evidence of the hardships which British and Native soldiers can endure, and of what the skill and intelligence of British officers rightly directed can accomplish.

3. These results, His Excellency considers, could not have been attained had the Commander not possessed, in a high degree, intelligence, energy, tact and power of organization; and Sir Donald Stewart therefore submits that Brigadier-General Wilkinson and the officers brought to notice by him have fairly earned the high approval of Government.

4. I am to request the early return of all the enclosures of this report in order that the valuable information recorded therein may without delay be transferred to the Intelligence Branch of this Department.

No. $\frac{201}{B}$, dated 17th March, 1882.

From—Colonel G. CHESNEY, Secy. to the Govt. of India, Mily. Dept.,
To—The Quartermaster-General in India.

Your letter No. 58, dated the 9th March, 1882, enclosing the report by Brigadier-General Wilkinson on the march by the force under his command from Quetta to Dera

Ghazi Khan in November and December, 1881, having been laid before the Governor General in Council, I am directed to say that His Excellency in Council fully concurs with the Commander-in-Chief in his high estimation of the qualities displayed by Brigadier-General Wilkinson, the Commander of the expedition, who, with the officers brought to notice by him, have well earned the approval of the Government of India.

2. This excellent report will be printed, and the plans, &c., executed by Major James of the Bombay Staff Corps and other officers of the force, will be reproduced, and copies will be forwarded to Her Majesty's Secretary of State for India.

FURLOUGH AND LEAVE.

No. 133.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel (Brevet Colonel) L. H. Williams, Bengal S.C., Commandant, 14th Native Infantry, (u. p. a) for 182 days, under rule XI of the regulations of 1868.

Major T. A. Scott, Bengal S.C., Assistant Commissioner, 1st Class, Officiating Deputy Commissioner, 2nd Class, Central Provinces, (p. a.) for 243 days, under rule IX of the regulations of 1868.

Brigade-Surgeon T. Mathew, M.B., (p. a.) for two years, under rule IX of the regulations of 1868.

No. 134.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India:—

Major-General H. K. Burne, C.B., Bengal S.C., on furlough pay as an unemployed General Officer from 20th December, 1881, to date of his succession to the Colonel's allowance. (This cancels the extension granted to him in G. G. O. No. 13 of 1882).

Major A. B. Douglas, Bengal S.C., (m. c.) for six months.

Major J. B. Slater, Bengal S.C., (m. c.) for six months.

Surgeon A. Duncan, M.D., (m. c.) for two months.

PROMOTIONS.

No. 135.—The following promotions are made, subject to Her Majesty's approval:—

BREVET.

To be Colonels.

Lieutenant-Colonel Mansfeldt George Smith, Bengal S.C. (since retired),—1st July, 1881.

Lieutenant-Colonel Charles Vanrenen Conway-Gordon, Bengal S.C.,—1st October, 1881.

No. 136.—The promotion of Lieutenant-Colonel Arthur Phelps, Bombay Infantry, to the rank of Colonel by brevet, is antedated to the 1st January, 1879, subject to Her Majesty's approval.

No. 137.—MEDICAL DEPARTMENT—

Rank and Name.	To what rank promoted.	From what date.	In succession to
Passed Hospital Apprentice George Ross Crowe ...	2nd Class Assistant Apothecary.	3rd Oct. 1881	J. Davis, seconded.
Passed Hospital Apprentice Cecil George Stanley Jenkins ...		10th " "	W. A. Ross, invalided.
Passed Hospital Apprentice Patrick Victor ...		21st " "	G. J. Harris, deceased.
Passed Hospital Apprentice Harry Day		29th Dec. "	J. T. Weston, seconded.

No. 138.—MILITARY WORKS DEPARTMENT—

The following temporary promotions and reversions in the Engineer Establishment of the Military Works Department are made:—

	From	To	Date.
Sim, Lieut. G. H., R.E.	Asst. Engr., 1st Grade.	Executive Engr., 4th Grade.	14th Nov. 1881.
Sim, Lieut. G. H., R.E.	Tempy. Executive Engr., 4th Grade	Asst. Engr., 1st Grade.	19th " "
Sim, Lieut. G. H., R.E.	Asst. Engr., 1st Grade.	Executive Engr., 4th Grade.	25th " "
Mein, Lieut. A. L., R.E.	Asst. Engr., 1st Grade.	Executive Engr., 4th Grade	27th Dec. "
Mein, Lieut. A. L., R.E.	Tempy. Executive Engr., 4th Grade.	Asst. Engr., 1st Grade.	31st " "
Sim, Lieut. G. H., R.E.	Tempy. Executive Engr., 4th Grade.	Asst. Engr., 1st Grade.	2nd Jan. 1882
Sim, Lieut. G. H., R.E.	Asst Engr., 1st Grade.	Executive Engr., 4th Grade.	9th " "
Mein, Lieut. A. L., R.E.	Asst. Engr., 1st Grade.	Executive Engr., 4th Grade.	12th " "

No. 139.—NATIVE ARMY—

36th Native Infantry.

Jemadar Kidar Sing, to be Subadar, *vice* Umrit Sing, deceased; Havildar Mulkhan Sing, to be Jemadar, *vice* Kidar Sing, promoted,—31st December, 1881.

No. 140.—PUNJAB FRONTIER FORCE—

(Queen's Own) Corps of Guides.

Duffadar Tura Baz, to be Jemadar, *vice* Zairulla dismissed,—5th October, 1881.

PENSIONS.

No. 141.—Conductor John Hogan, Ordnance Department, is transferred to the Pension establishment.

G. CHESNEY, *Colonel,*

Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 17th March, 1882.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned and Warrant Officers, on the dates specified, were received in the Military Department from the 11th to the 17th March, 1882:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Bengal Staff Corps ...	Lieutenant R. S. Burn ...	26th February, 1882.	Kotra.		
Army Medical Department.	Brigade-Surgeon C. Martin ...	9th March, 1882	Landour.		
Sub-Medical Department	1st Class Assistant Apothecary J. Lamb.	28th February, 1882.	Roorkee.		

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

MILITARY (MARINE) DEPARTMENT.

Fort William, the 17th March, 1882.

APPOINTMENTS.

No. 11.—The following appointments as Assistant Engineer, 2nd class, on probation, are made in Her Majesty's Indian Marine, from the 25th February, 1882, where not otherwise specified:—

Mr. A. M. Josephs.
Mr. T. J. Nazareth.
Mr. W. W. G. Kirkpatrick.
Mr. F. J. Wilson.
Mr. J. Cowell,—27th February, 1882.

FURLOUGH AND LEAVE.

No. 12.—Lieutenant G. B. Hewett, late I.N., Dockmaster and Agent for Transports, Bombay Dockyard, is granted two years' furlough to Europe, under Section 49, Chapter V, of the Civil Leave Code, with effect from such date as he may avail himself of it.

No. 13.—Mr. W. Barrett, Engineer in Charge, I. G. S. *May Frere,* is allowed one year's furlough to Europe, under the provisions of Section 131 of the Civil Leave Code, with effect from such date as he may avail himself of it.

TRANSFER OF OFFICERS.

No. 14.—The services of Lieutenant G. Wilson, R.N., Commanding I. G. S. *Quangtung,* are placed at the disposal of the Chief Commissioner of British Burmah, with effect from such date as they may be required.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 15th March 1882.

No. 85.—Lieutenant-Colonel F. D. M. Brown, V.C., S.C., Executive Engineer, 1st Grade, North-Western Provinces and Oudh, is appointed to officiate as a Superintending Engineer with temporary rank in Class III, with effect from the date on which he assumes charge of the 2nd Circle, Buildings and Roads Branch.

The 16th March 1882.

No. 86.—During the absence of the Governor General in Council from the Presidency, the Officiating Secretary to the Government of India in the Military Department will have charge of that portion of the office of the Government of India in the Public Works Department which is left at the Presidency.

The 17th March 1882.

No. 87.—Lieutenant-Colonel R. C. B. Pemberton, R.E., Consulting Engineer to the Government of India for Guaranteed Railways, Lucknow, and Officiating Chief Engineer, Class III, is promoted to be Chief Engineer, Class III, substantive *pro tem.*, with effect from the 20th February 1882.

TELEGRAPH.

The 13th March 1882.

No. 84.—With reference to the rules for Foreign Telegraph Messages published in the *Gazette of India* of the 1st November 1879, the Governor General in Council is pleased to direct the publication of the following alteration, which will have effect from the 1st April 1882:—

Revised Foreign Telegraph Rule.

33. I.—Every rectifying or completing message and generally every communication exchanged between two Telegraph Offices, at the request of either the sender or receiver, relative to a message already transmitted, or in course of transmission, is classed, treated and charged for as a private telegram.

II.—The charges for a rectifying or completing telegram exchanged between two Telegraph Offices are refunded, on application to the Government Telegraph Check Office, Calcutta, if the communication has been caused by an error of the service This refund, in the case provided for by paragraph III of this rule, will apply both to the telegram demanding and that giving the rectification.

III.—A Telegraph Office which receives a communication of the above description (*i.e.*, a demand for rectification or completion) attends to it, but replies only if the reply be prepaid and within the limits indicated in the preamble (*vide* Rule 21).

FOOT-NOTE.—Under this rule no refunds are made for any rectifying or completing messages exchanged direct between the sender and receiver.

W. S. TREVOR, *Colonel, R.E.,*
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 18, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 11th March 1882.

From the 8th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 1st April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

Parts II and III and the Supplement will continue to be published in Calcutta.

From the 1st January 1882, Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts will be Rs. 5 per annum, payable in advance. When sent by post, Rs. 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

	Rs.	A.	P.
Subscription for *Gazette* and Supplement per annum	15	0	0
Postage	5	8	0
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Postage	3	0	0
For a single copy of the *Gazette*	0	8	0
For a single copy of the Supplement	0	8	0

Postage on single copies varies according to weight.

E. J. DEAN,

Publisher, Gazette of India.

NOTICE.

The Office of Superintendent of Government Printing having been removed to No. 166, Dhurrumtollah Street, all communications intended for that Office should be sent to that address.

E. J. DEAN,

Supdt. of Govt. Printing, India.

BANK OF BENGAL.

NOTICES.

Calcutta, the 14th March 1882.

Mr. Robert Hardie, Secretary and Treasurer having been granted leave to Europe, the Directors have appointed Mr. W. D. Cruickshank, Deputy Secretary, to officiate as Secretary and Treasurer from this date.

By Order of the Directors,

R. HARDIE,

Secretary & Treasurer.

The 15th March 1882.

The Directors have authorized Mr. W. Westland, Inspector of Branches, to sign for the Bank as Officiating Deputy Secretary.

By Order of the Directors,

W. D. CRUICKSHANK,

Offg. Secretary & Treasurer.

COMPTROLLER GENERAL'S OFFICE.

TELEGRAPHIC STATEMENT OF RECEIPTS AND OUTGOINGS FROM TREASURIES DURING FEBRUARY 1882.

Thousands of Rupees.

	Civil Revenue.	Civil Debt and Remittance Heads.	Forest, Telegraph, and Marine.	Post Office.	Guaranteed Railways.	Military Department.	P. W. Department.	Opening Balance.	TOTAL.
Receipts.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
India General ...	26,60	3,32,52	48	2,74	3,84	58	45,66	3,76,74	7,89,16
Central Provinces	21,14	8,50	89	1,62	...	8	1,05	44,20	77,48
British Burmah ...	20,54	14,74	2,19	1,89	...	21	1,84	51,81	93,22
Assam ...	10,79	8,39	20	98	...	15	10	21,24	41,85
Bengal ...	1,22,58	68,14	2,12	6,85	...	10	6,14	1,41,68	3,47,61
N.-W. Provinces and Oudh ...	51,89	98,65	1,05	2,18	4,49	71	4,68	2,72,07	4,35,72
Punjab ...	33,11	50,48	1,14	2,48	6,37	1,07	8,92	1,31,69	2,35,26
Madras ...	1,09,42	1,11,02	91	3,13	8,46	48	70	1,89,65	4,23,77
Bombay ...	1,12,54	2,56,55	4,19	3,29	41,75	1,26	1,68	1,73,12	5,94,38
Remittance Adjustment ...	...	4,03	...	...	...	...	...	10,11	14,14
TOTAL RECEIPTS ...	5,08,61	9,53,02	13,17	25,16	64,91	4,64	70,77	14,12,31	30,52,59
Outgoings.									
India General ...	40,31	2,97,32	1,68	24	1,46	23,25	14,86	4,10,04	7,89,16
Central Provinces	5,09	7,25	49	34	...	3,34	4,23	56,74	77,48
British Burmah ...	0,19	32,57	1,65	4	...	3,48	7,60	41,69	93,22
Assam ...	3,89	11,97	30	24	...	1,13	1,55	22,77	41,85
Bengal ...	42,77	1,40,91	1,57	7,52	...	1,67	20,40	1,32,77	3,47,61
N.-W. Provinces and Oudh ..	26,78	1,08,03	99	7,18	2,75	15,16	11,18	2,63,65	4,35,72
Punjab ...	14,85	49,68	75	2,80	3,35	24,27	18,84	1,20,72	2,35,26
Madras ...	33,39	1,63,63	1,72	3,62	4,10	12,62	5,18	1,99,51	4,23,77
Bombay ...	29,25	3,30,81	3,10	3,48	13,28	22,54	13,17	1,78,45	5,94,38
Remittance Adjustment ...	...	...	...	...	...	...	...	14,14	14,14
TOTAL OUTGOINGS	2,02,52	11,42,17	12,55	25,46	24,94	1,07,46	97,01	14,40,48	30,52,59

TELEGRAPHIC SUMMARY OF ACCOUNTS FOR THE ELEVEN MONTHS ENDING FEBRUARY 1882.

Lakhs of Rupees.

	RECEIPTS.					OUTGOINGS.				
	Accounts till Dec.	TELEGRAPHIC. Jan.	TELEGRAPHIC. Feb.	Total, 11 months.	Budget Estimate, 11 months.	Accounts till Dec.	TELEGRAPHIC. Jan.	TELEGRAPHIC. Feb.	Total, 11 months.	Budget Estimate, 11 months.
Civil Revenue	37,61	6,69	5,09	49,39	48,18	...	...	...	...	...
Civil Expenditure	...	...	...	...	...	18,18	1,91	2,03	22,12	22,56
Military Department	1,04	7	5	1,16	1,02	10,34	1,19	1,07	12,60	13,30
Public Works Department	5,70	90	71	7,31	6,44	7,64	90	97	9,51	9,95
Forest, Telegraph, and Marine Departments (net)	...	...	...	...	...	8	1	1	10	7
Post Office Department (net) ...	...	3	...	3	...	3	...	...	3	...
Guaranteed Railways (net) ...	2,43	53	40	3,36	2,83	...	...	...	...	...
Imperial Loan...	2,97	...	...	2,97	2,97	...	...	13	13	...
Council Bills, including Exchange ...	...	...	..	...	...	14,93	2,45	2,06	19,44	18,95
Civil Debt and Remittance (net) ...	29	16	30	75	15	...	...	...	...	...
Total ...	50,04	8,38	6,55	64,97	61,59	51,20	6,46	6,27	63,93	64,83
Balance, April 1st	13,37	...	...	13,37	...	...	...	...	...	...
Balance, end of month ...	...	...	...	...	...	12,21	...	...	14,41	...
GRAND TOTAL ...	63,41	...	...	78,34	...	63,41	...	...	78,34	...

9th March 1882.

J. WESTLAND,
Comptroller General.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 1st March 1882.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Punjab	Dec. 1881	Feb. 13, 1882
2	Assam	Do. "	Do. 16, "
3	Military Works Branch ...	Do. "	Do. 20, "
	Coorg		
	Port Blair		
	Mysore (Imperial) ...		
7	Beluchistan Agency ...	Do. "	Do. 23, "
8	Rajputana	Do. "	Do. 24, "
9	Madras	Do. "	Do. 27, "
	Bombay		
	Bengal		
	North-Western Provinces and Oudh.		
	Hyderabad (Imperial) ...		
	Central India... ...		
	Hyderabad (Assigned Districts).		
16	Central Provinces ...	Nov. "	Jan. 25, "
17	British Burmah ...	Do. "	Feb. 2, "

TELEGRAPH DEPT.

	Indo-European ...	Dec. 1881	Feb. 27, 1882
	Indian	Nov. "	Jan. 31, "

IRRIGATION.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Punjab	Dec. 1881	Feb. 17, 1882
2	Assam	Do. "	Do. 19, "
3	Rajputana	Do. "	Do. 22, "
4	Madras	Do. "	Do. 27, "
	Bombay		
	Bengal		
	North-Western Provinces and Oudh.		
8	British Burmah ...	Nov. "	Do. 2, "

GUARANTEED RAILWAYS.

1	Punjab	Dec. 1881	Feb. 13, 1882
2	North-Western Provinces and Oudh.	Do. "	Do. 20, "
3	Bombay	Do. "	Do. 22, "
4	Madras	Do. "	Do. 27, "
	Bengal		

STATE RAILWAYS (CAPITAL).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Umballa & Kalka ...	Jan. 1882	Feb. 27, 1882
2	Naihati	Dec 1881	Do. 14, "
	Patna & Gya ...		
	State Railway Stores Branch.		
	Central Bengal ...		
6	Lalla Moosa to Chuck Nizam.	Do. "	Do. 17, "
7	Calcutta & South-Eastern Extension.	Do. "	Do. 20, "
6	Punjab Northern ...	Do. "	Do. 22, "
	Bhopal		
	Bhopal Extension ...		
11	Rangoon and Irrawaddy Valley.	Do. "	Do. 23, "
12	Sindia	Do. "	Do. 24, "
	Rewari-Ferozepore ...		
14	Calcutta & South-Eastern	Do. "	Do. 27, "
	Northern Bengal ...		
	Rajputana		
	Hooghly		
	Indore-Nasirabad ...		
	Nagpur-Chhattisgarh ...		
	Dhond & Manmad ...		
	Kandahar (Upper Sec.) ...		
	Bhavnagar & Gondal ...		
23	Tirhoot	Nov. "	Jan. 23, "
24	Wardah Coal	Do. "	Do. 26, "
25	Mattra-Hathras ...	Do. "	Do. 30, "
	Cawnpore-Farukhabad ...		
	Bareilly Pilibhit ...		
	Bhowpore-Kalpi ...		
	Patna-Behrareh ...		
	Southern Mahratta ...		
	Nizam's		
32	Indus Valley	Do. "	Do. 31, "
33	Cawnpore-Farukhabad Extension	Do. "	Do. 1, "
	Ajmeyra-Mutra ...		
35	Banda Survey ...	Do. "	Do. 2, "
36	Kandahar (Lower Sec.) ..	Do. "	Do. 6, "
37	Rangoon & Sittang Valley	Do. "	Do. 9, "
38	East Indian	Do. "	Do. 20, "

STATE RAILWAYS (REVENUE).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rangoon and Irrawaddy Valley.	Dec. 1881	Feb. 23, 1882
2	Calcutta & South-Eastern	Do. "	Do. 27, "
	Northern Bengal ...		
	Rajputana		
5	Naihati	Nov. "	Jan. 23, "
	Punjab Northern ...		
	Patna & Gya ...		
8	Tirhoot	Do. "	Do. 25, "
	Wardah Coal		
	Bhavnagar & Gondal ...		
11	Nagpur-Chhattisgarh ...	Do. "	Do. 26, "
12	Sindia	Do. "	Do. 30, "
	Holkar		
	Indus Valley		
	Muttra-Hathras ...		
	Nizam's		
17	Cawnpore-Farukhabad ...	Do. "	Feb. 2, "
18	East Indian	Do. "	Do. 20, "

A. FILGATE, *Major, R.E.,*
Accountant General, P. W. Dept.

The 11th March 1882.

Statement of the Affairs of the Bank of Bengal for the week ending 14th March 1882.

LIABILITIES.	Rs. A. P.	Rs.	A.	P.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		30,11,966	4	4
Public Deposits at Head Office	72,45,027 6 5	2,27,76,002	2	2
Public Deposits at Branches	1,55,30,974 11 9			
Other Deposits at Head Office and Branches		2,53,47,561	6	11
Bank Post Bills, &c.		4,66,064	13	9
Sundries		10,59,958	15	7
RUPEES		7,26,61,553	10	9

ASSETS.	Rs A. P.	Rs	A.	P.
Government Securities		65,01,877	6	0
Other authorized Investments		43,56,015	0	0
Loans on Government and other authorized Securities		75,81,828	0	11
Accounts of Credit on Government and other authorized Securities		70,83,484	14	6
Bills discounted and purchased		2,27,18,296	13	4
Balances with other Banks		5,91,847	2	1
Bullion		7,05,409	10	1
Dead Stock		11,90,168	2	4
Stamps		7,976	4	0
Sundries		4,64,941	0	6
		5,12,01,904	5	9
Cash and Currency Notes at Head Office	91,06,345 12 7	2,14,59,649	5	0
Cash and Currency Notes at Branches	1,23,53,303 8 5			
RUPEES		7,26,61,553	10	9

By order of the Directors.

BANK OF BENGAL.
Calcutta, 16th March 1882.

J. GORDON,
Chief Acctt. & Depy. Secretary.

W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The undermentioned Students have passed the Medical Examinations :—

SECOND M. B. EXAMINATION.

SECOND DIVISION.

In Alphabetical Order.

Bagchi, Kalikrishna	...	Medical College.
Basu, Narayanchandra	...	Ditto.
Chattopadhyay, Bipinbihari	...	Ditto.
Das, Siddheswar	...	Ditto.
„ Sundarimohan	...	Ditto.
De, Birchand	...	Ditto.
Mukhopadhyay, Sasibhushan	...	Ditto.
Pal, Umeschandra	...	Ditto.
Ray, Girijasankar	...	Ditto.
Sen, Khagendranath	...	Ditto.

SECOND L. M. S. EXAMINATION.

In Alphabetical Order.

Basu, Bibhudasankar	...	Medical College.
Chakrabarti, Bamacharan	...	Ditto.
Chattopadhyay, Jaykrishna	..	Ditto.
Das, Brajanath	...	Ditto.
Datta, Abinaschandra	...	Ditto.
Ghosh, Annadaprasad	...	Ditto.
Gupta, Nirmalchandra	...	Ditto.
„ Priyanath	...	Ditto.
Mukhopadhyay, Gopalchandra	...	Ditto.
Sengupta, Bishnupada	...	Ditto.

SENATE HOUSE,
The 9th March 1882.

CHARLES H. TAWNEY,
Registrar.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 7th March 1882.

No. 561 G.—The examination prescribed for officers on the graded list of the Political Department by Foreign Department Resolution No. 2809 P., dated 15th October 1875, will be held at Mount Abu on the 29th April 1882.

No. 563 G.—In exercise of the powers conferred by Notification No. 99 J. G., Government of India, Foreign Department, dated 27th April 1881, the Agent to the Governor General for Rajputana hereby appoints the Assistant Commissioner for the time being of Merwara to be a Magistrate of the 1st Class (as described in Section 20, together with all the powers mentioned in Section 27 of the Code of Criminal Procedure, Act X of 1872), within such portions of the Rajputana State Railway to the south of the Marwar-Merwara border as pass through Marwar and Sirohi.

By Order,

F. T. HEWSON,

for 1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF AJMIR-MERWARA.

NOTIFICATION.

Mount Abu, the 14th March 1882.

In the Court of the Commissioner and District Judge, Ajmir-Merwara.

Insolvency of Mowla Bakhsh, son of Nabi Bakhsh, Maiwar resident of Ajmir.

Notice is hereby given that Mowla Bakhsh, son of Nabi Bakhsh, Maiwar resident of Ajmir, has been declared insolvent and discharged by this Court, and Mahomed Bakhsh, Nazir of the Court, is appointed a receiver of his property under the provision of Section 351, Act X of 1877.

Given under my hand and the seal of the Court, this 9th day of March 1882.

L. S. SAUNDERS,

Commissioner and District Judge, Ajmir-Merwara

AJMIR,

The 13th March 1882.

By Order,

F. T. HEWSON,

for 1st Asst. to the Chief Commr.

CHIEF COMMISSIONER OF COORG.

NOTIFICATION.

Bangalore, the 11th March 1882.

No. 2022.—Major H. M. S. Magrath, 1st Assistant Commissioner of Coorg, having been deputed on other duty and taken charge of the same on the afternoon of the 7th March 1882, the unexpired portion of the privilege leave for three months from the 4th January 1882, granted in Notification No. 1621—215 of the 9th January, is hereby cancelled.

By Order,

W. J. CUNINGHAM,

Secretary to the Chief Commr. of Coorg.

RESIDENT IN MYSORE.

NOTIFICATIONS.

Bangalore, the 6th March 1882.

No. 2958—1104.—Major E. P. Maltby, Magistrate and President of the Municipal Commission of the Civil and Military Station of Bangalore, is granted three months' privilege leave of absence from the 8th March, or such date as he may avail himself of it.

The 8th March 1882.

No. 3008—1128.—Mr. E. Pereira, 2nd Magistrate of the Civil and Military Station of Bangalore, is appointed to be the Officer in charge of the Resident's Treasury in Bangalore from this date.

By Order,

W. J. CUNINGHAM,

Asst. to the Resident.

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 15th March 1882.

No. 264.—Lieutenant-Colonel H. C. B. Tanner, Deputy Superintendent, 3rd Grade, is granted privilege leave for three months, under Sections 70 and 71, Chapter IX, of the Civil Leave Code, with effect from such date as he may be able to avail himself thereof.

No. 265.—Mr. C. P. Torrens, Assistant Surveyor, 1st Grade, is granted three months' privilege leave, under Section 136, Chapter X, of the Civil Leave Code, with effect from the afternoon of the 2nd instant.

The 15th March 1882.

No. 266.—Major W. F. Badgley, Deputy Superintendent, 3rd Grade, having proceeded on subsidiary leave on the afternoon of the 4th instant, preparatory to availing himself of the furlough granted him under G. G. O. No. 66, dated the 10th ultimo, the following temporary promotions are made, with effect from the 5th March :—

Major H. Lees Smith, Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 3rd Grade.

Captain H. J. Harman, R.E., Officiating Assistant Superintendent, 2nd Grade, to officiate as Assistant Superintendent, 1st Grade.

J. T. WALKER, *Lieut.-Genl., R.E.,*

Surveyor General of India.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Calcutta, the 6th March 1882.

No. 11.—The services of the undermentioned Hospital Assistant of the military establishment are permanently placed at the disposal of the Agent, Governor General, for Rajputana, for civil employment in that Province:—

3rd Class, No. 201, Sookhnundun.

The 9th March 1882.

No. 12.—Third Grade Assistant Surgeon Kedaresvar Acharjee, of the supernumerary list, is permitted to resign the service.

The 11th March 1882.

No. 13.—Third Grade Assistant Surgeon Asder Ali Khan, of the supernumerary list, is transferred to the Bengal provincial establishment.

J. M. CUNINGHAM, M.D.,
Surgeon-Genl. with the Govt. of India.

MILITARY DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 8th March 1882.

No. 6.—Lieutenant G. Davidson, R.E., Assistant Engineer, 1st Grade, passed the Departmental Standard Examination in Hindustani on the 9th February 1882.

A. CADELL, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

The 9th March 1882.

No. 7.—With reference to Military Department Notification No. 97, dated 3rd March 1882, Lieutenant R. V. Phillpotts, R.E., Assistant Engineer, 1st Grade, is posted to the Presidency and Oudh Command, Military Works.

J. J. McLEOD INNES, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 17th March 1882.

No. 23.—Mr. T. W. Grant, Executive Engineer, 4th Grade, is granted nine months' furlough out of India, with the usual subsidiary leave.

F. S. STANTON, *Col., R.E.,*
Director General of Railways.

COMMISSARIAT NOTICE.

Owing to a reduction of establishment the following Government elephants are for sale:—

1 male on view at Saugor.

1 male on view at Dinapore.

2. Descriptive rolls of these elephants have been distributed to chiefs, noblemen and heads of Civil Departments through Local Governments, Administrations, &c.

3. For particulars and offers for purchase of the elephants at Saugor, address the Executive Commissariat Officer, Jabalpur, and that for the one at Dinapore, the Executive Commissariat Officer there.

W. R. BUNBURY, *Major,*
for *Depy. Commissary General,*
Lower Circle.

DEPT. COMSY. GENL.'S OFFICE,
CALCUTTA;
The 19th January 1882.

Report of a Deserter from the 2nd Battalion, Royal Warwickshire Regiment of Foot, dated at Fort William, Calcutta, this 14th day of March 1882.

Number, Rank, and Name,—No. 1716, Private Peter Sharp.
Age,—32 years 3 months.
Size,—5 feet 6 inches.
Colour of—
Complexion, fresh; Hair, fair; Eyes, light blue.
Date of Desertion,—9th March 1882.
Place of Desertion,—Fort William, Calcutta.
Date of Enlistment,—26th November 1867.
At what Place Enlisted,—Edinburgh.
Parish and County in which Born,—Clackmannon, Clackmannon, Clackmannon.
Marks,—*Nil.*
Trade,—Tailor.
Coat or Jacket,— } White khaki Regimental clothing and glengary cap.
Waistcoat,— ... } White khaki Regimental clothing and glengary cap.
Breeches or Trowsers,—... } White khaki Regimental clothing and glengary cap.
REMARKS,—Somewhat deaf, wears a moustache and an imperial.
Under 15 years' service.

L. B. HOLE, *Lieut.-Colonel,*
Comdg. 2nd Battn., Rl. Warwickshire Regt. of Foot.

Report of a Deserter from the 2nd Battalion, The Leicestershire Regiment of Foot, dated at Jubbulpore, this 13th day of March 1882.

Number, Rank, and Name,—No. 27 Bde.—2636, Private Charles Johnson.
Age,—22 years 5 months.
Size,—5 feet 7¼ inches.
Colour of—
Complexion, sallow; Hair, brown; Eyes, blue.
Parish and County in which Born,—St. Georges, London, Middlesex.
Marks,—None.
Trade,—Merchant Clerk.
Coat or Jacket,— } Suit of khaki.
Waistcoat,— ... } Suit of khaki.
Breeches or Trowsers,— ... } Suit of khaki.
Date of Desertion,—9th March 1882.
Place of Desertion,—Jubbulpore.
Date of Enlistment,—20th October 1879.
Place of Enlistment,—London.
REMARKS,—
Under 3 years' service.

C. G. GRANT, *Colonel,*
Comdg. 2nd Battn., The Leicestershire Regt. of Foot.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1882.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Mar. 6	...	1,40,551	1,82,296	9,66,840	60,25,813	18,76,540
" 7	1,00,000	1,46,276	...	10,66,349	58,25,496	17,26,358
" 8	...	61,532	...	10,66,849	57,25,718	16,68,658
" 9	...	1,38,722	2,96,735	7,71,161	59,34,578	18,30,746
" 10	...	71,134	3,01,614	4,57,771	61,34,332	20,72,274
" 11	...	61,882	3,55,715	99,388	63,08,367	23,55,177

CALCUTTA MINT,
The 13th March 1882.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Allahabad Circle.

NOTE PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant
		Rs.	
165	D 17—32264	50	Sittaram Chunduck, Bombay.

ALLAHABAD,
The 15th March 1882.

GODREZJEE D. PUDUMJEE, *A. A. G.*,
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1882.		Rs.	
W4	M 66—14213	100	Kristnarao Bhai, Bombay.
W10	M 39—46857	1,000	John Liddell, Bombay.

NOTES PARTIALLY LOST OR DESTROYED.

1881.		Rs.	
H6	H 10—72251	100	Rai Bhogchand, Seoni.
1882.			
H22	M 50—91721	10	Megji Jairam, Karachi.
	M 51—73645	10	
H24	M 49—11362	10	Govind Yeshwant Bhadri, Haliyal.
H25	M 45—22007	10	Lera Fulchand, Bombay.
H26	M 44—36838	100	G. B. Reid, Ahmedabad.
	„ —50909	100	
	„ —77411	100	
	„ —80940	100	
	„ —89654	100	
	„ —94456	100	
	M 66—07911	100	
	„ —12638	100	

BOMBAY,
The 14th March 1882.

W. T. PIERCY,
Assistant Accountant General,
for *Commissioner of Issue.*

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
356	O 97—34679	100	Prumsook Das.
358	O 96—04920	100	Sakir Mohamed, Bepari.
	O 97—52214	100	
	„ —85290	100	
359	O 89—94125	1,000	Sarodaprosad Burral.
	O 71—92692	500	
360	O 71—75370	500	Messrs. Visram Ebrahim & Co.
361	O 97—83583	100	Rakhal Chunder Ghosh.
	„ —83584	100	
	„ —83585	100	
363	O 97—84683	100	Lallah Prushram.
364	O 97—72645	100	Isur Chunder Naik.
365	O 97—38322	100	Modun Mohan Bhoola.

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
317	O 87—64093	20	Miss Ross.
318	O 99—64768	10	Komruddeen.
	„ —64774	10	
319	O 96—73874	100	Deno Nath Dey.
	P 7—83227	10	
320	O 32—50082	50	Kessub Lal Dutt.
321	A 52—94780	20	Brojo Nath Mukerjee.
322	O 62—99453	20	Sittaram Chanduck.
217	N 3 —29516	20	Toolay Das Dey.
	„ —29522		
218	L 16—40585	5	Durga Churn Shaw.
	„ —40584		
221	O 98—80191	5	Mustuffasha.
	„ —80192		

CALCUTTA,
The 17th March 1882.

R. A. STERNDALE,
Asst. Comptlr. Genl., Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
69	E 19—09863	50	Pundit Bhola Nath, Rawalpindi.
70	E 15—87102	50	Mr. G. C. Hampton, Head Clerk, Registration and Stamp Office, Lahore.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
78	E 15—69968	50	Shiva Shankar, Agra.
47	E 17—12253	20	Baboo Prosono Coomar Sen, Calcutta.

LAHORE.
The 11th March 1882.

H. J. BRERETON,
for *Depy. Commr. of Paper Currency.*

Madras Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
138	I 8—23704	5	Mrs. Smith, Hospital Nurse Civil Orphan Asylum Egmore, Madras.
139	B 65—16990	50	T. Venkata Rao, Triplicane, Madras.
	B 68—71708	100	
140	B 68—24189	100	Erabhudrappa Bulgode, of Kulse Magvi, Sagar Taluk, Shimoga.
	„ —59045	100	
	„ —60226	100	
	„ —65877	100	
	„ —65878	100	
141	B 63—36082	10	Muhammad Tippu Sahib, Vellore.
	B 67—04891	10	
	I 10—37875	10	
26	B 68—69009 *	100	G. Guruviah Naydu, Madras.
	„ —69006		

* Wrongly joined.

FORT SAINT GEORGE,
The 6th March 1882.

H. S. GROVES,
Assistant Accountant General,
in charge of Paper Currency Dept.,
for *Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 3rd March 1882.

From the 6th March to the 15th April, the Presidency Post Master, Calcutta, will receive applications for express passenger Dâks between Umballa and Simla.

A printed copy of the Rules can be obtained from the Post Master on application.

G. J. HYNES,
Asst. Dir. Genl. of Post Office of India.

The 17th March 1882.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1882.	
Persian Gulf	7 P. M.	25th Mar.	From Bombay.
Madras, Ceylon and the Intermediate Ports	7 "	24th "	Str. *Kerbela.*
Madras and Ceylon . .	7 "	26th "	P. & O. Str. *Nizam.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies . .	7 "	21st "	From Bombay.
Foreign Mails *viâ* Bombay . .	7 "	21st "	From Bombay.
Do. Book Post and Pattern Packets	7 "	20th "	From Bombay.
Rangoon, Moulmein, and Straits .	7 "	23rd "	Str. *Simla.**
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon . .	7 "	23rd "	Str. *Madras.*
Persian Gulf	7 "	18th "	From Bombay.

* Mail for Port Blair can be forwarded by this opportunity.

N.B.—The Letter Box will close at 7 P. M. precisely; after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 12th March 1882

Anderson, Mrs. Thomas
Bastem, W. E.
Bell, G. A.
Bennett, Vernon E.
Bigby, J.
Birch, Mrs. D.
Carter, H.
Cassio, Antonio.
Clogstoun, H.
Davidson, Mrs. L. M.
Davis, Miss P.
Davis, J. J. L.
Dickson, Mrs. E.
Driver, H.
Editor of the *Bengal Advertiser.*
Ezekiel, Miss S.
Fletcher & Co., P
Forbes & Co., F.
"Gazette."
Heriot, Maitland.
Judge, F.
Keighly, A. W.
King, Thomas.
Manuel, C. H
Manuk, Mrs. A.
Maxwell & Co.
Mitchell, A. R.
Moore, W.
Morrally, Mrs. R. C.
Parker, Monsieur C.
Rabeiro, G.
Scote, Mrs. (57, Amherst Street)
Steck, O. S.
Scott, James.
Simson, H. B.
Smart, Mr. C.
Stuart, C. H.
Walkerdine, Miss.
Whelstenholme, John
Wilson, J. R.

Letters marked "Care of Post Office, to be kept till called for."

Archer, R
Atkinson, J. H.
Bates, Nelson John.
Beamki, Bijnore G. P.
Bennett, Henry.
Beresford, Mrs G. W.
Berrill, G. F.
Braham, Mrs. A.
Briscoe, J. D.
Brown, P. J. (care of Branch Post Office.)
Buchanan, J. E.
Burroughs, S. M.
C. B.
Cahill, James.
Carle, R. B.
Carter, R. A.
Chapman, G. C.
Constantine, George.
Cumine, Miss.
Curlander, Solomon.
Dauks, W. T.
Devenhill, W. B.
Dawson, Frank.
"Diamond."
Dicken, Major P. L.
Duff, J. C.
Duncan, Dr. W.
Durant.
Eastwood, E. P.
E. D. P. O.
Forest, William Dene.
Fowler, Captain W. J.
Gardner, Captain J. T.
Gheenburge, M. M.
Hanklevz, Charles.
Hansen, W. T.
Hare, Mrs.
Harry, Thomas.
Hiss, H.
Hornstein, Robert.
Howard, W.
Hutson, William.
Ison, H.
Jackson, E.
Jackson, G.
James, E.
Johnston, R. T.
Jones, F.
Jones, Thos.
Kennedy, J. G.
Khambatta, P. A.
Knight, Miss.
Lambert, Dr. E.
Lawrie, H. J.
Leech, J.
Leicester, A. B.
Lepper, Charles H.
Lord, S.
Macdonald, Alexander.
Macnab, Henry.
Macpherson, W. G.
Maitland, T.
Mason, —.
McCormack, T
McCulloch, R. W.
McIntyre, A.
McVey, Hugh.
Morgan, William.
Morrison, W.
M. S. U. Y.
Mullic, H (Editor of *Berar Samachar.*)
Munro, W.
Murphey, F. Brown.
Oliver, E.
Pingley, A. B.
Pollock, W. N.
Pundt, Mrs H. S.
Radcliffe, Vernon B.
Robinson, William.
Rogers, R. H.
Roper, E. J.
Rowcroft, G. F.
Saunders, Geo.
Scarth, M.
Schaun, R.
Sevastopulo, N. E.
Shapherd, Mrs. G. A.
Shaw, F.
Sheels, H. J.
Smith, Chas. C. D.
Smith, H. Gordon.
Spencer, Mrs.
Stephens, Arthur
Stobie, J. C.
Tayler, Thomas.
Thomas, M.
Vance, Gilbert.
Vande, Polis Jenkhur
W. G
Wall, W. M.
Ward, Major.
Williams, W.
W. J. H.

Registered Letters.

Anderson, Mrs. J.
Fraser, C.
Lulls, Mrs. J.
Maxwell & Co., A.
Oliver, Mrs. L.
Robinson, Mr.
Scott & Co., G.
Weben, Martha.

E. HUTTON.
Presidency Post Master.

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HENRY F. BLANFORD,
Meteorological Reporter to Government of India.

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☞ All Charts are corrected up to the date of issue.

Indian Ocean—

Indian Ocean—Curves of equal magnetic variation. *Annas 6.*
Indian Ocean, Suez to Penang, including Zanzibar and Madagascar (Engraved). Physical and track chart. *Re. 1.*
Arabian Sea, Western portion, with plans of Babel Mandeb Strait and Zanzibar Harbour. *Re. 1 8.*
Arabian Sea, Eastern portion, with plans of Kurrachee, Bombay, Colombo, Galle and Madras. *Re. 1-8.*

India, West Coast—

Kurrachee to Vingorla. *Re. 1-12.*
Vingorla to Cape Comorin. *Re. 1-12.*
Port of Sáiáya or Seraia. *Re. 1.*
Cutch Mándvi. *Re. 1.*
Verawal Roads. *Re. 1.*
Sketch of the Entrance to Rajpuri River. *Annas 8.*
Ratnagiri, including Mi ya and Kalbadavie Bays. *Re. 1.*
Kundari Island to Chaul. *Re. 1.*
Chaul and Entrance to Kundalika River. *Re. 1.*
Rajapur Bay and Viziadurg with adjacent Coast. *Re. 1.*
Jaygad and Entrance to Shavitri River. *Re. 1.*
Dabhol and Entrance to Washisti River. *Re. 1.*
Bankot and Entrance to Shavitri River.
Goa and Marmagao Roadsteads *Annas 12.*
Sadashivgad Bay, including the port of Karwar and Beitkul Cove.
Narakel Anchorage. *Annas 8.*
Quilon Roads. *Annas 8.*
Lakadive Group—Cherbaniani Reef, Chitlac and Kiltan Islands. *Annas 12.*
Byramgore Reef or Chereapani, and Angria Bank. *Annas 8.*
Kolachel Roadstead, with plan of Enciam Rocks. *Re. 1-8.*

India, East Coast—Bay of Bengal, Ceylon, &c.—

Cape Comorin to Coconada, including the Island of Ceylon. *Re. 1-12.*
Tuticorin Roadstead and Harbour. *Re. 1.*
Approaches to Jafnapatam. *Re. 1.*
Paumben Pass. *Re. 1.*
Approaches to Paumben Pass. *Re. 1.*
Mullaittivu or Mosletivoe. *Annas 8.*
Batticalos Roadstead. *Annas 8.*
Colombo Harbour and its Approaches. *Re. 1.*
Approaches to Point de Galle Harbour, Ceylon. *Re. 1.*
Bay of Bengal, Western Sheet. *Re. 2.*
Bay of Bengal, Eastern Sheet. *Re. 2.*
Coromandel Coast. Sheet No. 2, from Latitude 15° to 16° 30 N. *Re. 1.*
Sheet No. 3, from Latitude 13° to 15° N. *Re. 1.*
Sheet No. 4. *Re. 1.*
Madras Roadstead. *Re. 1.*
Orissa Coast, Narsapoor Point to Palmyras Point, adapted to the latest determinations of the G. T. S. and observations by Commander A. D. Taylor, I.N. *Re. 1.*
Coconada to Bassein River. *Re. 1-12*
Coringa or Coconada Bay, showing the Northern Godavery Mouths. *Re. 1-8.*
False Point Harbour and Approaches. *Re. 1.*
Hooghly River.—Iaff Point to Anchoring Creek, showing the James and Mary Shoals and Entrance to the Roopnarain River. *Re. 1-8.*
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Chittagong or Kornafuli River. *Re 1.*

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Preparis North Channel and Entrance to Bassein River. *Re. 1.*

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Port of Rangoon in eight sheets. *Re. 5.*
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Stewart's Sound. *Re. 1.*
Port Mouat, Andamans.

Siam—Malay Peninsula, West Coast—

Hayes Island to the Pilgrims. *Re. 1.*
Kopah Inlet. *Re. 1.*
Salang Island (Junkseylon). *Re 1.*
Junkseylon, East Coast.—Puket or Tonkah Harbour. *Re. 1.*

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Patani Bay. *Annas 8*
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Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Table of Natural Scales, 1877. *Annas 4.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Catalogue of Original and other documents deposited in the Marine Survey Department, 1881. *Not for sale.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8 *Annas 4.*
„ 3 Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4*
„ 5 Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pámban (Pamben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour, Red Sea. *Annas 4.*
„ 13. Red Sea. Navigation, inshore Passages, 1878 *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
No. 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880. *Annas 4.*
„ 23. Coast of Orissa False Point Harbour and Approaches. *Annas 4.*
„ 24. India, West Coast, Harbours of Karwar and Bankot. *Annas 4.*

Notices to Mariners.

Price 1 anna for each Issue.

Notices to Mariners issued during the year 1875—

No. 1. Fixed Light on Green Island, Hong Kong, China.
„ 2. Malwan Rock, Malwan.
„ 3. Fixed white Light at Dwarka, Kattywar.
„ 4. Mooram Shulli Tivo Island, and Devil's Point, Gulf of Manaar.
„ 5. (1) Fixed Light at Vizagapatam.
(2) Coral Shoal of Caltura, Ceylon.
(3) Rock off Barberyn Island.
„ 6. Foundering of the Buoy Vessel *Mata Mata*, Rangoon.
„ 7. (1) Revolving Light near Acheen Head, Malacca Strait.
(2) Auxiliary Light to above.

Notices to Mariners issued during the year 1876—

No. 1. Temporary discontinuance of Hope Island Light during repairs to Light-house column. Coromandel Coast.
„ 2. Exhibition of Hope Island Light, Coromandel Coast.
„ 3. Prohibited anchorage near the British Indian Submarine Telegraph Cable, Madras.
„ 4. (1) Pulo Brasse auxiliary Light, Malacca Strait.
(2) Island between Pulo Nias and Sumatra.
„ 5. Vessels trading to Réunion, Indian Ocean.
„ 6. Replacement of the Buoy on the western edge of Dolphin Shoal, Chittagong Coast.
„ 7. China Bakeer Light, Martaban Gulf.
(2) Intended exhibition of Light on the Oyster Reef, Akyab.
„ 8. Fixed white Light at Verawal.
„ 9. Buoyage of Kyouk Phyou, British Burma.
„ 10. Fixed white Light at Bet or Beyt (Gulf of Cutch) Kattywar.
„ 11. Fixed white Light at Porbandar, Kattywar.
„ 12. (1) Displacement of the Buoy in Narakel Roadstead, Cochin.
(2) Buoy marking the Smooth-water anchorage to the southward of Alipee (Aulapolay), Travancore.
„ 13. (1) Intended Light on Pulo Pisang, Malacca Strait.
(2) Sunken reef in Siberoet Strait, Sumatra, West Coast.
„ 14. Deposit of stone mound at the end of the breakwater Colombo, Ceylon.
„ 15. Period of exhibition of the *blue* Light during the South-west monsoon, from the Eastern Channel Light-vessel at the entrance to River Hooghly.
„ 16. Rock near west end of Pulo Brasse.
„ 17. (1) Beacon on two fathom patch off Batticaloa Road, Ceylon.
(2) Suspension of Light at Vizagapatam.
„ 18. Directions for Kurrachee Harbour.
„ 19. Beacon on two fathom patch off Batticaloa Road, Ceylon.
„ 20. Fixed Light at Calinga patam Point, Coromandel Coast.

Notices to Mariners issued during the year 1877—

No. 1. Alteration in Manora Point Light, Kurrachee.
„ 2. Dangers at Goa and Marmagao Roadstead.
„ 3. Existence of rocky patches, Beypore.
„ 4. Pooree Port limits, Orissa Coast.
„ 5. Extension of the Hajamri Mouth of the River Indus.
„ 6. Red Lights at Port Victoria, Mahé, Seychelles.
„ 7. Light at Port Berberah Gulf of Aden.
„ 8. Rock off Hingie Island, Bassein River.
„ 9. Rock off Pegu Coast.
„ 10. Coral Patch near Sultan Shoal, Singapore Strait.
„ 11. "Intermediate" Light-ship, entrance to River Hooghly.
„ 12. Position of Cochin Light-house.
„ 13. Position of Raleigh Rock, and additional beacons Bombay.
„ 14. Buoy, marking Gindurah Rock, Galle.
„ 15. Alteration in Manora Point Light, Kurrachee; and discovery of a bank near Towak Island, Red Sea.
„ 16. Dangerous rocks in Forrest Strait, Mergui Archipelago, and Richelieu Rock off Kopah Inlet.
„ 17. Alteration in position of "Intermediate" Light-ship, entrance to River Hooghly.

No. 18. Destruction of the Krishna Shoal Light-house.
„ 19. Correct position of Santipilly Light-house.
„ 20. Anchorage Buoys in Madras Roadstead.
„ 21. Light-vessel near Krishna Shoal, Burma.
„ 22. Additional information, Krishna Shoal Light-vessel and Light at Pooree.
„ 23. Alteration of position of Chittagong Lights.
„ 24. Night Signals shown by British Pilot Vessels in the English Channel.

Notices to Mariners issued during the year 1878—

No. 1. Position of Middle Ground, Bombay.
„ 2. Error in position of Krishna Shoal Light-vessel.
„ 3. New Lights in Sunda Strait, &c.
„ 4. Corrected position of Krishna Shoal Light-vessel.
„ 5. Alteration of colour of Chittagong beacons, and intended alteration in Dolphin Rock Light, Bombay.
„ 6. Alteration of Malwan Light.
„ 7. Kintoun Light-vessel, Yang-tse-Kiang.
„ 8. Burgess Rock off Hingie Island, Bassein River, Burma.
„ 9. Fairway Buoy at False Point, Orissa.
„ 10. (1) Intended Light and Fog Signal on Little Basses Rocks, Ceylon.
(2) Intended alteration in Great Basses Rocks Fog Signal.
„ 11. Corrected positions of Zebayir Islands, Jebel Zukur and the Hánish Islands, Red Sea.
„ 12. Fog Signals and distinguishing marks for Light-vessels, River Hooghly.
„ 13. Exhibition of Light on Little Basses Rocks, Ceylon.
„ 14. Beacon on Chaul Kudu Rock, Bombay.
„ 15. Shoal near Tumb Island (Jazirat Tanb), Persian Gulf.
„ 16. Light at Batticaloa, Ceylon.
„ 17. Upper Gasper Light-vessel, entrance to river Hooghly.
„ 18. Red Lights on North Groyne of Harbour Works, Madras.
„ 19. Reported shoal, N. N. E. of Bahrein, Persian Gulf.
„ 20. Alteration of colour of Light at Klang Strait, Strait of Malacca.
„ 21. Additional information concerning the reported shoal, N. N. E. of Bahrein.
„ 22. Deposit of stone, eastward of Harbour Works, Madras.
„ 23. Reported Shoal, North-West of Cheduba Island.
„ 24. Exhibition of blue Lights and Maroons at Krishna Shoal Light-vessel.
„ 25. Deposit of stone, eastward of Harbour Works, Madras (additional information).
„ 26. Vessels prohibited from anchoring near the Sub-marine Telegraph Cable between Diamond Island and the mainland.
„ 27. Intended exhibition of a revolving Light at Vakalapudi, in the Godavery District.

Notices to Mariners issued during the year 1879—

No. 1. Permanent moorings for Eastern Channel Light-vessel entrance to Hooghly River.
„ 2. Sunken danger in Mergui Archipelago.
„ 3. Revolving Light at Vacalapudi in the Godavery District.
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„ 5. Shifting of the entrances to Honore (Honawar) and Mangalore, on the Malabar Coast.
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„ 10. The alteration in the position and improvement of Pooree Port Light.
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„ 12. Delagoa Bay. Removal of Cockburn Light-vessel in bad weather.
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 18, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

DISSOLUTION OF PARTNERSHIP.

Mr. T. B. Middleton ceased to be a partner in our firm as from the 31st of December last.

GLOVER & Co.

BOMBAY,
The 22nd February 1882.

NOTICE.

Mr. Edward Bedford is admitted a partner in our firm in the contract for the construction of the Bhopal State Railway as from the 1st January 1882.

GLOVER & Co.

BOMBAY,
The 22nd February 1882.

NOTICE.

Mr. James Stevenson has been admitted a partner in our firm as from 1st February.

GRAHAM & Co.

The 10th March 1882.

NOTICE

Is hereby given that on the 29th November last, it was ordered, under Section 351 of Act X of 1877, that Woomachurn Sein, of Tarruchund Dutt's Street, in Calcutta, wasan Insolvent, and A. B. Miller, Esq., the Official Assignee of the Court for the Relief of Insolvent Debtors, was appointed Receiver of the Insolvent's estate.

Saturday, the 18th of March current, at noon, has been fixed for proof of claims.

REMFRY & REMFRY,
Insolvent's Attorneys.

PROMISSORY NOTES.

Lost

The Government Promissory Notes, No. 059378 for Rs. 1,000 and No. 086093 for Rs. 500, of the 4 per cent., originally standing in the name of person or persons (unknown), and last endorsed to Mr. Kanojee Rao Bin Deojee Goond, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and the Residency Treasury at Indore, and application is about to be made for the issue of duplicates in favour of the proprietor.

KANOJEE RAO BIN DEOJEE GOOND,
Major of His Highness Maharajah Holkar's Hoojrat Cavalry, Indore.

Lost or Stolen

On the 23rd January 1882, the Government Promissory Notes Nos. $\frac{13367}{8055}$, for Rs. 1,000, and $\frac{13365}{8056}$, for Rs. 4,000, each of the 4 per cent. of 1835-36, originally standing in the name of Rajchunder Sur, after whose death power under Act XXVII of 1860 lay with Koonja Bihari Sur, and lastly such power lies jointly with Haridhan Sur and Srimatya Haridasi, the proprietors, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietors.

HARIDHAN SUR & SRIMATYA HARIDASI,
Katrong, District Hooghly.

The 9th March 1882.

Lost, Stolen, or Mislaid.

The Government Promissory Note, No. 086068, of the 4 per cent. Loan of 1842-43, for Rs. 500, originally standing in the name of the Bank of Bengal, and last endorsed to Caetano Gabriel de Souza, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Offices, Bombay and Calcutta, and application is about to be made for the issue of a duplicate in favour of the proprietor.

CAETANO GEL. DE SOUZA,
Badem, Serula, Goa,
or care of Mr. J. J. de Souza,
113, Cavel Street, Bombay.

BOMBAY,
The 18th February 1882.

Lost

The undermentioned Debentures of the Nagpore-Chuttisgarh Railway Loan (4½ per cent.) from the possession of the Tehsildar of Sihora, District Jubbulpore, prior to their delivery to the owners. They have not been endorsed to any one by the owners :—

No. 000017,	for Rs.	200.
„ 000050,	„	500.
„ 000097,	„	500.
„ 000098,	„	500.
„ 000167,	„	500.
„ 000178,	„	500.

C. H. GRACE, *Lieut.-Col.,*
Deputy Commissioner, Jubbulpore.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March, 1822, and is hereby promulgated for general information:—

ACT No. VIII OF 1882.

An Act to amend the Indian Penal Code.

Preamble.

FOR the purpose of amending the Indian Penal Code; It is hereby enacted as follows:—

Amendment of section 40, clause 2, of Indian Penal Code.

1. In the second clause of section 40 of the said Code, before the figure "109," the figures "64, 65, 66, 71," shall be inserted.

Amendment of section 64 of same Code.

2. In section 64 of the said Code, for the first twelve words, the following shall be substituted, namely:—

"In every case of an offence punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment,

"and in every case of an offence punishable with fine only, in which the offender is sentenced to a fine."

Amendment of section 67 of same Code.

3. In section 67, after the words "fine only," the words "the imprisonment which the Court imposes in default of payment of the fine shall be simple, and" shall be inserted.

Addition to section 71 of same Code.

4. To section 71 of the said Code, the following clause shall be added:—

"Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, or

"where several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence,

"the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences."

Amendment of section 73 of same Code.

5. In section 73 of the said Code, for the words "be less than a" the words "shall not exceed one" shall be substituted.

New Exception to section 214 of same Code.

6. In section 214 of the said Code, for the Exception, the following shall be substituted, namely:—

"*Exception.*—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

Amendment of section 309 of same Code.

7. In section 309 of the said Code, for the last seven words the words "or with fine or with both" shall be substituted.

Amendment of section 335 of same Code.

8. In section 335 of the said Code, before the word "causes" the word "voluntarily" shall be inserted.

Amendment of section 410 of same Code.

9. In section 410 of the said Code, after the words "designated as 'stolen property'" the following words shall be inserted, namely:—"whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without British India"; and the words "offence of" shall be omitted.

Addition to section 435 of same Code.

10. In section 435 of the said Code, after the words "or upwards" the following words shall be inserted, namely:—

"or (where the property is agricultural produce) ten rupees or upwards."

Local extent. Commencement.

11. This Act extends to the whole of British India; and shall come into force on the first day of January, 1883.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March, 1882, and is hereby promulgated for general information :—

ACT No. IX OF 1882.

An Act to amend the Prisoners' Act, 1871.

Preamble.

WHEREAS it is expedient to amend Act No. V of 1871 (*to consolidate the laws relating to Prisoners confined by order of a Court*); It is hereby enacted as follows :—

Short title.

Local extent.

Commencement.

1. This Act may be called "The Prisoners' Act Amendment Act, 1882": it extends to the whole of British India; and it shall come into force on the first day of January, 1883.

Section substituted for section 33, Act V of 1871.

2. For section thirty-three of the said Act the following shall be substituted (namely) :—

Governor General in Council to appoint places to which persons sentenced to transportation shall be sent.

Local Government to direct removal of such persons to places appointed.

"33. The Governor General in Council may, from time to time, appoint places within British India to which persons sentenced to transportation shall be sent: and the Local Government, or some officer duly authorized in this behalf by the Local Government, shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence."

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th March, 1882, and is hereby promulgated for general information :—

ACT No. X OF 1882.

THE CODE OF CRIMINAL PROCEDURE, 1882.

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An Act to consolidate and amend the law relating to Criminal Procedure.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Criminal Procedure; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

CHAPTER I.

Short title. Commencement.

1. This Act may be called "The Code of Criminal Procedure, 1882"; and shall come into force on the first day of January, 1883;

Local extent.

It extends to the whole of British India; but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law now in force, or shall apply to—

(*a*) the Commissioners of Police in the towns of Calcutta, Madras and Bombay, or the police in the towns of Calcutta and Bombay;

(*b*) any officer duly authorized to try petty offences in military bázárs at cantonments and stations occupied by the troops of the Presidencies of Fort St. George and Bombay respectively;

(*c*) heads of villages in the Presidency of Fort Saint George; or

(*d*) village Police-officers in the Presidency of Bombay:

(*e*) and nothing in sections 174, 175 and 176 shall apply to the police in the town of Madras.

Repeal of enactments.

2. On and from the first day of January, 1883, the enactments mentioned in the first schedule shall be repealed to the extent specified in the third column thereof, but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of any confinement which is then lawful.

Notifications, &c., under repealed Acts.

All notifications published, proclamations issued, powers conferred, forms prescribed, local limits defined, sentences passed and orders, rules and appointments made, under any enactment hereby repealed, or under any enactment repealed by any such enactment, and which are in force immediately before the first day of January, 1883, shall be deemed to have been respectively published, issued, conferred, prescribed, defined, passed and made under the corresponding section of this Code.

References to Code of Criminal Procedure and other repealed enactments.

3. In every enactment passed before this Code comes into force, in which reference is made to, or to any chapter or section of, the Code of Criminal Procedure, Act No. XXV of 1861, or Act No. X of 1872, or to any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding chapter or section.

Expressions in former Acts.

In every enactment passed before this Code comes into force the expressions "Officer exercising (or 'having') the powers (or 'the full powers') of a Magistrate", "Subordinate Magistrate, first class", and "Subordinate Magistrate, second class", shall respectively be deemed to mean "Magistrate of the first class", "Magistrate of the second class", and "Magistrate of the third class"; the expression "Magistrate of a division of a district" shall be deemed to mean "Sub-divisional Magistrate", the expression "Magistrate of the district" shall be deemed to mean "District Magistrate", and the expression "Magistrate of Police" shall be deemed to mean "Presidency Magistrate."

Interpretation clause.

4. In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context:—

"Complaint":

(*a*) "Complaint" means the allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence; but does not include the report of a Police-officer:

"Investigation":

(*b*) "Investigation" includes all the proceedings under this Code for the collection of evidence conducted by the police or by any person (other than a Magistrate or Police-officer) who is authorized by a Magistrate in this behalf:

"Inquiry":

(*c*) "Inquiry" includes every inquiry conducted under this Code by a Magistrate or Court:

"Judicial proceeding":

(*d*) "Judicial proceeding" means any proceeding in the course of which evidence is or may be legally taken:

"Writing" and "written":

(*e*) "Writing" and "written" include "printing", "lithography", "photography", "engraving", and every other mode in which words or figures can be expressed on paper or on any substance:

"Sub-division":

(*f*) "Sub-division" means a sub-division made under this Code of a District:

"Province":

(*g*) "Province" means the territories for the time being under the administration of any Local Government:

"Presidency-town":

(*h*) "Presidency-town" means the local limits for the time being of the ordinary original civil juris-

diction of the High Court of Judicature at Fort William, Madras or Bombay:

"High Court":

(i) "High Court" means, in reference to proceedings against European British subjects or persons jointly charged with European British subjects, the High Courts of Judicature at Fort William, Madras and Bombay, the High Court of Judicature for the North-Western Provinces, the Chief Court of the Panjáb and the Recorder of Rangoon:

In other cases "High Court" means the highest Court of criminal appeal or revision for any local area;

or, where no such Court is established under any law for the time being in force, such officer as the Governor General in Council may appoint in this behalf:

"Chief Justice":

(j) "Chief Justice" includes also the senior Judge of a Chief Court:

"Advocate General":

(k) "Advocate General" includes also a Government Advocate, or, where there is no Advocate General or Government Advocate, such officer as the Local Government may, from time to time, appoint in this behalf:

"Clerk of the Crown":

(l) "Clerk of the Crown" includes any officer specially appointed by the Chief Justice to discharge the functions given by this Code to the Clerk of the Crown:

"Public Prosecutor":

(m) "Public Prosecutor" means any person appointed under section 492, and includes any person acting under the directions of a Public Prosecutor; and any person conducting a prosecution on behalf of Her Majesty in any High Court in the exercise of its original criminal jurisdiction:

"Pleader":

(n) "Pleader" used with reference to any proceeding in any Court, means a pleader authorized under any law for the time being in force to practise in such Court, and includes (1) an advocate, a vakíl and an attorney of a High Court so authorized, and (2) any mukhtár or other person appointed with the permission of the Court to act in such proceeding:

"Police-station":

(o) "Police-station" means any post declared, generally or specially, by the Local Government to be a Police-station for the purposes of this Code, and includes any local area specified by the Local Government in this behalf; and

"Officer in charge of a Police-station":

"Officer in charge of a Police-station" includes, when the officer in charge of the Police-station is absent therefrom or unable from illness to perform his duties, the Police-officer present at the Police-station who is next in rank to such officer and is above the rank of constable, or, when the Local Government so directs, any other Police-officer so present;

"Offence":

(p) "Offence" means any act or omission made punishable by any law for the time being in force:

"Cognizable offence":
"Cognizable case":

(q) "Cognizable offence" means an offence for, and "cognizable case" means a case in, which a Police-officer, within or without the Presidency-towns, may, in accordance with the second schedule, or under any law for the time being in force, arrest without warrant:

"Non-cognizable offence":
"Non-cognizable case":

"Non-cognizable offence" means an offence for, and "non-cognizable case" means a case in, which a Police-officer, within or without the Presidency-towns, may not arrest without warrant:

"Bailable offence":
"Non-bailable offence":

(r) "Bailable offence" means an offence shewn as bailable in the second schedule, or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence:

"Warrant-case":

(s) "Warrant-case" means a case relating to an offence punishable with death, transportation or imprisonment for a term exceeding six months:

"Summons-case":

(t) "Summons-case" means a case relating to an offence not so punishable:

"European British subject":

(u) "European British subject" means—

(1) any subject of Her Majesty born, naturalized or domiciled in the United Kingdom of Great Britain and Ireland, or in any of the European, American or Australian Colonies or Possessions of Her Majesty, or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal;

(2) any child or grand-child of any such person by legitimate descent:

"Chapter":
"Schedule":

(v) "Chapter" means a chapter of this Code; and "Schedule" means a schedule hereto annexed:

"Place."

(w) "Place" includes also a house, building, tent and vessel.

Words referring to acts.

Words which refer to acts done extend also to illegal omissions; and

Words to have same meaning as in Penal Code.

all words and expressions used herein and defined in the Indian Penal Code, and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them by that Code.

Trial of offences under Penal Code.

5. All offences under the Indian Penal Code shall be inquired into and tried according to the provisions hereinafter contained; and all offences under any other law shall be inquired into and tried according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of inquiring into or trying such offences.

Trial of offences against other laws.

PART II.

CONSTITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES.

CHAPTER II.

OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES.

A.—Classes of Criminal Courts.

Classes of Criminal Courts.

6. Besides the High Courts and the Courts constituted under any law other than this Code for the time being in force, there shall be five classes of Criminal Courts in British India, namely :—

I.—Courts of Session :
II.—Courts of Presidency Magistrates :
III.—Courts of Magistrates of the first class :
IV.—Courts of Magistrates of the second class :
V.—Courts of Magistrates of the third class.

B.—Territorial Divisions.

Sessions Divisions ; Districts.

7. Every Province (excluding the Presidency-towns) shall be a Sessions Division, or shall consist of Sessions Divisions ;

and every Sessions Division shall, for the purposes of this Code, be a District or consist of Districts.

Power to alter Divisions and Districts.

The Local Government may alter the limits, or, with the previous sanction of the Governor General in Council, the number, of such Divisions and Districts.

Existing Divisions and Districts maintained till altered.

The Sessions Divisions and Districts existing when this Code comes into force shall be Sessions Divisions and Districts respectively, unless and until they are so altered.

Presidency-towns to be deemed Districts.

Every Presidency-town shall, for the purposes of this Code, be deemed to be a District.

Power to divide Districts into Sub-divisions.

8. The Local Government may divide any District outside the Presidency-towns into Sub-divisions, or make any portion of any such District a Sub-division, and may alter the limits of any Sub-division.

Existing Sub-divisions maintained.

All existing Sub-divisions which are now usually put under the charge of a Magistrate shall be deemed to have been made under this Code.

C.—Courts and Offices outside the Presidency-towns.

Court of Session.

9. The Local Government shall establish a Court of Session for every Sessions Division, and appoint a Judge of such Court.

It may also appoint Additional Sessions Judges, Joint Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

All Courts of Session existing when this Code comes into force shall be deemed to have been established under this Act.

District Magistrate.

10. In every District outside the Presidency-towns, the Local Government shall appoint a Magistrate of the first class, who shall be called the District Magistrate.

Officers temporarily succeeding to vacancies in office of District Magistrate.

11. Whenever, in consequence of the office of a District Magistrate becoming vacant, any officer succeeds temporarily to the chief executive administration of the District, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties respectively conferred and imposed by this Code on the District Magistrate.

Subordinate Magistrates.

12. The Local Government may appoint as many persons as it thinks fit, besides the District Magistrate, to be Magistrates of the first, second or third class in any District outside the Presidency-towns ; and the Local Government, or the District Magistrate subject to the control of the Local Government, may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code.

Local limits of their jurisdiction.

Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such District.

Power to put Magistrate in charge of Sub-division.

13. The Local Government may place any Magistrate of the first or second class in charge of a Sub-division, and relieve him of the charge, as occasion requires.

Such Magistrates shall be called Sub-divisional Magistrates.

Delegation of powers to District Magistrate.

The Local Government may delegate its powers under this section to the District Magistrate.

Special Magistrates.

14. The Local Government may confer upon any person all or any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally, in any local area outside the Presidency-towns.

Such Magistrates shall be called Special Magistrates.

With the previous sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it thinks fit, to any officer under its control the power conferred by the first paragraph of this section.

No powers shall be conferred under this section on any Police-officer below the grade of Assistant District Superintendent, and no powers shall be so conferred except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

Benches of Magistrates.

15. The Local Government may direct any two or more Magistrates in any place outside the Presidency-towns to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferrible by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or such classes of cases only, and within such local limits, as the Local Government thinks fit.

Powers exercisable by Bench in absence of special direction.

Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members who is present taking part in the proceedings as a member of the Bench belongs, and as far as practicable shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

Power to frame rules for guidance of Benches.

16. The Local Government may, or, subject to the control of the Local Government, the District Magistrate may, from time to time, make rules consistent with this Code for the guidance of Magistrates' Benches in any District respecting the following subjects:—

(a) the classes of cases to be tried;

(b) the times and places of sitting;

(c) the constitution of the Bench for conducting trials;

(d) the mode of settling differences of opinion which may arise between the Magistrates in session.

Subordination of Magistrates and Benches to District Magistrate;

17. All Magistrates appointed under sections 12, 13 and 14, and all Benches constituted under section 15, shall be subordinate to the District Magistrate, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Magistrates and Benches; and

to Sub-divisional Magistrate.

every Magistrate (other than a Sub-divisional Magistrate) and every Bench exercising powers in a Sub-division shall be subordinate to the Sub-divisional Magistrate, subject, however, to the general control of the District Magistrate.

Subordination of Assistant Sessions Judges to Sessions Judge.

All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such Assistant Sessions Judges.

Neither the District Magistrate nor the Magistrates or Benches appointed or constituted under sections 12, 13, 14 and 15 shall be subordinate to the Sessions Judge, except to the extent and in the manner hereinafter expressly provided.

D.—Courts of Presidency Magistrates.

Appointment of Presidency Magistrates.

18. The Local Government shall, from time to time, appoint a sufficient number of persons (hereinafter called Presidency Magistrates) to be Magistrates for each of the Presidency-towns, and shall appoint one of such persons to be Chief Magistrate for each such town.

Any two or more of such persons may (subject to the rules made by the Chief Magistrate under the power hereinafter conferred) sit together as a Bench.

Local limits of their jurisdiction.

19. Every Presidency Magistrate shall exercise jurisdiction in all places within the Presidency-town for which he is appointed and within the limits of the port of such town and of any navigable river or channel leading thereto, as such limits are defined under the law for the time being in force for the regulation of ports and port-dues.

Bombay Court of Petty Sessions.

20. Every Presidency Magistrate in the town of Bombay shall exercise all jurisdiction which, under any law in force immediately before the first day of April, 1877, was exercised in that town by the Court of Petty Sessions:

Provided that appeals under the law for the time being regulating the municipality of Bombay shall lie to the Chief Magistrate only.

Chief Magistrate.

21. Every Chief Magistrate shall exercise within the local limits of his jurisdiction all the powers conferred on him by this Code or which by any law or rule in force immediately before this Code comes into force are required to be exercised by any Senior or Chief Magistrate, and may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Code to regulate—

(a) the conduct and distribution of business and the practice in the Courts of the Magistrates of the town;

(b) the times and places at which Benches of Magistrates shall sit;

(c) the constitution of such Benches; and

(d) the mode of settling differences of opinion which may arise between Magistrates in session.

E.—Justices of the Peace.

Justices of the Peace for the Mufassal.

22. The Governor General in Council, so far as regards the whole or any part of British India outside the Presidency-towns,

and every Local Government, so far as regards the territories subject to its administration (other than the towns aforesaid),

may, by notification in the official Gazette, appoint such European British subjects as he or it thinks fit to be Justices of the Peace within and for the territories mentioned in such notification.

Justices of the Peace for the Presidency-towns.

23. The Governor General in Council or the Local Government, so far as regards the town of Calcutta,

and the Local Government, so far as regards the towns of Madras and Bombay,

may, by notification in the official Gazette, appoint to be Justices of the Peace within the limits of the town mentioned in such notification any persons resident within British India and not being the subjects of any foreign State whom such Governor General in Council or Local Government (as the case may be) thinks fit.

Present Justices of the Peace.

24. Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns, under any commission issued by a High Court, shall be deemed to have been appointed under section 22 by the Governor General in Council to act as a Justice of the Peace for the whole of British India other than the said towns.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section 23 by the Local Government.

Ex officio Justices of the Peace.

25. In virtue of their respective offices, the Governor General, the Ordinary Members of the Council of the Governor General, the Judges of the High Courts and the Recorder of Rangoon are Justices of the Peace within and for the whole of British India, and the Presidency Magistrates are Justices of the Peace within and for the towns of which they are respectively Magistrates.

F.—Suspension and Removal.

Suspension and removal of Judges and Magistrates.

26. All Judges of Criminal Courts other than the High Courts established by Royal Charter, and all Magistrates, may be suspended or removed from office by the Local Government:

Provided that such Judges and Magistrates as now are liable to be suspended or removed from office by the Governor General in Council only shall not be suspended or removed from office by any other authority.

Suspension and removal of Justices of the Peace.

27. The Governor General in Council may suspend or remove from office any Justice of the Peace appointed by him, and the Local Government may suspend or remove from office any Justice of the Peace appointed by it.

CHAPTER III.

POWERS OF COURTS.

A.—Description of Offences cognizable by each Court.

Offences under Penal Code.

28. Subject to the other provisions of this Code, any offence under the Indian Penal Code may be tried by the High Court or Court of Session or by any other Court by which such offence is shown in the eighth column of the second schedule to be triable.

Offences under other laws.

29. Any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court.

When no Court is so mentioned, it may be tried by the High Court or by any Court constituted under this Code: Provided that—

(*a*) no Magistrate of the first class shall try any such offence which is punishable with imprisonment for a term which may exceed seven years;

(*b*) no Magistrate of the second class shall try any such offence which is punishable with imprisonment for a term which may extend to three years; and

(*c*) no Magistrate of the third class shall try any such offence which is punishable with imprisonment for a term which may extend to one year.

Offences not punishable with death.

30. In the territories respectively administered by the Lieutenant-Governor of the Panjáb and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg and Assam, and in those parts of the other Provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may, notwithstanding anything contained in section 29, invest the District Magistrate with power to try as a Magistrate all offences not punishable with death.

B.—Sentences which may be passed by Courts of various Classes.

Sentences which High Courts and Sessions Judges may pass.

31. A High Court may pass any sentence authorized by law.

A Sessions Judge, Additional Sessions Judge or Joint Sessions Judge may pass any sentence authorized by law; but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court.

An Assistant Sessions Judge may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding three years passed by an Assistant Sessions Judge shall be subject to confirmation by the Sessions Judge.

Sentences which Magistrates may pass.

32. The Courts of Magistrates may pass the following sentences, namely:—

(a) Courts of Presidency Magistrates and of Magistrates of the first class:	Imprisonment for a term not exceeding two years, including such solitary confinement as is authorized by law; Fine not exceeding one thousand rupees; Whipping.
(b) Courts of Magistrates of the second class:	Imprisonment for a term not exceeding six months, including such solitary confinement as is authorized by law; Fine not exceeding two hundred rupees; Whipping.
(c) Courts of Magistrates of the third class.	Imprisonment for a term not exceeding one month; Fine not exceeding fifty rupees.

The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorized by law to pass.

No Court of any Magistrate of the second class shall pass a sentence of whipping unless he is specially empowered in this behalf by the Local Government.

Power of Magistrates to sentence to imprisonment in default of fine.

33. The Court of any Magistrate may award such term of imprisonment in default of payment of fine as is authorized by law in case of such default: Provided that the term is not in excess of the Magistrate's powers under this Code:

Proviso as to certain cases.

Provided also that in no case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under section 32.

Higher powers of certain District Magistrates.

34. The Court of a District Magistrate specially empowered under section 30 may pass any sentence of imprisonment for a term not exceeding seven years, including such solitary confinement as is authorized by law, or of fine, or of whipping, or of any combination of these punishments authorized by law.

But any sentence of imprisonment for a term exceeding three years passed by any such Court shall be subject to the confirmation of the Sessions Judge.

Sentence in cases of conviction of several offences at one trial.

35. When a person is convicted, at one trial, of two or more distinct offences, the Court may sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict: such punishments, when consisting of imprisonment or transportation, to commence the one after the expiration of the other in such order as the Court may direct.

It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Maximum term of punishment.

Provided as follows:—

(a) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years:

(b) if the case is tried by a Magistrate (other than a Magistrate acting under section 34), the aggregate punishment shall not exceed twice the amount of punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

For the purpose of confirmation or appeal, aggregate sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

C.—Ordinary and Additional Powers.

Ordinary powers of Magistrates.

36. All District Magistrates, Sub-divisional Magistrates and Magistrates of the first, second and third classes have the powers hereinafter respectively conferred upon them and specified in the third schedule. Such powers are called their "ordinary powers".

Additional powers conferrible on Magistrates.

37. In addition to his ordinary powers, any Sub-divisional Magistrate or any Magistrate of the first, second or third class may be invested by the Local Government or the District Magistrate, as the case may be, with any powers specified in the fourth schedule as powers with which he may be invested by the Local Government or the District Magistrate.

Control of District Magistrates' investing power.

38. The power conferred on the District Magistrate by section 37 shall be exercised subject to the control of the Local Government.

D.—Conferment, Continuance and Cancellation of Powers.

Mode of conferring powers.

39. In conferring powers under this Code, the Local Government may by order empower persons specially by name or in virtue of their office, or classes of officials generally by their official titles.

Aid and information to Magistrates, the police and persons making arrests.

Every such order shall take effect from the date on which it is communicated to the person so empowered.

Continuance of powers of officers transferred.

40. Whenever any person holding an office in the service of Government who has been invested with any powers under this Code throughout any local area is transferred to an equal or higher office of the same nature within a like local area under the same Local Government, he shall, unless the Local Government otherwise directs, or has otherwise directed, continue to exercise the same powers in the local area to which he is so transferred.

Powers may be cancelled.

41. The Local Government may withdraw any powers conferred under this Code on any person by it or by any officer subordinate to it.

PART III.

GENERAL PROVISIONS.

CHAPTER IV.

OF AID AND INFORMATION TO THE MAGISTRATES, THE POLICE AND PERSONS MAKING ARRESTS.

Public when to assist Magistrates and police.

42. Every person is bound to assist a Magistrate or Police-officer reasonably demanding his aid, whether within or without the Presidency-towns,

(*a*) in the taking of any other person whom such Magistrate or Police-officer is authorized to arrest;

(*b*) in the prevention of a breach of the peace, or of any injury attempted to be committed to any railway, canal, telegraph or public property; or

(*c*) in the suppression of a riot or an affray.

Aid to person other than Police-officer, executing warrant.

43. When a warrant is directed to a person other than a Police-officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

Public to give information of certain offences.

44. Every person, whether within or without the Presidency-towns, aware of the commission of, or of the intention of any other person to commit, any offence punishable under the following sections of the Indian Penal Code (namely) 121, 121A, 122, 123, 124, 124A, 125, 126, 130, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 and 460, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to the nearest Magistrate or Police-officer of such commission or intention.

Village-headmen, landholders and others bound to report certain matters.

45. Every village-headman, village-watchman, village-police-officer, owner or occupier of land, and the agent of any such owner or occupier, and every officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate, or to the officer in charge of the nearest Police-station, whichever is the nearer, any information which he may obtain respecting—

(*a*) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is headman, watchman or Police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;

(*b*) the resort to any place within, or the passage through, such village, of any person whom he knows, or reasonably suspects, to be a thug, robber, escaped convict or proclaimed offender;

(*c*) the commission of or intention to commit any non-bailable offence in or near such village;

(*d*) the occurrence therein of any sudden or unnatural death or of any death under suspicious circumstances.

EXPLANATION.—In this section "village" includes village-lands.

CHAPTER V.

OF ARREST, ESCAPE AND RETAKING.

A.—Arrest generally.

Arrest how made.

46. In making an arrest, the Police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Resisting endeavour to arrest.

If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such Police-officer or other person may use all means necessary to effect the arrest.

Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death, or with transportation for life.

Search of place entered by person sought to be arrested.

47. If any person acting under a warrant of arrest, or any Police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such Police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Procedure where ingress not obtainable.

48. If ingress to such place cannot be obtained under section 47, it shall be lawful in any case for a person acting under a warrant, and in any case in which a warrant may issue but cannot be obtained without affording the person to

Arrest, escape and retaking.

be arrested an opportunity of escape, for a Police-officer, to enter such place and search therein, and

in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance:

Breaking open zanánà.

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public, such person or Police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

Power to break open doors and windows for purposes of liberation.

49. Any Police-officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

No unnecessary restraint.

50. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Search of arrested persons.

51. Whenever a person is arrested by a Police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail, but the person arrested cannot furnish bail, and

whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the Police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel, found upon him.

Mode of searching women.

52. Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency.

Power to seize offensive weapons.

53. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Code to produce the person arrested.

B.—Arrest without Warrant.

When police may arrest without warrant.

54. Any Police-officer may, without an order from a Magistrate and without a warrant, arrest—

first—any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned;

secondly—any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of housebreaking;

thirdly—any person who has been proclaimed as an offender either under this Code or by order of the Local Government;

fourthly—any person in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing;

fifthly—any person who obstructs a Police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; and

sixthly—any person reasonably suspected of being a deserter from Her Majesty's Army or Navy.

This section applies to the police in the towns of Calcutta and Bombay.

Arrest of vagabonds, habitual robbers, &c.

55. Any officer in charge of a Police-station may, in like manner, arrest or cause to be arrested—

(*a*) any person found taking precautions to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence; or

(*b*) any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or

(*c*) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.

Procedure when Police-officer deputes subordinate to arrest without warrant.

56. When any officer in charge of a Police-station requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence for which the arrest is to be made.

Refusal to give name and residence.

57. When any person in the presence of a Police-officer commits or is accused of committing a non-cognizable offence, and refuses on

demand of a Police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained; and he shall, within twenty-four hours from the arrest, be forwarded to the nearest Magistrate, unless, before the expiration of that time, his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

Pursuit of offenders into other jurisdictions.

58. A Police-officer may, for the purpose of arresting without warrant any person whom he is authorized to arrest under this chapter, pursue such person into any place in British India.

Arrest by private persons.

59. Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence, or who has been proclaimed as an offender;

Procedure on such arrest.

and shall, without unnecessary delay, make over any person so arrested to a Police-officer; or, in the absence of a Police-officer, take such person to the nearest Police-station.

If there is reason to believe that such person comes under the provisions of section 54, a Police-officer shall re-arrest him.

If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a Police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 57. If there is no reason to believe that he has committed any offence, he shall be at once discharged.

Person arrested to be taken before Magistrate or officer in charge of Police-station.

60. A Police-officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a Police-station.

Person arrested not to be detained more than 24 hours.

61. No Police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Police to report apprehensions.

62. Officers in charge of Police-stations shall report to the District Magistrate, or, if he so directs, to the Sub-divisional Magistrate, the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Discharge of person apprehended.

63. No person who has been arrested by a Police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.

Offence committed in Magistrate's presence.

64. When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Arrest by or in presence of Magistrate.

65. Any Magistrate may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

Power, on escape, to pursue and retake.

66. If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in British India.

Provisions of sections 47, 48 and 49 to apply to arrests under section 66.

67. The provisions of sections 47, 48 and 49 shall apply to arrests under section 66, although the person making any such arrest is not acting under a warrant and is not a Police-officer having authority to arrest.

CHAPTER VI.

OF PROCESSES TO COMPEL APPEARANCE.

A.—Summons.

Form of summons.

68. Every summons issued by a Court under this Code shall be in writing in duplicate signed and sealed by the presiding officer of such Court, or by such other officer as the High Court may, from time to time, by rule, direct.

Summons by whom served.

Such summons shall be served by a Police-officer; or, subject to such rules consistent with this Code as the Local Government may prescribe in this behalf, by an officer of the Court issuing it.

This section applies to the police in the towns of Calcutta and Bombay.

Summons how served.

69. The summons shall if practicable be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.

Signature of receipt for summons.

Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Service when person summoned cannot be found.

70. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of

his family, or, in a Presidency-town, with his servant residing with him; and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Procedure when receipt cannot be obtained.

71. If the signature mentioned in sections 69 and 70 cannot by the exercise of due diligence be obtained, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

Service on servant of Government or of Railway Company.

72. Where the person summoned is in the active service of the Government or of a Railway Company, the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by section 69, and shall return it to the Court with the endorsement required by that section.

Service of summons outside local limits.

73. When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

Proof of service in such cases, and when serving officer not present.

74. When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in manner provided by section 69 or section 70) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.

B.—Warrant of Arrest.

Form of warrant of arrest.

75. Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer, or, in the case of a Bench of Magistrates, by any member of such Bench; and shall bear the seal of the Court.

Continuance of warrant of arrest.

Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.

Court may direct security to be taken.

76. Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person execute a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

The endorsement shall state (*a*) the number of sureties, (*b*) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound, and (*c*) the time at which he is to attend before the Court.

Recognizance to be forwarded.

Whenever security is taken under this section, the officer to whom the warrant is directed shall forward the bond to the Court.

Warrants to whom directed.

77. A warrant of arrest shall ordinarily be directed to one or more Police-officers, and, when issued by a Presidency Magistrate, shall always be so directed; but any other Court issuing such a warrant may, if its immediate execution is necessary and no Police-officer is immediately available, direct it to any other person or persons; and such person or persons shall execute the same.

Warrant to several persons.

When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them.

Warrant may be directed to landholders, &c.

78. A District Magistrate or Sub-divisional Magistrate may direct a warrant to any landholder, farmer or manager of land within his district or sub-division for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued is in, or enters on, his land or farm, or the land under his charge.

When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest Police-officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under section 76.

Warrant directed to Police-officer.

79. A warrant directed to any Police-officer may also be executed by any other Police-officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

Notification of substance of warrant.

80. The Police-officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant.

Processes to compel appearance.

Proces comp appear

Person arrested to be brought before Court without delay.

81. The Police-officer or other person executing a warrant of arrest shall (subject to the provisions of section 76 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person.

Where warrant may be executed.

82. A warrant of arrest may be executed at any place in British India.

Warrant forwarded to Magistrate for execution outside jurisdiction.

83. When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a Police-officer, forward the same by post or otherwise to any Magistrate or Commissioner of Police within the local limits of whose jurisdiction it is to be executed.

The Magistrate or Commissioner to whom such warrant is so forwarded shall endorse his name thereon, and, if practicable, cause it to be executed within the local limits of his jurisdiction.

Warrant directed to Police-officer for execution outside jurisdiction.

84. When a warrant directed to a Police-officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement either to a Magistrate or to a Police-officer not below the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.

Such Magistrate or Police-officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the Police-officer to whom the warrant is directed to execute the same within such limits, and the local police shall, if so required, assist such officer in executing such warrant.

Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or Police-officer within the local limits of whose jurisdiction the warrant is to be executed will prevent such execution, the Police-officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.

This section applies to the police in the towns of Calcutta and Bombay.

Procedure on arrest of person against whom warrant issued.

85. When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles of the place of arrest, or is nearer than the Magistrate or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 76, be taken before such Magistrate or Commissioner.

Procedure by Magistrate before whom person arrested is brought.

86. Such Magistrate or Commissioner shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court: Provided that if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate or Commissioner, or a direction has been endorsed under section 76 on the warrant and such person is ready and willing to give the security required by such direction, the Magistrate or Commissioner shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant.

Nothing in this section shall be deemed to prevent a Police-officer from taking security under section 76.

C.—Proclamation and Attachment.

Proclamation for person absconding.

87. If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

The proclamation shall be published as follows:—

(*a*) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;

(*b*) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides, or to some conspicuous place of such town or village; and

(*c*) a copy thereof shall be affixed to some conspicuous part of the Court-house.

A statement by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

Attachment of property of person absconding.

88. The Court may, after issuing a proclamation under section 87, order the attachment of any property, moveable or immoveable, or both, belonging to the proclaimed person.

Such order shall authorize the attachment of any property belonging to such person within the district in which it is made; and it shall authorize the attachment of any property belonging to such person without such district, when endorsed by the District Magistrate within whose district such property is situate.

If the property ordered to be attached be debts or other moveable property, the attachment under this section shall be made—

(*a*) by seizure; or

(*b*) by the appointment of a receiver; or

(*c*) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or

(*d*) by all or any two of such methods, as the Court thinks fit.

If the property ordered to be attached be immoveable, the attachment under this section shall, in the case of land paying revenue to Government, be made through the Collector of the District in which the land is situate, and in all other cases—

(*e*) by taking possession; or

(*f*) by the appointment of a receiver; or

(*g*) by an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf; or

(*h*) by all or any two of such methods, as the Court thinks fit.

The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under Chapter XXXVI of the Code of Civil Procedure.

If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government; but it shall not be sold until the expiration of six months from the date of the attachment, unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold whenever it thinks fit.

Restoration of attached property.

89. If, within two years from the date of the attachment, any person whose property is or has been at the disposal of Government under the last paragraph of section 88 appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the nett proceeds of the sale, or if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

D.—Other rules regarding processes.

Issue of warrant in lieu of or in addition to summons.

90. A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person other than a juror or assessor, issue, after recording its reasons in writing, a warrant for his arrest—

(*a*) if, either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reason to believe that he has absconded or will not obey the summons; or

(*b*) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

Power to take bond for appearance.

91. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant is present in such Court, such officer may require such person to execute a bond with or without sureties for his appearance in such Court.

Arrest on breach of bond for appearance.

92. When any person who is bound by any bond taken under this Code to appear before a Court does not so appear, the officer presiding in such Court may issue a warrant directing that such person be arrested and produced before him.

Provisions in this chapter generally applicable to summonses and warrants of arrest.

93. The provisions contained in this chapter relating to a summons and warrant and their issue, service and execution shall, so far as may be, apply to every summons and every warrant of arrest issued under this Code.

CHAPTER VII.

OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVEABLE PROPERTY AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED.

A.—Summons to produce.

Summons to produce document or other thing.

94. Whenever any Court, or, in any place beyond the limits of the towns of Calcutta and Bombay, any officer in charge of a Police-station, considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.

Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he cause such document or thing to be produced instead of attending personally to produce the same.

Nothing in this section shall be deemed to affect the Indian Evidence Act, 1872, sections 123 and 124, or to apply to a letter, post-card, telegram or other document in the custody of the Postal or Telegraph authorities.

Procedure as to letters and telegrams.

95. If any document in such custody is, in the opinion of any District Magistrate, Chief Presidency Magistrate, High Court or Court of Session, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require

Processes to compel production of documents, &c.

the Postal or Telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate or Court directs.

If any such document is, in the opinion of any other Magistrate, or of any Commissioner of Police or District Superintendent of Police, wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to cause search to be made for and to detain such document, pending the orders of any such District Magistrate, Chief Presidency Magistrate or Court.

B.—Search-warrants.

When search-warrant may be issued.

96. Where any Court has reason to believe that a person to whom a summons or order under section 94 or a requisition under section 95, paragraph one, has been or might be addressed will not or would not produce the document or other thing as required by such summons or requisition,

or where such document or other thing is not known to the Court to be in the possession of any person,

or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,

it may issue a search-warrant; and the person to whom such warrant is directed may search or inspect in accordance therewith and the provisions hereinafter contained.

Nothing herein contained shall authorize any Magistrate, other than a District Magistrate or Chief Presidency Magistrate, to grant a warrant to search for a document in the custody of the Postal or Telegraph authorities.

Power to restrict warrant.

97. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

Search of house suspected to contain stolen property, forged documents, &c.

98. If a District Magistrate, Sub-divisional Magistrate, Presidency Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property,

or for the deposit or sale or manufacture of forged documents, false seals or counterfeit stamps or coin, or instruments or materials for counterfeiting coin or stamps or for forging,

or that any forged documents, false seals or counterfeit stamps or coin, or instruments or materials used for counterfeiting coin or stamps or for forging, are kept or deposited in any place,

he may by his warrant authorize any Police-officer above the rank of a constable—

(*a*) to enter, with such assistance as may be required, such place, and

(*b*) to search the same in manner specified in the warrant, and

(*c*) to take possession of any property, documents, seals, stamps or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also of any such instruments and materials as aforesaid, and

(*d*) to convey such property, documents, seals, stamps, coins, instruments or materials before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and

(*e*) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale, or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or stamps or for forging.

Disposal of things found in search beyond jurisdiction.

99. When, in the execution of a search-warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, any of the things for which search is made are found, such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Court issuing the warrant, unless such place is nearer to the Magistrate having jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate; and, unless there be good cause to the contrary, such Magistrate shall make an order authorizing them to be taken to such Court.

C.—Discovery of persons wrongfully confined.

Search for persons wrongfully confined.

100. If any Presidency Magistrate, Magistrate of the first class or Sub-divisional Magistrate has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person if found shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.

D.—General Provisions relating to searches.

Direction, &c., of search-warrants.

101. The provisions of sections 43, 75, 77, 79, 82, 83 and 84 shall, so far as may be, apply to all search-warrants issued under section 96, section 98 or section 100.

Persons in charge of closed place to allow search.

102. Whenever any place liable to search or inspection under this chapter is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 48.

Search to be made in presence of witnesses.

103. Before making a search under this chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search.

The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses, but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

Occupant of place searched may attend.

The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request.

E.—Miscellaneous.

Power to impound document, &c., produced.

104. Any Court may, if it thinks fit, impound any document or other thing produced before it under this Code.

Magistrate may direct search in his presence.

105. Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search-warrant.

PART IV.

PREVENTION OF OFFENCES.

CHAPTER VIII.

OF SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR.

A.—Security for keeping the Peace on Conviction.

Security for keeping the peace on conviction.

106. Whenever any person accused of rioting, assault or other breach of the peace, or of abetting the same, or of assembling armed men or taking other unlawful measures with the evident intention of committing the same, or any person accused of committing criminal intimidation by threatening injury to person or property, is convicted of such offence before a High Court, a Court of Session or the Court of a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or a Magistrate of the first class,

and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period, not exceeding three years, as it thinks fit to fix.

If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

B.—Security for keeping the Peace in other Cases and Security for Good Behaviour.

Security for keeping the peace in other cases.

107. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information that any person is likely to commit a breach of the peace, or to do any wrongful act that may probably occasion a breach of the peace, within the local limits of such Magistrate's jurisdiction, or that there is within such limits a person who is likely to commit a breach of the peace or do any wrongful act as aforesaid in any place beyond such limits, the Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period not exceeding one year as the Magistrate thinks fit to fix.

Procedure of Magistrate, &c., not empowered to act under section 107.

108. When any Magistrate not empowered to proceed under section 107, or a Court of Session or High Court, has reason to believe that any person is likely to commit a breach of the peace or to do any wrongful act that may probably occasion a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by detaining such person in custody, such Magistrate or Court may issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case under section 107.

A Magistrate before whom a person is sent under this section may in his discretion detain such person in custody until the completion of the inquiry hereinafter prescribed.

Security for good behaviour from vagrants and suspected persons.

109. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information—

(*a*) that any person is taking precautions to conceal his presence within the local limits of such

Security for keeping peace and for good behaviour.

Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing an offence, or

(*b*) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding six months as the Magistrate thinks fit to fix.

Security for good behaviour from habitual offenders.

110. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class specially empowered in this behalf by the Local Government receives information that any person within the local limits of his jurisdiction is an habitual robber, housebreaker or thief, or an habitual receiver of stolen property knowing the same to have been stolen, or that he habitually commits extortion, or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period not exceeding three years as the Magistrate thinks fit to fix.

Proviso as to European vagrants.

111. The provisions of sections 109 and 110 do not apply to European British subjects in cases where they may be dealt with under the European Vagrancy Act, 1874.

Order to be made.

112. When a Magistrate acting under section 107, section 109 or section 110 deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.

Procedure in respect of person present in Court.

113. If the person in respect of whom such order is made is present in Court, it shall be read over to him, or, if he so desires, the substance thereof shall be explained to him.

Summons or warrant in case of person not so present.

114. If such person is not present in Court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is to bring him, before the Court:

Provided that, whenever it appears to such Magistrate, upon the report of a Police-officer or upon other information (the substance of which report or information shall be recorded by the Magistrate), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.

Copy of order under section 112 to accompany summons or warrant.

115. Every summons or warrant issued under section 114 shall be accompanied by a copy of the order made under section 112, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.

Power to dispense with personal attendance.

116. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to show cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by a pleader.

Inquiry as to truth of information.

117. When an order under section 112 has been read or explained under section 113, to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant issued under section 114, the Magistrate shall proceed to inquire into the truth of the information upon which he has acted, and to take such further evidence as may appear necessary.

Such inquiry shall be made, as nearly as may be practicable, where the order requires security for keeping the peace, in the manner hereinafter prescribed for conducting trials in summons-cases; and where the order requires security for good behaviour, in the manner hereinafter prescribed for conducting trials in warrant-cases, except that no charge need be framed.

For the purposes of this section the fact that a person is an habitual offender may be proved by evidence of general repute or otherwise.

Order to give security.

118. If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties, the Magistrate shall make an order accordingly:

Provided—

first—that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 112:

secondly—that the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive:

thirdly—that when the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties.

Discharge of person informed against.

119. If, on an inquiry under section 117, it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in

Security for keeping peace and for good behaviour.

respect of whom the inquiry is made should execute a bond, the Magistrate shall make an entry on the record to that effect, and, if such person is in custody only for the purposes of the inquiry, shall release him, or, if such person is not in custody, shall discharge him.

C.—Proceedings in all Cases subsequent to Order to furnish Security.

Commencement of period for which security is required.

120. If any person in respect of whom an order requiring security is made under section 106 or section 118 is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

In other cases such period shall commence on the date of such order.

Contents of bond.

121. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit, or the abetment of, any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

Power to reject sureties.

122. A Magistrate may refuse to accept any surety for good behaviour offered under this chapter, on the ground that, for reasons to be recorded by the Magistrate, such surety is an unfit person.

Imprisonment in default of security.

123. If any person ordered to give security under section 106 or section 118 does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison, be detained in prison, until such period expires or until within such period he gives the security to the Court or Magistrate which or who made the order requiring it, or to the officer in charge of the jail in which the person so ordered is detained.

Proceedings when to be laid before High Court or Court of Session.

When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison pending the orders of the Court of Session, or, if such Magistrate be a Presidency Magistrate, pending the orders of the High Court; and the proceedings shall be laid, as soon as conveniently may be, before such Court.

Such Court, after examining such proceedings and requiring any further information or evidence which it thinks necessary, may pass such order on the case as it thinks fit: Provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three years.

Kind of imprisonment.

Imprisonment for failure to give security for keeping the peace shall be simple.

Imprisonment for failure to give security for good behaviour may be rigorous or simple as the Court or Magistrate in each case directs.

Power to release persons imprisoned for failing to give security.

124. Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter, whether by the order of such Magistrate or that of his predecessor in office, or of some subordinate Magistrate, may be released without hazard to the community or to any other person, he may order such person to be discharged.

Whenever the District Magistrate or a Presidency Magistrate is of opinion that any person imprisoned for failing to give security under this chapter as ordered by the Court of Session or High Court may be released without such hazard, such Magistrate shall make an immediate report of the case for the orders of the Court of Session or High Court, as the case may be, and such Court may, if it thinks fit, order such person to be discharged.

Power of District Magistrate to cancel any bond for keeping the peace.

125. The District Magistrate may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace executed under this chapter by order of any Court in his District not superior to his Court.

Discharge of sureties.

126. Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class to cancel any bond executed under this chapter within the local limits of his jurisdiction.

On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond, and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 121, 122, 123 and 124, be deemed to be an order made under section 106 or section 118, as the case may be.

Unlawful Assemblies.

CHAPTER IX.

UNLAWFUL ASSEMBLIES.

Assembly to disperse on command of Magistrate or Police-officer.

127. Any Magistrate or officer in charge of a Police-station may command any unlawful assembly, or any assembly of five or more persons likely to cause a

disturbance of the public peace, to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

This section applies to the police in the towns of Calcutta and Bombay.

Use of civil force to disperse.

128. If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a Police-station, whether within or without the Presidency-towns, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or soldier in Her Majesty's Army or a volunteer enrolled under the Indian Volunteers Act, 1869, and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

Use of military force.

129. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by military force.

Duty of officer commanding troops required by Magistrate to disperse assembly.

130. When a Magistrate determines to disperse any such assembly by military force, he may require any Commissioned or Non-commissioned officer in command of any soldiers in Her Majesty's Army or of any volunteers enrolled under the Indian Volunteers Act, 1869, to disperse such assembly by military force, and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

Every such officer shall obey such requisition in such manner as he thinks fit; but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Power of Commissioned Military officers to disperse assembly.

131. When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with, any Commissioned officer of Her Majesty's Army may disperse such assembly by military force, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but, if while he is acting under this section, it becomes practicable for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

Protection against prosecution for acts done under this chapter.

132. No prosecution against any Magistrate, Military officer, Police-officer, soldier or volunteer for any act purporting to be done under this chapter shall be instituted in any Criminal Court, except with the sanction of the Governor General in Council; and

(*a*) no Magistrate or Police-officer acting under this chapter in good faith,

(*b*) no officer acting under section 131 in good faith,

(*c*) no person doing any act in good faith in compliance with a requisition under section 128 or section 130, and

(*d*) no inferior officer, or soldier, or volunteer, doing any act in obedience to any order which under military law he was bound to obey,

shall be deemed to have thereby committed an offence.

CHAPTER X.

PUBLIC NUISANCES.

Conditional order for removal of nuisance.

133. Whenever a District Magistrate, a Sub-divisional Magistrate or, when empowered by the Local Government in this behalf, a Magistrate of the first class, considers, on receiving a report or other information and on taking such evidence (if any) as he thinks fit,

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that any trade or occupation, or the keeping of any goods or merchandise, by reason of its being injurious to the health or physical comfort of the community, should be suppressed or removed or prohibited, or

that the construction of any building, or the disposal of any substance as likely to occasion conflagration or explosion, should be prevented or stopped, or

that any building is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence its removal, repair or support is necessary, or

that any tank, well or excavation adjacent to any such way or public place should be fenced in such a manner as to prevent danger arising to the public,—

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, substance, tank, well or excavation, within a time to be fixed in the order,

to remove such obstruction or nuisance; or

to suppress or remove such trade or occupation; or

to remove such goods or merchandise; or

to prevent or stop the construction of such building; or

to remove, repair or support it; or

to alter the disposal of such substance; or

to fence such tank, well or excavation, as the case may be; or

to appear before himself or some other Magistrate of the first or second class, at a time and place to be fixed by the order, and move to have the order set aside or modified in manner hereinafter provided.

No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

Explanation.—A "public place" includes also property belonging to the State, camping grounds, and grounds left unoccupied for sanitary and recreative purposes.

Service or notification of order.

134. The order shall, if practicable, be served on the person against whom it is made in manner herein provided for service of a summons.

If such order cannot be so served, it shall be notified by proclamation, published in such manner as the Local Government may by rule direct, and a copy thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

Person to whom order is addressed to obey, or show cause or claim jury.

135. The person against whom such order is made shall—

(a) perform, within the time specified in the order, the act directed thereby; or

(b) appear in accordance with such order, and either show cause against the same, or apply to the Magistrate by whom it was made to appoint a jury to try whether the same is reasonable and proper.

Consequence of his failing to do so.

136. If such person does not perform such act or appear and show cause or apply for the appointment of a jury as required by section 135, he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code; and the order shall be made absolute.

Procedure where he appears to show cause.

137. If he appears and shows cause against the order, the Magistrate shall take evidence in the matter.

If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.

If the Magistrate is not so satisfied, the order shall be made absolute.

Procedure where he claims jury.

138. On receiving an application under section 135 to appoint a jury, the Magistrate shall—

(a) forthwith appoint a jury consisting of an uneven number of persons not less than five, of whom the foreman and one half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant;

(b) summon such foreman and members to attend at such place and time as the Magistrate thinks fit; and

(c) fix a time within which they are to return their verdict.

Procedure where jury finds Magistrate's order to be reasonable.

139. If the jury or a majority of the jurors find that the order of the Magistrate is reasonable and proper as originally made, or subject to a modification which the Magistrate accepts, the Magistrate shall make the order absolute, subject to such modification (if any).

In other cases, no further proceedings shall be taken.

Procedure on order being made absolute.

140. When an order has been made absolute under section 136, section 137 or section 139, the Magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

Consequences of disobedience to order.

If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other moveable property of such person within or without the local limits of such Magistrate's jurisdiction. If such other property is without such limits, the order shall authorize its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached is found.

No suit shall lie in respect of anything done in good faith under this section.

Procedure on failure to appoint jury or omission to return verdict.

141. If the applicant by neglect or otherwise prevents the appointment of the jury, or if from any cause the jury appointed do not return their verdict within the time fixed or within such further time as the Magistrate may in his discretion allow, the Magistrate may pass such order as he thinks fit, and such order shall be executed in the manner provided by section 140.

Injunction pending inquiry.

142. If a Magistrate making an order under section 133 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public,

he may, whether a jury is to be, or has been, appointed or not, issue such an injunction to the person against whom the order was made as is required to obviate or prevent such danger or injury.

In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything done in good faith by a Magistrate under this section.

Magistrate may prohibit repetition or continuance of public nuisances.

143. A District Magistrate or Sub-divisional Magistrate, or any other Magistrate empowered by the Local Government or the District Magistrate in this behalf, may order any person not to repeat or continue a public nuisance, as defined in the Indian Penal Code or any special or local law.

CHAPTER XI.

Temporary Orders in Urgent Cases of Nuisance.

Power to issue order absolute at once in urgent cases of nuisance.

144. In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate or of any other Magistrate specially empowered by the Local Government or the District Magistrate to act under this section, immediate prevention or speedy remedy is desirable,

such Magistrate may, by a written order stating the material facts of the case and served in manner provided by section 134, direct any person to abstain from a certain act or to take certain order with certain property in his possession, or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, or danger to human life, health or safety, or a riot or an affray.

An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed *ex parte*.

An order under this section may be directed to a particular individual, or to the public generally when frequenting or visiting a particular place.

Any Magistrate may rescind or alter any order made under this section by himself or any Magistrate subordinate to him or by his predecessor in office.

No order under this section shall remain in force for more than two months from the making thereof; unless, in cases of danger to human life, health or safety, or a likelihood of a riot or an affray, the Local Government, by notification in the official Gazette, otherwise directs.

CHAPTER XII.

Disputes as to Immoveable Property.

Procedure where dispute concerning land, &c., is likely to cause breach of peace.

145. Whenever a District Magistrate, Sub-divisional Magistrate or Magistrate of the first class is satisfied from a police report or other information that a dispute likely to cause a breach of the peace exists concerning any tangible immoveable property, or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court, in person or by pleader, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute.

Inquiry as to possession.

The Magistrate shall then, without reference to the merits of the claims of any of such parties to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence, take such further evidence (if any) as he thinks necessary, and, if possible, decide whether any and which of the parties is then in such possession of the said subject.

Party in possession to retain possession until legally evicted.

If the Magistrate decides that one of the parties is then in such possession of the said subject, he shall issue an order declaring such party to be entitled to retain possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction.

Nothing in this section shall preclude any party so required to attend from showing that no such dispute as aforesaid exists or has existed; and in such case the Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed.

Power to attach subject of dispute.

146. If the Magistrate decides that none of the parties is then in such possession, or is unable to satisfy himself as to which of them is then in such possession, of the subject of dispute, he may attach it until a competent Civil Court has determined the rights of the parties thereto, or the person entitled to possession thereof.

Disputes concerning easements, &c.

147. Whenever any such Magistrate is satisfied as aforesaid that a dispute likely to cause a breach of the peace exists concerning the right to do or prevent the doing of anything in or upon any tangible immoveable property situate within the local limits of his jurisdiction, he may inquire into the matter; and may, if it appears to him that such right exists, make an order permitting such thing to be done, or direct-

ing that such thing shall not be done, as the case may be, until the person objecting to such thing being done or claiming that such thing may be done obtains the decision of a competent Civil Court adjudging him to be entitled to prevent the doing of, or to do, such thing, as the case may be:

Provided that no order shall be passed under this section permitting the doing of anything where the right to do such thing is exercisable at all times of the year, unless such right has been exercised within three months next before the institution of the inquiry; or, where the right is exercisable only at particular seasons, unless the right has been exercised during the season next before such institution.

Local inquiry.

148. Whenever a local inquiry is necessary for the purposes of this chapter, any District Magistrate or Sub-divisional Magistrate may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such written instructions consistent with the law for the time being in force as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid.

The report of the person so deputed may be read as evidence in the case.

Order as to costs.

When any costs have been incurred by any party to a proceeding under this chapter for witnesses' or pleaders' fees, or both, the Magistrate passing a decision under section 145, section 146 or section 147 may direct by whom such costs shall be paid, whether by such party or by any other party to the proceeding, and whether in whole or in part or proportion. All costs so directed to be paid may be recovered as if they were fines.

CHAPTER XIII.

Preventive Action of the Police.

Police to prevent cognizable offences.

149. Every Police-officer may interpose for the purpose of preventing, and shall to the best of his ability prevent, the commission of any cognizable offence.

Information of design to commit such offences.

150. Every Police-officer receiving information of a design to commit any cognizable offence shall communicate such information to the Police-officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

Arrest to prevent such offences.

151. A Police-officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Prevention of injury to public property.

152. A Police-officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immoveable, or the removal or injury of any public land-mark, or buoy or other mark used for navigation.

Inspection of weights and measures.

153. Any officer in charge of a Police-station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures, or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false.

If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to a Magistrate having jurisdiction.

PART V.

INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE.

CHAPTER XIV.

Information in cognizable cases.

154. Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a Police-station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Local Government may prescribe in this behalf.

Information in non-cognizable cases.

155. When information is given to an officer in charge of a Police-station of the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate.

Investigation into non-cognizable cases.

No Police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or commit the same for trial, or of a Presidency Magistrate.

Any Police-officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a Police-station may exercise in a cognizable case.

Investigation into cognizable cases.

156. Any officer in charge of a Police-station may, without the order of a Magistrate, investigate any cognizable case which a Court

having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

No proceeding of a Police-officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

Procedure where cognizable offence suspected.

157. If, from information received or otherwise, an officer in charge of a Police-station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report, and shall proceed in person, or shall depute one of his subordinate officers to proceed, to the spot to investigate the facts and circumstances of the case and to take such measures as may be necessary for the discovery and arrest of the offender:

Provided as follows:—

Where local investigation dispensed with.

(*a*) when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a Police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot:

Where Police-officer in charge sees no sufficient ground for investigation.

(*b*) if it appear to the officer in charge of a Police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

In each of the cases mentioned in clauses (*a*) and (*b*), the officer in charge of the Police-station shall state in his said report his reasons for not fully complying with the requirements of the first paragraph of this section.

Reports under section 157 how submitted.

158. Every report sent to a Magistrate under section 157 shall, if the Local Government so directs, be submitted through such superior officer of police as the Local Government, by general or special order, appoints in that behalf.

Such superior officer may give such instructions to the officer in charge of the Police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

Power to hold investigation or preliminary inquiry.

159. Such Magistrate, on receiving such report, may, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold an investigation or preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

Police-officer's power to require attendance of witnesses.

160. Any Police-officer making an investigation under this chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required.

Examination of witnesses by police.

161. Any Police-officer making an investigation under this chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined.

Such person shall be bound to answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Statements to police not to be signed or admitted in evidence.

162. No statement, other than a dying declaration, made by any person to a Police-officer in the course of an investigation under this chapter shall, if reduced to writing, be signed by the person making it, or be used as evidence against the accused.

Nothing in this section shall be deemed to affect the provisions of section 27 of the Indian Evidence Act, 1872.

No inducement to be offered.

163. No Police-officer or person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Indian Evidence Act, 1872, section 24.

But no Police-officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this chapter any statement which he may be disposed to make of his own free will.

Power to record statements and confessions.

164. Any Magistrate not being a Police-officer may record any statement or confession made to him in the course of an investigation under this chapter, or at any time afterwards before the commencement of the inquiry or trial.

Such statements shall be recorded in such of the manners hereinafter prescribed for recording evidence as is in his opinion best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

No Magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and when he records any confession he shall make

Information to the Police and their powers to investigate.

a memorandum at the foot of such record to the following effect:—

"I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

"(*Signed*) A. B.,
"*Magistrate.*"

Search by Police-officer.

165. Whenever an officer in charge of a Police-station, or a Police-officer making an investigation, considers that the production of any document or other thing is necessary to the conduct of an investigation into any offence which he is authorized to investigate, and there is reason to believe that a person to whom a summons or order under section 94 has been or might be issued will not or would not produce such document or other thing as directed in the summons or order, or when such document or other thing is not known to be in the possession of any person, such officer may search, or cause search to be made, for the same, in any place within the limits of the station of which he is in charge, or to which he is attached.

Such officer shall, if practicable, conduct the search in person.

If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the document or other thing for which search is to be made, and the place to be searched; and such subordinate officer may thereupon search for such thing in such place.

The provisions of this Code as to search-warrants shall, so far as may be, apply to a search made under this section.

When officer in charge of Police-station may require another to issue search-warrant.

166. An officer in charge of a Police-station may require an officer in charge of another Police-station, whether in the same or a different District, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made within the limits of his own station.

Such officer, on being so required, shall proceed according to the provisions of section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.

Procedure when investigation cannot be completed in twenty-four hours.

167. Whenever it appears that any investigation under this chapter cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation is well-founded, the officer in charge of the Police-station shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days. If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.

A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.

If such order be given by a Magistrate other than the District Magistrate or Sub-divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is immediately subordinate.

Report of investigation by subordinate Police-officer.

168. When any subordinate Police-officer has made any investigation under this chapter, he shall report the result of such investigation to the officer in charge of the Police-station.

Release of accused when evidence deficient.

169. If, upon an investigation under this chapter, it appears to the officer in charge of the Police-station that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police report and to try the accused or commit him for trial.

Case to be sent to Magistrate when evidence is sufficient.

170. If, upon an investigation under this chapter, it appears to the officer in charge of the Police-station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit him for trial; or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed.

When the officer in charge of a Police-station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant, if any, and so

Information to the Police and their powers to investigate.

many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

If the Court of the District Magistrate or Sub-divisional Magistrate be mentioned in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference be given to such complainant or persons.

The day fixed under this section shall be the day whereon the accused person is to appear, if security for his appearance has been taken, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

Complainants and witnesses not to be required to accompany Police-officer.

171. No complainant or witness on his way to the Court of the Magistrate shall be required to accompany a Police-officer,

Complainants and witnesses not to be subjected to restraint.

or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond:

Recusant complainant or witness may be forwarded in custody.

Provided that, if any complainant or witness refuses to attend or to execute a bond as directed in section 170, the officer in charge of the Police-station may forward him under custody to the Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

Diary of proceedings in investigation.

172. Every Police-officer making an investigation under this chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the Police-officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such Police-officer, the provisions of the Indian Evidence Act, 1872, section 161 or section 145, as the case may be, shall apply.

Report of Police-officer.

173. Every investigation under this chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the Police-station shall forward to a Magistrate empowered to take cognizance of the offence on a police report a report in the form prescribed by the Local Government, setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused person has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties.

Where a superior officer of police has been appointed under section 158, the report shall be submitted through him, and he may, pending the orders of the Magistrate, direct the officer in charge of the Police-station to make further investigation.

Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

Police to inquire and report on suicide, &c.

174. Every officer in charge of a Police-station, on receiving information that a person—

(*a*) has committed suicide, or

(*b*) has been killed by another, or by an animal, or by machinery, or by an accident, or

(*c*) has died under circumstances raising a reasonable suspicion that some other person has committed an offence,

shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the Local Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.

The report shall be signed by such Police-officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

When there is any doubt regarding the cause of death, or when for any other reason the Police-officer considers it expedient so to do, he shall, subject to such rules as the Local Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other medical officer appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of such

putrefaction on the road as would render such examination useless.

In the Presidencies of Fort St. George and Bombay, investigations under this section may be made by the Head of the village, who shall then report the result to the nearest Magistrate authorized to hold inquests.

The following Magistrates are empowered to hold inquests; namely, any District Magistrate or Sub-divisional Magistrate, and any Magistrate specially empowered in this behalf by the Local Government or the District Magistrate.

Power to summon persons.

175. An officer in charge of a Police-station may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

If the facts do not disclose a cognizable offence to which section 170 applies, such persons shall not be required by the Police-officer to attend a Magistrate's Court.

Inquiry by Magistrate into cause of death.

176. When any person dies while in the custody of the police, the nearest Magistrate empowered to hold inquests shall, and, in any other case mentioned in section 174, clauses (*a*), (*b*) and (*c*), any Magistrate so empowered may, hold an inquiry into the cause of death, either instead of, or in addition to, the investigation held by the Police-officer; and, if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners hereinafter prescribed, according to the circumstances of the case.

Power to disinter corpse.

Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined.

PART VI.

PROCEEDINGS IN PROSECUTIONS.

CHAPTER XV.

OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS.

A.—Place of Inquiry or Trial.

Ordinary place of inquiry and trial.

177. Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed.

Power to order cases to be tried in different Sessions Divisions.

178. Notwithstanding anything contained in section 177, the Local Government may direct that any cases or class of cases committed for trial in any district may be tried in any Sessions Division:

Provided that such direction be not repugnant to any direction previously issued under the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, or under this Code, section 526.

Accused triable in district where act is done, or where consequence ensues.

179. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

Illustrations.

(*a*) A is wounded within the local limits of the jurisdiction of Court X and dies within the local limits of the jurisdiction of Court Z. The offence of the culpable homicide of A may be inquired into or tried either by X or Z.

(*b*) A is wounded within the local limits of the jurisdiction of Court X, and is, during ten days within the local limits of the jurisdiction of Court Y, and during ten days more within the local limits of the jurisdiction of Court Z, unable in the local limits of the jurisdiction of either Court Y or Court Z to follow his ordinary pursuits. The offence of causing grievous hurt to A may be inquired into or tried by X, Y or Z.

(*c*) A is put in fear of injury within the local limits of the jurisdiction of Court X, and is thereby induced, within the local limits of the jurisdiction of Court Y, to deliver property to the person who put him in fear. The offence of extortion committed on A may be inquired into or tried either by X or Y.

Place of trial where act is offence by reason of relation to other offence.

180. When an act is an offence by reason of its relation to any other act which is also an offence, or which would be an offence if the doer were capable of committing an offence, a charge of the first-mentioned offence may be inquired into or tried by a Court within the local limits of whose jurisdiction either act was done.

Illustrations.

(*a*) A charge of abetment may be inquired into or tried either by the Court within the local limits of whose jurisdiction the abetment was committed, or by the Court within the local limits of whose jurisdiction the offence abetted was committed.

(*b*) A charge of receiving or retaining stolen goods may be inquired into or tried either by the Court within the local limits of whose jurisdiction the goods were stolen, or by any Court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.

(*c*) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into or tried by the Court within the local limits of whose jurisdiction the wrongful concealing, or by the Court within the local limits of whose jurisdiction the kidnapping, took place.

Being a thug or belonging to a gang of dacoits, escape from custody, &c.

181. The offence of being a thug, of being a thug and committing murder, of dacoity, of dacoity with murder, of having belonged to a gang of dacoits,

or of having escaped from custody, may be inquired into or tried by a Court within the local limits of whose jurisdiction the person charged is.

Criminal misappropriation and criminal breach of trust.

The offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received by the accused person, or the offence was committed.

Stealing.

The offence of stealing anything may be inquired into or tried by a Court within the local limits of whose jurisdiction such thing was stolen or was possessed by the thief or by any person who receives or retains the same knowing or having reason to believe it to be stolen.

Place of inquiry or trial where scene of offence is uncertain,

182. When it is uncertain in which of several local areas an offence was committed, or

or not in one district only;

where an offence is committed partly in one local area and partly in another, or

or where offence is continuing,

where an offence is a continuing one, and continues to be committed in more local areas than one, or

or consists of several acts.

where it consists of several acts done in different local areas,

it may be inquired into or tried by a Court having jurisdiction over any of such local areas.

Offence committed on a journey.

183. An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into or tried by a Court through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

Offences against Railway, Telegraph, Post-office and Arms Acts.

184. All offences against the provisions of any law for the time being in force relating to Railways, Telegraphs, the Post-office or Arms and Ammunition may be inquired into or tried in a Presidency-town, whether the offence is stated to have been committed within such town or not: Provided that the offender and all the witnesses necessary for his prosecution are to be found within such town.

High Court to decide, in case of doubt, district where inquiry or trial shall take place.

185. Whenever any doubt arises as to the Court by which any offence should under the preceding provisions of this chapter be inquired into or tried, the High Court within the local limits of whose appellate criminal jurisdiction the offender actually is may decide by which Court the offence shall be inquired into or tried.

In British Burma, when the offender is an European British subject, the Recorder of Rangoon, and in all other cases the Judicial Commissioner, shall for the purposes of this section be deemed to be the High Court.

Power to issue summons or warrant for offence committed beyond local jurisdiction.

186. When a Presidency Magistrate, a District Magistrate, a Sub-divisional Magistrate or, if he is specially empowered in this behalf by the Local Government, a Magistrate of the first class, sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits (whether within or without British India) an offence which cannot, under the provisions of sections 177 to 184 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under some law for the time being in force triable in British India, such Magistrate may inquire into the offence as if it had been committed within such local limits, and compel such person in manner hereinbefore provided to appear before him, and send such person to the Magistrate having jurisdiction to inquire into or try such offence, or, if such offence is bailable, take a bond with or without sureties for his appearance before such Magistrate.

Magistrate's procedure on arrest.

When there are more Magistrates than one having such jurisdiction and the Magistrate acting under this section cannot satisfy himself as to the Magistrate to or before whom such person should be sent, or bound to appear, the case shall be reported for the orders of the High Court.

Procedure where warrant issued by Subordinate Magistrate.

187. If the person has been arrested under a warrant issued under section 186 by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District Magistrate to whom he is subordinate, unless the Magistrate having jurisdiction to inquire into or try such offence issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police-officer executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued.

If the offence which the person arrested is alleged or suspected to have committed is one which may be inquired into or tried by any Criminal Court in the same district other than that of the Magistrate acting under section 186, such Magistrate shall send such person to such Court.

Liability of British subjects for offences committed out of British India.

188. When an European British subject commits an offence in the dominions of a Prince or State in India in alliance with Her Majesty, or

when a Native Indian subject of Her Majesty commits an offence at any place beyond the limits of British India,

he may be dealt with in respect of such offence as if it had been committed at any place within British India at which he may be found:

Provided that no charge as to any such offence shall be inquired into in British India unless the Political Agent, if there be one, for the territory in which the offence is alleged to have been committed, certifies that, in his opinion, the charge ought to be inquired into in British India:

Political Agent to certify fitness of inquiry into charge.

Provided also that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in British India shall be a bar to further proceedings against him under the Foreign Jurisdiction and Extradition Act, 1879, in respect of the same offence in any territory beyond the limits of British India.

189. Whenever any such offence as is referred to in section 188 is being inquired into or tried, the Local Government may, if it thinks fit, direct that copies of depositions made or exhibits produced before the Political Agent or a judicial officer in or for the territory in which such offence is alleged to have been committed shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

Power to direct copies of depositions and exhibits to be received in evidence.

190. In sections 188 and 189 the expression "Political Agent" means and includes—

"Political Agent" defined.

(*a*) the principal officer representing the British Indian Government in any territory beyond the limits of British India;

(*b*) any officer in British India appointed by the Governor General in Council, or the Governor in Council of the Presidency of Fort St. George or Bombay, to exercise all or any of the powers of a Political Agent under the Foreign Jurisdiction and Extradition Act, 1879, for any territory not forming part of British India.

B.—Conditions requisite for Initiation of Proceedings.

191. Except as hereinafter provided, any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, and any other Magistrate specially empowered in this behalf, may take cognizance of any offence—

Cognizance of offences by Magistrates.

(*a*) upon receiving a complaint of facts which constitute such offence;

(*b*) upon a police report of such facts;

(*c*) upon information received from any person other than a Police-officer, or upon his own knowledge or suspicion, that such offence has been committed.

The Local Government, or the District Magistrate subject to the general or special orders of the Local Government, may empower any Magistrate to take cognizance under clause (*a*) or clause (*b*) of offences for which he may try or commit for trial.

The Local Government may empower any Magistrate of the first or second class to take cognizance under clause (*c*) of offences for which he may try or commit for trial.

192. Any District Magistrate or Sub-divisional Magistrate may transfer any case, of which he has taken cognizance, for inquiry or trial to any Magistrate subordinate to him.

Transfer of cases by Magistrates.

Any District Magistrate may empower any Magistrate of the first class who has taken cognizance of any case, to transfer it for inquiry or trial to any other specified Magistrate in his District who is competent under this Code to try the accused or commit him for trial; and such Magistrate may dispose of the case accordingly.

193. Except as otherwise expressly provided by this Code or by any other law for the time being in force, no Court of Session shall take cognizance of any offence as a Court of original jurisdiction, unless the accused has been committed to it by a Magistrate duly empowered in that behalf.

Cognizance of offences by Courts of Session.

Additional Sessions Judges and Joint Sessions Judges shall try such cases only as the Local Government by general or special order directs them to try, or as the Sessions Judge of the Division makes over to them for trial.

Cases to be tried by Additional and Joint Sessions Judges;

Assistant Sessions Judges shall try such cases only as the Sessions Judge of the Division by general or special order makes over to them for trial.

by Assistant Sessions Judges.

194. The High Court may take cognizance of any offence upon a commitment made to it in manner hereinafter provided.

Cognizance of offences by High Court.

Nothing herein contained shall be deemed to affect the provisions of any letters patent granted under the twenty-fourth and twenty-fifth of Victoria, chapter 104.

195. No Court shall take cognizance—

(*a*) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code, except with the previous sanction, or on the complaint, of the public servant concerned, or of some public servant to whom he is subordinate;

Prosecution for contempts of lawful authority of public servants.

(*b*) of any offence punishable under section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the same Code, when such offence is committed in, or in relation to, any proceeding in any Court, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate;

Prosecution for certain offences against public justice.

Jurisdiction of Criminal Courts in Inquiries and Trials.

Complaints to Magistrates.

(*e*) of any offence described in section 463, or punishable under section 471, 475 or 476 of the same Code, when such offence has been committed by a party to any proceeding in any Court in respect of a document given in evidence in such proceeding, except with the previous sanction, or on the complaint, of such Court, or of some other Court to which such Court is subordinate.

Prosecution for certain offences relating to documents given in evidence.

The sanction referred to in this section may be expressed in general terms, and need not name the accused person; but it shall, so far as practicable, specify the Court or other place in which, and the occasion on which, the offence was committed.

Nature of sanction necessary.

When sanction is given in respect of any offence referred to in this section, the Court taking cognizance of the case may frame a charge of any other offence so referred to which is disclosed by the facts.

Any sanction given or refused under this section may be revoked or granted by any authority to which the authority giving or refusing it is subordinate; and no such sanction shall remain in force for more than six months from the date on which it was given.

For the purposes of this section, every Court, other than a Court of Small Causes, shall be deemed to be subordinate only to the Court to which appeals from the former Court ordinarily lie.

The Courts of Small Causes in the Presidency-towns shall be deemed to be subordinate to the High Court, and every other Court of Small Causes shall be deemed to be subordinate to the Court of Session for the Sessions Division within which such Court is situate.

196. No Court shall take cognizance of any offence punishable under Chapter VI of the Indian Penal Code, except section 127, or punishable under section 294A of the same Code, unless upon complaint made by order of, or under authority from, the Governor General in Council, the Local Government, or some officer empowered by the Governor General in Council in this behalf.

Prosecution for offences against the State.

197. When any Judge, or any public servant not removable from his office without the sanction of the Government of India or the Local Government, is accused as such Judge or public servant of any offence, no Court shall take cognizance of such offence, except with the previous sanction of the Government having power to order his removal, or of some officer empowered in this behalf by such Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power to give such sanction has not been limited by such Government.

Prosecution of Judges and public servants.

Such Government may determine the person by whom, and the manner in which, the prosecution of such Judge or public servant is to be conducted, and may specify the Court before which the trial is to be held.

Power of Government as to prosecution.

198. No Court shall take cognizance of an offence falling under Chapter XIX or Chapter XXI of the Indian Penal Code or under sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence.

Prosecution for breach of contract, defamation and offences against marriage.

199. No Court shall take cognizance of an offence under section 497 or section 498 of the Indian Penal Code, except upon a complaint made by the husband of the woman, or, in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed.

Prosecution for adultery or enticing a married woman.

CHAPTER XVI.

OF COMPLAINTS TO MAGISTRATES.

200. A Magistrate taking cognizance of an offence on complaint shall at once examine the complainant upon oath, and the substance of the examination shall be reduced to writing and shall be signed by the complainant, and also by the Magistrate:

Examination of complainant.

Provided as follows—

(*a*) when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under section 192:

(*b*) where the Magistrate is a Presidency Magistrate, such examination may be on oath or not as the Magistrate in each case thinks fit, and need not be reduced to writing; but the Magistrate may, if he thinks fit, before the matter of the complaint is brought before him, require it to be reduced to writing:

(*c*) when the case has been transferred under section 192 and the Magistrate so transferring it has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.

201. If the complaint has been made in writing and the Magistrate is not competent to take cognizance of the case, he shall return the complaint for presentation to the proper tribunal with an endorsement to that effect.

Procedure by Magistrate not competent to take cognizance of the case.

202. If the Chief Presidency Magistrate, or any other Presidency Magistrate whom the Local Government may from time to

Postponement of issue of process.

Commencement of Proceedings before Magistrates.

time authorize in this behalf, or any Magistrate of the first or second class, sees reason to distrust the truth of a complaint of an offence of which he is authorized to take cognizance, he may, when the complainant has been examined, record his reasons for distrusting the truth of the complaint, and may then postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case himself or direct a previous local investigation to be made by any officer subordinate to such Magistrate, or by a Police-officer, or by such other person, not being a Magistrate or Police-officer, as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

If such investigation is made by some person not being a Magistrate or a Police-officer, he shall exercise all the powers conferred by this Code on an officer in charge of a Police-station, except that he shall not have power to arrest without warrant.

This section applies to the police in the towns of Calcutta and Bombay.

Dismissal of complaint.

203. The Magistrate before whom a complaint is made or to whom it has been transferred may dismiss the complaint if, after examining the complainant and considering the result of the investigation (if any) made under section 202, there is in his judgment no sufficient ground for proceeding.

CHAPTER XVII.

OF THE COMMENCEMENT OF PROCEEDINGS BEFORE MAGISTRATES.

Issue of process.

204. If in the opinion of a Magistrate taking cognizance of an offence there is sufficient ground for proceeding and the case appears to be one in which according to the fourth column of the second schedule a summons should issue in the first instance, he shall issue his summons for the attendance of the accused. If the case appears to be one in which according to that column a warrant should issue in the first instance, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or some other Magistrate having jurisdiction.

Nothing in this section shall be deemed to affect the provisions of section 90.

Magistrate may dispense with personal attendance of accused.

205. Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

Inquiry into cases triable by Court of Session or High Court.

CHAPTER XVIII.

OF INQUIRY INTO CASES TRIABLE BY THE COURT OF SESSION OR HIGH COURT.

Power to commit for trial.

206. Any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, Magistrate of the first class or any Magistrate empowered in this behalf by the Local Government may commit any person for trial to the Court of Session or High Court for any offence triable by such Court.

But save as herein otherwise provided, no person triable by the Court of Session shall be committed for trial to the High Court.

Procedure in inquiries preparatory to commitment.

207. The following procedure shall be adopted in inquiries before Magistrates where the case is triable exclusively by a Court of Session or High Court, or, in the opinion of the Magistrate, ought to be tried by such Court.

Taking of evidence produced.

208. The Magistrate shall, when the accused appears or is brought before him, proceed to hear the complainant (if any), and take in manner hereinafter provided all such evidence as may be produced in support of the prosecution or in behalf of the accused, or as may be called for by the Magistrate.

Process for production of further evidence.

If the complainant or officer conducting the prosecution, or the accused, applies to the Magistrate to issue process to compel the attendance of any witness or the production of any document or other thing, the Magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to do so.

Nothing in this section shall be deemed to require a Presidency Magistrate to record his reasons.

When accused person to be discharged.

209. When the evidence referred to in section 208, paragraphs 1 and 2, has been taken, and he has examined the accused for the purpose of enabling him to explain any circumstances appearing in the evidence against him, such Magistrate shall, if he finds that there are not sufficient grounds for committing the accused person for trial, discharge him, unless it appears to the Magistrate that such person should be tried before himself or some other Magistrate, in which case he shall proceed accordingly.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

When charge is to be framed.

210. When, upon such evidence being taken and such examination (if any) being made, the Magistrate finds that there are sufficient grounds for committing the accused for trial, he

shall frame a charge under his hand, declaring with what offence the accused is charged.

Charge to be explained, and copy furnished, to accused.

As soon as the charge has been framed, it shall be read and explained to the accused and a copy thereof shall, if he so requires, be given to him free of cost.

List of witnesses for defence on trial.

211. The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial.

Further list.

The Magistrate may in his discretion allow the accused to give in any further list of witnesses at a subsequent time; and, where the accused is committed for trial before the High Court, nothing in this section shall be deemed to preclude the accused from giving, at any time before his trial to the Clerk of the Crown a further list of the persons whom he wishes to be summoned to give evidence on such trial.

Power of Magistrate to examine such witnesses.

212. The Magistrate may in his discretion summon and examine any witness named in any list given in to him under section 211.

Order of commitment.

213. When the accused on being required to give in a list under section 211 has declined to do so, or when he has given in such list and the witnesses (if any) included therein whom the Magistrate desires to examine have been summoned and examined under section 212, the Magistrate may make an order committing the accused for trial by the High Court or the Court of Session (as the case may be), and (unless the Magistrate is a Presidency Magistrate) shall also record briefly the reasons for such commitment.

Person charged outside Presidency-towns jointly with European British subject.

214. If any person (not being an European British subject) is accused before a Magistrate other than a Presidency Magistrate of having committed an offence conjointly with an European British subject who is about to be committed for trial, or to be tried, before the High Court on a similar charge arising out of the same transaction, and the Magistrate finds that there are sufficient grounds for committing the accused for trial, he shall commit him for trial before the High Court, and not before the Court of Session.

Quashing commitments under section 213 or 214.

215. A commitment once made under section 213 or section 214 by a competent Magistrate can be quashed by the High Court only, and only on a point of law.

Summons to witnesses for defence when accused is committed.

216. When the accused has given in any list of witnesses under section 211 and has been committed for trial, the Magistrate shall summon such of the witnesses included in the list as have not appeared before himself, to appear before the Court to which the accused has been committed:

Provided that where the accused has been committed to the High Court, the Magistrate may in his discretion leave such witnesses to be summoned by the Clerk of the Crown, and such witnesses may be summoned accordingly:

Refusal to summon unnecessary witness unless deposit made.

Provided also that if the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the Magistrate may require the accused to satisfy him that there are reasonable grounds for believing that the evidence of such witness is material, and, if he is not so satisfied, may refuse to summon the witness (recording his reasons for such refusal), or may before summoning him require such sum to be deposited as such Magistrate thinks necessary to defray the expense of obtaining the attendance of the witness.

Bond of complainants and witnesses.

217. Complainants and witnesses for the prosecution and defence, whose attendance before the Court of Session or High Court is necessary, and who appear before the Magistrate, shall execute before him bonds binding themselves to be in attendance when called upon at the Court of Session or High Court, to prosecute or to give evidence, as the case may be.

Detention in custody in case of refusal to attend or to execute bond.

If any complainant or witness refuses to attend before the Court of Session or High Court, or to execute the bond above directed, the Magistrate may detain him in custody until he executes such bond, or until his attendance at the Court of Session or High Court is required, when the Magistrate shall send him in custody to the Court of Session or High Court, as the case may be.

Commitment when to be notified.

218. When the accused is committed for trial, the Magistrate shall issue an order to such person as may be appointed by the Local Government in this behalf, notifying the commitment, and stating the offence in the same form as the charge, unless the Magistrate is satisfied that such person is already aware of the commitment and the form of the charge;

Charge, &c., to be forwarded to High Court or Court of Session.

and shall send the charge, the record of the inquiry and any weapon or other thing which is to be produced in evidence, to the Court of Session or (where the commitment is made to the High Court) to the Clerk of the Crown or other officer appointed in this behalf by the High Court.

When the commitment is made to the High Court and any part of the record is not in English, an English translation of such part shall be forwarded with the record.

English translation to be forwarded to High Court.

219. The Magistrate may summon and examine supplementary witnesses after the commitment and before the commencement of the trial, and bind them over in manner hereinbefore provided to appear and give evidence.

Power to summon supplementary witnesses.

Such examination shall, if possible, be taken in the presence of the accused, and, where the Magistrate is not a Presidency Magistrate, a copy of the evidence of such witnesses shall, if the accused so require, be given to him free of cost.

220. Until and during the trial, the Magistrate shall, subject to the provisions of this Code regarding the taking of bail, commit the accused, by warrant, to custody.

Custody of accused pending trial.

CHAPTER XIX.

OF THE CHARGE.

Form of Charges.

221. Every charge under this Code shall state the offence with which the accused is charged.

Charge to state offence.

If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only

Specific name of offence sufficient description.

If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

How stated where offence has no specific name.

The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

What implied in charge.

In the Presidency-towns the charge shall be written in English; elsewhere it shall be written either in English or in the language of the Court.

Language of charge.

If the accused has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court is competent to award, the fact, date and place of the previous conviction shall be stated in the charge. If such statement is omitted, the Court may add it at any time before sentence is passed.

Previous conviction when to be set out.

Illustrations.

(*a*) A is charged with the murder of B. This is equivalent to a statement that A's act fell within the definition of murder given in sections 299 and 300 of the Indian Penal Code; that it did not fall within any of the general exceptions of the same Code; and that it did not fall within any of the five exceptions to section 300, or that, if it did fall within Exception 1, one or other of the three provisos to that exception applied to it.

(*b*) A is charged, under section 326 of the Indian Penal Code, with voluntarily causing grievous hurt to B, by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 335 of the Indian Penal Code, and that the general exceptions did not apply to it.

(*c*) A is accused of murder, cheating, theft, extortion, adultery or criminal intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion, or adultery or criminal intimidation, or that he used a false property-mark, without reference to the definitions of those crimes contained in the Indian Penal Code; but the sections under which the offence is punishable must, in each instance, be referred to in the charge.

(*d*) A is charged, under section 184 of the Indian Penal Code, with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

222. The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

Particulars as to time, place and person.

223. When the nature of the case is such that the particulars mentioned in sections 221 and 222 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

When manner of committing offence must be stated.

Illustrations.

(*a*) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(*b*) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(*c*) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.

(*d*) A is accused of obstructing B, a public servant, in the discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(*e*) A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.

(*f*) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

Words in charge taken in sense of law under which offence is punishable.

224. In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable.

Effect of errors.

225. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was misled by such error or omission.

Illustrations.

(*a*) A is charged, under section 242 of the Indian Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(*b*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(*c*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(*d*) A is charged with the murder of Khoda Baksh on the 21st January, 1882. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January, 1882. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(*e*) A was charged with murdering Haidar Baksh on the 20th January, 1882, and Khoda Baksh (who tried to arrest him for that murder) on the 21st January, 1882. When charged for the murder of Haidar Baksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled, and that the error was material.

Procedure on commitment without charge or with imperfect charge.

226. When any person is committed for trial without a charge, or with an imperfect or erroneous charge, the Court, or, in the case of a High Court, the Clerk of the Crown, may frame a charge, or add to or otherwise alter the charge, as the case may be, having regard to the rules contained in this Code as to the form of charges.

Court may alter charge.

227. Any Court may alter any charge at any time before judgment is pronounced, or, in the case of trials before the Court of Session or High Court, before the verdict of the jury is returned or the opinions of the assessors are expressed.

Every such alteration shall be read and explained to the accused.

When trial may proceed immediately after alteration.

228. If the charge framed or alteration made under section 226 or section 227 is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence or the prosecutor in the conduct of the case, the Court may in its discretion, after such charge or alteration has been framed or made, proceed with the trial as if the new or altered charge had been the original charge.

When new trial may be directed, or trial suspended.

229. If the new or altered charge is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be necessary.

Stay of proceedings if prosecution of offence in altered charge require previous sanction.

230. If the offence stated in the new or altered charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the new or altered charge is founded.

Recall of witnesses when charge altered.

231. Whenever a charge is altered by the Court after the commencement of the trial, the prosecutor and the accused shall be allowed to recall or re-summon, and examine with reference to such alteration, any witness who may have been examined.

Effect of material error.

232. If any Appellate Court, or the High Court in the exercise of its powers of revision or of its powers under Chapter XXVII, is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge or by an error in the charge, it shall direct a new trial to be had upon a charge framed in whatever manner it thinks fit.

If the Court is of opinion that the facts of the case are such that no valid charge could be preferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration.

A is convicted of an offence under section 196 of the Indian Penal Code, upon a charge which omits to state that he knew the evidence which he corruptly used or attempted to use as true or genuine was false or fabricated. If the Court thinks it probable that A had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that A had no such knowledge, it shall quash the conviction.

Joinder of Charges.

Separate charges for distinct offences.

233. For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately, except in the cases mentioned in sections 234, 235, 236 and 239.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

Three offences of same kind within year may be charged together.

234. When a person is accused of more offences than one of the same kind, committed within the space of twelve months from the first to the last of such offences, he may be charged with, and tried at one trial for, any number of them not exceeding three.

Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Indian Penal Code, or of any special or local law.

I.—Trial for more than one offence.

235. I.—If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

II.—Offence falling within two definitions.

II.—If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with and tried at one trial for each of such offences.

III.—Acts constituting one offence, but constituting when combined a different offence.

III.—If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with and tried at one trial for the offence constituted by such acts when combined, or for any offence constituted by any one, or more, of such acts.

Nothing contained in this section shall affect the Indian Penal Code, section 71.

Illustrations

to paragraph I—

(*a*) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be charged with, and tried for, offences under sections 225 and 333 of the Indian Penal Code.

(*b*) A commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497 of the Indian Penal Code.

(*c*) A entices B, the wife of C, away from C, with intent to commit adultery with B, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497 of the Indian Penal Code.

(*d*) A has in his possession several seals knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Indian Penal Code. A may be separately charged with, and convicted of, the possession of each seal under section 473 of the Indian Penal Code.

(*e*) With intent to cause injury to B, A institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; and also falsely accuses B of having committed an offence, knowing that there is no just or lawful ground for such charge. A may be separately charged with, and convicted of, two offences under section 211 of the Indian Penal Code.

(*f*) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, A gives false evidence against B, intending thereby to cause B to be convicted of a capital offence. A may be separately charged with, and convicted of, offences under sections 211 and 194 of the Indian Penal Code.

(*g*) A, with six others, commits the offences of rioting, grievous hurt, and assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. A may be separately charged with, and convicted of, offences under sections 147, 325 and 152 of the Indian Penal Code.

(*h*) A threatens B, C and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, and convicted of, each of the three offences under section 506 of the Indian Penal Code.

The separate charges referred to in Illustrations (*a*) to (*h*) respectively may be tried at the same time.

to paragraph II—

(*i*) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code.

(*j*) Several stolen sacks of corn are made over to A and B, who know they are stolen property, for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414 of the Indian Penal Code.

(*k*) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under sections 317 and 304 of the Indian Penal Code.

(*l*) A dishonestly uses a forged document as genuine evidence, in order to convict B, a public servant, of an offence under section 167 of the Indian Penal Code. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same Code.

to paragraph III—

(*m*) A commits robbery on B, and, in doing so, voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code.

Where it is doubtful what offence has been committed.

236. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the said offences.

Illustration.

A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust or cheating.

When a person is charged with one offence, he can be convicted of another.

237. If, in the case mentioned in section 236, the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

Illustration.

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust, or of receiving stolen goods (as the case may be), though he was not charged with such offence.

When offence proved included in offence charged.

238. When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence, and such combination is proved but the remaining particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence although he is not charged with it.

Nothing in this section shall be deemed to authorize a conviction of any offence referred to in section 198 or section 199 when no complaint has been made as required by that section.

Illustrations.

(*a*) A is charged, under section 407 of the Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(*b*) A is charged under section 325 of the Indian Penal Code with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of that Code.

What persons may be charged jointly.

239. When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately, as the Court thinks fit; and the provisions contained in the former part of this chapter shall apply to all such charges.

Illustrations.

(*a*) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(*b*) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(*c*) A and B are both charged with a theft, and B is charged with two other thefts committed by him, in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

Withdrawal of remaining charges on conviction on one of several charges.

240. When more charges than one are made against the same person, and when a conviction has been had on one or more of them, the complainant, or the officer conducting the prosecution, may, with the consent of the Court, withdraw the remaining charge or charges, or the Court of its own accord may stay the inquiry into, or trial of, such charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges, unless the conviction be set aside, in which case the said Court (subject to the order of the Court setting aside the conviction) may proceed with the inquiry into or trial of the charge or charges so withdrawn.

CHAPTER XX.

OF THE TRIAL OF SUMMONS-CASES BY MAGISTRATES.

Procedure in summons-cases.

241. The following procedure shall be observed by Magistrates in the trial of summons-cases.

Substance of accusation to be stated.

242. When the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted; but it shall not be necessary to frame a formal charge.

Conviction on admission of truth of accusation.

243. If the accused admits that he has committed the offence of which he is accused, his admission shall be recorded as nearly as possible in the words used by him; and if he shows no sufficient cause why he should not be convicted, the Magistrate shall convict him accordingly.

Procedure when no such admission is made.

244. If the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence.

The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue process to compel the attendance of any witness or the production of any document or other thing.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court.

Acquittal.

245. If the Magistrate upon taking the evidence referred to in section 244 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

If he finds the accused guilty, he shall pass sentence upon him according to law.

Sentence.

246. A Magistrate may, under section 243 or section 245, convict the accused of any offence triable under this chapter which from the facts admitted or proved he appears to have committed, whatever may be the nature of the complaint or summons.

Finding not limited by complaint or summons.

247. If the summons has been issued on complaint, and upon the day appointed for the appearance of the accused or any day subsequent thereto to which the hearing may be adjourned the complainant does not appear, the Magistrate shall, notwithstanding anything hereinbefore contained, acquit the accused, unless for some reason he thinks proper to adjourn the hearing of the case to some other day.

Non-appearance of complainant.

248. If a complainant, at any time before a final order is passed in any case under this chapter, satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused.

Withdrawal of complaint.

249. In any case instituted otherwise than upon complaint, a Presidency Magistrate, a Magistrate of the first class, or, with the previous sanction of the District Magistrate, any other Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and may thereupon release the accused.

Power to stop proceedings when no complainant.

250. If, in any case instituted upon complaint, a Magistrate acquits the accused under section 245 or section 247, and is of opinion that the complaint was frivolous or vexatious, he may, in his discretion, by his order of acquittal, direct the complainant to pay to the accused, or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit.

Frivolous or vexatious complaints.

The sum so awarded shall be recoverable as if it were a fine: Provided that, if it cannot be realized, the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.

Recovery of compensation.

At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section.

CHAPTER XXI.

OF THE TRIAL OF WARRANT-CASES BY MAGISTRATES.

251. The following procedure shall be observed by Magistrates in the trial of warrant-cases.

Procedure in warrant-cases.

252. When the accused appears or is brought before a Magistrate, such Magistrate shall proceed to hear the complainant (if any) and take all such evidence as may be produced in support of the prosecution.

Evidence for prosecution.

The Magistrate shall ascertain, from the complainant or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before himself such of them as he thinks necessary.

253. If upon taking all the evidence referred to in section 252, and making such examination (if any) of the accused as the Magistrate thinks necessary, he finds that no case against the accused has been made out which if unrebutted would warrant his conviction, the Magistrate shall discharge him.

Discharge of accused.

Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

254. If, when such evidence and examination have been taken and made, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this chapter, which such Magistrate is competent to try, and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

Charge to be framed when offence appears proved.

255. The charge shall then be read and explained to the accused, and he shall be asked whether he is guilty or has any defence to make.

Plea.

If the accused pleads guilty, the Magistrate shall record the plea, and may in his discretion convict him thereon.

256. If the accused refuses to plead or does not plead, or claims to be tried, he shall be called upon to enter upon his defence and to produce his evidence, and shall, at any time while he is making his defence, be allowed to recall and cross-examine any witness for the prosecution present in the Court or its precincts.

Defence.

If the accused puts in any written statement, the Magistrate shall file it with the record.

Process for compelling production of evidence at instance of accused.

257. If the accused applies to the Magistrate to issue any process for compelling the attendance of any witness (whether he has or has not been previously examined in the case) for the purposes of examination or cross-examination, or the production of any document or other thing, the Magistrate shall issue such process unless he considers that such application should be refused on the ground that it is made for the purpose of vexation or delay, or for defeating the ends of justice. Such ground shall be recorded by him in writing.

The Magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

Acquittal.

258. If in any case under this chapter in which a charge has been framed the Magistrate finds the accused not guilty, he shall record an order of acquittal.

Conviction.

If in any such case the Magistrate finds the accused guilty, he shall pass sentence upon him according to law.

Absence of complainant.

259. When the proceedings have been instituted upon complaint and upon any day fixed for the hearing of the case the complainant is absent and the offence may be lawfully compounded, the Magistrate may, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused.

CHAPTER XXII.

Of Summary Trials.

Power to try summarily.

260. Notwithstanding anything contained in this Code,

(1) the District Magistrate,

(2) any Magistrate of the first class specially empowered in this behalf by the Local Government, and

(3) any Bench of Magistrates invested with the powers of a Magistrate of the first class and specially empowered in this behalf by the Local Government may try in a summary way all or any of the following offences:—

(*a*) Offences not punishable with death, transportation or imprisonment for a term exceeding six months;

(*b*) Offences relating to weights and measures, under sections 264, 265 and 266 of the Indian Penal Code;

(*c*) Hurt, under section 323 of the same Code;

(*d*) Theft, under section 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed fifty rupees;

(*e*) Receiving or retaining stolen property, under section 411 of the same Code, where the value of such property does not exceed fifty rupees;

(*f*) Assisting in the concealment or disposal of stolen property, under section 414 of the same Code, where the value of such property does not exceed fifty rupees;

(*g*) Mischief, under section 427 of the same Code;

(*h*) House-trespass, under section 448 of the same Code;

(*i*) Insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section 506, of the same Code;

(*j*) Abetment of any of the foregoing offences;

(*k*) An attempt to commit any of the foregoing offences, when such attempt is an offence:

Provided that no case in which a District Magistrate exercises the special powers conferred by section 34 shall be tried in a summary way.

Power to invest Bench of Magistrates invested with less power.

261. The Local Government may confer on any Bench of Magistrates invested with the powers of a Magistrate of the second or third class power to try summarily all or any of the following offences:—

(*a*) Offences against the Indian Penal Code, sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341, 352, 426 and 447;

(*b*) Offences against Municipal Acts, and the conservancy-clauses of Police Acts, punishable only with fine, or with imprisonment for a term not exceeding one month;

(*c*) Abetment of any of the foregoing offences;

(*d*) An attempt to commit any of the foregoing offences, when such attempt is an offence.

Procedure for summons and warrant-cases applicable.

262. In trials under this chapter, the procedure prescribed for summons-cases shall be followed in summons-cases, and the procedure prescribed for warrant-cases shall be followed in warrant-cases, except as hereinafter mentioned.

Limit of imprisonment.

No sentence of imprisonment for a term exceeding three months shall be passed in the case of any conviction under this chapter.

Record in cases where there is no appeal.

263. In cases where no appeal lies, the Magistrate or Bench of Magistrates need not record the evidence of the witnesses or frame a formal charge; but he or they shall enter in such form as the Local Government may direct the following particulars:—

(*a*) the serial number;

(*b*) the date of the commission of the offence;

(*c*) the date of the report or complaint;

(*d*) the name of the complainant (if any);

(*e*) the name, parentage and residence of the accused;

Trials before High Courts and Courts of Session.

(*f*) the offence complained of and the offence (if any) proved, and in cases coming under clause (*d*), clause (*e*) or clause (*f*) of section 260 the value of the property in respect of which the offence has been committed;

(*g*) the plea of the accused and his examination (if any);

(*h*) the finding, and, in the case of a conviction, a brief statement of the reasons therefor;

(*i*) the sentence or other final order; and

(*j*) the date on which the proceedings terminated.

Record in appealable cases.

264. In every case tried summarily by a Magistrate or Bench in which an appeal lies, such Magistrate or Bench shall, before passing sentence, record a judgment embodying the substance of the evidence and also the particulars mentioned in section 263.

Such judgment shall be the only record in cases coming within this section.

Language of record and judgment.

265. Records made under section 263 and judgments recorded under section 264 shall be written by the presiding officer, either in English or in the language of the Court, or, if the Court to which such presiding officer is immediately subordinate so directs, in such officer's mother-tongue.

Bench may be authorized to employ clerk.

The Local Government may authorize any Bench of Magistrates empowered to try offences summarily to prepare the aforesaid record or judgment by means of an officer appointed in this behalf by the Court to which such Bench is immediately subordinate, and the record or judgment so prepared shall be signed by each member of such Bench present taking part in the proceedings.

CHAPTER XXIII.

OF TRIALS BEFORE HIGH COURTS AND COURTS OF SESSION.

A.—Preliminary.

"High Court" defined.

266. In this chapter, except in section 307, the expression "High Court" means a High Court of Judicature established or to be established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, and includes the Chief Court of the Panjáb, and such other Courts as the Governor General in Council may, by notification in the *Gazette of India*, declare to be High Courts for the purposes of this chapter.

Trials before High Court to be by jury.

267. All trials under this chapter before a High Court shall be by jury;

and, notwithstanding anything herein contained, in all criminal cases transferred to a High Court under this Code or under the Letters Patent of any High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, the trial may, if the High Court so directs, be by jury.

Trials before Court of Session to be by jury or with assessors.

268. All trials before a Court of Session shall be either by jury, or with the aid of assessors.

Local Government may order trials before Court of Session to be by jury.

269. The Local Government may, by order in the official Gazette, direct that the trial of all offences, or of any particular class of offences, before any Court of Session, shall be by jury in any District, and may revoke or alter such order.

When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for all such offences.

Trial before Court of Session to be conducted by Public Prosecutor.

270. In every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor.

B.—Commencement of Proceedings.

Commencement of trial.

271. When the Court is ready to commence the trial, the accused shall appear or be brought before it, and the charge shall be read out in Court and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Plea of guilty.

If the accused pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Refusal to plead or claim to be tried.

272. If the accused refuses to, or does not, plead, or if he claims to be tried, the Court shall proceed to choose jurors or assessors as hereinafter directed and to try the case:

Trial by same jury or assessors of several offenders in succession.

Provided that, subject to the right of objection hereinafter mentioned, the same jury may try, or the same assessors may aid in the trial of, as many accused persons successively as the Court thinks fit.

Entry on unsustainable charge.

273. In trials before the High Court, when it appears to the High Court at any time before the commencement of the trial of the person charged, that any charge or any portion thereof is clearly unsustainable, the Judge may make on the charge an entry to that effect.

Effect of entry.

Such entry shall have the effect of staying proceedings upon the charge or portion of the charge, as the case may be.

C.—Choosing a Jury.

Number of jury.

274. In trials before the High Court the jury shall consist of nine persons.

In trials by jury before the Court of Session, the jury shall consist of such uneven number not being less than three, or more than nine, as the Local Government, by order applicable to any particular district or to any particular class of offences in that district, may direct.

Trials before High Courts and Courts of Session.

Jury for trial of persons not Europeans or Americans before Court of Session.

275. In a trial by jury, before the Court of Session, of a person not being an European or an American, a majority of the jury shall, if he so desires, consist of persons who are neither Europeans nor Americans.

Jurors to be chosen by lot.

276. The jurors shall be chosen by lot from the persons summoned to act as such, in such manner as the High Court may from time to time by rule direct:

Proviso.

Provided that—

Existing practice maintained.

first, pending the issue under this section of rules for any Court, the practice now prevailing in such Court in respect to the choosing of jurors shall be followed;

Persons not summoned when eligible.

secondly, in case of a deficiency of persons summoned, the number of jurors required may, with the leave of the Court, be chosen from such other persons as may be present; and

Trials before special jurors.

thirdly, in the Presidency-towns—

(*a*) if the accused person is charged with having committed an offence punishable with death, or

(*b*) if in any other case a Judge of the High Court so directs,

the jurors shall be chosen from the special jury list hereinafter prescribed.

Names of jurors to be called.

277. As each juror is chosen, his name shall be called aloud, and, upon his appearance, the accused shall be asked if he objects to be tried by such juror.

Objection to jurors.

Objection may then be taken to such juror by the accused or by the prosecutor, and the grounds of objection shall be stated:

Objection without grounds stated.

Provided that, in the High Court, objections without grounds stated shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged.

Grounds of objection.

278. Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

(*a*) some presumed or actual partiality in the juror;

(*b*) some personal ground, such as alienage, deficiency in the qualification required by any law or rule having the force of law for the time being in force, or being under the age of twenty-one or above the age of sixty years;

(*c*) his having by habit or religious vows relinquished all care of worldly affairs;

(*d*) his holding any office in or under the Court;

(*e*) his executing any duties of police or being entrusted with police-duties;

(*f*) his having been convicted of any offence which, in the opinion of the Court, renders him unfit to serve on the jury;

(*g*) his inability to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted;

(*h*) any other circumstance which, in the opinion of the Court, renders him improper as a juror.

Decision of objection.

279. Every objection taken to a juror shall be decided by the Court, and such decision shall be recorded and be final.

Supply of place of juror against whom objection allowed.

If the objection is allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons and chosen in manner provided by section 276; or, if there is no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided that no objection to such juror or other person is taken under section 278 and allowed.

Foreman of jury.

280. When the jurors have been chosen, they shall appoint one of their number to be foreman.

The foreman shall preside in the debates of the jury, deliver the verdict of the jury, and ask any information from the Court that is required by the jury or any of the jurors.

If a majority of the jury do not, within such time as the Judge thinks reasonable, agree in the appointment of a foreman, he shall be appointed by the Court.

Swearing of jurors.

281. When the foreman has been appointed, the jurors shall be sworn under the Indian Oaths Act, 1873.

Procedure when juror ceases to attend, &c.

282. If, in the course of a trial by jury, at any time before the return of the verdict, any juror, from any sufficient cause, is prevented from attending throughout the trial, or if any juror absents himself, and it is not practicable to enforce his attendance, or if it appears that any juror is unable to understand the language in which the evidence is given, or, when such evidence is interpreted, the language in which it is interpreted, a new juror shall be added, or the jury shall be discharged and a new jury chosen.

In each of such cases the trial shall commence anew.

Discharge of jury in case of sickness of prisoner.

283. The Judge may also discharge the jury whenever the prisoner becomes incapable of remaining at the bar.

Trials before High Courts and Courts of Session.

D.—Choosing Assessors.

Assessors how chosen.

284. When the trial is to be held with the aid of assessors, two or more shall be chosen, as the Judge thinks fit, from the persons summoned to act as such.

Procedure when assessor is unable to attend.

285. If, in the course of a trial with the aid of assessors, at any time before the finding, any assessor is, from any sufficient cause, prevented from attending throughout the trial, or absents himself, and it is not practicable to enforce his attendance, the trial shall proceed with the aid of the other assessor or assessors.

If all the assessors are prevented from attending, or absent themselves, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh assessors.

E.—Trial to Close of Cases for Prosecution and Defence.

Opening case for prosecution.

286. When the jurors or assessors have been chosen, the prosecutor shall open his case by reading from the Indian Penal Code or other law the description of the offence charged, and stating shortly by what evidence he expects to prove the guilt of the accused.

Examination of witnesses.

The prosecutor shall then examine his witnesses.

Examination of accused before Magistrate to be evidence.

287. The examination of the accused duly recorded by or before the committing Magistrate shall be tendered by the prosecutor and read as evidence.

Evidence given at preliminary inquiry admissible.

288. The evidence of a witness duly taken in the presence of the accused before the committing Magistrate may, in the discretion of the presiding Judge, if such witness is produced and examined, be treated as evidence in the case.

Procedure after examination of witnesses for prosecution.

289. When the examination of the witnesses for the prosecution and the examination (if any) of the accused are concluded, the accused shall be asked whether he means to adduce evidence.

If he says that he does not, the prosecutor may sum up his case; and if the Court considers that there is no evidence that the accused committed the offence, it may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

If the accused or any one of several accused says that he means to adduce evidence and the Court considers that there is no evidence that the accused committed the offence, the Court may then, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict, of not guilty.

If the accused, or any one of several accused says that he means to adduce evidence, and the Court considers that there is evidence that he committed the offence, or if, on his saying that he does not mean to adduce evidence, the prosecutor sums up his case and the Court considers that there is evidence that the accused committed the offence, the Court shall call on the accused to enter on his defence.

Defence.

290. The accused or his pleader may then open his case, stating the facts or law on which he intends to rely, and making such comments as he thinks necessary on the evidence for the prosecution. He may then examine his witnesses (if any) and after their cross-examination and re-examination (if any) may sum up his case.

Right of accused as to examination and summoning of witnesses.

291. The accused shall be allowed to examine any witness not previously named by him, if such witness is in attendance; but he shall not, except as provided in sections 211 and 231, be entitled of right to have any witness summoned, other than the witnesses named in the list delivered to the Magistrate by whom he was committed for trial.

Prosecutor's right of reply.

292. If the accused, or any of the accused, has stated, when asked under section 289, that he means to adduce evidence, the prosecutor shall be entitled to reply.

View by jury or assessors.

293. Whenever the Court thinks that the jury or assessors should view the place in which the offence charged is alleged to have been committed, or any other place in which any other transaction material to the trial is alleged to have occurred, the Court shall make an order to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to such place, which shall be shown to them by a person appointed by the Court.

Such officer shall not, except with the permission of the Court, suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and, unless the Court otherwise directs, they shall, when the view is finished, be immediately conducted back into Court.

When juror or assessor may be examined.

294. If a juror or assessor is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be sworn, examined, cross-examined and re-examined in the same manner as any other witness.

Jury or assessors to attend at adjourned sitting.

295. If a trial is adjourned, the jury or assessors shall attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

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Locking-up jury.

296. The High Court may, from time to time, make rules as to keeping the jury together during a trial before such Court lasting for more than one day, and, subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of the Court, or whether they shall be allowed to return to their respective homes.

F.—Conclusion of Trial in Cases tried by Jury.

Charge to jury.

297. In cases tried by jury, when the case for the defence, and the prosecutor's reply (if any) are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

Duty of Judge.

298. In such cases, it is the duty of the Judge—

(*a*) to decide all questions of law arising in the course of the trial, and especially all questions as to the relevancy of facts which it is proposed to prove, and the admissibility of evidence or the propriety of questions asked by or on behalf of the parties; and, in his discretion, to prevent the production of inadmissible evidence, whether it is or is not objected to by the parties;

(*b*) to decide upon the meaning and construction of all documents given in evidence at the trial;

(*c*) to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given;

(*d*) to decide whether any question which arises is for himself or for the jury, and upon this point his decision shall bind the jurors.

The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(*a*) It is proposed to prove a statement made by a person not being a witness in the case, on the ground that circumstances are proved which render evidence of such statement admissible.

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved.

(*b*) It is proposed to give secondary evidence of a document the original of which is alleged to have been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

Duty of jury.

299. It is the duty of the jury—

(*a*) to decide which view of the facts is true, and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned;

(*b*) to determine the meaning of all technical terms (other than terms of law) and words used in an unusual sense which it may be necessary to determine, whether such words occur in documents or not;

(*c*) to decide all questions which according to law are to be deemed questions of fact;

(*d*) to decide whether general indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure, or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

(*a*) *A* is tried for the murder of *B*.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts *A* ought to be convicted of murder, or of culpable homicide, or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(*b*) The question is whether a person entertained a reasonable belief on a particular point,—whether work was done with reasonable skill or due diligence.

Each of these is a question for the jury.

Retirement to consider.

300. In cases tried by jury, after the Judge has finished his charge, the jury may retire to consider their verdict.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

Delivery of verdict.

301. When the jury have considered their verdict, the foreman shall inform the Judge what is their verdict, or what is the verdict of a majority.

Procedure where jury differ.

302. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

Verdict to be given on each charge.

Judge may question jury.

303. Unless otherwise ordered by the Court, the jury shall return a verdict on all the charges on which the accused is tried, and the Judge may ask them such questions as are necessary to ascertain what their verdict is.

Questions and answers to be recorded.

Such questions and the answers to them shall be recorded.

Amending verdict.

304. When by accident or mistake a wrong verdict is delivered, the jury may, before or immediately after it is recorded, amend the verdict, and it shall stand as ultimately amended.

Verdict in High Court when to prevail.

305. When in a case tried before a High Court the jury are unanimous in their opinion, or when as many as six are of one opi-

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nion and the Judge agrees with them, the Judge shall give judgment in accordance with such opinion.

When in any such case the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge.

Discharge of jury in other cases.

If the Judge disagrees with the majority, he shall at once discharge the jury.

If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such time as he thinks reasonable, discharge the jury.

Verdict in Court of Session when to prevail.

306. When in a case tried before the Court of Session the Judge does not think it necessary to express disagreement with the verdict of the jurors or of a majority of the jurors, he shall give judgment accordingly.

If the accused is acquitted, the Judge shall record judgment of acquittal. If the accused is convicted, the Judge shall pass sentence on him according to law.

Procedure where Sessions Judge disagrees with verdict.

307. If in any such case the Sessions Judge disagrees with the verdict of the jurors, or of a majority of the jurors, on all or any of the charges on which the accused has been tried, so completely that he considers it necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly, recording the grounds of his opinion, and, when the verdict is one of acquittal, stating the offence which he considers to have been committed.

Whenever the Judge submits a case under this section, he shall not record judgment of acquittal or of conviction on any of the charges on which the accused has been tried, but he may either remand the accused to custody or admit him to bail.

In dealing with the case so submitted the High Court may exercise any of the powers which it may exercise on an appeal; but it may acquit or convict the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it; and, if it convicts him, may pass such sentence as might have been passed by the Court of Session.

G.—Re-trial of Accused after Discharge of Jury.

Re-trial of accused after discharge of jury.

308. Whenever the jury is discharged, the accused shall be detained in custody or on bail (as the case may be), and shall be tried by another jury, unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

H.—Conclusion of Trial in Cases tried with Assessors.

Delivery of opinions of assessors.

309. When, in a case tried with the aid of assessors, the case for the defence and the prosecutor's reply (if any) are concluded, the Court may sum up the evidence for the prosecution and defence, and shall then require each of the assessors to state his opinion orally, and shall record such opinion.

Judgment.

The Judge shall then give judgment; but in doing so shall not be bound to conform to the opinions of the assessors.

If the accused is convicted, the Judge shall pass sentence on him according to law.

I.—Procedure in Case of Previous Conviction.

Procedure in case of previous conviction.

310. In the case of a trial by jury or with the aid of assessors, where the accused is charged with an offence committed after a previous conviction, for any offence, the procedure laid down in sections 271, 286, 305, 306 and 309 shall be modified as follows:—

(*a*) The part of the charge stating the previous conviction shall not be read out in Court, nor shall the accused be asked whether he has been previously convicted as alleged in the charge, unless and until he has either pleaded guilty to, or been convicted of, the subsequent offence.

(*b*) If he pleads guilty to, or is convicted of, the subsequent offence, he shall then be asked whether he has been previously convicted as alleged in the charge.

(*c*) If he answers that he has been so previously convicted the Judge may proceed to pass sentence on him accordingly; but, if he denies that he has been so previously convicted, or refuses to, or does not, answer such question, the jury or the Court and the assessors (as the case may be) shall then inquire concerning such previous conviction, and in such case (where the trial is by jury) it shall not be necessary to swear the jurors again.

J.—List of Jurors for High Court, and summoning Jurors for that Court.

Jurors' book.

311. In each Presidency-town, the jurors' book for the year current when this Code comes into force shall be taken as containing a correct list of persons liable to serve as jurors under this chapter.

Exemption of special jurors.

Those persons whose names are entered in the jurors' book as being liable to serve on special juries only shall be deemed to be persons privileged and liable to serve only as special jurors under this chapter during the year for which the said list has been prepared.

Number of special jurors.

312. The names of not more than two hundred persons shall at any one time be entered in the special jurors' list.

Lists of common and special jurors.

313. The Clerk of the Crown shall, before the first day of April in each year, and subject to such rules as the High Court from time to time prescribes, prepare—

(*a*) a list of all persons liable to serve as common jurors, and

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(*b*) a list of persons liable to serve as special jurors only.

Regard shall be had, in the preparation of the latter list, to the property, character and education of the persons whose names are entered therein.

No person shall be entitled to have his name entered in the special jurors' list merely because he may have been entered in the special jurors' list for a previous year.

The Governor General in Council in the case of the High Court at Calcutta, and, in the case of other High Courts, the Local Government, may exempt any salaried officer of Government from serving as a juror.

Discretion of officer preparing lists.

The Clerk of the Crown shall, subject to such rules as aforesaid, have full discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision.

Publication of lists, preliminary and revised.

314. Preliminary lists of persons liable to serve as common jurors and as special jurors, respectively, signed by the Clerk of the Crown, shall be published once in the local official Gazette before the fifteenth day of April next after their preparation.

Revised lists of persons liable to serve as common jurors and special jurors, respectively, signed as aforesaid, shall be published once in the local official Gazette before the first day of May next after their preparation.

Copies of the said lists shall be affixed to some conspicuous part of the Court-house.

Number of jurors to be summoned in Presidency-town.

315. Out of the persons named in the revised lists aforesaid, there shall be summoned for each sessions in each Presidency-town at least twenty-seven of those who are liable to serve on special juries, and fifty-four of those who are liable to serve on common juries.

No person shall be so summoned more than once in six months unless the number cannot be made up without him.

Supplementary summons.

If, during the continuance of any sessions, it appears that the number of persons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such sessions.

Summoning jurors outside the Presidency-towns.

316. Whenever a High Court has given notice of its intention to hold sittings at any place outside the Presidency-towns for the exercise of its original criminal jurisdiction, the Court of Session at such place shall, subject to any direction which may be given by the High Court, summon a sufficient number of jurors from its own list, in the manner hereinafter prescribed for summoning jurors to the Court of Session.

Military jurors.

317. In addition to the persons so summoned as jurors, the said Court of Session shall, if it thinks needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-commissioned officers in Her Majesty's Army resident within ten miles of its place of sitting, as the Court considers to be necessary to make up the juries required for the trial of persons charged with offences before the High Court as aforesaid.

All officers so summoned shall be liable to serve on such juries notwithstanding anything contained in this Code; but no such officer shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

Failure of jurors to attend.

318. Any person summoned under section 315, section 316 or section 317, who without lawful excuse fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court after being ordered to attend, shall be deemed guilty of a contempt and be liable by order of the Judge to such fine as he thinks fit; and, in default of payment of such fine, to imprisonment in the civil jail until the fine is paid.

K.—List of Jurors and Assessors for Court of Session, and summoning Jurors and Assessors for that Court.

Liability to serve as jurors or assessors.

319. All male persons between the ages of twenty-one and sixty shall, except as next hereinafter mentioned, be liable to serve as jurors or assessors at any trial held within the District in which they reside.

Exemptions.

320. The following persons are exempt from liability to serve as jurors or assessors, namely :—

(*a*) Officers in civil employ superior in rank to a District Magistrate;

(*b*) Judges;

(*c*) Commissioners and Collectors of Revenue or Customs;

(*d*) Persons engaged in the Preventive Service in the Customs Department;

(*e*) Persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty;

(*f*) Persons actually officiating as priests or ministers of their respective religions;

(*g*) Persons in Her Majesty's Army, except when, by any law in force for the time being, they are specially made liable to serve as jurors or assessors;

(*h*) Surgeons and others who openly and constantly practise the medical profession;

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(*i*) Persons employed in the Post-office and Telegraph Departments;

(*j*) Persons exempted from personal appearance in Court under the provisions of the Code of Civil Procedure, sections 640 and 641;

(*k*) Other persons exempted by the Local Government from liability to serve as jurors or assessors.

List of jurors and assessors.

321. The Sessions Judge, and the Collector of the District or such other officer as the Local Government appoints in this behalf, shall prepare and make out in alphabetical order a list of persons liable to serve as jurors or assessors and qualified in the judgment of the Sessions Judge and Collector or other officer as aforesaid to serve as such, and not likely to be successfully objected to under section 278, clauses (*b*) to (*h*), both inclusive.

The list shall contain the name, place of abode and quality or business of every such person; and if the person is an European or an American, the list shall mention the race to which he belongs.

Publication of list.

322. Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid, and in the Court-houses of the District Magistrate and of the District Court, and in some conspicuous place in the town or towns in or near which the persons named in the list reside.

Objections to list.

323. To every such copy shall be subjoined a notice stating that objections to the list will be heard and determined by the Sessions Judge and Collector or other officer as aforesaid, at the Sessions Court-house, and at a time to be mentioned in the notice.

Revision of list.

324. For the hearing of such objections, the Sessions Judge shall sit with the Collector or other officer as aforesaid, and shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not suitable in their judgment to serve as a juror or as an assessor, or who may establish his right to any exemption from service given by section 320, and insert the name of any person omitted from the list whom they deem qualified for such service.

In the event of a difference of opinion between the Sessions Judge and the Collector or other officer as aforesaid, the name of the proposed juror or assessor shall be omitted from the list.

A copy of the revised list shall be signed by the Sessions Judge and Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Sessions Judge and Collector or other officer as aforesaid in preparing and revising the list shall be final.

Any exemption not claimed under this section shall be deemed to be waived until the list is next revised.

Annual revision of list.

325. The list so prepared and revised shall be again revised once in every year.

The list so revised shall be deemed a new list, and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

District Magistrate to summon jurors and assessors.

326. The Sessions Judge shall ordinarily, three days at least before the day which he may from time to time fix for holding the sessions, send a letter to the District Magistrate requesting him to summon as many persons named in the said revised list as seem to the Sessions Judge to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any such trial.

The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them; and the names so drawn shall be specified in the said letter.

Power to summon another set of jurors or assessors.

327. The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section 326, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever for other reasons such direction is found to be necessary.

Form and service of summons.

328. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor, as the case may be, at a time and place to be therein specified.

When Government or Railway servant may be excused.

329. Where any person summoned to serve as a juror or assessor is in the service of Government or of a Railway Company, the Court to serve in which he is so summoned may excuse his attendance if it appears, on the representation of the head of the office in which he is employed, that he cannot serve as a juror or assessor, as the case may be, without inconvenience to the public.

Court may excuse attendance of juror or assessor.

330. The Court of Session may for reasonable cause excuse any juror or assessor from attendance at any particular session.

List of jurors and assessors attending.

331. At each session, the said Court shall cause to be made a list of the names of those who have attended as jurors and assessors at such session.

Such list shall be kept with the list of the jurors and assessors as revised under section 324.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

Trials before High Courts and Courts of Session.

General Provisions as to Inquiries and Trials.

Penalty for non-attendance of juror or assessor.

332. Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or who, having attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable, by order of the Court of Session, to a fine not exceeding one hundred rupees.

Such fine shall be levied by the District Magistrate by attachment and sale of any moveable property belonging to such juror or assessor within the local limits of the jurisdiction of the Court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may by order of the Court of Session be imprisoned in the civil jail for the term of fifteen days, unless such fine is paid before the end of the said term.

L.—Special Provisions for High Courts.

Power of Advocate General to stay prosecution.

333. At any stage of any trial before a High Court under this Code before the return of the verdict, the Advocate General may, if he thinks fit, inform the Court on behalf of Her Majesty that he will not further prosecute the defendant upon the charge; and thereupon all proceedings on such charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal unless the presiding Judge otherwise directs.

Time of holding sittings.

334. For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

Place of holding sittings.

335. The High Court shall hold its sittings at the place at which it now holds them, or at such other place (if any) as the Governor General in Council in the case of the High Court at Fort William, or the Local Government in the case of the other High Courts, may direct.

But it may, from time to time, in the case of the High Court at Fort William with the consent of the Governor General in Council, and in all other cases with the consent of the Local Government, hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

Notice of sittings.

Such officer as the Chief Justice directs shall give notice beforehand in the local official Gazette of all sittings intended to be held for the exercise of the original criminal jurisdiction of the High Court.

Place of trial of European British subjects.

336. The High Court may direct that all European British subjects and persons liable to be tried by it under section 214, who have been committed for trial by it within certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the Court,

or direct that they shall be tried at a particular place named.

CHAPTER XXIV.

GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS.

Tender of pardon to accomplice.

337. In the case of any offence triable exclusively by the Court of Session or High Court, the District Magistrate, a Presidency Magistrate, any Magistrate of the first class inquiring into the offence, or, with the sanction of the District Magistrate, any other Magistrate, may, with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, the offence under inquiry, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence, and to every other person concerned, whether as principal or abettor, in the commission thereof.

Every person accepting a tender under this section shall be examined as a witness in the case.

Such person, if not on bail, shall be detained in custody until the termination of the trial by the Court of Session or High Court, as the case may be.

Every Magistrate, other than a Presidency Magistrate, who tenders a pardon under this section, shall record his reasons for so doing; and when any Magistrate has made such tender and, examined the person to whom it has been made, he shall not try the case himself, although the offence which the accused appears to have committed may be triable by such Magistrate.

Power to direct tender of pardon.

338. At any time after commitment, but before judgment is passed, the Court to which the commitment is made may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, any such offence, tender, or order the committing Magistrate or the District Magistrate to tender, a pardon on the same condition to such person.

Commitment of person to whom pardon has been tendered.

339. Where a pardon has been tendered under section 337 or section 338, and any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false

evidence, not complied with the condition on which the tender was made, he may be tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the same matter.

The statement made by a person who has accepted a tender of pardon may be given in evidence against him when the pardon has been withdrawn under this section.

No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the High Court.

Right of accused to be defended.

340. Every person accused before any Criminal Court may of right be defended by a pleader.

Procedure where accused does not understand proceedings.

341. If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the inquiry or trial; and, in the case of a Court other than a High Court, if such inquiry results in a commitment, or if such trial results in a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

Power to examine the accused.

342. For the purpose of enabling the accused to explain any circumstances appearing in the evidence against him, the Court may, at any stage of any inquiry or trial, without previously warning the accused, put such questions to him as the Court considers necessary, and shall, for the purpose aforesaid, question him generally on the case after the witnesses for the prosecution have been examined, and before he is called on for his defence.

The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them; but the Court and the jury (if any) may draw such inference from such refusal or answers as it thinks just.

The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.

No oath shall be administered to the accused.

No influence to be used to induce disclosures.

343. Except as provided in sections 337 and 338, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

Power to postpone or adjourn proceedings.

344. If, from the absence of a witness or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, the Court may, by order in writing, stating the reasons therefor, from time to time postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody:

Remand.

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time.

Every order made under this section by a Court other than a High Court shall be in writing signed by the presiding Judge or Magistrate.

Reasonable cause for remand.

EXPLANATION.—If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Compounding offences.

345. The offences punishable under the sections of the Indian Penal Code described in the first two columns of the Table next following may be compounded by the persons mentioned in the third column of that Table:—

Offence.	Sections of Indian Penal Code applicable.	Person by whom offence may be compounded.
Uttering words, &c., with deliberate intent to wound the religious feelings of any person	298	The person whose religious feelings are intended to be wounded.
Causing hurt ...	323, 334	The person to whom the hurt is caused.
Wrongfully restraining or confining any person	341, 342	The person restrained or confined.
Assault or use of criminal force ...	352, 355, 358	The person assaulted or to whom criminal force is used.
Unlawful compulsory labour	374	The person compelled to labour.
Mischief, when the only loss or damage caused is loss or damage to a private person ..	426, 427	The person to whom the loss or damage is caused.
Criminal trespass ...	447	The person in possession of the property trespassed upon.
House-trespass ...	448	

Offence.	Sections of Indian Penal Code applicable.	Person by whom offence may be compounded.
Criminal Breach of Contract of service ...	490, 491, 492	The person with whom the offender has contracted.
Adultery ...	497	The husband of the woman.
Enticing or taking away or detaining with a criminal intent a married woman ...	498	
Defamation ...	500	The person defamed.
Printing or engraving matter knowing it to be defamatory ...	501	
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter ...	502	
Insult intended to provoke a breach of the peace ...	504	The person insulted.
Criminal intimidation, except when the offence is punishable with imprisonment for seven years ...	506	The person intimidated.

The offence of voluntarily causing hurt, voluntarily causing grievous hurt, causing hurt by an act which endangers life, or causing grievous hurt by an act which endangers life, punishable under section 324, section 335, section 357, or section 338 of the Indian Penal Code, may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the person to whom the hurt has been caused.

When any offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

When the person who would otherwise be competent to compound an offence under this section is a minor, an idiot or a lunatic, any person competent to contract on his behalf may compound such offence.

The composition of an offence under this section shall have the effect of an acquittal of the accused.

No offence not mentioned in this section shall be compounded.

Procedure of Provincial Magistrate in cases which he cannot dispose of.

346. If, in the course of an inquiry or a trial before a Magistrate in any district outside the Presidency-towns, the evidence appears to him to warrant a presumption that the case is one which should be tried or committed for trial by some other Magistrate in such district, he shall stay proceedings and submit the case, with a brief report explaining its nature, to any Magistrate to whom he is subordinate, or to such other Magistrate, having jurisdiction, as the District Magistrate directs.

The Magistrate to whom the case is submitted may, if so empowered, either try the case himself, or refer it to any Magistrate subordinate to him having jurisdiction, or commit the accused for trial.

Procedure when after commencement of inquiry or trial Magistrate finds case should be committed.

347. If in any inquiry before a Magistrate, or in any trial before a Magistrate before signing judgment, it appears to him at any stage of the proceedings that the case is one which ought to be tried by the Court of Session or High Court, and if he is empowered to commit for trial, he shall stop further proceedings and commit the accused under the provisions hereinbefore contained.

If such Magistrate is not empowered to commit for trial, he shall proceed under section 346.

Trial of persons previously convicted of offences against coinage, stamp-law or property.

348. Whoever, having been convicted of an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, shall ordinarily, if the Magistrate before whom he is accused considers him an habitual offender, be committed to the Court of Session or High Court, as the case may be; or, in districts in which the District Magistrate has been invested with powers under section 30, placed on his trial before such Magistrate.

Procedure when Magistrate cannot pass sentence sufficiently severe.

349. Whenever a Magistrate of the second or third class, having jurisdiction, is of opinion after hearing the evidence for the prosecution and the accused that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, or that he ought to be required to execute a bond under section 106, he may record the opinion and submit his proceedings, and forward the accused, to the District Magistrate or Sub-divisional Magistrate to whom he is subordinate.

The Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence in the case, and may call for and take any further evidence; and shall pass such judgment, sentence or order in the case as he thinks fit, and as is according to law: Provided that he shall not inflict a punishment

more severe than he is empowered to inflict under sections 32 and 33.

Conviction or commitment on evidence partly recorded by one Magistrate and partly by another.

350. Whenever any Magistrate, after having heard and recorded the whole or any part of the evidence in an inquiry or a trial, ceases to exercise jurisdiction therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-summon the witnesses and re-commence the inquiry or trial:

Provided as follows:—

(*a*) In any trial, the accused may, when the second Magistrate commences his proceedings, demand that the witnesses or any of them be re-summoned and re-heard:

(*b*) The High Court, or, in cases tried by Magistrates subordinate to the District Magistrate, the District Magistrate, may, whether there be an appeal or not, set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was had, if such Court or District Magistrate is of opinion that the accused has been materially prejudiced thereby; and may order a new inquiry or trial.

Nothing in this section applies to cases in which proceedings have been stayed under section 346.

Detention of offenders attending Court.

351. Any person attending a Criminal Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of examination, for any offence of which such Court can take cognizance and which, from the evidence, he may appear to have committed; and may be proceeded against as though he had been arrested or summoned.

When the detention takes place in the course of an inquiry under Chapter XVIII, or after a trial has been begun, the proceedings in respect of such person shall be commenced afresh and the witnesses re-heard.

Courts to be open.

352. The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

CHAPTER XXV.

OF THE MODE OF TAKING AND RECORDING EVIDENCE IN INQUIRIES AND TRIALS.

Evidence to be taken in presence of accused.

353. Except as otherwise expressly provided, all evidence taken under Chapters XVIII, XX, XXI, XXII and XXIII shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in presence of his pleader.

Manner of recording evidence outside Presidency-towns.

354. In inquiries and trials (other than summary trials) under this Code by or before a Magistrate (other than a Presidency Magistrate) or Sessions Judge, the evidence of the witnesses shall be recorded in the following manner.

Record in summons-cases, and in trials of certain offences by first and second class Magistrates.

355. In summons-cases tried before a Magistrate, other than a Presidency Magistrate, and in cases of the offences mentioned in section 260, clauses (*b*) to (*k*), both inclusive, when tried by a Magistrate of the first or second class, the Magistrate shall make a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

Such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same; and such memorandum shall form part of the record.

Record in other cases outside Presidency-towns.

356. In all other trials before Courts of Session and Magistrates (other than Presidency Magistrates) and in all inquiries under Chapters XII and XVIII, the evidence of each witness shall be taken down in writing in the language of the Court, by the Magistrate or Sessions Judge, or in his presence and hearing and under his personal direction and superintendence, and shall be signed by the Magistrate or Sessions Judge.

Evidence given in English.

When the evidence of such witness is given in English, the Magistrate or Sessions Judge may take it down in that language with his own hand, and, unless the accused is familiar with English, or the language of the Court is English, an authenticated translation of such evidence in the language of the Court shall form part of the record.

Memorandum when evidence not taken down by the Magistrate or Judge himself.

In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness

proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to make it.

Language of record of evidence.

357. The Local Government may direct that in any district or part of a district, or in proceedings before any Court of Session, or before any Magistrate or class of Magistrates, the evidence of each witness shall in the cases referred to in section 356 be taken down by the Sessions Judge or Magistrate with his own hand and in his mother-tongue, unless he is prevented by any sufficient reason from taking down the evidence of any witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

The evidence so taken down shall be signed by the Sessions Judge or Magistrate, and shall form part of the record:

Provided that the Local Government may direct the Sessions Judge or Magistrate to take down the evidence in the English language, or in the language of the Court, although such language is not his mother-tongue.

Option to Magistrate in cases under section 355.

358. In cases of the kind mentioned in section 355, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section 356, or, if within the local limits of the jurisdiction of such Magistrate the Local Government has made the order referred to in section 357, in the manner provided in the same section.

Mode of recording evidence under section 356 or section 357.

359. Evidence taken under section 356 or section 357 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

The Magistrate or Sessions Judge may in his discretion take down, or cause to be taken down, any particular question and answer.

Procedure in regard to such evidence when completed.

360. As the evidence of each witness taken under section 356 or section 357 is completed, it shall be read over to him in the presence of the accused, if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a language different from that in which it has been given, and the witness does not understand the language in which it is taken down, the evidence so taken down shall be interpreted to him in the language in which it was given, or in a language which he understands.

Interpretation of evidence to accused or his pleader.

361. Whenever any evidence is given in a language not understood by the accused and he is present in person, it shall be interpreted to him in open Court in a language understood by him.

If he appears by pleader and the evidence is given in a language other than the language of the Court, and not understood by the pleader, it shall be interpreted to such pleader in that language.

When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to interpret as much thereof as appears necessary.

Record of evidence in Presidency Magistrates' Courts.

362. In every case in which a Presidency Magistrate imposes a fine exceeding two hundred rupees, or imprisonment for a term exceeding six months, he shall either take down the evidence of the witnesses with his own hand, or cause it to be taken down in writing from his dictation in open Court. All evidence so taken down shall be signed by the Magistrate and shall form part of the record.

Evidence so taken down shall ordinarily be recorded in the form of a narrative, but the Magistrate may in his discretion take down, or cause to be taken down, any particular question or answer.

Sentences passed under section 35 on the same occasion shall, for the purposes of this section, be considered as one sentence.

Remarks respecting demeanour of witness.

363. When a Sessions Judge or Magistrate has recorded the evidence of a witness he shall also record such remarks (if any) as he thinks material respecting the demeanour of such witness whilst under examination.

Examination of accused how recorded.

364. Whenever the accused is examined by any Magistrate, or by any Court other than a High Court established by Royal Charter or the Chief Court of the Panjáb, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, in the language in which he is examined, or, if that is not practicable, in the language of the Court or English; and such record shall be shown or read to him, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

When the whole is made conformable to what he declares is the truth, the record shall be signed by the accused and the Magistrate or Judge of

such Court, and such Magistrate or Judge shall certify under his own hand that the examination was taken in his presence and hearing, and that the record contains a full and true account of the statement made by the accused.

In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, unless he is a Presidency Magistrate, as the examination proceeds, to make a memorandum thereof in the language of the Court, or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

Nothing in this section shall be deemed to apply to the examination of an accused person under section 263.

Record of evidence in High Court.

365. Every High Court established by Royal Charter and the Chief Court of the Panjáb may from time to time by general rule prescribe the manner in which evidence shall be taken down in cases coming before the Court, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

CHAPTER XXVI.

OF THE JUDGMENT.

Mode of delivering judgment.

366. The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open Court either immediately or at some subsequent time of which due notice shall be given to the parties or their pleaders; and the accused shall, if in custody, be brought up, or if not in custody shall be required to attend, to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only, in which case it may be pronounced in the presence of his pleader.

Language of judgment.

367. Every such judgment shall, except as otherwise expressly provided by this Code, be written by the presiding officer of the Court in the language of the Court, or in English; and shall contain the point or points for determination, the decision thereon, and the reasons for the decision; and shall be dated and signed by the presiding officer in open Court at the time of pronouncing it.

Contents of judgment.

It shall specify the offence (if any) of which, and the section of the Indian Penal Code or other law under which, the accused is convicted, and the punishment to which he is sentenced.

Judgment in alternative.

When the conviction is under the Indian Penal Code, and it is doubtful under which of two sections, or under which of two parts of the same section, of that Code the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative.

If it be a judgment of acquittal, it shall state the offence of which the accused is acquitted and direct that he be set at liberty.

If the accused is convicted of an offence punishable with death, and the Court sentences him to any punishment other than death, the Court shall in its judgment state the reason why sentence of death was not passed:

Provided that, in trials by jury, the Court need not write a judgment, but the Court of Session shall record the heads of the charge to the jury.

Sentence of death.

368. When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Sentence of transportation.

No sentence of transportation shall specify the place to which the person sentenced is to be transported.

Court not to alter judgment.

369. No Court, other than a High Court, when it has signed its judgment shall alter or review the same, except as provided in section 395 or to correct a clerical error.

Presidency Magistrate's judgment.

370. Instead of recording a judgment in manner hereinbefore provided, a Presidency Magistrate shall record the following particulars:—

(*a*) the serial number of the case;

(*b*) the date of the commission of the offence;

(*c*) the name of the complainant (if any);

(*d*) the name of the accused person, and (except in the case of an European British subject) his parentage and residence;

(*e*) the offence complained of or proved;

(*f*) the plea of the accused and his examination (if any);

(*g*) the final order;

(*h*) the date of such order; and

(*i*) in all cases in which the Magistrate inflicts imprisonment, or fine exceeding two hundred rupees, or both, a brief statement of the reasons for the conviction.

Judgment to be explained and copy given to accused.

371. The judgment shall be explained to the accused, and on his application a copy of the judgment, or, when he so desires, a translation in his own language, if practicable, or in the language of the Court, shall be given to him without delay. Such copy shall, in any case other than a summons-case, be given free of cost.

Submission of Sentences for Confirmation.

In trials by jury in a Court of Session, a copy of the heads of the charge to the jury shall, on the application of the accused, be given to him without delay and free of cost.

Case of person sentenced to death.

When the accused is sentenced to death by a Sessions Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

Judgment when to be translated.

372. The original judgment shall be filed with the record of proceedings, and where the original is recorded in a different language from that of the Court, and the accused so requires, a translation thereof into the language of the Court shall be added to such record.

Court of Session to send copy of finding and sentence to District Magistrate.

373. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence (if any) to the District Magistrate within the local limits of whose jurisdiction the trial was held.

CHAPTER XXVII.

Of the Submission of Sentences for Confirmation.

Sentence of death to be submitted by Court of Session.

374. When the Court of Session passes sentence of death, the proceedings shall be submitted to the High Court, and the sentence shall not be executed unless it is confirmed by the High Court.

Power to direct further inquiry to be made or additional evidence to be taken.

375. If when such proceedings are submitted the High Court thinks that a further inquiry should be made into, or additional evidence taken upon, any point bearing upon the guilt or innocence of the convicted person, it may make such inquiry or take such evidence itself or direct it to be made or taken by the Court of Session.

Such inquiry shall not be made nor shall such evidence be taken in the presence of jurors or assessors, and, unless the High Court otherwise directs, the presence of the convicted person may be dispensed with when the same is made or taken.

When the inquiry and the evidence (if any) are not made and taken by the High Court, the result of such inquiry and the evidence shall be certified to such Court.

Power of High Court to confirm sentence or annul conviction.

376. In any case submitted under section 374, whether tried with the aid of assessors or by jury, the High Court—

(*a*) may confirm the sentence, or pass any other sentence warranted by law, or

(*b*) may annul the conviction, and convict the accused of any offence of which the Sessions Court might have convicted him, or order a new trial on the same or an amended charge, or

(*c*) may acquit the accused person :

Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

Confirmation or new sentence to be signed by two Judges.

377. In every case so submitted, the confirmation of the sentence, or any new sentence or order passed by the High Court, shall, when such Court consists of two or more Judges, be made, passed and signed by at least two of them.

Procedure in case of difference of opinion.

378. When any such case is heard before a Bench of Judges and such Judges are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge, and such Judge, after such examination and hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Procedure in cases submitted to High Court for confirmation.

379. In cases submitted by the Court of Session to the High Court for the confirmation of a sentence of death, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order, under the seal of the High Court, and attested with his official signature, to the Court of Session.

Confirmation of sentence of Assistant Sessions Judge or Magistrate acting under section 34.

380. When a sentence passed by an Assistant Sessions Judge or by a District Magistrate acting under section 34 is submitted to a Sessions Judge for confirmation, such Sessions Judge—

(*a*) may confirm the sentence, or pass any other sentence which the lower Court might have passed ; or

(*b*) may annul the conviction, and convict the accused of any offence of which the lower Court might have convicted him, or order a new trial on the same or an amended charge ; or

(*c*) may acquit the accused; or

(*d*) if he thinks further inquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.

Unless the Court of Sessions otherwise directs, the presence of the convicted person may be dispensed with when such inquiry is made or evidence taken; and, when the sentence has been submitted by an Assistant Sessions Judge, such inquiry shall not be made, nor shall such evidence be taken, in the presence of jurors or assessors.

When the inquiry and the evidence (if any) are not made and taken by the Court of Sessions, the result of such inquiry and the evidence shall be certified to such Court.

CHAPTER XXVIII.

OF EXECUTION.

Execution of order passed under section 376.

381. When a sentence of death passed by a Court of Session is submitted to the High Court for confirmation, such Court of Session shall, on receiving the order of confirmation or other order of the High Court thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

Postponement of capital sentence on pregnant woman.

382. If a woman sentenced to death be found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may commute the sentence to transportation for life.

Execution of sentences of transportation or imprisonment in other cases.

383. Where the accused is sentenced to transportation or imprisonment in cases other than those provided for by section 381, the Court passing the sentence shall forthwith forward a warrant to the jail in which he is to be confined, and, unless the accused is already confined in such jail, shall forward him to such jail, with the warrant.

Direction of warrant for execution.

384. Every warrant for the execution of a sentence of imprisonment shall be directed to the officer in charge of the jail or other place in which the prisoner is, or is to be, confined.

Warrant with whom to be lodged.

385. When the prisoner is to be confined in a jail, the warrant shall be lodged with the jailor.

Warrant for levy of fine.

386. Whenever an offender is sentenced to pay a fine, the Court passing the sentence may, in its discretion, issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, although the sentence directs that, in default of payment of the fine, the offender shall be imprisoned.

Effect of such warrant.

387. Such warrant may be executed within the local limits of the jurisdiction of such Court, and it shall authorize the distress and sale of any such property without such limits, when endorsed by the District Magistrate or Chief Presidency Magistrate within the local limits of whose jurisdiction such property is found.

Suspension of execution of sentence of imprisonment.

388. When an offender has been sentenced to fine only, and to imprisonment in default of payment of the fine, and the Court issues a warrant under section 386, it may suspend the execution of the sentence of imprisonment and may release the offender on his executing a bond, with or without sureties, as the Court thinks fit, conditioned for his appearance before such Court on the day appointed for the return to such warrant, such day not being more than fifteen days from the time of executing the bond; and in the event of the fine not having been realized the Court may direct the sentence of imprisonment to be carried into execution at once.

Who may issue warrant.

389. Every warrant for the execution of any sentence may be issued either by the Judge or Magistrate who passed the sentence or by his successor in office.

Execution of sentence of whipping only.

390. When the accused is sentenced to whipping only, the sentence shall be executed at such place and time as the Court may direct.

Execution of sentence of whipping, in addition to imprisonment.

391. When the accused is sentenced to whipping in addition to imprisonment in a case which is subject to appeal, the whipping shall not be inflicted until fifteen days from the date of the sentence, or, if an appeal be made within that time, until the sentence is confirmed by the Appellate Court: but the whipping shall be inflicted as soon as practicable after the expiry of the fifteen days, or, in case of an appeal, as soon as practicable after the receipt of the order of the Appellate Court confirming the sentence.

The whipping shall be inflicted in the presence of the officer in charge of the jail: unless the Judge or Magistrate orders it to be inflicted in his own presence.

Mode of inflicting punishment.

392. In the case of a person of or over sixteen years of age, whipping shall be inflicted with a light ratan not less than half an inch in diameter, in such mode, and on such part of the person, as the Local Government directs; and, in the case of a person under sixteen years of age, it shall be inflicted in the way of school-discipline with a light ratan.

Limit of number of stripes.

In no case shall such punishment exceed thirty stripes.

Not to be executed by instalments.
Exemptions.

393. No sentence of whipping shall be executed by instalments; and none of the following persons shall be punishable with whipping (namely):—

(*a*) females;

(*b*) males sentenced to death, or to transportation, or to penal servitude, or to imprisonment for more than five years;

(*c*) males whom the Court considers to be more than forty-five years of age.

Whipping not to be inflicted if offender not in fit state of health.

394. The punishment of whipping shall not be inflicted unless a Medical Officer, if present, certifies, or, if there is not a Medical Officer present, unless it appears to the Magistrate or officer present, that the offender is in a fit state of health to undergo such punishment.

Stay of execution.

If, during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the Magistrate or officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

Procedure if punishment cannot be inflicted under section 394.

395. In any case in which, under section 394, a sentence of whipping is, wholly or partially, prevented from being executed, the offender shall be kept in custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either remit such sentence, or sentence the offender in lieu of whipping, or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any term not exceeding twelve months, which may be in addition to any other punishment to which he may have been sentenced for the same offence.

Nothing in this section shall be deemed to authorize any Court to inflict imprisonment for a term exceeding that to which the accused is liable by law, or that which the said Court is competent to inflict.

Execution of sentences on escaped convicts.

396. When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine or whipping, shall, subject to the provisions hereinbefore contained, take effect immediately, and if of imprisonment, penal servitude or transportation, shall take effect according to the following rules, that is to say:—

If the new sentence is severer in its quality than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

When the new sentence is not severer in its quality than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, penal servitude or transportation, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

EXPLANATION.—For the purposes of this section—

(*a*) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment;

(*b*) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement; and

(*c*) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

Sentence on offender already sentenced for another offence.

397. When a person already undergoing a sentence of imprisonment, penal servitude or transportation is sentenced to imprisonment, penal servitude or transportation, such imprisonment, penal servitude or transportation shall commence at the expiration of the imprisonment, penal servitude or transportation to which he has been previously sentenced:

Provided that if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction be one of transportation, the Court may, in its discretion, direct that the latter sentence shall commence immediately, or at the expiration of the imprisonment to which he has been previously sentenced.

Saving as to sections 396 and 397.

398. Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

Confinement of youthful offenders in reformatories.

399. When any person under the age of sixteen years is sentenced by any Criminal Court to imprisonment for any offence, the Court may direct that such person, instead of being imprisoned in a criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Local Government prescribes with regard to the discipline and training of persons confined therein.

All persons confined under this section shall be subject to the rules so prescribed.

Return of warrant on execution of sentence.

400. When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.

CHAPTER XXIX.

OF SUSPENSIONS, REMISSIONS AND COMMUTATIONS OF SENTENCES.

Power to suspend or remit sentences.

401. When any person has been sentenced to punishment for an offence, the Governor General in Council, or the Local Government, may at any time, without conditions, or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

Previous Acquittals or Convictions.

Whenever an application is made to the Governor General in Council or the Local Government for the suspension or remission of a sentence, the Governor General in Council or the Local Government, as the case may be, may require the presiding Judge of the Court before or by which the conviction was had or confirmed to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion.

If the person in whose favour a sentence has been suspended or remitted fails to fulfil the conditions prescribed by the Governor General in Council or the Local Government, the Governor General in Council or the Local Government, as the case may be, may cancel such suspension or remission, whereupon such person may, if at large, be arrested by any Police-officer without warrant and remanded to undergo the unexpired portion of the sentence.

Nothing herein contained shall be deemed to interfere with the right of Her Majesty to grant pardons, reprieves, respites or remissions of punishment.

Power to commute punishment.

402. The Governor General in Council, or the Local Government, may without the consent of the person sentenced commute any one of the following sentences for any other mentioned after it:—

death, transportation, penal servitude, rigorous imprisonment for a term not exceeding that to which he might have been sentenced, simple imprisonment for a like term, fine.

CHAPTER XXX.

OF PREVIOUS ACQUITTALS OR CONVICTIONS.

Person once convicted or acquitted not to be tried for same offence.

403. A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 236, or for which he might have been convicted under section 237.

A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 235, paragraph one.

A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

EXPLANATION.—The dismissal of a complaint, the stopping of proceedings under section 249, the discharge of the accused, or any entry made upon a charge under section 273, is not an acquittal for the purposes of this section.

Illustrations.

(*a*) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards, while the acquittal remains in force, be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

(*b*) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(*c*) A is tried for causing grievous hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide.

(*d*) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for the murder of B.

(*e*) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B on the same facts, unless the case comes within paragraph three of this section.

(*f*) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(*g*) A, B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for, dacoity on the same facts.

PART VII.

OF APPEAL, REFERENCE AND REVISION.

CHAPTER XXXI.

OF APPEALS.

Appeals.

Unless otherwise provided, no appeal to lie.

404. No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

Appeal from order rejecting application for restoration of attached property.

405. Any person whose application under section 89 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court, may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.

Appeals.

Appeal from order requiring security for good behaviour.

406. Any person required by a Magistrate, other than the District Magistrate or a Presidency Magistrate, to give security for good behaviour under section 118, may appeal to the District Magistrate.

Appeal from sentence of Magistrate of the second or third class.

407. Any person convicted on a trial held by any Magistrate of the second or third class, or any person sentenced under section 349 by a Sub-divisional Magistrate of the second class, may appeal to the District Magistrate.

Transfer of appeals to first class Magistrate.

The District Magistrate may direct that any appeal under this section, or any class of such appeals, shall be heard by any Magistrate of the first class subordinate to him and empowered by the Local Government to hear such appeals, and thereupon such appeal or class of appeals shall be presented to such Subordinate Magistrate, or if already presented to the District Magistrate shall be transferred to such Subordinate Magistrate. The District Magistrate may withdraw from such Magistrate any appeal or class of appeals so presented or transferred.

Appeal from sentence of Assistant Sessions Judge or Magistrate of the first class.

408. Any person convicted on a trial held by an Assistant Sessions Judge, a District Magistrate or other Magistrate of the first class, or any person sentenced under section 349 by a Magistrate of the first class, may appeal to the Court of Session:

Provided as follows:—

(*a*) when in any case an Assistant Sessions Judge or a District Magistrate passes any sentence which is subject to the confirmation of the Court of Session, every appeal in such case shall lie to the High Court, but shall not be presented until the case has been disposed of by the Court of Session;

(*b*) any European British subject so convicted may at his option appeal either to the High Court or the Court of Session.

Appeals to Court of Session how heard.

409. An appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional or Joint Sessions Judge.

Appeal from sentence of Court of Session.

410. Any person convicted on a trial held by a Sessions Judge, or an Additional or a Joint Sessions Judge, may appeal to the High Court.

Appeal from sentence of Presidency Magistrate.

411. Any person convicted on a trial held by a Presidency Magistrate may appeal to the High Court if the Magistrate has sentenced him to imprisonment for a term exceeding six months or to fine exceeding two hundred rupees.

No appeal in certain cases when accused pleads guilty.

412. Notwithstanding anything hereinbefore contained, where an accused person has pleaded guilty and has been convicted by a Court of Session or a Presidency Magistrate on such plea, there shall be no appeal except as to the extent or legality of the sentence.

No appeal in petty cases.

413. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which a Court of Session or the District Magistrate or other Magistrate of the first class passes a sentence of imprisonment not exceeding one month only, or of fine not exceeding fifty rupees only, or of whipping only.

EXPLANATION.—There is no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has been passed.

No appeal from certain summary convictions.

414. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases tried summarily in which a Magistrate empowered to act under section 260 passes a sentence of imprisonment not exceeding three months only, or of fine not exceeding two hundred rupees only, or of whipping only.

Proviso to sections 413 and 414.

415. An appeal may be brought against any sentence referred to in section 413 or section 414 by which any two or more of the punishments therein mentioned are combined, but no sentence which would not otherwise be liable to appeal shall be appealable merely on the ground that the person convicted is ordered to find security to keep the peace.

EXPLANATION.—A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section.

Saving of sentences on European British subjects.

416. Nothing in sections 413 and 414 applies to appeals from sentences passed under Chapter XXXIII on European British subjects.

Appeal on behalf of Government in case of acquittal.

417. The Local Government may direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court.

Appeal on what matters admissible.

418. An appeal may lie on a matter of fact as well as a matter of law, except where the trial was by jury, in which case the appeal shall lie on a matter of law only.

EXPLANATION.—The alleged severity of a sentence shall for the purposes of this section be deemed to be a matter of law.

419. Every appeal shall be made in the form of a petition in writing presented by the appellant or his pleader, and every such petition shall (unless the Court to which it is presented otherwise directs) be accompanied by a copy of the judgment or order appealed against, and, in cases tried by a jury, a copy of the heads of the charge recorded under section 367.

Petition of appeal.

420. If the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

Procedure when appellant in jail.

421. On receiving the petition and copy under section 419 or section 420, the Appellate Court shall peruse the same, and, if it considers that there is no sufficient ground for interfering, it may reject the appeal summarily: Provided that no appeal presented under section 419 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same.

Summary rejection of appeal.

Before rejecting an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.

422. If the Appellate Court does not reject the appeal summarily, it shall cause notice to be given to the appellant or his pleader and to such officer as the Local Government may appoint in this behalf, of the time and place at which such appeal will be heard, and shall, on the application of such officer, furnish him with a copy of the grounds of appeal,

Notice of appeal.

and, in cases of appeals under section 417, the Appellate Court shall cause a like notice to be given to the accused.

423. The Appellate Court shall then send for the record of the case, if such record is not already in Court. After perusing such record, and hearing the appellant or his pleader, if he appears, and the Public Prosecutor, if he appears, and, in case of an appeal under section 417, the accused, if he appears, the Court may, if it considers there is no sufficient ground for interfering, dismiss the appeal, or may—

Powers of Appellate Court in disposing of appeal.

(a) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be retried or committed for trial, as the case may be, or find him guilty and pass sentence on him according to law;

(b) in an appeal from a conviction, (1) reverse the finding and sentence, and acquit or discharge the accused, or order him to be retried by a Court of competent jurisdiction subordinate to such Appellate Court, or committed for trial, or (2) alter the finding, maintaining the sentence, or, with or without altering the finding, reduce the sentence, or (3) with or without such reduction, and with or without altering the finding, alter the nature of the sentence, but not so as to enhance the same;

(c) in an appeal from any other order, alter or reverse such order:

(d) Nothing herein contained shall authorize the Court to alter or reverse the verdict of a jury, unless it is of opinion that such verdict is erroneous owing to a misdirection by the Judge, or to a misunderstanding on the part of the jury of the law as laid down by him.

424. The rules contained in Chapter XXVI as to the judgment of a Criminal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court other than a High Court:

Judgments of subordinate Appellate Courts.

Provided that, unless the Appellate Court otherwise directs, the accused shall not be brought up, or required to attend, to hear judgment delivered.

425. Whenever a case is decided on appeal by the High Court under this chapter, it shall certify its judgment or order to the Court by which the finding, sentence or order appealed against was recorded or passed. If the finding, sentence or order was recorded or passed by a Magistrate other than the District Magistrate, the certificate shall be sent through the District Magistrate.

Order by High Court on appeal to be certified to lower Court.

The Court to which the High Court certifies its judgment or order shall thereupon make such orders as are conformable to the judgment or order of the High Court; and, if necessary, the record shall be amended in accordance therewith.

426. Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, if he is in confinement, that he be released on bail or on his own bond.

Suspension of sentence pending appeal.

Release of appellant on bail.

The power conferred by this section on an Appellate Court may be exercised also by the High Court in the case of any appeal by a convicted person to a Court subordinate thereto.

When the appellant is ultimately sentenced to imprisonment, penal servitude or transportation, the time during which he is so released shall be excluded in computing the term for which he is so sentenced.

427. When an appeal is presented under section 417, the High Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to bail.

Arrest of accused in appeal from acquittal.

428. In dealing with any appeal under this chapter, the Appellate Court, if it thinks additional evidence to be necessary, may either take such evidence itself, or direct it to be taken by a Magistrate,

Appellate Court may take further evidence or direct it to be taken.

Reference and Revision.

or, when the Appellate Court is a High Court, by a Court of Session or a Magistrate.

When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the accused or his pleader shall be present when the additional evidence is taken; but such evidence shall not be taken in the presence of jurors or assessors.

The taking of evidence under this section shall for the purposes of Chapter XXV be deemed to be an inquiry.

Procedure where Judges of Court of appeal are equally divided.

429. When the Judges composing the Court of appeal are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge of the same Court, and such Judge, after such examination and such hearing (if any) as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

Finality of orders on appeal.

430. Judgments and orders passed by an Appellate Court upon appeal shall be final, except in the cases provided for in section 417 and Chapter XXXII.

Abatement of appeals.

431. Every appeal under section 417 shall finally abate on the death of the accused, and every other appeal under this chapter shall finally abate on the death of the appellant.

CHAPTER XXXII.

Of Reference and Revision.

Reference by Presidency Magistrate to High Court.

432. A Presidency Magistrate may, if he thinks fit, refer for the opinion of the High Court any question of law which arises in the hearing of any case pending before him, or may give judgment in any such case subject to the decision of the High Court on such reference; and, pending such decision, may either commit the accused to jail, or release him on bail to appear for judgment when called upon.

Disposal of case according to decision of High Court.

433. When a question has been so referred, the High Court shall pass such order thereon as it thinks fit, and shall cause a copy of such order to be sent to the Magistrate by whom the reference was made, who shall dispose of the case conformably to the said order.

Direction as to costs.

The High Court may direct by whom the costs of such reference shall be paid.

Power to reserve questions arising in original jurisdiction of High Court.

434. When any person has, in a trial before a Judge of a High Court consisting of more Judges than one and acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve and refer for the decision of a Court consisting of two or more Judges of such Court any question of law which has arisen in the course of the trial of such person, and the determination of which would affect the event of the trial.

Procedure when question reserved.

If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail, or, if the Judge thinks fit, be admitted to bail,

and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment or order as the High Court thinks fit.

Power to call for records of inferior Courts.

435. The High Court or any Court of Session, or District Magistrate, or any Sub-divisional Magistrate empowered by the Local Government in this behalf, may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction, for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court.

If any Sub-divisional Magistrate acting under this section considers that any such finding, sentence or order is illegal or improper, or that any such proceedings are irregular, he shall forward the record, with such remarks thereon as he thinks fit, to the District Magistrate.

Orders made under sections 143 and 144 and proceedings under section 176 are not proceedings within the meaning of this section.

Power to order commitment.

436. When, on examining the record of any case under section 435 or otherwise, the Court of Session or District Magistrate considers that such case is triable exclusively by the Court of Session, and that an accused person has been improperly discharged by the inferior Court, the Court of Session or District Magistrate may cause him to be arrested, and may thereupon, instead of directing a fresh inquiry, order him to be committed for trial upon the matter of which he has been, in the opinion of the Court of Session or District Magistrate, improperly discharged:

Provided as follows—

(*a*) that the accused has had an opportunity of showing cause to such Court or Magistrate why the commitment should not be made:

(*b*) that, if such Court or Magistrate thinks that the evidence shows that some other offence has been committed by the accused, such Court or Magistrate may direct the inferior Court to inquire into such offence.

Power to order inquiry.

437. On examining any record, under section 435 or otherwise, the High Court or Court of Session may direct the District Magistrate by himself or by any of the Magistrates subordinate to him to make, and the District Magistrate may himself make, or direct any subordinate Magistrate to make, further inquiry into any complaint which has been dismissed under section 203, or into the case of any accused person who has been discharged.

Report to High Court.

438. The Court of Session or District Magistrate may, if it or he thinks fit, on examining under section 435 or otherwise the record of any proceeding, report for the orders of the High Court the results of such examination, and, when such report contains a recommendation that a sentence be reversed, may order that the execution of such sentence be suspended, and if the accused is in confinement that he be released on bail or on his own bond.

High Court's powers of revision.

439. In the case of any proceeding the record of which has been called for by itself, or which has been reported for orders, or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of appeal by sections 195, 423, 426, 427 and 428, or on a Court by section 338, and may enhance the sentence, and, when the Judges composing the Court of revision are equally divided in opinion, the case shall be disposed of in manner provided by section 429.

No order under this section shall be made to the prejudice of the accused unless he has had an opportunity of being heard either personally or by pleader in his own defence.

Where the sentence dealt with under this section has been passed by a Magistrate acting otherwise than under section 34, the Court shall not inflict a greater punishment for the offence which, in the opinion of such Court, the accused has committed, than might have been inflicted for such offence by a Presidency Magistrate or a Magistrate of the first class.

Nothing in this section applies to an entry made under section 273, or shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction.

Optional with Court to hear parties.

440. No party has any right to be heard either personally or by pleader before any Court when exercising its powers of revision: Provided that the Court may, if it thinks fit, when exercising such powers, hear any party either personally or by pleader, and that nothing in this section shall be deemed to affect section 439, paragraph two.

Statement by Presidency Magistrate of grounds of his decision to be considered by High Court.

441. When the record of any proceeding of any Presidency Magistrate is called for by the High Court under section 435, the Magistrate may submit with the record a statement setting forth the grounds of his decision or order and any facts which he thinks material to the issue; and the Court shall consider such statement before overruling or setting aside the said decision or order.

High Court's order to be certified to lower Court or Magistrate.

442. When a case is revised under this chapter by the High Court, it shall certify its decision or order to the Court by which the finding, sentence or order revised was recorded or passed, and the Court or Magistrate to which the decision or order is so certified shall thereupon make such orders as are conformable to the decision so certified; and, if necessary, the record shall be amended in accordance therewith.

PART VIII.

SPECIAL PROCEEDINGS.

CHAPTER XXXIII.

CRIMINAL PROCEEDINGS AGAINST EUROPEANS AND AMERICANS.

Magistrates who may inquire into and try charges against European British subjects.

443. No Magistrate, unless he is a Justice of the Peace, and (except in the case of a Presidency Magistrate) unless he is a Magistrate of the first class and an European British subject, shall inquire into or try any charge against an European British subject.

Sessions Judge to be an European British subject.

444. No Judge presiding in a Court of Session shall exercise jurisdiction over an European British subject unless he himself is an European British subject; and, if he is an Assistant Sessions Judge, unless he has held the office of Assistant Sessions Judge for at least three years, and has been specially empowered in this behalf by the Local Government.

Assistant Sessions Judge to have held office for three years and to be specially empowered.

Cognizance of offence committed by European British subject.

445. Nothing in section 443 or section 444 shall prevent any Magistrate from taking cognizance of an offence committed by any European British subject in any case in which he could take cognizance of a like offence if committed by another person:

Provided that, if he issues any process for the purpose of compelling the appearance of an European British subject accused of an offence, such process shall be made returnable before a Magistrate having jurisdiction to inquire into or try the case.

Criminal Proceedings against Europeans and Americans.

Sentences which may be passed by Provincial Magistrates.

446. Notwithstanding anything contained in section 32 or section 34, no Magistrate other than a Presidency Magistrate shall pass any sentence on an European British subject other than imprisonment for a term which may extend to three months, or fine which may extend to one thousand rupees, or both.

When commitment is to be to Court of Session and when to High Court.

447. When an European British subject is accused of an offence before a Magistrate, and such offence cannot, in the opinion of such Magistrate, be adequately punished by him, and is not punishable with death or with transportation for life, such Magistrate shall, if he thinks that the accused ought to be committed, commit him to the Court of Session, or, in the case of a Presidency Magistrate, to the High Court.

When the offence which appears to have been committed is punishable with death or with transportation for life, the commitment shall be to the High Court.

Trial of offences of which one is, and the others are not, punishable with death or transportation for life.

448. Where any person committed to the High Court under section 447 is charged with several offences of which one is punishable with death or transportation for life and the others with a less punishment, and the High Court considers that he should not be tried for the offence punishable with death or transportation, the High Court may nevertheless try him for the other offences.

Sentences which may be passed by Court of Session.

449. Notwithstanding anything contained in section 31, no Court of Session shall pass on any European British subject any sentence other than a sentence of imprisonment for a term which may extend to one year, or fine, or both.

Procedure when Sessions Judge finds his powers inadequate.

If, at any time after the commitment and before signing judgment, the presiding Judge thinks that the offence which appears to be proved cannot be adequately punished by such a sentence, he shall record his opinion to that effect and transfer the case to the High Court Such Judge may either himself bind over, or direct the committing Magistrate to bind over, the complainant and witnesses to appear before the High Court.

Procedure when Sessions Judge is not an European British subject.

450. If the Judge of the Sessions Division within which the offence is ordinarily triable is not an European British subject, the case shall be reported by the committing Magistrate for the orders of the highest Court of criminal appeal for the province within which such division is situate.

In British Burma the Court of the Recorder of Rangoon shall, for the purposes of this section, be deemed to be the highest Court of criminal appeal.

Mixed jury for trial of European British subjects.

451. In trials of European British subjects before a High Court or Court of Session, if, before the first juror is called and accepted, or the first assessor is appointed, as the case may be, any such subject requires to be tried by a mixed jury, or by a mixed set of assessors, not less than half the number of the jurors or assessors shall be Europeans or Americans, or both Europeans and Americans.

Trial of European British subject and Native jointly accused.

452. In any case in which an European British subject is accused jointly with a person not being an European British subject, and such European British subject is committed for trial before a High Court or Court of Session, such subject and person may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately:

When native may claim separate trial.

Provided that, if the European British subject requires under section 451 to be tried by a mixed jury, or by a mixed set of assessors, and the person not being an European British subject requires that he shall be tried separately, the latter person shall be tried separately in accordance with the provisions of Chapter XXIII.

Procedure on claim of person to be dealt with as European British subject.

453. When any person claims to be dealt with as an European British subject, he shall state the grounds of such claim to the Magistrate before whom he is brought for the purposes of the inquiry or trial; and such Magistrate shall inquire into the truth of such statement, and allow the person making it a reasonable time within which to prove that it is true, and shall then decide whether he is or is not an European British subject, and shall deal with him accordingly. If any such person is convicted by such Magistrate and appeals from such conviction, the burden of proving that the Magistrate's said decision was wrong shall lie upon him.

When any such person is committed by the Magistrate for trial before the Court of Session, and such person before such Court claims to be dealt with as an European British subject, such Court shall, after such further inquiry, if any, as it thinks fit, decide whether he is or is not an European British subject, and shall deal with him accordingly. If he is convicted by such Court and appeals from such conviction, the burden of proving that the Court's said decision was wrong shall lie upon him.

When the Court before which any person is tried decides that he is not an European British subject, such decision shall form a ground of appeal from the sentence or order passed in such trial.

Failure to plead status a waiver.

454. If an European British subject does not claim to be dealt with as such by the Magistrate before whom he is tried or by whom he is committed, or if, when such claim has been made before, and disallowed by, the committing Magistrate, it is not again made before the Court to which such subject is committed, he shall be held to have relinquished his right to be dealt with as such European British subject, and shall not assert it in any subsequent stage of the same case.

Unless the Magistrate has reason to believe that any person brought before him is not an European British subject, the Magistrate shall ask such person whether he is such a subject or not.

Trial under this chapter of person not an European British subject.

455. Where a person who is not an European British subject is dealt with as such under this chapter, and does not object, the inquiry, commitment, trial or sentence (as the case may be) shall not, by reason of such dealing, be invalid.

Right of European British subject unlawfully detained to apply for order to be brought before High Court.

456. When any European British subject is unlawfully detained in custody by any person, such European British subject or any person on his behalf may apply to the High Court which would have jurisdiction over such European British subject in respect of any offence committed by him at the place where he is detained, or to which he would be entitled to appeal from any conviction for any such offence, for an order directing the person detaining him to bring him before the High Court to abide such further order as it may pass.

Procedure on such application.

457. The High Court, if it thinks fit, may, before issuing such order, inquire, on affidavit or otherwise, into the grounds on which it is applied for, and grant or refuse such application; or it may issue the order in the first instance, and, when the person applying for it is brought before it, it may make such further order in the case as it thinks fit, after such inquiry (if any) as it thinks necessary.

Territories throughout which High Court may issue such orders.

458. The High Court may issue such orders throughout the territories within the local limits of its appellate criminal jurisdiction, and such other territories as the Governor General in Council may direct.

Application of Acts conferring jurisdiction on Magistrates or Courts of Session.

459. Unless there is something repugnant in the context, all enactments heretofore or hereafter made by the Governor General in Council, which confer on Magistrates or on the Court of Session jurisdiction over offences, shall be deemed to apply to European British subjects, although such persons be not expressly referred to therein.

Nothing in this section shall be deemed to authorize any Court to exceed the limits prescribed by this chapter as to the amount of punishment which it may inflict on an European British subject, or to confer jurisdiction on any Magistrate not being a Justice of the Peace or on any Magistrate or Sessions Judge outside the Presidency-towns not being an European British subject.

Jury for trial of Europeans or Americans.

460. In every case triable by jury or with the aid of assessors, in which an European (not being an European British subject) or an American is the accused person, or one of the accused persons, not less than half the number of jurors or assessors shall, if practicable and if such European or American so claims, be Europeans or Americans.

Jury when European or American charged jointly with one of another race.

461. Whenever an European or American is charged before the Court of Session jointly with a person not an European or American, and in compliance with a claim made under section 460 is tried by a jury, or with the aid of a set of assessors, of which at least one-half consists of Europeans and Americans, the latter person shall, if he so claims, be tried separately.

Summoning and empanelling jurors under section 451 or 460.

462. When a trial is to be held before the Court of Session in which the accused person, or one of the accused persons, is entitled to be tried by a jury constituted under the provisions of section 451 or section 460, the Court shall, three days at least before the day fixed for holding such trial, cause to be summoned, in the manner hereinbefore prescribed, as many European and American jurors as are required for the trial.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons has been already summoned for trials by jury at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be chosen by lot in the manner prescribed in section 276, until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as practicable, has been obtained:

Provided that in any case in which the proper number of Europeans and Americans cannot otherwise be obtained, the Court may, in its discretion, for the purpose of constituting the jury, summon any person excluded from the list on the ground of his being exempted under section 320.

Conduct of criminal proceedings against European British subjects, &c.

463. Criminal proceedings against European British subjects, Europeans not being European British subjects, and Americans, before the Court of Session and High Court, shall, except as otherwise expressly provided, be conducted according to the provisions of this Code.

CHAPTER XXXIV.

LUNATICS.

Procedure in case of accused being lunatic.

464. When a Magistrate holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the District or such other medical officer as the Local Government directs, and thereupon shall examine such Surgeon or other officer as a witness, and shall reduce the examination to writing.

If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he shall postpone further proceedings in the case.

Procedure in case of person committed before Court of Session or High Court being lunatic.

465. If any person committed for trial before a Court of Session or a High Court appears to the Court at his trial to be of unsound mind and consequently incapable of making his defence, the jury or the Court with the aid of assessors shall, in the first instance, try the fact of such unsoundness and incapacity, and, if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial shall be postponed.

The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.

Release of lunatic pending investigation or trial.

466. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court, as the case may be, if the case is one in which bail may be taken, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf.

Custody of lunatic.

If the case is one in which bail may not be taken, or if sufficient security is not given, the Magistrate or Court shall report the case to the Local Government, and the Local Government may order the accused to be confined in a lunatic asylum or other suitable place of safe custody, and the Magistrate or Court shall give effect to such order.

Resumption of inquiry or trial.

467. Whenever an inquiry or a trial is postponed under section 464 or section 465, the Magistrate or Court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such Magistrate or Court.

When the accused has been released under section 466, and the sureties for his appearance produce him to the officer whom the Magistrate or Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

Procedure on accused appearing before Magistrate or Court.

468. If, when the accused appears or is again brought before the Magistrate or the Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed.

If the Magistrate or Court considers the accused person to be still incapable of making his defence, the Magistrate or Court shall again act according to the provisions of section 464 or section 465, as the case may be.

When accused appears to have been insane.

469. When the accused appears to be of sound mind at the time of inquiry or trial, and the Magistrate is satisfied from the evidence given before him that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate shall proceed with the case, and, if the accused ought to be committed to the Court of Session or High Court, send him for trial before the Court of Session or High Court, as the case may be.

Judgment of acquittal on ground of lunacy.

470. Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not.

Person acquitted on such ground to be kept in safe custody.

471. Whenever such judgment states that the accused person committed the act alleged, the Magistrate or Court before whom or which the trial has been held shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody in such place and manner as the Magistrate or Court thinks fit, and shall report the case for the orders of the Local Government.

The Local Government may order such person to be confined in a lunatic asylum, jail or other suitable place of safe custody.

Lunatic prisoners to be visited by Inspector General.

472. When any person is confined under the provisions of section 466 or section 471, the Inspector General of Prisons, if such person is confined in a jail, or the visitors of the lunatic asylum, or any two of them, if he is confined in a lunatic asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such visitors as aforesaid; and such Inspector General or visitors shall make a special report to the Local Government as to the state of mind of such person.

Procedure where lunatic prisoner is reported capable of making his defence.

473. If such person is confined under the provisions of section 466, and such Inspector General or visitors shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court, as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall deal with such person under the provisions of section 468; and the

Proceedings in case of certain offences affecting Administration of Justice.

certificate of such Inspector General or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic confined under section 466 or 471 is declared fit to be discharged.

474. If such person is confined under the provisions of section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon order him to be discharged, or to be detained in custody, or to be transferred to a public lunatic asylum if he has not been already sent to such an asylum; and, in case it orders him to be transferred to an asylum, may appoint a commission, consisting of a judicial and two medical officers.

Such commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government, which may order his discharge or detention as it thinks fit.

Delivery of lunatic to care of relative.

475. Whenever any relative or friend of any person confined under the provisions of section 466 or section 471 desires that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and on his giving security to the satisfaction of such Government that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relative or friend.

Whenever such person is so delivered, it shall be upon condition that he shall be produced for the inspection of such officer and at such times as the Local Government directs.

The provisions of sections 472 and 474 shall, *mutatis mutandis*, apply to persons delivered under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be receivable as evidence.

CHAPTER XXXV.

PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE.

Procedure in cases mentioned in section 195.

476. When any Civil, Criminal or Revenue Court is of opinion that there is ground for inquiring into any offence referred to in section 195, and committed before it or brought under its notice in the course of a judicial proceeding, such Court, after making any preliminary inquiry that may be necessary, may send the case for inquiry or trial to the nearest Magistrate of the first class, and may send the accused in custody, or take sufficient security for his appearance, before such Magistrate; and may bind over any person to appear and give evidence on such inquiry or trial.

Such Magistrate shall thereupon proceed according to law, and may, if he is authorized under section 192 to transfer cases, transfer the inquiry or trial to some other competent Magistrate.

Power of Court of Session as to such offences committed before itself.

477. Subject to the provisions of section 444, a Court of Session may charge a person for any offence referred to in section 195 and committed before it, or brought under its notice in the course of a judicial proceeding, and may commit, or admit to bail and try, such person upon its own charge.

Such Court may direct the Magistrate to cause the attendance of any witnesses for the purposes of the trial.

Power of Civil and Revenue Courts to complete investigation and commit to High Court or Court of Session.

478. When any such offence is committed before any Civil or Revenue Court, or brought under the notice of any Civil or Revenue Court in the course of a judicial proceeding, and the case is triable exclusively by the High Court or Court of Session, or such Civil or Revenue Court thinks that it ought to be tried by the High Court or Court of Session, such Civil or Revenue Court may, instead of sending the case under section 476 to a Magistrate for inquiry, itself complete the inquiry, and commit or hold to bail the accused person to take his trial before the High Court or Court of Session, as the case may be.

For the purposes of an inquiry under this section, the Civil or Revenue Court may, subject to the provisions of section 443, exercise all the powers of a Magistrate; and its proceedings in such inquiry shall be conducted as nearly as may be in accordance with the provisions of Chapter XVIII, and shall be deemed to have been held by a Magistrate.

Procedure of Civil Court in such cases.

479. When any such commitment is made by a Civil or Revenue Court, the Court shall send the charge with the order of commitment and the record of the case to the Presidency Magistrate, District Magistrate or other Magistrate authorized to commit for trial; and such Magistrate shall bring the case before the High Court or Court of Session, as the case may be, together with the witnesses for the prosecution and defence.

Procedure in certain cases of contempt.

480. When any such offence as is described in section 175, section 178, section 179, section 180, or section 228 of the Indian Penal Code is committed in the view or presence of any Civil, Criminal or Revenue Court, the Court may cause the offender, whether he is an European British subject or not, to be detained in custody; and at any time before the rising of the Court on the same day may, if it thinks fit, take cognizance of the offence and sentence the offender to fine not exceeding two hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

Proceedings in case of certain offences affecting Administration of Justice.

Nothing in section 443 or section 444 shall be deemed to apply to proceedings under this section.

Record in such cases.

481. In every such case, the Court shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult.

Procedure where Court considers that case should not be dealt with under section 480.

482. If the Court in any case considers that a person accused of any of the offences referred to in section 480 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 480, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, shall forward such person under custody to such Magistrate.

The Magistrate to whom any case is forwarded under this section shall proceed to hear the complaint against the accused person in manner hereinbefore provided.

When Registrar or Sub-Registrar to be deemed a Civil Court within sections 480 and 482.

483. When the Local Government so directs, any Registrar or any Sub-Registrar appointed under the Indian Registration Act, 1877, shall be deemed to be a Civil Court within the meaning of sections 480 and 482.

Discharge of offender on submission or apology.

484. When any Court has under section 480 adjudged an offender to punishment for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Imprisonment or committal of person refusing to answer or produce document.

485. If any witness before a Criminal Court refuses to answer such questions as are put to him, or to produce any document in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, for reasons to be recorded in writing, sentence him to simple imprisonment, or by warrant under the hand of the presiding Magistrate or Judge commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer, or to produce the document. In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 480 or section 482, and, in the case of a Court established by Royal Charter, shall be deemed guilty of a contempt.

Appeals from convictions in contempt-cases.

486. Any person sentenced by any Court under section 480 or section 485 may, notwithstanding anything hereinbefore contained, appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.

The provisions of Chapter XXXI shall, so far as they are applicable, apply to appeals under this section, and the Appellate Court may alter or reverse the finding or reduce or reverse the sentence appealed against.

An appeal from such conviction by a Court of Small Causes in a Presidency-town shall lie to the High Court, and

an appeal from such conviction by any other Court of Small Causes shall lie to the Court of Session for the Sessions Division within which such Court is situate.

An appeal from such conviction by any officer as Registrar or Sub-Registrar appointed as aforesaid may, when such officer is also Judge of a Civil Court, be made to the Court to which it would, under the preceding portion of this section, be made if such conviction were a decree by such officer in his capacity as such Judge, and in other cases may be made to the District Judge, or, in the Presidency-towns, to the High Court.

Certain Judges and Magistrates not to try offences referred to in section 195 when committed before themselves.

487. Except as provided in sections 477, 480 and 485, no Judge of a Criminal Court or Magistrate, other than a Judge of a High Court, the Recorder of Rangoon, and the Presidency Magistrates, shall try any person for any offence referred to in section 195, when such offence is committed before himself or in contempt of his authority, or is brought under his notice as such Judge or Magistrate in the course of a judicial proceeding.

Nothing in section 476 or section 482 shall prevent a Magistrate empowered to commit to the Court of Session or High Court from himself committing any case to such Court, or shall prevent a Presidency Magistrate from himself disposing of any case instead of sending it for inquiry to another Magistrate.

CHAPTER XXXVI.

OF THE MAINTENANCE OF WIVES AND CHILDREN.

Maintenance of Wives and Children.

Order for maintenance of wives and children.

488. If any person having sufficient means neglects or refuses to maintain his wife or his legitimate or illegitimate child unable to maintain itself, the District Magistrate, a Presidency Magistrate, a Sub-divisional Magis-

Maintenance of Wives and Children.

trate, or a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, at such monthly rate, not exceeding fifty rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs.

Such allowance shall be payable from the date of the order.

Enforcement of order.

If any person so ordered wilfully neglects to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in manner hereinbefore provided for levying fines, and may sentence such person, for the whole or any part of each month's allowance remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month:

Proviso.

Provided that, if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her; and may make an order under this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

On proof that any wife in whose favour an order has been made under this section is living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent, the Magistrate shall cancel the order.

All evidence under this chapter shall be taken in the presence of the husband or father, as the case may be, or, when his personal attendance is dispensed with, in the presence of his pleader, and shall be recorded in the manner prescribed in the case of summons-cases.

Alteration in allowance.

489. On proof of a change in the circumstances of any person receiving under section 488 a monthly allowance, or ordered under the same section to pay a monthly allowance to his wife or child, the Magistrate may make such alteration in the allowance as he thinks fit, provided the monthly rate of fifty rupees be not exceeded.

Enforcement of order of maintenance.

490. A copy of the order of maintenance shall be given without payment to the person in whose favour it is made, or to his guardian, if any, or to the person to whom the allowance is to be paid; and such order shall be enforceable by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance due.

CHAPTER XXXVII.

DIRECTIONS OF THE NATURE OF A HABEAS CORPUS.

Power to issue directions of the nature of a *habeas corpus.*

491. Any of the High Courts of Judicature at Fort William, Madras and Bombay may, whenever it thinks fit, direct—

(*a*) that a person within the limits of its ordinary original civil jurisdiction be brought up before the Court to be dealt with according to law;

(*b*) that a person illegally or improperly detained in public or private custody within such limits be set at liberty;

(*c*) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;

(*d*) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners acting under the authority of any Commission from the Governor General in Council for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively;

(*e*) that a prisoner within such limits be removed from one custody to another for the purpose of trial; and

(*f*) that the body of a defendant within such limits be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment.

Each of the said High Courts may, from time to time, frame rules to regulate the procedure in cases under this section.

Nothing in this section applies to persons detained under Bengal Regulation III of 1818, Madras Regulation II of 1819 or Bombay Regulation XXV of 1827, or the Acts of the Governor General in Council No. XXXIV of 1850 or No. III of 1858.

PART IX.

SUPPLEMENTARY PROVISIONS.

CHAPTER XXXVIII.

OF THE PUBLIC PROSECUTOR.

Public Prosecutor.

Power to appoint Public Prosecutors.

492. The Governor General in Council or the Local Government may appoint, generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called Public Prosecutors.

In any case committed for trial to the Court of Session, the District Magistrate, or, subject to the control of the District Magistrate, the Sub-divisional Magistrate, may, in the absence of the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of police below the rank of Assistant District Superintendent, to be Public Prosecutor for the purpose of such case.

Public Prosecutor may plead in all Courts in cases under his charge.

493. The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under inquiry, trial or appeal; and, if any private person instructs a pleader to prosecute in any Court any person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall act therein under his directions.

Pleaders, privately instructed, to be under his direction.

Effect of withdrawal from prosecution.

494. Any Public Prosecutor appointed by the Governor General in Council or the Local Government may, with the consent of the Court, in cases tried by jury before the return of the verdict, and in other cases before the judgment is pronounced, withdraw from the prosecution of any person; and, upon such withdrawal,

(*a*) if it is made before a charge has been framed, the accused shall be discharged;

(*b*) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted.

Permission to conduct prosecution.

495. Any Magistrate inquiring into or trying any case may permit any person other than an officer of police below the rank of Police Inspector to conduct the prosecution; but no person, other than the Advocate General, Standing Counsel, Government Solicitor, Public Prosecutor or other officer generally or specially empowered by the Local Government in this behalf shall be entitled to do so without such permission.

Any person conducting the prosecution may do so personally or by a pleader.

CHAPTER XXXIX.

OF BAIL.

Bail to be taken in case of bailable offence.

496. When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a Police-station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such Court to give bail, such person shall be released on bail: Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

When bail may be taken in case of non-bailable offence.

497. When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a Police-station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

Any Court may, at any subsequent stage of any proceeding under this Code, cause any person who has been released under this section to be arrested, and may commit him to custody.

Power to direct admission to bail or reduction of bail.

498. The amount of every bond executed under this chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive; and the High Court or Court of Session may in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a Police-officer or Magistrate be reduced.

Bond of accused and sureties.

499. Before any person is released on bail or released on his own bond, a bond for such sum of money as the Police-officer or Court, as the case may be, thinks sufficient shall be executed by such person, and, when he is released on bail, by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the Police-officer or Court, as the case may be.

If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

Discharge from custody.

500. As soon as the bond has been executed, the person for whose appearance it has been executed shall be released; and when he is in jail the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

Nothing in this section, section 496 or section 497 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

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Commissions for Examination of Witnesses.

Power to order sufficient bail when that first taken is insufficient.

501. If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it, and may order him to find sufficient sureties, and on his failing so to do may commit him to jail.

Discharge of sureties.

502. All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond either wholly or so far as relates to the applicants.

On such application being made, the Magistrate shall issue his warrant of arrest, directing that the person so released be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he fails to do so, may commit him to custody.

CHAPTER XL.

OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES.

When attendance of witness may be dispensed with.

503. Whenever, in the course of an inquiry, a trial or any other proceeding under this Code, it appears to a Presidency Magistrate, a District Magistrate, a Court of Session or the High Court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate or Magistrate of the first class, within the local limit of whose jurisdiction such witness resides, to take the evidence of such witness.

Issue of commission, and procedure thereunder.

When the witness resides in the dominions of any Prince or State in alliance with Her Majesty in which there is an officer representing the British Indian Government, the commission may be issued to such officer.

The Magistrate or officer to whom the commission is issued, or, if he is the District Magistrate, he or such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is, or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under this Code.

Commission in case of witness being within Presidency-town.

504. If the witness is within the local limits of the jurisdiction of any Presidency Magistrate, the Magistrate or Court issuing the commission may direct the same to the said Presidency Magistrate, who thereupon may compel the attendance of, and examine, such witness as if he were a witness in a case pending before himself.

Nothing in this section shall be deemed to affect the power of the High Court to issue commissions under the thirty-ninth and fortieth of Victoria, chapter 46, section 3.

Parties may examine witness.

505. The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the Magistrate or Court directing the commission may think relevant to the issue, and the Magistrate or officer to whom the commission is directed shall examine the witness upon such interrogatories.

Any such party may appear before such Magistrate or officer by pleader, or, if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

Power of Provincial Subordinate Magistrate to apply for issue of commission.

506. Whenever, in the course of an inquiry or a trial or any other proceeding under this Code before any Magistrate other than a Presidency Magistrate or District Magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate shall apply to the District Magistrate, stating the reasons for the application; and the District Magistrate may either issue a commission in the manner hereinbefore provided or reject the application.

Return of commission.

507. After any commission issued under section 503 or section 506 has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

Adjournment of inquiry or trial.

508. In every case in which a commission is issued under section 503 or section 506, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

CHAPTER XLI.

SPECIAL RULES OF EVIDENCE.

Deposition of medical witness.

509. The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate in the presence of the accused, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

Power to summon medical witness.

The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

Report of Chemical Examiner.

510. Any document purporting to be a report under the hand of the Chemical Examiner or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.

Previous conviction or acquittal how proved.

511. In any inquiry, trial or other proceeding under this Code a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force,—

(*a*) by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had to be a copy of the sentence or order; or

(*b*) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered;

together with, in each of such cases, evidence as to the identity of the accused person with the person so convicted or acquitted.

Record of evidence in absence of accused.

512. If it be proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try or commit for trial such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions. Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into or trial for the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

CHAPTER XLII.

PROVISIONS AS TO BONDS.

Deposit instead of recognizance.

513. When any person is required by any Court or officer to execute a bond, with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix in lieu of executing such bond.

Procedure on forfeiture of bond.

514. Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a Presidency Magistrate or Magistrate of the first class,

or, when the bond is for appearance before a Court, to the satisfaction of such Court,

that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person.

Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the distress and sale of any moveable property belonging to such person without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

If such penalty be not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

The Court may at its discretion remit any portion of the penalty mentioned and enforce payment in part only.

Appeals from, and revision of, orders under section 514.

515. All orders passed under section 514 by any Magistrate other than a Presidency Magistrate or District Magistrate shall be appealable to the District Magistrate, or, if not so appealed, may be revised by him.

Power to direct levy of amount due on certain recognizances.

516. The High Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court or Court of Session.

CHAPTER XLIII.

OF THE DISPOSAL OF PROPERTY.

Order for disposal of property regarding which offence committed.

517. When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal of any document or other property produced before it regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

When a High Court or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the District Magistrate.

When an order is made under this section in a case in which an appeal lies, such order shall not (except when the property is livestock or is subject to speedy and natural decay) be carried out until the period allowed for presenting such appeal has passed, or, when such appeal is presented within such period, until such appeal has been disposed of.

EXPLANATION.—In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

Order may take form of reference to District or Sub-divisional Magistrate.

518. In lieu of itself passing an order under section 517, the Court may direct the property to be delivered to the District Magistrate or to a Sub-divisional Magistrate, who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

Payment to innocent purchaser of money found on accused.

519. When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Stay of order under section 517, 518 or 519.

520. Any Court of appeal, confirmation, reference or revision may direct any order under section 517, section 518 or section 519, passed by a Court subordinate thereto, to be stayed pending consideration by the former Court; and may modify, alter or annul such order.

Destruction of libellous and other matter.

521. On a conviction under the Indian Penal Code, section 292, section 293, section 501 or section 502, the Court may order the destruction of all the copies of the thing in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted.

The Court may in like manner, on a conviction under the Indian Penal Code, section 272, section 273, section 274 or section 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed.

Power to restore possession of immoveable property.

522. Whenever a person is convicted of an offence attended by criminal force, and it appears to the Court that, by such force, any person has been dispossessed of any immoveable property, the Court may, if it thinks fit, order such person to be restored to the possession of the same.

No such order shall prejudice any right or interest to or in such immoveable property which any person may be able to establish in a civil suit.

Procedure by police upon seizure of property taken under section 51 or stolen.

523. The seizure by any Police-officer of property taken under section 51, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the delivery of such property to the person entitled to the possession thereof, or, if such person cannot be ascertained, respecting the custody and production of such property.

Procedure where owner of property seized unknown.

If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it, and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before him and establish his claim within six months from the date of such proclamation.

Procedure where no claimant appears within six months.

524. If no person within such period establishes his claim to such property, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government, and may be sold under the orders of the Presidency Magistrate, District Magistrate or Sub-divisional Magistrate or of a Magistrate of the first class empowered by the Local Government in this behalf.

In the case of every order passed under this section, an appeal shall lie to the Court to which appeals against sentences of the Court passing such order would lie.

525. If the person entitled to the possession of such property is unknown or absent, and the property is subject to speedy and natural decay, or the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, the Magistrate may at any time direct it to be sold; and the provisions of sections 523 and 524 shall, as nearly as may be practicable, apply to the nett proceeds of such sale.

Power to sell perishable property.

CHAPTER XLIV.

Of the Transfer of Criminal Cases.

526. Whenever it is made to appear to the High Court—

High Court may transfer case, or itself try it.

(*a*) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(*b*) that some question of law of unusual difficulty is likely to arise, or

(*c*) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or

(*d*) that an order under this section will tend to the general convenience of the parties or witnesses,

it may order—

(1) that any offence be inquired into or tried by any Court not empowered under sections 177 to 184 (both inclusive), but in other respects competent to inquire into or try such offence;

(2) that any particular criminal case or appeal, or class of such cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equa of superior jurisdiction; or

(3) that any particular criminal case or appeal be transferred to and tried before itself.

When the High Court withdraws for trial before itself any case from any Court other than the Court of a Presidency Magistrate, it shall, except as provided in section 267, observe in such trial the same procedure which that Court would have observed if the case had not been so withdrawn.

Every application for the exercise of the power conferred by this section shall be made by motion which shall, except when the applicant is the Advocate General, be supported by affidavit or affirmation.

When an accused person makes an application under this section, the High Court may direct him to execute a bond, with or without sureties, conditioned that he will, if convicted, pay the costs of the prosecutor.

Every accused person making any such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

Notice to Public Prosecutor of application under this section.

Nothing in this section shall be deemed to affect any order made under section 197.

527. The Governor General in Council may, by notification in the *Gazette of India*, direct the transfer of any particular criminal case or appeal from one High Court to another High Court, or from any Criminal Court subordinate to one High Court to any other Criminal Court of equal or superior jurisdiction subordinate to another High Court, whenever it appears to him that such transfer will promote the ends of justice, or tend to the general convenience of parties or witnesses.

Power of Governor General in Council to transfer criminal cases and appeals.

The Court to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in, or presented to, such Court.

528. Any District Magistrate or Sub-divisional Magistrate may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

District or Sub-divisional Magistrate may withdraw or refer cases.

The Local Government may authorize the District Magistrate to withdraw from the Magistrates subordinate to him either such classes of cases as he thinks proper, or particular classes of cases.

Power to authorize District Magistrate to withdraw classes of cases.

CHAPTER XLV.

Of Irregular Proceedings.

529. If any Magistrate not empowered by law to do any of the following things, namely:—

Irregularities which do not vitiate proceedings.

(*a*) to issue a search-warrant, under section 98;

(*b*) to order, under section 155, the police to investigate an offence;

(*c*) to hold an inquest under section 176;

(*d*) to issue process, under section 186, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits;

(e) to take cognizance of an offence under section 191, clause (a) or clause (b);

(f) to transfer a case under section 192;

(g) to tender a pardon under section 337 or section 338;

(h) to sell property under section 524 or section 525; or

(i) to withdraw a case and try it himself under section 528;

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

Irregularities which vitiate proceedings.

530. If any Magistrate, not being empowered by law in this behalf, does any of the following things (namely):—

(a) attaches and sells property under section 88;

(b) issues a search-warrant for a letter in the Post-office, or a telegram in the Telegraph Department;

(c) demands security to keep the peace;

(d) demands security for good behaviour;

(e) discharges a person lawfully bound to be of good behaviour;

(f) cancels a bond to keep the peace;

(g) makes an order under section 133 as to a local nuisance;

(h) prohibits under section 143 the repetition or continuance of a public nuisance;

(i) issues an order under section 144;

(j) makes an order under Chapter XII;

(k) takes cognizance under section 191, clause (c), of an offence;

(l) passes a sentence under section 349, on proceedings recorded by another Magistrate;

(m) calls under section 435, for proceedings;

(n) makes an order for maintenance;

(o) revises under section 515, an order passed under section 514;

(p) tries an offender;

(q) tries an offender summarily; or

(r) decides an appeal;

his proceedings shall be void.

Proceedings in wrong place.

531. No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding in the course of which it was arrived at or passed took place in a wrong Sessions Division, District, Sub-division or other local area, unless it appears that such error occasioned a failure of justice.

When irregular commitments may be validated.

532. If any Magistrate or other authority purporting to exercise powers duly conferred, which were not so conferred, commits an accused person for trial before a Court of Session or High Court, the Court to which the commitment is made may, after perusal of the proceedings, accept the commitment if it considers that the accused has not been injured thereby, unless, during the inquiry and before the order of commitment, objection was made on behalf either of the accused or of the prosecution to the jurisdiction of such Magistrate or other authority.

If such Court considers that the accused was injured, or if such objection was so made, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

Non-compliance with provisions of section 164 or 364.

533. If any Court before which a confession or other statement of an accused person recorded under section 164 or section 364 is tendered in evidence finds that the provisions of such section have not been fully complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded; and, notwithstanding anything contained in the Indian Evidence Act, section 91, such statement shall be admitted if the error has not injured the accused as to his defence on the merits.

Omission to ask question prescribed by section 454, clause 2.

534. An omission to ask any person whether he is an European British subject in a case to which the second clause of section 454 applies shall not affect the validity of any proceeding.

Effect of omission to prepare charge.

535. No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of the Court of appeal or revision, a failure of justice has been occasioned thereby.

If the Court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge shall be framed, and that the trial be recommenced from the point immediately after the framing of the charge.

Trial by jury of offence triable with assessors.

536. If an offence triable with the aid of assessors is tried by a jury, the trial shall not on that ground only be invalid.

Trial with assessors of offence triable by jury.

If an offence triable by a jury is tried with the aid of assessors, the trial shall not on that ground only be invalid, unless the objection is taken before the Court records its finding.

Finding or sentence when reversible by reason of error or omission in charge or other proceedings.

537. Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered under Chapter XXVII or on appeal or revision on account—

of any error, omission or irregularity in the complaint, summons, warrant, charge, judgment or

other proceedings before or during trial or in any inquiry or other proceeding under this Code, or

of the want of any sanction required by section 195, or

of the omission to revise any list of jurors or assessors in accordance with section 324, or

of any misdirection in any charge to a jury;

unless such error, omission, irregularity, want or misdirection has occasioned a failure of justice.

Distress not illegal nor distrainer a trespasser for defect or want of form in proceedings.

538. No distress made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of distress or other proceedings relating thereto.

CHAPTER XLVI.

Miscellaneous.

Courts and persons before whom affidavits may be sworn.

539. Affidavits and affirmations to be used before any High Court or any officer of such Court may be sworn and affirmed before such Court or the Clerk of the Crown, or any Commissioner or other person appointed by such Court for that purpose, or any Judge, or any Commissioner for taking affidavits in any Court of Record in British India, or any Commissioner to administer oaths in Chancery in England or Ireland, or any Magistrate authorized to take affidavits or affirmations in Scotland.

Power to summon material witness, or examine person present.

540. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

Power to appoint place of imprisonment.

541. Unless when otherwise provided by any law for the time being in force, the Local Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined.

Power of Presidency Magistrate to order prisoner in jail to be brought up for examination.

542. Notwithstanding anything contained in the Prisoners' Testimony Act, 1869, any Presidency Magistrate desirous of examining, as a witness or an accused person, in any case pending before him, any person confined in any jail within the local limits of his jurisdiction, may issue an order to the officer in charge of the said jail requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Magistrate for examination.

The officer so in charge, on receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from the jail for the purpose aforesaid.

Interpreter to be bound to interpret truthfully.

543. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

Expenses of complainants and witnesses.

544. Subject to any rules made by the Local Government with the previous sanction of the Governor General in Council, any Criminal Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this Code.

Power of Court to pay expenses or compensation out of fine.

545. Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which fine forms a part, the Court may when passing judgment order the whole or any part of the fine recovered to be applied—

(*a*) in defraying expenses properly incurred in the prosecution;

(*b*) in compensation for the injury caused by the offence committed, where substantial compensation is, in the opinion of the Court, recoverable by civil suit.

If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

Payments to be taken into account in subsequent suit.

546. At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under section 545.

Moneys ordered to be paid recoverable as fines.

547. Any money (other than a fine) payable by virtue of any order made under this Code shall be recoverable as if it were a fine.

Copies of proceedings.

548. If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of the Judge's charge to the jury, or of any order or deposition or other part of the record, he shall, on applying for such copy, be furnished therewith: Provided that he pay for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

549. The Governor General in Council may make rules, consistent with this Code and the Army Act, 1881, or any similar law for the time being in force, as to the cases in which persons subject to military law shall be tried by a Court to which this Code applies or by Court-martial; and when any person is brought before a Magistrate and charged with an offence for which he is liable, under the Army Act, 1881, section 41, to be tried by a Court-martial, such Magistrate shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the regiment, corps or detachment to which he belongs, or to the commanding officer of the nearest military station, for the purpose of being tried by Court-martial.

Delivery to Military authorities of persons liable to be tried by Court-martial.

Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of troops stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

Apprehension of such persons.

550. Police-officers superior in rank to an officer in charge of a Police-station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.

Powers of superior officers of police.

551. Upon complaint made to a Presidency Magistrate or District Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

Power to compel restoration of abducted females.

552. Whenever any person causes a Police-officer to arrest another person in a Presidency-town, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding fifty rupees, to be paid by the person so causing the arrest to the person so arrested for his loss of time and expenses in the matter, as the Magistrate thinks fit.

Compensation to person groundlessly given in charge in Presidency-town.

In such cases, if more persons than one are arrested or complained against, the Magistrate may in like manner, award to each of them such compensation, not exceeding fifty rupees, as such Magistrate thinks fit.

All compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid.

553. With the previous sanction of the Governor General in Council, the High Court at Fort William, and, with the previous sanction of the Local Government, any other High Court established by Royal Charter, may, from time to time, make rules for the inspection of the records of subordinate Courts.

Power of chartered High Courts to make rules for inspection of records of subordinate Courts.

Every High Court not established by Royal Charter may, from time to time, and with the previous sanction of the Local Government,

Power of other High Courts to make rules for other purposes.

(a) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts;

(b) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided;

(c) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it; and

(d) make rules for regulating the execution of warrants issued under this Code for the levy of fines:

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

All rules made under this section shall be published in the local official Gazette.

554. Subject to the power conferred by section 553, and by the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, the forms set forth in the fifth schedule with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

Forms.

555. No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from his Court, try or commit for trial any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear an appeal from any judgment or order passed or made by himself.

Case in which Judge or Magistrate is personally interested.

Explanation.—A Judge or Magistrate shall not be deemed to be a party or personally interested, within the meaning of this section, to or in any case, merely because he is a Municipal Commissioner.

556. The Local Government may determine what, for the purposes of this Code, shall be deemed to be the language of each Court within the territories administered by such Government, other than the High Courts established by Royal Charter.

Power to decide language of Courts.

557. All powers conferred by this Code on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Powers of Governor General in Council and Local Government exercisable from time to time.

558. The provisions of this Code shall apply, so far as may be, to all cases pending in any Criminal Court when this Code comes into force.

Pending cases.

SCHEDULE I.

ENACTMENTS REPEALED.

(a).—*Statute.*

Year, reign and chapter.	Title.	Extent of repeal.
13 Geo. III, chapter 63	An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Section 38.

(b).—*Acts of the Governor General in Council.*

Number and year.	Subject.	Extent of repeal.
XXIII of 1840 ...	Execution of process	So much as has not been repealed.
XLV of 1860 ...	Penal Code	The illustrations to section 214.
V of 1861 ...	Police Act	Section 6 and the last nine words of section 24. Section 35, down to and including the words "Provided that."
XVIII of 1862 ...	Criminal Procedure, Supreme Courts ...	So much as has not been repealed.
VI of 1864 ...	Whipping	Section 7.
II of 1869 ...	Justices of the Peace	So much as has not been repealed.
XXII of 1870 ...	Application to European British subjects of Acts conferring summary jurisdiction.	So much as has not been repealed.
IV of 1872 ...	Panjáb Laws	So far as it relates to Bengal Regulation XX of 1825.
X of 1872 ...	The Code of Criminal Procedure ...	So much as has not been repealed.
XI of 1874 ...	Amending the Code of Criminal Procedure	The whole.
XV of 1874 ...	Laws Local Extent	So far as it relates to Bengal Regulation XX of 1825.
X of 1875 ...	High Courts' Criminal Procedure ...	The whole Act, except section 144 and so much of section 146 as relates to informations.

SCHEDULE I—*continued.*

ENACTMENTS REPEALED—(*continued*).

(*b*).—*Acts of the Governor General in Council*,—continued.

Number and year.	Subject.	Extent of repeal.
XX of 1875 ...	Central Provinces Laws	So far as it relates to Bengal Regulation XX of 1825.
XVIII of 1876 ...	Oudh Laws	Ditto.
IV of 1877 ...	Presidency Magistrates	The whole Act except section 57.
XXI of 1879 ...	Extradition	Chapter III.
X of 1881 ...	Coroners	Sections 8 and 9.

(*c*).—*Regulations.*

Number and year.	Subject.	Extent of repeal.
Bengal Regulation XX of 1825.	Jurisdiction of Courts Martial ...	So much as has not been repealed.
III of 1872 ...	Santhál Parganas Settlement	So far as it relates to Act X of 1872.
IX of 1874 ...	Arakan Hills District Laws	So far as it relates to Acts II of 1869, X of 1872 and XI of 1874.
III of 1877 ...	Ajmer Laws	So far as it relates to Bengal Regulation XX of 1825.

(*d*).—*Act of the Governor of Fort St. George in Council.*

Number and year.	Subject.	Extent of repeal.
VIII of 1867 ...	Police	Section 9.

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

EXPLANATORY NOTE.—The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

The third column of this schedule applies to the police in the towns of Calcutta and Bombay.

CHAPTER V.—ABETMENT.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	The same punishment as for the offence abetted.	The Court by which the offence abetted is triable.
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence intended to be abetted.	Ditto.
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	Ditto ..	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence committed.	Ditto.
114	Abetment of any offence, if abettor is present when offence is committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 14 years and fine.	Ditto.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	Ditto. ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER V.—ABETMENT—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
117	Abetting the commission of an offence by the public, or by more than ten persons.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	Imprisonment of either description for 3 years, or fine, or both.	The Court by which the offence abetted is triable.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed ..	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation for life.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years.	Ditto.

	If the offence be not committed ...	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Ditto ...	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If the offence be not committed...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to one-eighth part of the longest term, and of the description, provided for the offence, or fine, or both.	Ditto.

CHAPTER VI.—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, or transportation for life, and forfeiture of property.	Court of Session.
121A	Conspiring to commit certain offences against the State.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life or any shorter term, or imprisonment of either description for 10 years.	Ditto.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER VI.—OFFENCES AGAINST THE STATE—(*concluded*).

1 tion.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
124A	Exciting, or attempting to excite, disaffection.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine.	Ditto.
125	Waging war against any Asiatic Power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any Power in alliance or at peace with the Queen.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

129	Public servant negligently suffering prisoner of State or War in his custody to scape.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Simple imprisonment for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
130	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny, or attempting to seduce an officer, soldier or sailor from his allegiance or duty.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
132	Abetment of mutiny, if mutiny is committed in consequence thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, or transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
133	Abetment of an assault by an officer, soldier or sailor on his superior officer, when in the execution of his office.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
134	Abetment of such assault, if the assault is committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
135	Abetment of the desertion of an officer, soldier or sailor.	May arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
136	Harbouring such an officer, soldier or sailor who has deserted.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
137	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Fine of 500 rupees ...	Ditto.
138	Abetment of act of insubordination by an officer, soldier or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being member of an unlawful assembly.	May arrest without warrant.	Summons ..	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
147	Rioting ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
148	Rioting, armed with a deadly weapon.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	Ditto ...	The same as for the offence ..	The Court by which the offence is triable.
150	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged or employed.	Ditto ...	Ditto ...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.

SCHEDULE II—*continued.*

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Fine of 1,000 rupees ...	Presidency Magistrate or Magistrate of the first or second class.

155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	Or to go armed	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.

167	Public servant framing an incorrect document with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
168	Public servant unlawfully engaging in trade.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
169	Public servant unlawfully buying or bidding for property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant ...	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If the notice or information required respects the commission of an offence, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
	If the information required respects the commission of an offence, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
178	Refusing oath when duly required to take oath by a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
179	Being legally bound to state truth, and refusing to answer questions.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto	...	Summons	...	Ditto	...	Ditto	...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If such disobedience causes danger to human life, health or safety, &c.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	Giving or fabricating false evidence in any other case.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.

194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
	If innocent person be thereby convicted and executed.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, or as above ...	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	The same as for the offence ...	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto ...	Ditto ...	According as the offence of giving such evidence is bailable or not.	Ditto ...	The same as for giving or fabricating false evidence.	Court of Session, Presidency Magistrate or Magistrate of the first class.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	The same as for giving false evidence.	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
199	False statement made in any declaration which is by law receivable as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
200	Using as true any such declaration known to be false.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with less than 10 years' imprisonment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

203	Giving false information respecting an offence committed.	Ditto	...	Warrant	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent ts production as evidence.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Presidency Magistrate or Magistrate of the first class.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto	...	Ditto	...	Ditto	...	Ditto	..	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Presidency Magistrate or Magistrate of the first class.
209	False claim in a Court of Justice...	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
211	False charge of offence made with intent to injure.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
–	If offence charged be capital, or punishable with transportation for life, or with imprisonment for a term exceeding 7 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
212	Harbouring an offender, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.

	If punishable with imprisonment for 1 year and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
214	Offering gift or restoration of property in consideration of screening offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If with imprisonment for less than 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, with or without fine.	Ditto.

	If with imprisonment for 1 year, and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding corruptly making and pronouncing an order, report, verdict or decision which he knows to be contrary to law.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If punishable with transportation for life, or imprisonment for 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, with or without fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, with or without fine.	Presidency Magistrate or Magistrate of the first or second class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation or penal servitude for life, or transportation, imprisonment or penal servitude for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.

	If under sentence of imprisonment for less than 10 years; or lawfully committed to custody.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
228	Escape from confinement negligently suffered by a public servant.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If charged with a capital offence...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude or imprisonment for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*concluded*).

1	2	3	4	5		7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
	If under sentence of death ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
225A	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
226	Unlawful return from transportation	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Court of Session.
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Punishment of original sentence, or, if part of the punishment has been undergone, the residue.	The Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV.

229	Personation of a juror or assessor...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting, or performing any part of the process of counterfeiting, coin.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
232	Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying or selling instrument for the purpose of counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
234	Making, buying or selling instrument for the purpose of counterfeiting the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If Queen's coin	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
236	Abetting in British India the counterfeiting out of British India of coin.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	The punishment provided for abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
238	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
239	Having any counterfeit coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
240	The same with respect to the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.

241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Presidency Magistrate or Magistrate of the first or second class.
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
243	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years and fine.	Ditto.
244	Person employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Ditto	...	Ditto	...	Ditto	...	Ditto	..	Ditto	Court of Session.
245	Unlawfully taking from a Mint any coining instrument.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any coin.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
247	Fraudulently diminishing the weight or altering the composition of the Queen's coin.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years and fine.	Ditto.
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
249	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
250	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
251	Delivery of Queen's coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
253	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	Presidency Magistrate or Magistrate of the first or second class.

255	Counterfeiting a Government stamp.	Ditto	...	Ditto	...	Bailable	...	Ditto	...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years and fine.	Ditto.
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
258	Sale of counterfeit Government stamp.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
262	Using a Government stamp known to have been before used.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
263	Erasure of mark denoting that stamp has been used.	Ditto	...	Ditto	...	Ditto	...	D to	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
265	Fraudulent use of false weight or measure.	Ditto	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.		Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
272	Adulterating food or drink intended for sale, so as to make the same noxious.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink knowing the same to be noxious.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.		Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.		Ditto	...	Ditto	...	Ditto	...	Fine of 500 rupees ...	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*continued*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Presidency Magistrate or Magistrate of the first or second class.
281	Exhibition of a false light, mark or buoy.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ...	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
283	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine of 200 rupees ...	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.

285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Any Magistrate.
286	So dealing with any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Presidency Magistrate or Magistrate of the first or second class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Any Magistrate.
290	Committing a public nuisance ...	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Fine of 200 rupees ...	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
292	Sale, &c., of obscene books, &c. ...	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine, or both.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
293	Having in possession obscene book, &c., for sale or exhibition.	May arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
294	Obscene songs	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
294A	Keeping a lottery-office ...	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Fine of 1,000 rupees ...	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

297	Trespassing in place of worship or sepulchre, disturbing funeral, with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture or placing any object in the sight, of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Compoundable.	Ditto	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Of offences affecting Life.

302	Murder	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, or transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death	Ditto.
304	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
304A	Causing death by rash or negligent act.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of offences affecting Life—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Death, or transportation for life, or imprisonment for 1[illegible] years, and fine.	Court of Session.
306	Abetting the commission of suicide	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
307	Attempt to murder ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
	If such act cause hurt to any person	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
	Attempt by life-convict to murder, if hurt is caused.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, or as above ...	Ditto.
308	Attempt to commit culpable homicide.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
309	Attempt to commit suicide ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year or fine or both.	Presidency Magistrate or Magistrate of the first or second class.
311	Being a thug ..	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life and fine.	Court of Session.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.

312	Causing miscarriage	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If act done without woman's consent.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
317	Exposure of a child under 12 years of age by parent or person having care of it, with intention of wholly abandoning it.	May arrest without warrant.	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
318	Concealment of birth by secret disposal of dead body.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
323	Voluntarily causing hurt ...	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ...	Ditto ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
325	Voluntarily causing grievous hurt	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.

328	Administering stupefying drug with intent to cause hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons ...	Bailable ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
336	Doing any act which endangers human life or the personal safety of others.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.
	Of Wrongful Restraint and Wrongful Confinement.						
341	Wrongfully restraining any person.	May arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

342	Wrongfully confining any person	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 2 years and fine.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret ...	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Criminal Force and Assault.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ...	Ditto ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Compoundable.	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.

358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Compoundable	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

Of Kidnapping, Abduction, Slavery and Forced Labour.

363	Kidnapping	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
364	Kidnapping or abducting in order to murder.	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*concluded*).

Of Kidnapping, Abduction, Slavery and Forced Labour—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.
371	Habitual dealing in slaves ...	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
372	Selling or letting to hire a minor for purposes of prostitution, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
373	Buying or obtaining possession of a minor for the same purposes.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
374	Unlawful compulsory labour ...	Ditto ...	Ditto ...	Bailable ...	Compoundable	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.

Of Rape.

376	Rape	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

Of Unnatural Offences.

377	Unnatural offences ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent or vessel	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years and fine.	Court of Session.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Extortion.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
384	Extortion	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life ...	Ditto.

389	Putting a person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life ...	Ditto.
	Of Robbery and Dacoity.						
392	Robbery	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Rigorous imprisonment for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If committed on the highway between sunset and sunrise.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 14 years and fine.	Ditto.
393	Attempt to commit robbery ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
395	Dacoity	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session.
396	Murder in dacoity	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Death, transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
397	Robbery or dacoity, with attempt to cause death or grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for not less than 7 years.	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Robbery and Dacoity—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Rigorous imprisonment for not less than 7 years.	Court of Session.
399	Making preparation to commit dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.

404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If by clerk or person employed by deceased.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust ...	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
407	Criminal breach of trust by a carrier, wharfinger, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Criminal Breach of Trust—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
409	Criminal breach of trust by public servant or by banker, merchant or agent, &c.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Of the Receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto

414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
			Of Cheating.				
417	Cheating	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
418	Cheating a person whose interest the offender was bound, either by law, or by legal contract, to protect.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
419	Cheating by personation ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the making, alteration or destruction of a valuable security.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Fraudulent Deeds and Dispositions of Property.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Mischief.

426	Mischief	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable when the only loss or dam-	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.

					age caused is loss or damage to a private person.		
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
428	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or upwards.	* May arrest without warrant.	Ditto ...	Ditto ...	Not compoundable.	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
431	Mischief by injury to public road, bridge, navigable river or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
432	Mischief by causing inundation or obstruction to public drainage, attended with damage.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
433	Mischief by destroying or moving or rendering less useful a lighthouse or seamark, or by exhibiting false lights.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.

* See Act XI of 1874, section 4.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Mischief—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards, or, in case of agricultural produce, 10 rupees or upwards.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.

440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.

Of Criminal Trespass.

447	Criminal trespass	May arrest without warrant.	Summons ...	Bailable ...	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
448	House-trespass	Ditto ...	Warrant ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto ...	Ditto ...	Not bailable ...	Not compoundable.	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 2 years and fine.	Any Magistrate.
	If the offence is theft ...	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*concluded*).

Of Criminal Trespass—(concluded).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
453	Lurking house-trespass or house-breaking.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 2 years and fine.	Presidency Magistrate or Magistrate of the first or second class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
	If the offence is theft ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 5 years and fine.	Ditto.
	If the offence is theft ...	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 14 years and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto	...	Ditto	...	Bailable	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
465	Forgery	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of births, &c., kept by a public servant.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
468	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Punishment for forgery ...	Ditto.

	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto ...	Ditto ...	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine; if the document is one of the description mentioned in section 466 of the Indian Penal Code.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If the document is one of the description mentioned in section 467 of the Indian Penal Code.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued.*

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 7 years, and fine.	Court of Session.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
	Of Trade and Property-Marks.						
482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto	...	Summons	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
488	Making use of any such false mark.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
489	Removing, destroying or defacing any property-mark with intent to cause injury.	Ditto	...	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

SCHEDULE II—*continued.*

CHAPTER XIX.—CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons ...	Bailable ...	Compoundable	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employé is conveyed at the expense of the employer, and voluntarily deserting the service or refusing to perform the duty.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	Imprisonment of either description for 10 years and fine.	Court of Session.

494	Marrying again during the lifetime of a husband or wife.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Court of Session.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto ...	Ditto ...	Not bailable ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto ...	Ditto	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
497	Adultery ...	Ditto ...	Ditto ...	Bailable ...	Compoundable.	Imprisonment of either description for 5 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

CHAPTER XXI.—DEFAMATION.

500	Defamation	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Simple imprisonment for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
501	Printing or engraving matter knowing it to be defamatory.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

SCHEDULE II—*continued*.

CHAPTER XXI.—DEFAMATION—(*concluded*).

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Simple imprisonment for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

CHAPTER XXII.—CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumour, &c., circulated with intent to cause mutiny or offence against the public peace.	Ditto ...	Ditto ...	Not bailable ...	Not compoundable.	Ditto	Presidency Magistrate or Magistrate of the first or second class.
506	Criminal intimidation ...	Ditto ...	Ditto ...	Bailable ...	Compoundable.	Ditto	Ditto.
	If threat be to cause death or grievous hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Not compoundable.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
509	Uttering any word or making any gesture intended to insult the modesty of a woman, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 24 hours, or fine of 10 rupees, or both.	Any Magistrate.

CHAPTER XXIII.—ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Compoundable when the offence attempted is compoundable.	Transportation or imprisonment not exceeding half of the longest term, and of any description, provided for the offence, or fine, or both.	The Court by which the offence attempted is triable.

SCHEDULE II—*concluded.*

OFFENCES AGAINST OTHER LAWS.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
	If punishable with death, transportation or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant ...	Not bailable ...	Not compoundable.	.....	According to the provisions of section 29 of this Code.
	If punishable with imprisonment for three years and upwards but less than seven.	Ditto ...	Ditto ...	Ditto ... Except in cases under the Indian Arms Act, 1878, section 19, which shall be bailable.	Ditto ...	.....	
	If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons ...	Bailable ...	Ditto ...	.....	
	If punishable with fine only ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	.....	

SCHEDULE III.

ORDINARY POWERS OF PROVINCIAL MAGISTRATES.

I.—Ordinary Powers of a Magistrate of the Third Class.

(1) Power to arrest, or direct the arrest in his presence of, an offender; section 65.
(2) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant; sections 83, 84 & 86.
(3) Power to issue proclamations in cases judicially before him, section 87.
(4) Power to attach and sell property in cases judicially before him, section 88.
(5) Power to restore attached property, section 89.
(6) Power to issue search-warrant, section 96.
(7) Power to endorse a search-warrant and order delivery of thing found, section 99.
(8) Power to record statements or confessions during a police investigation, section 164.
(9) Power to authorize detention of a person during a police-investigation, section 167.
(10) Power to detain an offender found in Court, section 351.
(11) Power to sell perishable property of a suspected character, section 525.

II.—Ordinary Powers of a Magistrate of the Second Class.

(1) The ordinary powers of a Magistrate of the third class.
(2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, section 155.

III.—Ordinary Powers of a Magistrate of the First Class.

(1) The ordinary powers of a Magistrate of the second class.
(2) Power to issue search-warrant otherwise than in course of an inquiry, section 98.
(3) Power to issue search-warrant for discovery of persons wrongfully confined, section 100.
(4) Power to require security to keep the peace, section 107.
(5) Power to require security for good behaviour, section 109.
(6) Power to make orders, &c., in possession cases; sections 145, 146 and 147.
(7) Power to commit for trial, section 206.
(8) Power to stop proceedings when no complainant, section 249.
(9) Power to make orders of maintenance, sections 488 and 489.

IV.—Ordinary Powers of a Sub-divisional Magistrate.

(1) The ordinary powers of a Magistrate of the first class.
(2) Power to direct warrants to landholders, section 78.
(3) Power to make orders as to local nuisances, section 133.
(4) Power to make orders prohibiting repetitions of nuisances, section 143.
(5) Power to make orders under section 144.
(6) Power to hold inquests, section 174.
(7) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.
(8) Power to entertain complaints, section 191.
(9) Power to receive police-reports, section 191.
(10) Power to entertain cases without complaint, section 191.
(11) Power to transfer cases to a Subordinate Magistrate, section 192.
(12) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, section 349.
(13) Power to sell property alleged or suspected to have been stolen, &c. section 524.
(14) Power to withdraw cases other than appeals, and to try or refer them for trial; section 528.

V.—Ordinary Powers of a District Magistrate.

(1) The ordinary powers of a Sub-divisional Magistrate, being a Magistrate of the first class.
(2) Power to issue search-warrants for documents in custody of Postal or Telegraph authorities, section 96.
(3) Power to discharge persons bound to keep the peace or to be of good behaviour, section 124.
(4) Power to cancel bond for keeping the peace, section 125.
(5) Power to try summarily, section 260.
(6) Power to quash convictions in certain cases, section 350.
(7) Power to hear appeals from orders requiring security for good behaviour, section 406.
(8) Power to hear or refer appeals from convictions by Magistrates of the second and third classes, section 407.
(9) Power to call for records, section 435.
(10) Power to revise orders passed under section 514; section 515.

SCHEDULE IV.

ADDITIONAL POWERS WITH WHICH PROVINCIAL MAGISTRATES MAY BE INVESTED.

POWERS WITH WHICH A MAGISTRATE OF THE FIRST CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to require security for good behaviour, section 110: (2) Power to make orders as to local nuisances, section 133: (3) Power to make orders prohibiting repetitions of nuisances, section 143: (4) Power to make orders under section 144: (5) Power to hold inquests, section 174: (6) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186: (7) Power to take cognizance of offences upon complaint, section 191: (8) Power to take cognizance of offences upon police reports, section 191: (9) Power to take cognizance of offences upon information, section 191: (10) Power to try summarily, section 260: (11) Power to hear appeals from convictions by Magistrates of the second and third classes, section 407: (12) Power to sell property alleged or suspected to have been stolen, &c., section 524.
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191: (6) Power to transfer cases, section 192.
POWERS WITH WHICH A MAGISTRATE OF THE SECOND CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to pass sentences of whipping, section 32: (2) Power to make orders prohibiting repetitions of nuisances, section 143: (3) Power to make orders under section 144: (4) Power to hold inquests, section 174: (5) Power to take cognizance of offences upon complaint, section 191: (6) Power to take cognizance of offences upon police reports, section 191: (7) Power to take cognizance of offences upon information, section 191: (8) Power to commit for trial, section 206.
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191.

SCHEDULE IV—*concluded.*

POWERS WITH WHICH A MAGISTRATE OF THE THIRD CLASS MAY BE INVESTED	BY THE LOCAL GOVERNMENT	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191: (6) Power to commit for trial, section 206.
	BY THE DISTRICT MAGISTRATE	(1) Power to make orders prohibiting repetitions of nuisances, section 143: (2) Power to make orders under section 144: (3) Power to hold inquests, section 174: (4) Power to take cognizance of offences upon complaint, section 191: (5) Power to take cognizance of offences upon police reports, section 191.
POWERS WITH WHICH A SUB-DIVISIONAL MAGISTRATE MAY BE INVESTED	BY THE LOCAL GOVERNMENT	Power to call for records, section 435.

SCHEDULE V.

FORMS.

I.—SUMMONS TO AN ACCUSED PERSON.

(*See section 68.*)

To of .

WHEREAS your attendance is necessary to answer to a charge of (*state shortly the offence charged*), you are hereby required to appear in person (*or* by pleader, *as the case may be*), before the (*Magistrate*) of , on the day of .

Herein fail not.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

II.—WARRANT OF ARREST.

(*See section 75.*)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS of stands charged with the offence of (*state the offence*), you are hereby directed to arrest the said , and to produce him before me. Herein fail not.

Dated this day of , 18

(*Seal.*)

(*Signature.*)

(*See section 76.*)

This warrant may be endorsed as follows:—

If the said shall give bail himself in the sum of , with one surety in the sum of (*or* two sureties each in the sum of), to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

Dated this day of , 18

(*Signature.*)

FORMS. SCHEDULE V—*continued.*

III.—BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT.

(*See section 86.*)

I, (*name*), of , being brought before the District Magistrate of (*or, as the case may be*) under a warrant issued to compel my appearance to answer to the charge of , do hereby bind myself to attend in the Court of on the day of next to answer to the said charge, and to continue so to attend until otherwise directed by the Court; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I do hereby declare myself surety for the abovenamed of , that he shall attend before in the Court of on the day of next to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Court; and, in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

IV.—PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED.

(*See section 87.*)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of , punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said of is required to appear at (*place*) before this Court (*or* before me) to answer the said complaint within days from this date.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

V.—PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS.

(*See section 87.*)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of (*mention the offence concisely*) and a warrant has been issued to compel the attendance of (*name, description and address of the witness*) before this Court to be examined touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said (*name*) is required to appear at (*place*) before the Court of on the day of next at o'clock, to be examined touching , the offence complained of.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

VI.—ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A WITNESS.

(*See section 88.*)

To the Police-officer in charge of the Police-station at .

WHEREAS a warrant has been duly issued to compel the attendance of (*name, description and address*) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant); and thereupon a Proclamation was duly issued and published requiring the said to appear and give evidence at the time and place mentioned therein, and he has failed to appear;

This is to authorize and require you to attach by seizure the moveable property belonging to the said to the value of rupees which you may find within the District of and to hold the said property under attachment

SCHEDULE V—*continued.* FORMS

pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

ORDER OF ATTACHMENT TO COMPEL THE APPEARANCE OF A PERSON ACCUSED.

(*See section 88.*)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found ; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant), and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days ; and whereas the said is possessed of the following property other than land paying revenue to Government in the village (*or* town) of , in the District of , *viz.*, , and an order has been made for the attachment thereof ;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

ORDER AUTHORIZING AN ATTACHMENT BY THE DEPUTY COMMISSIONER AS COLLECTOR.

(*See section 88.*)

To the Deputy Commissioner of the District of

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found ; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant), and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days, but he has not appeared ; and whereas the said is possessed of certain land paying revenue to Government in the village (*or* town) of in the District of ;

You are hereby authorized and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this day of , 18 .

(*Seal.*)

(*Signature.*)

VII.—WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS.

(*See section 90.*)

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*mention the offence concisely*), and it appears likely that (*name and description of witness*) can give evidence concerning the said complaint ; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so ;

This is to authorize and require you to arrest the said (*name*) and on the day of to bring him before this Court, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

FORMS. SCHEDULE V—*continued.*

VIII.—WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE.

(*See section 96.*)

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS information has been laid (*or* complaint has been made) before me of the commission (*or* suspected commission) of the offence of (*mention the offence concisely*), and it has been made to appear to me that the production of (*specify the thing clearly*) is essential to the inquiry now being made (*or* about to be made) into the said offence (*or* suspected offence);

This is to authorize and require you to search for the said (*the thing specified*) in the (*describe the house or place, or part thereof, to which the search is to be confined*), and, if found, to produce the same forthwith before this Court; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

IX.—WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT.

(*See section 98.*)

To (*name and designation of a Police-officer above the rank of a Constable*).

WHEREAS information has been laid before me, and on due inquiry thereupon had I have been led to believe that the (*describe the house or other place*) is used as a place for the deposit (*or* sale) of stolen property (*or, if for either of the other purposes expressed in the section, state the purpose in the words of the section*);

This is to authorize and require you to enter the said house (*or other place*) with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house (*or other place, or, if the search is to be confined to a part, specify the part clearly*) and to seize and take possession of any property (*or* documents, *or* stamps, *or* seals, *or* coins, *as the case may be*)—[Add (*when the case requires it*) and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, *or* counterfeit stamps, *or* false seals, *or* counterfeit coin (*as the case may be*)] and forthwith to bring before this Court such of the said things as may be taken possession of; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

X.—BOND TO KEEP THE PEACE.

(*See section 106.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and, in case of my making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XI.—BOND FOR GOOD BEHAVIOUR.

(*See sections 109 and 110.*)

WHEREAS I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects for the term of (*state the period*), I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term; and, in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

(*Where a bond with sureties is to be executed, add*) We do hereby declare ourselves sureties for the abovenamed that he will be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects during the said term; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to Her Majesty the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

SCHEDULE V—*continued.*

FORMS.

XII.—SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE.

(*See section 114.*)

To of .

WHEREAS it has been made to appear to me by credible information that (*state the substance of the information*) and that you are likely to commit a breach of the peace (*or* by which act a breach of the peace will probably be occasioned), you are hereby required to attend in person (*or* by a duly authorized agent) at the Office of the Magistrate of on the day of , 18 , at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees [*when sureties are required, add* and also to give security by the bond of one (*or* two, *as the case may be*) surety (*or* sureties) in the sum of rupees (*each, if more than one*)], that you will keep the peace for the term of .

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIII.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE.

(*See section 123.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name and address*) appeared before me in person (*or* by his authorized agent) on the day of in obedience to a summons calling upon him to show cause why he should not enter into a bond for rupees with one surety (*or* a bond with two sureties each in rupees), that he the said (*name*) would keep the peace for the period of months; and whereas an order was then made requiring the said (*name*) to enter into and find such security (*state the security ordered when it differs from that mentioned in the summons*), and he has failed to comply with the said order;

This is to authorize and require you the said Superintendent (*or* Keeper) to receive the said (*name*) into your custody together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*) unless he shall in the meantime comply with the said order by himself and his surety (or sureties) entering into the said bond, in which case the same shall be received, and the said (*name*) released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIV.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY FOR GOOD BEHAVIOUR.

(*See section 123.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS it has been made to appear to me that (*name and description*) has been and is lurking within the District of having no ostensible means of subsistence (*or*, and that he is unable to give any satisfactory account of himself) ;

or

WHEREAS evidence of the general character of (*name and description*) has been adduced before me and recorded from which it appears that he is an habitual robber (*or* house-breaker, &c., *as the case may be*) ;

And whereas an order has been recorded stating the same and requiring the said (*name*) to furnish security for his good behaviour for the term of (*state the period*) by entering into a bond with one surety (*or* two or more sureties, *as the case may be*), himself for rupees , and the said surety (*or* each of the said sureties) for rupees , and the said (*name*) has failed to comply with the said order, and for such default has been adjudged imprisonment for (*state the term*) unless the said security be sooner furnished ;

This is to authorize and require you the said Superintendent (*or* Keeper) to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), unless he shall in the meantime comply

FORMS. SCHEDULE V—*continued.*

with the said order by himself and his surety (*or* sureties) entering into the said bond, in which case the same shall be received and the said (*name*) released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XV.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See sections 123 and 124.*)

To the Superintendent (*or* Keeper) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since duly given security under section of the Code of Criminal Procedure,

or

and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XVI.—ORDER FOR THE REMOVAL OF NUISANCES.

(*See section 133.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you have caused an obstruction (*or* nuisance) to persons using the public roadway (*or other public place*), which, &c. (*describe the road or public place*), by, &c. (*state what it is that causes the obstruction or nuisance*), and that such obstruction (*or* nuisance) still exists;

or

WHEREAS it has been made to appear to me that you are carrying on as owner, or manager, the trade or occupation of (*state the particular trade or occupation and the place where it is carried on*), and that the same is injurious to the public health (*or* comfort) by reason (*state briefly in what manner the injurious effects are caused*), and should be suppressed or removed to a different place;

or

WHEREAS it has been made to appear to me that you are the owner (*or* are in possession of *or* have the control over) a certain tank (*or* well *or* excavation) adjacent to the public way (*describe the thoroughfare*), and that the safety of the public is endangered by reason of the said tank (*or* well *or* excavation) being without a fence (*or* insecurely fenced);

or

WHEREAS, &c., &c. (*as the case may be*);

I do hereby direct and require you within (*state the time allowed*) to (*state what is required to be done to abate the nuisance*) or to appear at in the Court of on the day of next, and to show cause why this order should not be enforced;

or

I do hereby direct and require you within (*state the time allowed*) to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the place where it is now carried on, or to appear, &c.;

or

I do hereby direct and require you within (*state the time allowed*) to put up a sufficient fence (*state the kind of fence and the part to be fenced*), or to appear, &c.

or

I do hereby direct and require you, &c., &c. (*as the case may be*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

SCHEDULE V—*continued.*

FORMS.

XVII.—MAGISTRATE'S ORDER CONSTITUTING A JURY.

(*See section 138.*)

WHEREAS on the day of , 18 , an order was issued to (*name*) requiring him (*state the effect of the order*), and whereas the said (*name*) has applied to me by a petition bearing date the day of for an order appointing a Jury to try whether the said recited order is reasonable and proper; I do hereby appoint (*the names, &c., of the five or more Jurors*) to be the Jury to try and decide the said question, and do require the said Jury to report their decision within days from the date of this order at my office at .

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XVIII.—MAGISTRATE'S NOTICE AND PEREMPTORY ORDER AFTER THE FINDING BY A JURY.

(*See section 140.*)

To (*name, description and address*).

I HEREBY give you notice that the Jury duly appointed on the petition presented by you on the day of have found that the order issued on the day of requiring you (*state substantially the requisition in the order*) is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within (*state the time allowed*) on peril of the penalty provided by the Indian Penal Code for disobedience thereto.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XIX.—INJUNCTION TO PROVIDE AGAINST IMMINENT DANGER PENDING INQUIRY BY JURY.

(*See section 142.*)

To (*name, description and address*).

WHEREAS the inquiry by a Jury appointed to try whether my order issued on the day of , 18 , is reasonable and proper is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section 142 of the Code of Criminal Procedure, direct and enjoin you forthwith to (*state plainly what is required to be done as a temporary safeguard*), pending the result of the local inquiry by the Jury.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XX.—MAGISTRATE'S ORDER PROHIBITING THE REPETITION, &c., OF A NUISANCE.

(*See section 143.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that, &c. (*state the proper recital, guided by* Form No. XVI or Form No. XXI, *as the case may be*);

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, &c. (*as the case may be*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXI.—MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT, &c.

(*See section 144.*)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you are in possession (*or* have the management) of (*describe clearly the property*), and that, in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road;

or

WHEREAS it has been made to appear to me that you and a number of other persons (*mention the class of persons*) are about to meet and proceed in a religious procession along the public

FORMS. SCHEDULE V—*continued.*

street, &c. (*as the case may be*), and that such procession is likely to lead to a riot or an affray;

or

WHEREAS, &c., &c. (*as the case may be*);

I do hereby order you not to place or permit to be placed any of the earth or stones dug from your land in any part of the said road;

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (*or, as the case recited may require*).

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXII.—MAGISTRATE'S ORDER DECLARING PARTY ENTITLED TO RETAIN POSSESSION OF LAND, &C., IN DISPUTE.

(*See section 145.*)

IT appearing to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between (*describe the parties by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and being satisfied by due inquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said (*name or names or description*) is true,

I do decide and declare that he is (*or* they are) in possession of the said (*the subject of dispute*) and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (*or* their) possession in the meantime.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXIII.—WARRANT OF ATTACHMENT IN THE CASE OF A DISPUTE AS TO THE POSSESSION OF LAND, &C.

(*See section 146.*)

To the Police-officer in charge of the Police-station at [*or*, To the Collector of]

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace existed between (*describe the parties concerned by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and whereas, upon due inquiry into the said claims, I have decided that neither of the said parties was in possession of the said (*the subject of dispute*) [*or* I am unable to satisfy myself as to which of the said parties was in possession as aforesaid];

This is to authorize and require you to attach the said (*the subject of dispute*) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*)

(*Signature.*)

XXIV.—MAGISTRATE'S ORDER PROHIBITING THE DOING OF ANY THING ON LAND OR WATER.

(*See section 147.*)

A DISPUTE having arisen concerning the right of use of (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, the possession of which land (*or* water) is claimed exclusively by (*describe the person or persons*), and it appearing to me, on due inquiry into the same, that the said land (*or* water) has been open to the enjoyment of such use by the public (*or if by an individual or a class of persons, describe him or them*), and (*if the use can be enjoyed throughout the year*) that the said use has been enjoyed within three months of the

SCHEDULE V—*continued.* FORMS.

institution of the said inquiry (*or if the use is enjoyable only at particular seasons, say* "during the last of the seasons at which the same is capable of being enjoyed");

I do order that the said (*the claimant or claimants of possession*), or any one in their interest, shall not take (*or* retain) possession of the said land (*or* water) to the exclusion of the enjoyment of the right of use aforesaid, until he (*or* they) shall obtain the decree or order of a competent Court adjudging him (*or* them) to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*)

(*Signature.*)

XXV.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A POLICE-OFFICER.

(*See section 169.*)

I, (*name*), of , being charged with the offence of , and after inquiry required to appear before the Magistrate of ,

or

and after inquiry called upon to enter into my own recognizance to appear when required, do hereby bind myself to appear at , in the Court of , on the day of next (*or* on such day as I may hereafter be required to attend) to answer further to the said charge, and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or* We jointly and severally declare ourselves and each of us) surety (*or* sureties) for the above-said that he shall attend at , in the Court of , on the day of next (*or* on such day as he may hereafter be required to attend), further to answer to the charge pending against him, and, in case of his making default therein, I hereby bind myself (*or* we hereby bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVI.—BOND TO PROSECUTE OR GIVE EVIDENCE.

(*See section 170.*)

I, (*name*), of (*place*), do hereby bind myself to attend at , in the Court of , at o'clock on the day of next, and then and there to prosecute (*or*, to prosecute and give evidence, *or* to give evidence) in the matter of a charge of against one *A. B.*, and, in case of making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XXVII.—NOTICE OF COMMITMENT BY MAGISTRATE TO GOVERNMENT PLEADER.

(*See section 218.*)

The Magistrate of hereby gives notice that he has committed one for trial at the next Sessions; and the Magistrate hereby instructs the Government Pleader to conduct the prosecution of the said case.

The charge against the accused is that, &c. (*state the offence as in the charge*).

Dated this day of , 18 .

(*Signature.*)

XXVIII.—CHARGES.

(*See sections 221, 222, 223.*)

(I).—CHARGES WITH ONE HEAD.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows:—

(*b*) That you, on or about the day of , at , waged war against Her Majesty the Queen, Empress of India, and thereby committed an offence punishable under section 121 of the Indian

On Penal Code, section 121.

FORMS. SCHEDULE V—*continued.*

Penal Code, and within the cognizance of the Court of Session [*when the charge is framed by a Presidency Magistrate, for* Court of Session *substitute* High Court].

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

[*To be substituted for* (*b*) :—]

On section 124.

(2) That you, on or about the day of , at , with the intention of inducing the Honourable *A. B.*, Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 161.

(3) That you, being a public servant in the Department, directly accepted from [*state the name*], for another party [*state the name*], a gratification, other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 166.

(4) That you, on or about the day of , at , did [*or* omitted to do, *as the case may be*] , such conduct being contrary to the provisions of Act , section , and known by you to be prejudicial to , and thereby committed an offence punishable under section 166 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 193.

(5) That you, on or about the day of , at , in the course of the trial of , before , stated in evidence that " ", which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 304.

(6) That you, on or about the day of , at , committed culpable homicide not amounting to murder, causing the death of , and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 306.

(7) That you, on or about the day of , at , abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 325.

(8) That you, on or about the day of , at , voluntarily caused grievous hurt to , and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 392.

(9) That you, on or about the day of , at , robbed [*state the name*] and thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 395.

(10) That you, on or about the day of , at , committed dacoity, an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

[*In cases tried by Magistrates, substitute* "within my cognizance" *for* "within the cognizance of the Court of Session," *and in* (*c*) *omit* "by the said Court."]

(II).—CHARGES WITH TWO OR MORE HEADS.

(*a*) I, [*name and office of Magistrate, &c.*], hereby charge you [*name of accused person*] as follows :—

On section 241.

(*b*) *First.*—That you, on or about the day of , at , knowing a coin to be counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Secondly.—That you, on or about the day of , at , knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as

SCHEDULE V—*continued.* FORMS.

genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

(*c*) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate.*]

[*To be substituted for* (*b*) :—]

On sections 302 and 304.

(2) *First.*—That you, on or about the day of , at , committed murder by causing the death of , and thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Secondly.—That you, on or about the day of , at , by causing the death of , committed culpable homicide not amounting to murder, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On sections 379 and 382.

(3) *First.*—That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Secondly.—That you, on or about the day of , at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Thirdly.—That you, on or about the day of , at , committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Fourthly.—That you, on or about the day of , at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Alternative charges on section 193.

(4) That you, on or about the day of , at , in the course of the inquiry into before , stated in evidence that " ", and that you, on or about the day of , at , in the course of the trial of , before , stated in evidence that " ", one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [*or* High Court].

[*In cases tried by Magistrates, substitute* "within my cognizance" *for* "within the cognizance of the Court of Session," *and in* (*c*) *omit* "by the said Court."]

(III).—CHARGE FOR THEFT AFTER A PREVIOUS CONVICTION.

I (*name and office of Magistrate, &c.,*) hereby charge you (*name of accused person*) as follows:—

That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code and within the cognizance of the Court of Session [*or* { High Court, / Magistrate, } *as the case may be.*]

And you the said (*name of accused*) stand further charged that you, before the committing of the said offence, that is to say, on the day of , had been convicted by the (*state Court by which conviction was had*) at of an offence punishable under

FORMS. SCHEDULE V—*continued.*

Chapter XVII of the Indian Penal Code with imprisonment for a term of three years, that is to say, the offence of house-breaking by night (*describe the offence in the words used in the section under which the accused was convicted*), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 75 of the Indian Penal Code.

And I hereby direct that you be tried, &c,

XXIX.—WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE.

(*See sections 245 and 258.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar for 18 , was convicted before me (*name and official designation*) of the offence of (*mention the offence or offences concisely*) under section (*or* sections) of the Indian Penal Code (*or* of Act), and was sentenced to (*state the punishment fully and distinctly*);

This is to authorize and require you, the said Superintendent (*or* Keeper) to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXX.—WARRANT OF IMPRISONMENT ON FAILURE TO RECOVER AMENDS BY DISTRESS.

(*See section 250.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name and description*) has brought against (*name and description of the accused person*) the complaint that (*mention it concisely*), and the same has been dismissed as frivolous (*or* vexatious), and the order of dismissal awards payment by the said (*name of complainant*) of the sum of rupees as amends; and whereas the said sum has not been paid and cannot be recovered by distress of the moveable property of the said (*name of complainant*) and an order has been made for his simple imprisonment in jail for the period of days, unless the aforesaid sum be sooner paid;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), subject to the provisions of section 69 of the Indian Penal Code, unless the said sum be sooner paid, and on the receipt thereof forthwith to set him at liberty; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXI.—SUMMONS TO A WITNESS.

(*See sections 68 and 252.*)

To of

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*state the offence concisely, with time and place*) and it appears to me that you are likely to give material evidence for the prosecution;

SCHEDULE V—*continued.* FORMS.

You are hereby summoned to appear before this Court on the day of next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XXXII.—PRECEPT TO DISTRICT MAGISTRATE TO SUMMON JURORS AND ASSESSORS.

(*See section 326.*)

To the District Magistrate of .

WHEREAS a Criminal Session is appointed to be held in the Court-house at on the day of next, and the names of the persons herein stated have been duly drawn by lot from among those named in the revised list of jurors and assessors furnished to this Court; you are hereby required to summon the said persons to attend at the said Court of Session at 10 A. M. on the said date, and, within such date, to certify that you have done so in pursuance of this precept.

(*Here enter the names of Jurors and Assessors.*)

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XXXIII.—SUMMONS TO ASSESSOR OR JUROR.

(*See section 328.*)

To (*name*) of (*place*).

PURSUANT to a precept directed to me by the Court of Session of requiring your attendance as an Assessor (*or* a Juror) at the next Criminal Session, you are hereby summoned to attend at the said Court of Session at (*place*) at ten o'clock in the forenoon on the day of next.

Given under my hand and seal of office, this day of , 18 .

(*Seal.*) (*Signature.*)

XXXIV.—WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH.

(*See section 374.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS at the Session held before me on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under section of the Indian Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the Court of ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*prisoner's name*) into your custody in the said jail, together with this warrant, and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said Court.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

FORMS.

SCHEDULE V—*continued.*

XXXV.—WARRANT OF EXECUTION ON A SENTENCE OF DEATH.

(*See section 381.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the Session held before me on the day of , 18 , has been by a warrant of this Court, dated the day of , committed to your custody under sentence of death, and whereas the order of the Court of confirming the said sentence has been received by this Court;

This is to authorize and require you the said Superintendent (*or* Keeper) to carry the said sentence into execution by causing the said to be hanged by the neck until he be dead, at (*time and place of execution*), and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XXXVI.—WARRANT AFTER A COMMUTATION OF A SENTENCE.

(*See sections 381 and 382.*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS at a Session held on the day of , 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session, was convicted of the offence of , punishable under section of the Indian Penal Code, and sentenced to , and was thereupon committed to your custody; and whereas by the order of the Court of (a duplicate of which is hereunto annexed) the punishment adjudged by the said sentence has been commuted to the punishment of transportation for life (*or, as the case may be*);

This is to authorize and require you, the said Superintendent (*or* Keeper), safely to keep the said (*prisoner's name*) in your custody in the said jail, as by law is required, until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the said order,

or

if the mitigated sentence is one of imprisonment, say, after the words "custody in the said jail," "and there to carry into execution the punishment of imprisonment under the said order according to law."

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XXXVII.—WARRANT TO LEVY A FINE BY DISTRESS AND SALE.

(*See section 386.*)

To (*name and designation of the Police-officer or other person, or persons, who is or are to execute the warrant*).

WHEREAS (*name and description of the offender*) was on the day of , 18 , convicted before me of the offence of (*mention the offence concisely*) and sentenced to pay a fine of rupees , and whereas the said (*name*), although required to pay the said fine, has not paid the same or any part thereof;

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the District of ; and, if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or* forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said fine; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

SCHEDULE V—*continued.* FORMS

XXXVIII.—WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT WHEN A FINE IS IMPOSED.

(*See section 480.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS at a Court holden before me on this day (*name and description of the offender*) in the presence (*or* view) of the Court committed wilful contempt;

And whereas for such contempt the said (*name of offender*) has been adjudged by the Court to pay a fine of rupees , or in default to suffer simple imprisonment for the space of (*state the number of months or days*);

This is to authorize and require you, the Superintendent (*or* Keeper) of the said Jail, to receive the said (*name of offender*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), unless the said fine be sooner paid; and, on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XXXIX.—MAGISTRATE'S OR JUDGE'S WARRANT OF COMMITMENT OF WITNESS REFUSING TO ANSWER.

(*See section 485.*)

To (*name and designation of officer of Court*)

WHEREAS (*name and description*), being summoned (*or* brought before this Court) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (*or* certain questions) put to him touching the said alleged offence, and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (*term of detention adjudged*);

This is to authorize and require you to take the said (*name*) into custody, and him safely keep in your custody for the space of days unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

XL.—WARRANT OF IMPRISONMENT ON FAILURE TO PAY MAINTENANCE.

(*See section 488.*)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name, description and address*) has been proved before me to be possessed of sufficient means to maintain his wife (*name*) [*or* his child (*name*), who is by reason of (*state the reason*) unable to maintain herself (*or* himself)] and to have neglected (*or* refused) to do so, and an order has been duly made requiring the said (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of rupees ; and whereas it has been further proved that the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or* months) of : And thereupon an order was made adjudging him to undergo simple (*or* rigorous) imprisonment in the said jail for the period of ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody in the said jail, together with this warrant, and there carry the said

FORMS. SCHEDULE V—*continued.*

order into execution according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of . 18 .

(*Seal.*) (*Signature.*)

XLI.—WARRANT TO ENFORCE THE PAYMENT OF MAINTENANCE BY DISTRESS AND SALE.

(*See section 488.*)

To (*name and designation of the Police-officer or other person to execute the warrant*).

WHEREAS an order has been duly made requiring (*name*) to allow to his said wife (*or* child) for maintenance the monthly sum of rupees , and whereas the said (*name*) in wilful disregard of the said order has failed to pay rupees , being the amount of the allowance for the month (*or* months) of ;

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said (*name*) which may be found within the district of , and if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or* forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said sum; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLII.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A MAGISTRATE.

(*See sections 496 and 499.*)

I, (*name*), of (*place*), being brought before the Magistrate of (*as the case may be*) charged with the offence of , and required to give security for my attendance in his Court and at the Court of Session, if required, do bind myself to attend at the Court of the said Magistrate on every day of the preliminary inquiry into the said charge, and should the case be sent for trial by the Court of Session, to be, and appear, before the said Court when called upon to answer the charge against me; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

I hereby declare myself (*or* We jointly and severally declare ourselves and each of us) surety (*or* sureties) for the said (*name*) that he shall attend at the Court of on every day of the preliminary inquiry into the offence charged against him, and, should the case be sent for trial by the Court of Session, that he shall be, and appear, before the said Court to answer the charge against him, and in case of his making default therein, I bind myself (*or* we bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees .

Dated this day of , 18 .

(*Signature.*)

XLIII.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See section 500.*)

To the Superintendent (*or* Keeper) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since with his surety (*or* sureties) duly executed a bond under section 499 of the Code of Criminal Procedure;

SCHEDULE V—*continued.* FORMS.

This is to authorize and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other matter.

Given under my hand and the seal of the Court, this day of , 18 .

(*Signature.*)

XLIV.—WARRANT OF ATTACHMENT TO ENFORCE A BOND.

(*See section 514.*)

To the Police-officer in charge of the Police-station at .

WHEREAS (*name, description and address of person*) has failed to appear on (*mention the occasion*) pursuant to his recognizance, and has by such default forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (*the penalty in the bond*); and whereas the said (*name of person*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him.

This is to authorize and require you to attach any moveable property of the said (*name*) that you may find within the District of , by seizure and detention, and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLV.—NOTICE TO SURETY ON BREACH OF A BOND.

(*See section 514.*)

To of .

WHEREAS on the day of , 18 , you became surety for (*name*) of (*place*) that he should appear before this Court on the day of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas the said (*name*) has failed to appear before this Court, and by reason of such default you have forfeited the aforesaid sum of rupees ;

You are hereby required to pay the said penalty or show cause, within days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVI.—NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See section 514.*)

To of .

WHEREAS on the day of , 18 , you became surety by a bond for (*name*) of (*place*) that he would be of good behaviour for the period of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas the said (*name*) has been convicted of the offence of (*mention the offence concisely*) committed since you became such surety, whereby your security-bond has become forfeited;

You are hereby required to pay the said penalty of rupees , or to show cause within days why it should not be paid.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVII.—WARRANT OF ATTACHMENT AGAINST A SURETY.

(*See section 514.*)

To .

WHEREAS (*name, description and address*) has bound himself as surety for the appearance of (*mention the condition of the bond*), and the said (*name*) has made default, and thereby forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (*the penalty in the bond*);

FORMS. SCHEDULE V—*continued.*

This is to authorize and require you to attach any moveable property of the said (*name*) which you may find within the District of , by seizure and detention; and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLVIII.—WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL.

(*See section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at .

WHEREAS (*name and description of surety*) has bound himself as a surety for the appearance of (*state the condition of the bond*); and the said (*name*) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Her Majesty the Queen, Empress of India; and whereas the said (*name of surety*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of moveable property of his, and an order has been made for his imprisonment in the Civil Jail for (*specify the period*);

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody with this warrant and him safely to keep in the said Jail for the said (*term of imprisonment*), and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

XLIX.—NOTICE TO THE PRINCIPAL OF FORFEITURE OF A BOND TO KEEP THE PEACE.

(*See section 514.*)

To (*name, description and address*).

WHEREAS on the day of , 18 , you entered into a bond not to commit, &c. (*as in the bond*), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees , or to show cause before me within days why payment of the same should not be enforced against you.

Dated this day of , 18 .

(*Seal.*) (*Signature.*)

L.—WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE.

(*See section 514.*)

To (*name and designation of Police-officer*) at the Police-station of .

WHEREAS (*name and description*) did on the day of , 18 , enter into a bond for the sum of rupees , binding himself not to commit a breach of the peace, &c. (*as in the bond*), and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

SCHEDULE V—*continued.* FORMS.

This is to authorize and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the District of , and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realize the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

LI.—WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE.

(*See Section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at

WHEREAS proof has been given before me and duly recorded that (*name and description*) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ; and whereas the said (*name*) has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*);

This is to authorize and require you, the said Superintendent (*or* Keeper), of the said Civil Jail to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*); and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

LII.—WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 514.*)

To the Police-officer in charge of the Police-station at

WHEREAS (*name, description and address*) did on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, &c., of the principal*), and proof has been given before me and duly recorded of the commission by the said (*name*) of the offence of , whereby the said bond has been forfeited; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorize and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the District of , and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realize the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18

(*Seal.*) (*Signature.*)

LIII.—WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 514.*)

To the Superintendent (*or* Keeper) of the Civil Jail at

WHEREAS (*name, description and address*) did on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, &c., of the principal*), and proof of the breach of the said bond has been given before me and duly

FORMS. SCHEDULE V—*concluded.*

recorded, whereby the said (*name*) has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ; and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*) ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) ; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(*Seal.*) (*Signature.*)

R. J. CROSTHWAITE,
Offg. Secy. to the Govt of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th March, 1882, and is hereby promulgated for general information :—

ACT No. XI OF 1882.

THE INDIAN TARIFF ACT, 1882.

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SCHEDULE I.—ACTS REPEALED.

SCHEDULE II.—IMPORT TARIFF.

SCHEDULE III.—EXPORT TARIFF.

An Act to amend the law relating to Customs Duties, and for other purposes.

Preamble.

WHEREAS it is expedient to amend the law relating to the duties of customs on goods imported and exported by sea, and to provide for the levy of duties on goods crossing the frontier of certain Foreign European Settlements in India and of the territories of certain Native Chiefs and for fixing a maximum duty of excise on spirit manufactured in British India; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Indian Tariff Act, 1882"

Local extent. Commencement.

It extends to the whole of British India except Aden; and it shall come into force on the passing thereof.

Repeal of Acts.

2. The Acts mentioned in the first schedule hereto annexed are repealed to the extent specified therein:

Saving clause.

But all notifications published, and rules and orders made, under any of such Acts, and now in force, shall, so far as they are consistent herewith, be deemed to have been respectively published and made hereunder:

All references made to the Indian Tariff Act, 1875, in Acts or Regulations passed before this Act comes into force, shall be deemed to be made to this Act:

And nothing herein contained authorizes the levy of duties of customs on any article carried from one port in British India to another, except salt, opium and spirit.

Duties specified in schedules to be levied.

3. There shall be levied and collected, in every port to which this Act applies, the duties specified in the second and third schedules hereto annexed.

Export of pepper from Cochin.

4. On all pepper exported by sea from the port of Cochin there shall be levied such duty not exceeding nine rupees per khandí as the Governor of Fort Saint George in Council from time to time determines; and at the close of each year, or as soon thereafter as may be convenient, the Customs-collector at the said port shall, after deducting the expenses of collection, pay the duty collected under this section to the Governments of Travancore and Cochin in such proportion and in such manner as the Governor of Fort Saint George in Council from time to time directs.

Duties on goods crossing frontiers

5. Duties of customs shall be levied at the rates respectively prescribed in the second and third schedules hereto annexed on goods passing by land out of or into—

of Foreign European Settlements in Presidency of Madras,

(a) Foreign European Settlements situate on the line of coast within the limits of the Presidency of Fort Saint George;

of foreign territory.

(b) any territory declared, under the power next hereinafter conferred, to be foreign territory.

Subject to the control of the Governor General in Council, the Governor of Fort St. George in Council and the Governor of Bombay in Council may, from time to time, by notification in the local official Gazette, respectively declare that the territory of any Native Chief, situate within, or bordering on, the territories respectively administered by such Governors, but not subject to the jurisdiction of the Courts and Civil authorities of such territories, shall be deemed, for the purposes of this section, to be foreign territory.

Power to declare territory foreign.

The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare that the territory of any other Native Chief, shall be deemed, for the purposes of this section, to be foreign territory.

6. And whereas it is expedient that the duty of excise on spirit distilled in British India should bear a due proportion to the customs-duty on spirit imported into British India, it is hereby further enacted as follows:—

Excise-duty on spirit distilled in British India.

Subject to any general rules or special orders which the Governor General in Council may, from time to time, make in this behalf, the Local Government may, from time to time, by notification in the local official Gazette, fix the duty of excise leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, at any rate not exceeding the rate fixed for imported spirit by the second schedule hereto annexed; and all provisions now in force as to the levy of duty now chargeable on spirit shall apply to spirit upon which the duty declared under this section has not been paid.

In Act No. XVI of 1863, section one, for the words "calculated at ten" the words "not exceeding five" shall be substituted.

7. Spirit, opium and salt imported from any port in British India, and protected by the certificate of an officer empowered in that behalf by the Governor General in Council or the Local Government, are chargeable with only the amount, if any, by which the duty leviable thereon under the second schedule hereto annexed exceeds the duty shown by such certificate to have been already paid in respect thereof.

Duty on spirit, opium and salt when protected by a certificate.

The amount, if any, paid to the Government as the price of such opium or salt is not duty within the meaning of this section.

8. So far as regards the Presidency of Fort St. George, the unrepealed provisions of Act No. VI of 1844, and so far as regards the Presidency of Bombay, the unrepealed provisions of Act No. XXIX of 1857, relating to the levy of duties and to dutiable goods, shall, *mutatis mutandis*, apply to duties levied and goods liable to duty under or by virtue of section five, clause (*b*).

Application of certain provisions as to duties and goods.

9. All notifications published hereunder may be cancelled by the authority publishing the same.

Power to cancel notifications.

SCHEDULE I.

ACTS REPEALED.

Number and year.	Short Title.	Extent of Repeal.
XI of 1869 ...	The Land Customs (Madras and Bombay) Act, 1869	So much as has not been repealed.
XVI of 1875 ...	The Indian Tariff Act, 1875	Ditto.
XI of 1878 ...	The Indian Arms Act, 1878	Section 8 and the second Schedule.

SCHEDULE II.

IMPORT TARIFF.

No.	Names of Articles.	Per	Tariff valuation.	Duty.	
				Rs.	As.
1	ARMS, AMMUNITION AND MILITARY STORES—				
	Fire-arms and parts thereof—				
	1. Fire-arms other than pistols, for each	.....	.....	50	0
	2. Barrels for the same, whether single or double, for each ...	.....	.....	30	0
	3. Pistols, for each	.....	.....	15	0
	4. Barrels for the same, whether single or double, for each ...	.....	.....	10	0
	5. Springs used for fire-arms, for each	.....	.....	8	0
	6. Gunstocks, sights, blocks and rollers, for each ...	.....	.....	5	0
	7. Revolver-breeches, for each cartridge they will carry ...	.....	.....	2	8

No.	Names of Articles.	Per	Tariff valuation.	Rate of Duty.
	8. Extractors, nippers, heel-plates, pins, screws, tangs, bolts, thumb-pieces, triggers, trigger-guards, hammers, pistons, plates, and all other parts of a fire-arm not herein otherwise provided for, and all tools used for cleaning or putting together or loading the same, for each	.....	.....	Rs. As. 1 8
	9. Machines for making or loading or closing cartridges, for each	.....	.....	10 0
	10. Machines for capping cartridges, for each	.....	.....	2 8
	Exception I.—Articles falling under the 5th, 6th, 8th, 9th, or 10th head of the above list, when they appertain to a fire-arm falling under the 1st or 3rd head, and are fitted into the same case with such fire-arm, are free.			
	Exception II.—Arms forming part of the regular equipment of an officer entitled to wear diplomatic, military or police uniform, and a revolver or a pair of pistols accompanying a military officer, are free.			
	Proviso 1.—No duty in excess of ten per cent. *ad valorem* shall be levied upon any of the articles mentioned in the above list when they are imported in reasonable quantity, for his own private use, by any person lawfully entitled to possess the same.			
	Proviso 2.—When any articles which have been otherwise imported, and upon which duty has been levied or is leviable under this number, are purchased retail from the importer by a person lawfully entitled as aforesaid, in reasonable quantity for his own private use, the importer may apply to the Customs-collector for a refund or remission (as the case may be) of so much of the duty thereon as is in excess of ten per cent. *ad valorem*; and if such collector is satisfied as to the identity of the articles, and that such importer is in other respects entitled to such refund or remission, he shall grant the same accordingly.			
	Gunpowder, common ...	lb.	Rs. A. 0 5	10 per cent.
	" sporting ...	lb.	1 0	
	All other sorts	.....	*Ad valorem*	
	LIQUORS—			
	Ale, beer and porter, except when condensed or concentrated	Impl. Gallon or six quart bottles ...	.....	One anna.
	Cider, and other fermented liquors			
	Liqueurs	Ditto ...	.....	Rs. 4.
	Spirit intended to be used exclusively in arts or manufactures, or in chemistry, and which has been rendered effectually and permanently unfit for human consumption	.....	*Ad valorem*	5 per cent.
	Spirit, when used in drugs, medicines or chemicals in a proportion less than twenty per cent. of spirit of the strength of London proof	.....	*Ad valorem*	5 per cent.
	Spirit when so used in a proportion of twenty per cent. and upwards	Impl. Gallon or six quart bottles of the strength of London proof.	.....	Rs. 4, and the duty to be increased in proportion as the strength of the spirit exceeds London proof.
	Spirit, perfumed, in wood, or in bottles containing more than four ounces	Ditto ...	.....	
	Spirit, other sorts	Ditto ...	.....	

No.	Names of Articles.	Per	Tariff valuation.	Rate of Duty.
	Wines—			
	Champagne and all other sparkling wines ..	Impl. gallon or six quart bottles.	.....	Rs. 2-8.
	All other sorts of wines ...	Ditto ...	.....	Re. 1.
3	OPIUM NOT COVERED BY A GOVERNMENT PASS	Ser of 80 tolas	.....	Rs. 24.
4	SALT	Indian maund of 82⅔ lbs. avoirdupois weight.	.....	The rate at which excise duty is for the time being leviable on salt manufactured in the place where the import takes place.

SCHEDULE III.

EXPORT TARIFF.

Name of Article.	Per	Tariff valuation.	Rate of Duty.
RICE whether husked or unhusked	Indian maund of 82⅔ lbs. avoirdupois weight.	...	3 annas.

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th March, 1882, and is hereby promulgated for general information:—

ACT No. XII OF 1882.

THE INDIAN SALT ACT, 1882.

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THE SCHEDULE—ENACTMENTS REPEALED.

An Act for regulating the duty on Salt, and for other purposes.

Preamble.

WHEREAS it is expedient to amend the law relating to the levy of duty on salt, and to the import and transit of salt, and the manufacture of salt and saltpetre, into, over and in British India; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Commencement.

1. This Act may be called "The Indian Salt Act," 1882; and it shall come into force at once.

Local extent.

This section, sections two, seven and eight, and so much of this Act as refers to offences against any of its provisions or against any rules made under it, extend to the whole of British India;

The rest of this Act extends to the territories for the time being respectively administered by the Lieutenant-Governors of the North-Western Provinces and the Panjáb and the Chief Commissioners of Oudh, the Central Provinces and Ajmír and Mairwára, to the Province of Sindh, to the Districts of the Patna Division, and to British territory under the jurisdiction of the Agent to the Governor General in Central India;

Power to extend Act.

and any portion of this Act, other than the portions specified in the second paragraph of this section, may be extended, by order of the Governor General in Council published in the *Gazette of India*, to any part of British India other than the territories, Province and Districts mentioned in the third paragraph of this section.

Repeal of enactments.

2. The enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column thereof; but all rules made, licenses and passes granted, prices and duties fixed, notifications published and powers conferred under any such enactment and now in force shall, so far as they are consistent with this Act, be deemed to have been respectively made, granted, fixed, published and conferred hereunder.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"the said territories":

the expression "the said territories" means the territories to which the section of this Act, in which that expression occurs, for the time being extends;

"Assistant Commissioner":

"Assistant Commissioner" means an Assistant Commissioner of Northern India Salt-revenue, and also includes any person invested by the Local Government with the powers of an Assistant Commissioner under this Act;

"Salt-revenue officer":

"Salt-revenue officer" means any officer of the Northern India Salt Department, and also includes any person invested by the Local Government with any of the powers of a Salt-revenue officer under this Act;

"Saltpetre":

"Saltpetre" includes rasí, sajjí and all other substances manufactured from saline earth, and khárí-nún and every form of sulphate or carbonate of soda; and

"Manufacture of salt."

"manufacture of salt" includes the separation or purification of salt obtained in the manufacture of saltpetre, the separation of salt from earth or other substance so as to produce alimentary salt, and the excavation or removal of natural saline deposits or efflorescence.

Powers of Commissioner of Division by whom to be exercised.

4. The powers and duties conferred and imposed by this Act on a Commissioner of a Division may, in places where there is no such Commissioner, be exercised and performed by such officer as the Governor General in Council may from time to time appoint in this behalf.

Commissioner of Northern India Salt-revenue.

5. At the head of the administration of the salt-revenue under this Act there shall be an officer, called the Commissioner of Northern India Salt-revenue, who shall be appointed, and may be suspended or removed, by the Governor General in Council.

CHAPTER II.

MANUFACTURE AND REFINING OF SALT AND SALTPETRE.

Power of Governor General in Council—

6. The Governor General in Council may, from time to time, by rule—

to regulate manufacture and refining of salt and saltpetre;

(*a*) prohibit absolutely, or subject to such conditions as he thinks fit, the manufacture of salt, or the manufacture or refining of saltpetre, throughout the whole or any portion of the said territories;

to fix fees for licenses;

(*b*) fix fees for the following licenses, not exceeding in the case of each such license the amount hereinafter mentioned:—

	Rs.
License to manufacture and refine saltpetre and to separate and purify salt in the process of such manufacture and refining ...	50
License to manufacture saltpetre ...	2
License to manufacture sulphate of soda (*khárí-nún*) by solar heat in evaporating pans	10
License to manufacture sulphate of soda (*khárí-nún*) by artificial heat	2
License to manufacture other saline substances	2

to regulate the collection of duties;

(*c*) determine the manner, time and place in and at which, and the persons by whom, any duty imposed hereunder shall be collected in the said territories;

to regulate possession of salt in vicinity of places where saltpetre is manufactured;

(*d*) define an area no point in which shall be more than one hundred yards from the nearest point of any place in which salt is stored or sold by or on behalf of Government, or of any manufactory and its appurtenances in or on which saltpetre is manufactured or refined, and regulate the possession, storage and sale of salt within such area;

to regulate possession of salt in vicinity of places where salt is manufactured.

(*e*) define an area round any other place in which salt is manufactured, and regulate the possession, storage and sale of salt within such area.

CHAPTER III.

DUTY AND PRICE OF SALT.

Power of Governor General in Council—

7. The Governor General in Council may from time to time by rule consistent with this Act—

to impose a duty on manufacture of salt;

(a) impose a duty, not exceeding three rupees per maund of 82⅔ pounds avoirdupois, on salt manufactured in, or imported by land into, any part of British India;

to reduce or remit duties;

(b) reduce or remit any duty so imposed, and re-impose any duty so reduced or remitted;

to fix minimum price of salt excavated, &c., by Government.

(c) fix the minimum price at which salt excavated, manufactured or sold by or on behalf of the Government of India shall be sold.

In calculating the amount of duty payable under this section, fractions of quarter maunds may be reckoned as quarter maunds.

Power of Local Government to fix minimum price of salt excavated, &c.

8. Subject to any general rules or special orders which the Governor General in Council may from time to time make in this behalf, the Local Government may from time to time, by notification in the local official Gazette, fix the minimum price at which salt excavated, manufactured or sold by or on behalf of such Local Government shall be sold.

CHAPTER IV.

OFFENCES AGAINST THE SALT-REVENUE.

Penalties.

9. Whoever commits any of the following offences (namely):—

(a) does anything in contravention of this Act or of any rule made hereunder;

(b) evades payment of any duty or charge payable under this Act or any such rule; or

(c) attempts to commit, or abets within the meaning of the Indian Penal Code the commission of, any of the offences mentioned in clauses (a) and (b) of this section,

shall for every such offence be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both;

and the convicting Magistrate, on the application of the Assistant Commissioner or Salt-revenue officer, may declare to be confiscated all works, materials and implements constructed or prepared for the purpose of manufacturing or refining salt or saltpetre contrary to the provisions of this Act or any such rule.

Punishment on second and subsequent convictions.

10. Any person convicted of an offence under section nine, after having been previously convicted of an offence under that section or section 11 of the Inland Customs Act, 1875, or under any enactment repealed by that Act, shall be punished with imprisonment for a term which may extend to six months, in addition to the punishment which may be inflicted for a first offence under section nine;

and every such person shall, upon every subsequent conviction of an offence under section nine, be liable to imprisonment for a term which may extend to six months, in addition to any term of imprisonment to which he was liable at his last previous conviction.

Charge by whom to be preferred.

11. A charge of an offence under section nine, or under section 11 of the Inland Customs Act, 1875, shall not be entertained except on the complaint of an Assistant Commissioner or other Salt-revenue officer not inferior in rank to a Sub-Inspector,

Limitation.

and no such complaint shall be admitted unless it is preferred within six months after the commission of the offence to which it refers.

Jurisdiction.

All such offences shall be tried by a Magistrate exercising powers not less than those of a Magistrate of the second class.

Confiscation of articles in respect of which offence committed.

12. All salt or saltpetre in respect of which any offence mentioned in section nine has been committed, together with the vessels, packages or coverings in which such salt or saltpetre is contained, and the animals and conveyances used in carrying it, shall be liable to confiscation.

When the article seized exceeds five sers in weight, the Commissioner of the Division in which the seizure takes place may, if satisfied on the report of any Salt-revenue officer, or on such inquiry as he thinks fit to make, that such offence has been committed, declare such article to be confiscated or impose such lesser penalty in lieu of confiscation as to him may seem fit.

If the article seized does not exceed five sers in weight, the Assistant Commissioner shall possess the same powers in regard to its disposal as by this section are conferred on the Commissioner of the Division in regard to quantities exceeding five sers, and may also confiscate any vessel, package or covering in which such article is contained.

Whenever such Commissioner declares under this section any article to be confiscated, he may also declare to be confiscated any vessel, package or covering in which such article is contained, and any animal or conveyance used in carrying it.

Power to levy additional duty as penalty.

13. The Governor General in Council may, from time to time, by rule, direct that any Salt-revenue officer, not inferior in rank to an Assistant Inspector, if satisfied in such manner as such rule may prescribe that any offence mentioned in section nine has been committed in respect of any dutiable salt, shall, instead of making a complaint to a Magistrate, or instituting proceedings with a view to confiscation, impose as a penalty an additional duty on such salt not exceeding the duty leviable thereon under Chapter III of this Act.

The imposition of every such penalty shall be at once reported, if the salt, in respect of which an offence has been committed, exceeds five sers in weight, to the Commissioner of the Division in which such penalty is imposed, and, if such salt does not exceed five sers in weight, to the Assistant Commissioner,

and shall require the sanction of the Commissioner or Assistant Commissioner, as the case may be, to whom it is so reported.

Punishment for connivance at offences mentioned in section nine.

14. Any zamíndár or other proprietor of land, and any agent of a zamíndár or proprietor of land, who wilfully connives at any offence mentioned in section nine, shall for every such offence be punishable by any Magistrate exercising powers not less than those of a Magistrate of the second class with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

CHAPTER V.

POWERS OF STOPPAGE, SEARCH, SEIZURE AND ARREST.

Power to search places where article is manufactured under license.

15. Any Salt-revenue officer empowered in this behalf by the Local Government may at any time enter and search any place in which any article is manufactured or refined under a license granted under this Act or any rule made hereunder.

Power to detain suspected person and to seize goods liable to confiscation.

16. Any Salt-revenue officer may stop and detain any person whom he has reason to believe to be liable to punishment under this Act;

and may seize any salt or saltpetre in respect of which there is reason to believe that any offence mentioned in section nine has been committed, or that any duty is payable, together with the vessels, packages or coverings in which such salt or saltpetre is contained, and the animals or conveyances used in carrying it.

Power to arrest.

17. Any Salt-revenue officer may arrest any person whom he has reason to believe to have committed any such offence as last aforesaid.

Procedure of officer having reason to believe unlawful manufacture.

18. Whenever any Salt-revenue officer, not inferior in rank to a Sub-Inspector, has reason to believe that salt or saltpetre is being unlawfully manufactured, refined or stored in an unlicensed place,

such officer shall first record in writing (so far as may be practicable) (*a*) the name, residence, and calling of the informant (if any); (*b*) the locality and description of the house, boat or place where the officer believes that the salt or saltpetre is being so manufactured, refined or stored; (*c*) the name of the person by or for whom the salt or saltpetre is so manufactured, refined or stored; and (*d*) the supposed quantity and description of the salt or saltpetre, with the grounds for believing the same to be unlawfully manufactured, refined or stored;

and may then summon in writing the officer in charge of the Police-station within whose jurisdiction the house, boat or place to be searched is situate to attend him;

Power to enter and search.

and may then, after sunrise and before sunset (but always in the presence of an officer of Police not inferior in rank to a head constable), enter and search any house, boat or place in which there is reason to believe that salt or saltpetre is being so manufactured, refined or stored;

and, in case of resistance, may break open any door, and force and remove any other obstacle to such entry;

and may seize and carry away all salt and saltpetre so manufactured, refined or stored, and all materials used in the manufacture or refinement of such salt or saltpetre;

and may also detain and search and, if he thinks proper, arrest the occupier of the said house, boat or place, together with all persons concerned in the manufacture, refinement, or storing of such salt or saltpetre, or in the concealing thereof.

If the place so entered is an apartment in the actual occupancy of a woman who, according to the custom of the country, does not appear in public, the officer entering the same shall be guided by the rules prescribed for such cases in the Code of Criminal Procedure.

Before conducting a search under this section, the officer conducting it shall call upon two or more respectable inhabitants (if any) of the locality in which the house, boat or place is situate to attend and witness the search, and the search shall be made in the presence of such inhabitants (if any), and also (if practicable) of the occupant of the house, boat or place searched.

Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

Failure of Police-officer to attend.

19. Any officer in charge of a Police-station who, on application in writing made by a Salt-revenue officer to attend for any of the purposes specified in section eighteen, refuses or fails within a reasonable time so to attend or to depute a subordinate officer, not inferior in rank to a head constable, so to attend, shall for every such offence be punished with fine which may extend to five hundred rupees.

Report of arrest, seizure and search.

20. Whenever a Salt-revenue officer under the rank of Assistant Commissioner arrests under this Act any person,

or seizes any article as liable to confiscation under this Act,

or enters any house, boat or place for the purpose of searching for any such article,

he shall (unless generally empowered by the Assistant Commissioner to send the person arrested to the Magistrate) within forty-eight hours next after such arrest, seizure or entry make a full report of all the particulars of such arrest, seizure or entry to his official superior for the information of the Assistant Commissioner.

Every officer making any arrest under this Act, or his official superior, shall, if generally empowered in this behalf by the Assistant Commissioner, either send with all convenient despatch the person arrested to the Magistrate having jurisdiction to deal with the case, or order the discharge of such person.

Every officer of Police attending any search made under section eighteen shall report the same to his official superior.

Procedure in respect of articles seized.

21. Whenever the Assistant Commissioner is informed of the seizure of any article exceeding five sers in weight as liable to confiscation under this Act, he shall, with all conveni-

ent despatch, report the circumstances of the case to the Commissioner of the Division in which such seizure is made, who may thereupon proceed under section twelve.

If the article seized does not exceed five sers in weight, such Assistant Commissioner may dispose of the case himself under the said section.

Procedure on detention of article subject to additional duty.

22 Any article in respect of which a penalty is imposed under section thirteen may be detained pending the receipt of the order of the Commissioner of the Division or the Assistant Commissioner, as the case may be, on the report required by the same section:

Provided that, if the owner of any article so detained deposits the amount of such penalty with, and pays all ordinary duty and charges payable on such article to, the Salt-revenue officer detaining the same, such article shall be at once released.

When an article is so detained it shall on the receipt of the said order be dealt with in accordance with the rules made in this behalf hereunder.

When an article has been released under the second paragraph of this section, and the Commissioner of the Division or Assistant Commissioner, as the case may be, reduces, or declines to sanction, the penalty imposed in respect of such article, the amount refundable to the owner shall be paid to him on his applying therefor to the Assistant Commissioner within six months, to be computed (where the order has been made by the Commissioner of the Division) from the day on which the Assistant Commissioner has received such order, and (where the order has been made by the Assistant Commissioner) from the date of such order.

When any penalty the amount of which has been deposited under the second clause of this section is sanctioned,

or when any sum refundable under this section has not been claimed within the said period of six months,

the amount so in deposit, or the sum so refundable, shall be forfeited to Her Majesty, unless the Commissioner of Northern India Salt-revenue otherwise directs.

Procedure in respect of person arrested.

23. Whenever the Assistant Commissioner is informed of the arrest of any person, he shall (unless such person has been dealt with under the penultimate paragraph of section twenty) either send with all convenient despatch the person arrested to the Magistrate having jurisdiction to deal with the case, or order the immediate discharge of such person.

Officers required to assist Salt-revenue officers.

24. All officers of Police, and all officers of Government engaged in the collection of land-revenue, are hereby empowered and required to assist the Salt-revenue officers in the execution of this Act.

Vexatious search, seizure, &c., by Salt-revenue officer.

25. Any Salt-revenue officer who—

(*a*) without reasonable ground of suspicion searches or causes to be searched any house, boat or place;

(*b*) vexatiously and unnecessarily detains, searches or arrests any person;

(*c*) vexatiously and unnecessarily seizes the moveable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Act;

(*d*) commits as such officer any other act to the injury of any person, when such officer has not reason to believe that such act is required for the execution of his duty,

shall for every such offence be punishable, by a Magistrate exercising powers not less than those of a Magistrate of the second class, with fine which may extend to five hundred rupees.

Any person wilfully and maliciously giving false information and so causing a search to be made under this Act shall be punishable, by a Magistrate exercising the same powers, with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to two years, or with both.

Power to regulate seizures and disposal of things seized.

26. The Governor General in Council may from time to time make rules consistent with this Act to regulate the seizure, disposal and destruction of things liable to be seized under this Act.

Such rules may, among other matters, provide—

(*a*) that the owner or person having the charge of any animal seized and detained shall provide from day to day for its keep while detained, and that, if he omits to do so, such animal may be sold by public auction, and the expenses (if any) incurred on account of it defrayed from the proceeds of the sale;

(*b*) that when anything is seized and an order for its release is subsequently passed, and the owner does not, within a period to be fixed by such rules, appear to claim such thing and tender the duty, penalties and charges (if any) due in respect thereof, it may be sold by public auction, and such duty, penalties and charges defrayed from the proceeds of the sale;

(*c*) that the surplus-proceeds of a sale under clause (*a*) or clause (*b*) of this section shall, unless the owner of the thing seized establishes his claim to such proceeds within a period, not less than three months, to be fixed by such rules, be forfeited to Her Majesty.

CHAPTER VI.

MISCELLANEOUS.

Power to prohibit import and transit of salt.

27. The Governor General in Council may, from time to time, by rule, prohibit absolutely, or subject to conditions, the importation of salt into, or the transit of salt over, the said territories or any part thereof.

Except in the case of a prohibition under this section, nothing in this Act shall affect the transit of salt into or from any of the said territories, from or into any other part of British India.

Further matters for which Governor General in Council may make rules.

28. In addition to the rules which the Governor General in Council is hereinbefore empowered to make, he may from time to time make rules consistent with this Act to regulate the following matters, namely:—

(*a*) the persons by whom, and the time, place and manner at or in which, anything to be done under this Act shall be done;

(*b*) the cases in which and the officers to whom, and the conditions subject to which, orders given by Salt-revenue officers under this Act shall be appealable;

(*c*) the fee to be charged on account of any license, pass, certificate, dákhilá, rawána or other such document issued under this Act;

and generally to carry out the provisions herein contained.

Publication of rules.

29. All rules made under this Act shall be published in the *Gazette of India*, and shall thereupon have the force of law.

Power to confer powers of Assistant Commissioner and Salt-revenue officers.

30. Subject to the provisions herein contained, and to any rules for the time being in force made by the Governor General in Council, the Local Government or the Commissioner of Northern India Salt-revenue may invest any person with the powers of an Assistant Commissioner under this Act, or with all or any of the powers hereinbefore conferred on Salt-revenue officers.

Amendment of Madras Act VI of 1871.

31. For section 11 of the Madras Salt Excise Act, 1871, the following shall be substituted :—

Levy of duty on salt.

"11. The excise-duty on salt manufactured in any district, or part of a district, to which this Act may be extended, shall be paid under such orders as the Board of Revenue from time to time makes in this behalf; but no such duty shall be leviable until the salt is about to be removed from the place of storage, and no salt shall be so removed without a permit authorizing its removal from store, and such permit shall specify the quantity to be removed and the excise-duty levied or due thereon."

SCHEDULE.

(*See section 2.*)

ENACTMENTS REPEALED.

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
VIII of 1875	The Inland Customs Act, 1875.	The whole.
II of 1876 ...	The Burma Land and Revenue Act, 1876.	Section 39, clause (*b*), and in clause (*c*) of the same section the words and letter "under clause (*b*)."
XVIII of 1877	The Salt Act, 1877	The whole.

REGULATION.

III of 1877	The Ajmír Laws Regulation, 1877.	Sections 36 and 37.

ACT OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
VII of 1864	The Salt Act, 1864	Section nine.

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th March, 1882, and is hereby promulgated for general information:—

ACT No. XIII OF 1882.

An Act to amend the law relating to Kánúngos and Patwáris in the North-Western Provinces and Oudh.

Preamble.

WHEREAS it is expedient to amend, in manner hereinafter appearing, the law relating to Kánúngos and Patwáris in the North-Western Provinces; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "The Kánúngos and Patwáris Act, 1882;" and shall come into force at once.

Repeal of sections of Act No. XIX of 1873 and Act No. VIII of 1879.

2. Sections 29, 30 and 31 of the North-Western Provinces Land-Revenue Act, 1873, and sections 4 and 5 of the North-Western Provinces Land-Revenue Act, 1879, are hereby repealed.

Notwithstanding such repeal any landlord may recover from a tenant any rate, or any portion of a rate, accruing due before the thirtieth day of June, 1882, and which he is entitled to recover, under any rule made under section 29 of the said North-Western Provinces Land-Revenue Act, 1873, from such tenant.

Disposal of balance of provincial fund constituted by Act No. XIX of 1873.

3. The existing balance of the provincial fund constituted by section 29 of the said North-Western Provinces Land-Revenue Act, 1873, shall be disposed of in such manner as the Local Government, with the previous sanction of the Governor General in Council, may from time to time direct.

Information to be furnished by owner or occupier of land.

4. For the purpose of preparing the registers or accounts prescribed by the said North-Western Provinces Land-Revenue Act, 1873, or by any rule made thereunder, every owner or occupier of land in any patwári's circle, and the agent of every such owner or occupier, shall furnish to the patwári of such circle, the kánúngo or such person as the Collector of the district may appoint in this behalf, such information, at such times, as the Local Government may from time to time by rule prescribe.

Explanation.—"Owner" in this section includes also a superior and an inferior proprietor, and a lessee, mortgagee or conditional vendee, in possession.

And whereas it is also expedient to amend the law relating to Kánúngos and Patwáris in Oudh; It is hereby further enacted as follows:—

Repeal of sections 203 to 215 (both inclusive) of Act No. XVII of 1876.

5. Sections 203 to 215 (both inclusive) of the Oudh Land-Revenue Act, 1876, are hereby repealed; but all appointments and rules made under any of the said sections and now in force shall, so far as they are consistent herewith, be deemed to have been made hereunder.

Power to fix number and limits of patwáris' circles.

6. With the previous sanction of the Chief Commissioner, the Deputy Commissioner shall fix the number of patwáris' circles in his district and the respective limits of such circles, and may, with the like sanction, from time to time alter the number and limits so fixed.

Patwári to be appointed for each circle.

For each such circle the Deputy Commissioner shall appoint a patwári.

Power to make rules for selection, &c., of patwáris.

7. The Chief Commissioner may, from time to time, make rules consistent with this Act—

(*a*) regulating the selection, appointment, suspension, dismissal, duties and supervision of patwáris;

(*b*) prescribing the fines which may be imposed on patwáris, and on persons appointed temporarily to perform their duties, for neglect of their duty.

Kánúngos and patwáris to be public servants, and their records public records.

8. Every kánúngo and patwári, and every person appointed temporarily to perform the duties of any such officer, shall be deemed to be a public servant within the meaning of the Indian Penal Code,

and all official records and papers kept by any such officer or person shall be deemed to be public records and the property of Government.

Information to be furnished by owner or occupier of land.

9. For the purpose of preparing the registers or accounts prescribed by the said Oudh Land-Revenue Act, 1876, or by any rule made

thereunder, every owner or occupier of land in any patwárí's circle, and the agent of every such owner or occupier, shall furnish to the patwárí of such circle, the kánúngo or such person as the Deputy Commissioner may appoint in this behalf, such information, at such times, as the Chief Commissioner may from time to time by rule prescribe.

Explanation.—"Owner" in this section includes also a superior and an inferior proprietor, and a lessee, mortgagee or conditional vendee, in possession.

Suits for recovery of patwárí-cess barred.

10. No suit shall be brought by a landlord against a tenant for the recovery of any cess or rate accruing due after the thirtieth day of June, 1882, and payable, in money or in kind, by such tenant, on account of the remuneration of a patwárí.

Local extent.

11. Sections one and ten and this section extend to the territories respectively administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh. Sections two, three and four extend to the territories administered by the said Lieutenant-Governor, and sections five to nine (both inclusive) extend to the territories administered by the said Chief Commissioner.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 17th March, 1882, and is hereby promulgated for general information :—

ACT No. XIV OF 1882.

THE CODE OF CIVIL PROCEDURE.

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THE FIRST SCHEDULE.—Acts repealed.

THE SECOND SCHEDULE.—Chapters and sections of this Code extending to Provincial Courts of Small Causes.

THE THIRD SCHEDULE.—Bombay Enactments.

THE FOURTH SCHEDULE.—Forms of Pleadings and Decrees.

An Act to consolidate and amend the laws relating to the Procedure of the Courts of Civil Judicature.

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature; It is hereby enacted as follows:—

PRELIMINARY.

Short title. Commencement.

1. This Act may be cited as "The Code of Civil Procedure:" and it shall come into force on the first day of June, 1882.

Local extent.

This section and section 3 extend to the whole of British India. The other sections extend to the whole of British India except the Scheduled Districts as defined in Act No. XIV of 1874.

Interpretation-clause.

2. In this Act, unless there be something repugnant in the subject or context—

"chapter:" "chapter" means a chapter of this Code:

"district:" "District Court:" "district" means the local limits of the jurisdiction of a principal Civil Court of original jurisdiction (hereinafter called a 'District Court'), and includes the local limits of the ordinary original civil jurisdiction of a High Court: every Court of a grade inferior to that of a District Court and every Court of Small Causes shall, for the purposes of this Code, be deemed to be subordinate to the High Court and the District Court:

"pleader:" "pleader" means every person entitled to appear and plead for another in Court, and includes an advocate, a vakíl and an attorney of a High Court:

"Government Pleader:" "Government Pleader" includes also any officer appointed by the Local Government to perform all or any of the functions expressly imposed by this Code on the Government Pleader:

"Collector:" "Collector" means every officer performing the duties of a Collector of land-revenue:

"decree:" "decree" means the formal expression of an adjudication upon any right claimed, or defence set up, in a Civil Court when such adjudication, so far as regards the Court expressing it, decides the suit or appeal. An order rejecting a plaint, or directing accounts to be taken, or determining any question mentioned or referred to in section 244, but not specified in section 588, is within this definition: an orders pecified in section 588 is not with in this definition:

"order:" "order" means the formal expression of any decision of a Civil Court which is not a decree as above defined:

"judgment:" "judgment" means the statement given by the Judge of the grounds of a decree or order:

"Judge:" "Judge" means the presiding officer of a Court:

"judgment-debtor:" "judgment-debtor" means any person against whom a decree or order has been made:

"decree-holder:" "decree-holder" means any person in whose favour a decree or any order capable of execution has been made, and includes any person to whom such decree or order is transferred:

"written:" "written" includes printed and lithographed, and "writing" includes print and lithography:

"signed:" "signed" includes marked, when the person making the mark is unable to write his name; it also includes stamped with the name of the person referred to:

"foreign Court:" "foreign Court" means a Court situate beyond the limits of British India and not having authority in British India nor established by the Governor General in Council:

"foreign judgment:" "foreign judgment" means the judgment of a foreign Court:

"public officer." "public officer" means a person falling under any of the following descriptions (namely):—

every Judge;

every covenanted servant of Her Majesty;

every commissioned officer in the military or naval forces of Her Majesty while serving under Government;

every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of Justice to perform any of such duties;

every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

every officer of Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of Government, or to make any survey, assessment or contract on behalf of Government, or to execute any revenue-process, or to investigate, or to report on, any matter affecting the pecuniary interests of Government, or to make, authenticate or keep any

document relating to the pecuniary interests of Government, or to prevent the infraction of any law for the protection of the pecuniary interests of Government, and every officer in the service or pay of Government, or remunerated by fees or commission for the performance of any public duty.

"Government."

And in any part of British India in which this Code operates, "Government" includes the Government of India as well as the Local Government.

Enactments repealed.

3. The enactments specified in the first schedule hereto annexed are hereby repealed to the extent mentioned in the third column thereof. But all notifications published, declarations and rules made, places appointed, agreements filed, scales prescribed and forms framed under any such enactment, shall, so far as they are consistent with this Code, be deemed to be respectively published, made, appointed, filed, prescribed and framed hereunder.

References in previous Acts.

And when in any Act, Regulation or notification passed or issued prior to the day on which this Code comes into force, reference is made to Act No. VIII of 1859, Act No. XXIII of 1861, or the 'Code of Civil Procedure,' or to Act No. X of 1877, or to any other Act hereby repealed, such reference shall, so far as may be practicable, be read as applying to this Code or the corresponding part thereof.

Saving of procedure in suits instituted before 1st June, 1882.

Save as provided by section 99A, nothing herein contained shall affect any proceedings prior to decree in any suit instituted or appeal presented before the first day of June, 1882, or any proceedings after decree that may have been commenced and were still pending at that date.

Appeals pending on 29th July, 1879.

Every appeal pending on the twenty-ninth day of July, 1879, which would have lain if this Code had been in force on the date of its presentation, shall be heard and determined as if this Code had been in force on such date; and every order passed before the same day, purporting to transfer a case to a Collector under section 320, and every notification published before the same day, purporting to be issued under section 360, shall be deemed to have been respectively passed and issued in accordance with law.

Saving of certain Acts affecting Central Provinces, Burma, Panjáb and Oudh.

4. Save as provided in the second paragraph of section 3, nothing herein contained shall be deemed to affect the following enactments (namely) :—

The Central Provinces Courts Act, 1865 :

The Burma Courts Act, 1875 :

The Panjáb Courts Act, 1877 :

The Oudh Civil Courts Act, 1879 :

or any law heretofore or hereafter passed under the Indian Councils Act, 1861, by a Governor or a Lieutenant-Governor in Council, prescribing a special procedure for suits between landholders and their tenants or agents,

or any law heretofore or hereafter passed under the Indian Councils Act, 1861, by a Governor or a Lieutenant-Governor in Council, providing for the partition of immoveable property.

And where under any of the said Acts concurrent civil jurisdiction is given to the Commissioner and the Deputy Commissioner, the Local Government may declare which of such officers shall for the purposes of this Code be deemed to be the District Court.

Sections extending to Provincial Small Cause Courts.

5. The chapters and sections of this Code specified in the second schedule hereto annexed extend (so far as they are applicable) to Courts of Small Causes constituted under Act No. XI of 1865, and to all other Courts (other than the Courts of Small Causes in the towns of Calcutta, Madras and Bombay) exercising the jurisdiction of a Court of Small Causes. The other chapters and sections of this Code do not extend to such Courts.

Saving of jurisdiction and procedure—

6. Nothing in this Code affects the jurisdiction or procedure—

(a) of Military Courts of Request;

(a) of Military Courts of Request;

(b) of officers appointed to try small suits in Bombay;

(b) of a single officer duly appointed in the Presidency of Bombay to try small suits in military bázárs at cantonments and stations occupied by the troops of that Presidency; or

(c) of Village Munsifs and Village Panchayats in Madras;

(c) of Village Munsifs or Village Panchayats under the provisions of the Madras Code;

(d) of Recorder of Rangoon sitting as Insolvent Court.

(d) of the Recorder of Rangoon sitting as an Insolvent Court in Rangoon, Maulmain, Akyab or Bassein,

or shall operate to give any Court jurisdiction over suits of which the amount or value of the subject-matter exceeds the pecuniary limits (if any) of its ordinary jurisdiction.

Saving of certain Bombay laws.

7. With respect to

(a) the jurisdiction exercised by certain jágírdárs and other authorities invested with powers under the provisions of Bombay Regulation XIII of 1830 and Act XV of 1840 in the cases therein mentioned; and

(b) cases of the nature defined in the enactments specified in the third schedule hereto annexed,

the procedure in such cases and in the appeals to the civil Courts allowed therein, shall be according to the rules laid down in this Code, except where those rules are inconsistent with any specific provisions contained in the enactments mentioned or referred to in this section.

Presidency Small Cause Courts.

8. Save as provided in sections 3, 25, 86, 223, 225, 386, and chapter XXXIX, this Code shall not extend to any suit or proceeding in any Court of Small Causes established in the towns of Calcutta, Madras and Bombay.

But the Local Government may, by notification published in the official Gazette, extend to any

such Court this Code or any part thereof, except so far as relates to appeals and reviews of judgment.

Divison of Code.

9. This Code is divided into ten Parts as follows:—

The first Part:	Suits in General.
The second Part:	Incidental Proceedings.
The third Part:	Suits in particular Cases.
The fourth Part:	Provisional Remedies.
The fifth Part:	Special Proceedings.
The sixth Part:	Appeals.
The seventh Part:	Reference to and Revision by the High Court.
The eighth Part:	Review of Judgment.
The ninth Part:	Special Rules relating to the Chartered High Courts.
The tenth Part:	Certain Miscellaneous Matters.

PART I.

OF SUITS IN GENERAL.

CHAPTER I.

OF THE JURISDICTION OF THE COURTS AND RES JUDICATA.

No person exempt from jurisdiction by reason of descent or place of birth.

10. No person shall, by reason of his descent or place of birth, be in any civil proceeding exempted from the jurisdiction of any of the Courts.

Courts to try all civil suits unless specially barred.

11. The Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is barred by any enactment for the time being in force.

Explanation.—A suit in which the right to property or to an office is contested is a suit of a civil nature, notwithstanding that such right may depend entirely on the decision of questions as to religious rites or ceremonies.

Pending suits.

12. Except where a suit has been stayed under section 20, the Court shall not try any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit for the same relief between the same parties, or between parties under whom they or any of them claim, pending in the same or any other Court, whether superior or inferior, in British India having jurisdiction to grant such relief, or in any Court beyond the limits of British India established by the Governor General in Council and having like jurisdiction, or before Her Majesty in Council.

Explanation.—The pendency of a suit in a foreign Court does not preclude the Courts in British India from trying a suit founded on the same cause of action.

Res judicata.

13. No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court of jurisdiction competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.

Explanation I.—The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.

Explanation II.—Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.

Explanation III.—Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purpose of this section, be deemed to have been refused.

Explanation IV.—A decision is final within the meaning of this section when it is such as the Court making it could not alter (except on review) on the application of either party or reconsider of its own motion. A decision liable to appeal may be final within the meaning of this section until the appeal is made.

Explanation V.—Where persons litigate *bonâ fide* in respect of a private right claimed in common for themselves and others, all persons interested in such right shall, for the purpose of this section, be deemed to claim under the persons so litigating.

Explanation VI.—Where a foreign judgment is relied on, the production of the judgment duly authenticated is presumptive evidence that the Court which made it had competent jurisdiction, unless the contrary appear on the record; but such presumption may be removed by proving the want of jurisdiction.

When foreign judgment no bar to suit in British India.

14. No foreign judgment shall operate as a bar to a suit in British India—

(*a*) if it has not been given on the merits of the case:

(*b*) if it appears on the face of the proceedings to be founded on an incorrect view of international law or of any law in force in British India:

(*c*) if it is in the opinion of the Court before which it is produced contrary to natural justice:

(*d*) if it has been obtained by fraud:

(*e*) if it sustains a claim founded on a breach of any law in force in British India.

CHAPTER II.

OF THE PLACE OF SUING.

Court in which suit to be instituted.

15. Every suit shall be instituted in the Court of the lowest grade competent to try it.

Suits to be instituted where subject-matter situate.

16. Subject to the pecuniary or other limitations prescribed by any law, suits

(a) for the recovery of immoveable property,

(b) for the partition of immoveable property,

(c) for the foreclosure or redemption of a mortgage of immoveable property,

(d) for the determination of any other right to or interest in immoveable property,

(e) for compensation for wrong to immoveable property,

(f) for the recovery of moveable property actually under distraint or attachment,

shall be instituted in the Court within the local limits of whose jurisdiction the property is situate:

Provided that suits to obtain relief respecting, or compensation for wrong to, immoveable property held by or on behalf of the defendant may, when the relief sought can be entirely obtained through his personal obedience, be instituted either in the Court within the local limits of whose jurisdiction the property is situate, or in the Court within the local limits of whose jurisdiction he actually and voluntarily resides, or carries on business, or personally works for gain.

Explanation.—In this section 'property' means property situate in British India.

Suits to be instituted where defendants reside or cause of action arose.

17. Subject to the limitations aforesaid, all other suits shall be instituted in a Court within the local limits of whose jurisdiction—

(a) the cause of action arises, or

(b) all the defendants, at the time of the commencement of the suit, actually and voluntarily reside, or carry on business, or personally work for gain; or

(c) any of the defendants, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain: provided that either the leave of the Court is given, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution.

Explanation I.—Where a person has a permanent dwelling at one place and also a lodging at another place for a temporary purpose only, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary lodging.

Explanation II.—A Corporation or Company shall be deemed to carry on business at its sole or principal office in British India or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

Illustrations.

(a) A is a tradesman in Calcutta. B carries on business in Dehli. B, by his agent in Calcutta, buys goods of A, and requests A to deliver them to the East Indian Railway Company. A delivers the goods accordingly in Calcutta. A may sue B for the price of the goods either in Calcutta, where the cause of action has arisen, or in Dehli, where B carries on business.

(b) A resides at Simla, B at Calcutta, and C at Dehli. A, B and C being together at Benares, B and C make a joint promissory-note payable on demand, and deliver it to A. A may sue B and C at Benares, where the cause of action arose. He may also sue them at Calcutta, where B resides, or at Dehli, where C resides; but in each of these cases, if the non-resident defendant objects, the suit cannot be maintained without the leave of the Court.

Suits for compensation for wrongs to person or moveables.

18. In suits for compensation for wrong done to person or moveable property, if the wrong was done within the local limits of the jurisdiction of one Court and the defendant resides, or carries on business, or personally works for gain, within the local limits of the jurisdiction of another Court, the plaintiff may at his option sue in either of the said Courts.

Illustrations.

(a) A, residing in Dehli, beats B in Calcutta. B may sue A either in Calcutta or in Dehli.

(b) A, residing in Dehli, publishes in Calcutta statements defamatory of B. B may sue A either in Calcutta or in Dehli

(c) A, travelling on the line of a Railway Company whose principal office is at Howrah, is upset and injured at Allahabad by negligence imputable to the Company. He may sue the Company either at Howrah or at Allahabad.

Suits for immoveable property situate in single district, but within jurisdictions of different Courts.

19. If the suit be to obtain relief respecting, or compensation for wrong to, immoveable property situate within the limits of a single district, but within the jurisdiction of different Courts, the suit may be instituted in the Court within whose jurisdiction any portion of the property is situate; provided that, in respect of the value of the subject-matter of the suit, the entire claim be cognizable by such Court.

Suits for immoveable property situate in different districts.

If the immoveable property be situate within the limits of different districts, the suit may be instituted in any Court, otherwise competent to try it, within whose jurisdiction any portion of the property is situate.

Power to stay proceedings where all defendants do not reside within jurisdiction.

20. If a suit which may be instituted in more than one Court is instituted in a Court within the local limits of whose jurisdiction the defendant or all the defendants does not or do not actually and voluntarily reside, or carry on business, or personally work for gain, the defendant or any defendant may, after giving notice in writing to the other parties of his intention to apply to the Court to stay proceedings, apply to the Court accordingly;

and if the Court, after hearing such of the parties as desire to be heard, is satisfied that justice is more likely to be done by the suit being instituted in some other Court, it may stay proceedings either finally or till further order, and make such order as it thinks fit as to the costs already incurred by the parties or any of them.

In such case, if the plaintiff so requires, the Court shall return the plaint with an endorsement thereon of the order stay.ng proceedings.

Application when to be made.

Every such application shall be made at the earliest possible opportunity, and in all cases before the issues are settled; and any defendant not so applying shall be deemed to have acquiesced in the institution of the suit.

Remission of court-fee where suit instituted in another Court.

21. Where the Court, under section 20, stays proceedings, and the plaintiff re-institutes his suit in another Court, the plaint shall not be chargeable with any court-fee; provided that the proper fee has been levied on the institution of the suit in the former Court, and that the plaint has been returned by such Court.

Procedure where Courts in which suit may be instituted subordinate to same appellate Court.

22. Where a suit may be instituted in more Courts than one, and such Courts are subordinate to the same appellate Court, any defendant, after giving notice in writing to the other parties of his intention to apply to such Court to transfer the suit to another Court, may apply accordingly; and the appellate Court, after hearing the other parties, if they desire to be heard, shall determine in which of the Courts having jurisdiction the suit shall proceed.

Procedure where they are not so subordinate.

23. Where such Courts are subordinate to different appellate Courts, but are subordinate to the same High Court, any defendant, after giving notice in writing to the other parties of his intention to apply to the High Court to transfer the suit to another Court having jurisdiction, may apply accordingly. If the suit is brought in any Court subordinate to a District Court, the application, together with the objections, if any, filed by the other parties, shall be submitted through the District Court to which such Court is subordinate. The High Court may, after considering the objections, if any, of the other parties, determine in which of the Courts having jurisdiction the suit shall proceed.

Procedure where they are subordinate to different High Courts.

24. Where such Courts are subordinate to different High Courts, any defendant may, after giving notice in writing to the other parties of his intention to apply to the High Court within whose jurisdiction the Court in which the suit is brought is situate, apply accordingly.

If the suit is brought in any Court subordinate to a District Court, the application, together with the objections, if any, filed by the other parties, shall be submitted through the District Court to which such Court is subordinate;

and such High Court shall, after considering the objections, if any, of the other parties, determine in which of the several Courts having jurisdiction the suit shall proceed.

Transfer of suits.

25. The High Court or District Court may, on the application of any of the parties, after giving notice to the parties and hearing such of them as desire to be heard, or of its own motion without giving such notice, withdraw any suit whether pending in a Court of first instance or in a Court of appeal subordinate to such High Court or District Court, as the case may be, and try the suit itself, or transfer it for trial to any other such subordinate Court competent to try the same in respect of its nature and the amount or value of its subject-matter.

For the purposes of this section, the Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court.

The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

CHAPTER III.

OF PARTIES AND THEIR APPEARANCES, APPLICATIONS AND ACTS.

Persons who may be joined as plaintiffs.

26. All persons may be joined as plaintiffs in whom the right to any relief claimed is alleged to exist, whether jointly, severally or in the alternative, in respect of the same cause of action. And judgment may be given for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to, without any amendment. But the defendant, though unsuccessful, shall be entitled to his costs occasioned by so joining any person who is not found entitled to relief, unless the Court in disposing of the costs of the suit otherwise directs.

Court may substitute or add plaintiff for or to plaintiff suing.

27. Where a suit has been instituted in the name of the wrong person as plaintiff, or where it is doubtful whether it has been instituted in the name of the right plaintiff, the Court may, if satisfied that the suit has been so commenced through a *bonâ fide* mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person or persons to be substituted or added as plaintiff or plaintiffs upon such terms as the Court thinks just.

Persons who may be joined as defendants.

28. All persons may be joined as defendants against whom the right to any relief is alleged to exist, whether jointly, severally or in the alternative, in respect of the same matter. And judgment may be given against such one or more of the defendants as may be found to be liable, according to their respective liabilities, without any amendment.

Joinder of parties liable on same contract.

29. The plaintiff may, at his option, join as parties to the same suit all or any of the persons severally, or jointly and severally, liable on any one contract, including parties to bills of exchange, hundís and promissory notes.

One party may sue or defend on behalf of all in same interest.

30. Where there are numerous parties having the same interest in one suit, one or more of such parties may, with the permission of the Court, sue or be sued, or may defend, in such suit, on behalf of all parties so interested. But the Court shall in such case give, at the plaintiff's expense, notice of the institution of the suit to all such parties either by personal service or (if from the number of parties or any other cause such service is not reasonably practicable) by public advertisement, as the Court in each case may direct.

Suit not to fail by reason of misjoinder.

31. No suit shall be defeated by reason of the misjoinder of parties, and the Court may in every suit deal with the matter in controversy so far as regards the rights and interests of the parties actually before it.

Nothing in this section shall be deemed to enable plaintiffs to join in respect of distinct causes of action.

Court may dismiss or add parties.

32. The Court may, on or before the first hearing, upon the application of either party, and on such terms as the Court thinks just, order that the name of any party, whether as plaintiff or as defendant, improperly joined, be struck out;

and the Court may at any time, either upon or without such application, and on such terms as the Court thinks just, order that any plaintiff be made a defendant or that any defendant be made a plaintiff, and that the name of any person who ought to have been joined whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

Consent of person added as plaintiff or next friend.

No person shall be added as a plaintiff, or as the next friend of a plaintiff, without his own consent thereto.

Parties to suits instituted or defended under section 30.

Any person on whose behalf a suit is instituted or defended under section 30 may apply to the Court to be made a party to such suit.

Defendants added to be served.

All parties whose names are so added as defendants shall be served with a summons in manner hereinafter mentioned, and (subject to the provisions of the Indian Limitation Act, 1877, section 22) the proceedings as against them shall be deemed to have begun only on the service of such summons.

Conduct of suit.

The Court may give the conduct of the suit to such plaintiff as it deems proper.

Where defendant added, plaintiff to amend.

33. Where a defendant is added, the plaint, if previously filed, shall, unless the Court direct otherwise, be amended in such manner as may be necessary, and an amended copy of the summons shall be served on the new defendant and the original defendants.

Time for taking objections as to non-joinder or misjoinder.

34. All objections for want of parties, or for joinder of parties who have no interest in the suit, or for misjoinder as co-plaintiffs or co-defendants, shall be taken at the earliest possible opportunity, and in all cases before the first hearing; and any such objection not so taken shall be deemed to have been waived by the defendant.

Each of several plaintiffs or defendants may authorize any other to appear, &c., for him.

35. When there are more plaintiffs than one, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any proceeding under this Code: and in like manner when there are more defendants than one, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any such proceeding.

Authority to be in writing signed and filed.

The authority shall be in writing signed by the party giving it, and shall be filed in Court.

Recognized Agents and Pleaders.

Appearances, &c., may be in person, by recognized agent or by pleader.

36. Any appearance, application or act in or to any Court, required or authorized by law to be made or done by a party to a suit or appeal in such Court, may, except when otherwise expressly provided by any law for the time being in force, be made or done by the party in person, or by his recognized agent, or by a pleader duly appointed to act on his behalf:

Provided that any such appearance shall be made by the party in person, if the Court so direct.

Recognized agents.

37. The recognized agents of parties by whom such appearances, applications and acts may be made or done are—

Persons holding powers-of-attorney from parties out of jurisdiction.

(*a*) persons holding general powers-of-attorney from parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application or act is made or done, authorizing them to make and do such appearances, applications and acts on behalf of such parties;

Certificated mukhtárs.

(*b*) mukhtárs duly certificated under any law for the time being in force, and holding special powers-of-attorney authorizing them to do, on behalf of their principals, such acts as may legally be done by mukhtárs;

Persons carrying on trade or business for parties out of jurisdiction.

(*c*) persons carrying on trade or business for and in the names of parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application or act is made or done, in matters con-

nected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, applications and acts.

Recognized agents in Panjáb, Oudh and Central Provinces.

Nothing in the former part of this section applies to the territories now administered respectively by the Lieutenant-Governor of the Panjáb, and the Chief Commissioners of Oudh and the Central Provinces; but in those territories the recognized agents of parties by whom such appearances, applications and acts may be made and done shall be such persons as the Local Government may from time to time, by notification in the official Gazette, declare in this behalf.

Service of process on recognized agent.

38. Processes served on the recognized agent of a party to a suit or appeal shall be as effectual as if the same had been served on the party in person, unless the Court otherwise directs.

The provisions of this Code for the service of process on a party to a suit shall apply to the service of process on his recognized agent.

Appointment of pleader.

39. The appointment of a pleader to make or do any appearance, application or act as aforesaid shall be in writing, and such appointment shall be filed in court.

When so filed, it shall be considered to be in force until revoked with the leave of the Court, by a writing signed by the client and filed in court, or until the client or the pleader dies, or all proceedings in the suit are ended so far as regards the client.

No advocate of any High Court established by Royal Charter shall be required to present any document empowering him to act.

Service of process on pleader.

40. Processes served on the pleader of any party or left at the office or ordinary residence of such pleader, relative to a suit or appeal, and whether the same be for the personal appearance of the party or not, shall be presumed to be duly communicated and made known to the party whom the pleader represents; and, unless the Court otherwise directs, shall be as effectual for all purposes in relation to the suit or appeal as if the same had been given to or served on the party in person.

Agent to receive process.

41. Besides the recognized agents described in section 37, any person residing within the jurisdiction of the Court may be appointed an agent to accept service of process.

His appointment to be in writing and to be filed in court.

Such appointment may be special or general and shall be made by an instrument in writing signed by the principal, and such instrument, or, if the appointment be general, a duly attested copy thereof, shall be filed in court.

CHAPTER IV.

OF THE FRAME OF THE SUIT.

Suit how to be framed.

42. Every suit shall, as far as practicable, be so framed as to afford ground for a final decision upon the subjects in dispute, and so to prevent further litigation concerning them.

Suit to include whole claim.

43. Every suit shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action; but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court.

Relinquishment of part of claim.

If a plaintiff omit to sue in respect of, or intentionally relinquish, any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

Omission to sue for one of several remedies.

A person entitled to more than one remedy in respect of the same cause of action may sue for all or any of his remedies; but if he omits (except with the leave of the Court obtained before the first hearing) to sue for any of such remedies, he shall not afterwards sue for the remedy so omitted.

For the purpose of this section, an obligation and a collateral security for its performance shall be deemed to constitute but one cause of action.

Illustration.

A lets a house to B at a yearly rent of Rs. 1,200. The rent for the whole of the years 1881 and 1882 is due and unpaid. A sues B only for the rent due for 1882. A shall not afterwards sue B for the rent due for 1881.

Only certain claims to be joined with suit for recovery of land.

44. *Rule a.*—No cause of action shall, unless with the leave of the Court, be joined with a suit for the recovery of immoveable property, or to obtain a declaration of title to immoveable property, except—

(*a*) claims in respect of mesne profits or arrears of rent in respect of the property claimed,

(*b*) damages for breach of any contract under which the property or any part thereof is held, and

(*c*) claims by a mortgagee to enforce any of his remedies under the mortgage.

Claims by or against executor, administrator or heir.

Rule b.—No claim by or against an executor, administrator or heir as such, shall be joined with claims by or against him personally, unless the last mentioned claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor, administrator or heir, or are such as he was entitled to, or liable for, jointly with the deceased person whom he represents.

Plaintiff may join several causes of action

45. Subject to the rules contained in chapter II and in section 44, the plaintiff may unite in the same suit several causes of action

against the same defendant or the same defendants jointly; and any plaintiffs having causes of action in which they are jointly interested against the same defendant, or the same defendants jointly, may unite such causes of action in the same suit.

Court may order separation.

But if it appear to the Court that any such causes of action cannot be conveniently tried or disposed of together, the Court may, at any time before the first hearing, of its own motion or on the application of any defendant, or at any subsequent stage of the suit, if the parties agree, order separate trials of any such causes of action to be had, or make such other order as may be necessary or expedient for the separate disposal thereof.

When causes of action are united, the jurisdiction of the Court as regards the suit shall depend on the amount or value of the aggregate subject-matters at the date of instituting the suit, whether or not an order has been made under the second paragraph of this section.

Defendant may apply to confine suit.

46. Any defendant alleging that the plaintiff has united in the same suit several causes of action which cannot be conveniently disposed of in one suit may at any time before the first hearing, or, where issues are settled, before any evidence is recorded, apply to the Court for an order confining the suit to such of the causes of action as may be conveniently disposed of in one suit.

Court on hearing application may exclude some causes and order amendment.

47. If, on the hearing of such application, it appears to the Court that the causes of action are such as cannot all be conveniently disposed of in one suit, the Court may order any of such causes of action to be excluded, and may direct the plaint to be amended accordingly, and may make such order as to costs as may be just.

Every amendment made under this section shall be attested by the signature of the Judge.

CHAPTER V.

OF THE INSTITUTION OF SUITS.

Suits to be commenced by plaint.

48. Every suit shall be instituted by presenting a plaint to the Court or such officer as it appoints in this behalf.

Language of plaint.

49. The plaint must be distinctly written in the language of the Court; provided that, if such language is not English, the plaint may (with the permission of the Court) be written in English; but in such case, if the defendant so require, a translation of the plaint into the language of the Court shall be filed in court.

Particulars to be contained in plaint.

50. The plaint must contain the following particulars:—

(*a*) the name of the Court in which the suit is brought;

(*b*) the name, description and place of residence of the plaintiff;

(*c*) the name, description and place of residence of the defendant, so far as they can be ascertained;

(*d*) a plain and concise statement of the circumstances constituting the cause of action, and where and when it arose;

(*e*) a demand of the relief which the plaintiff claims; and

(*f*) if the plaintiff has allowed a set-off or relinquished a portion of his claim, the amount so allowed or relinquished.

In money-suits.

If the plaintiff seeks the recovery of money, the plaint must state the precise amount, so far as the case admits.

In a suit for mesne profits, and in a suit for the amount which will be found due to the plaintiff on taking unsettled accounts between him and the defendant, the plaint need only state approximately the amount sued for.

Where plaintiff sues as representative.

When the plaintiff sues in a representative character, the plaint should shew, not only that he has an actual existing interest in the subject-matter but that he has taken the steps necessary to enable him to institute a suit concerning it.

Illustrations.

(*a*) A sues as B's executor. The plaint must state that A has proved B's will.

(*b*) A sues as C's administrator. The plaint must state that A has taken out administration to C's estate.

(*c*) A sues as guardian of D, a Muhammadan minor. A is not D's guardian according to Muhammadan law and usage. The plaint must state that A has been specially appointed D's guardian.

Defendant's interest and liability to be shewn.

The plaint must shew that the defendant is or claims to be interested in the subject-matter, and that he is liable to be called upon to answer the plaintiff's demand.

Illustration.

A dies, leaving B his executor, C his legatee, and D a debtor to A's estate. C sues D to compel him to pay his debt in satisfaction of C's legacy. The plaint must shew that B has causelessly refused to sue D, or that B and D have colluded for the purpose of defrauding C, or other such circumstances rendering D liable to C.

Grounds of exemption from limitation-law.

If the cause of action arose beyond the period ordinarily allowed by any law for instituting the suit, the plaint must shew the ground upon which exemption from such law is claimed.

Plaints to be signed and verified.

51. The plaint shall be signed by the plaintiff and his pleader (if any), and shall be verified at the foot by the plaintiff or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case.

Provided that if the plaintiff is, by reason of absence or for other good cause, unable to sign

the plaint, it may be signed by any person duly authorized by him in this behalf.

Contents of verification.

52. The verification must be to the effect that the same is true to the knowledge of the person making it, except as to matters stated on information and belief, and that as to those matters he believes it to be true.

Verification to be signed and attested.

The verification shall be signed by the person making it.

When plaint may be rejected, returned for amendment, or amended.

53. The plaint may, at the discretion of the Court and at or before the first hearing, be rejected, returned for amendment within a time to be fixed by the Court, or amended then and there, upon such terms as to the payment of costs occasioned by the amendment as the Court thinks fit,

(*a*) if it does not state correctly and without prolixity the several particulars hereinbefore required to be specified therein; or

(*b*) if it contains any particulars other than those so required; or

(*c*) if it is not signed and verified as hereinbefore required; or

(*d*) if it does not disclose a cause of action; or

(*e*) if it is not framed in accordance with section 42; or

(*f*) if it is wrongly framed by reason of non-joinder or misjoinder of parties, or because the plaintiff has joined causes of action which ought not to be joined in the same suit:

Proviso.

Provided that a plaint cannot be altered so as to convert a suit of one character into a suit of another and inconsistent character.

Attestation of amendment.

When a plaint is amended, the amendment shall be attested by the signature of the Judge.

When plaint shall be rejected.

54. The plaint shall be rejected in the following cases:—

(*a*) if the relief sought is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so:

(*b*) if the relief sought is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so:

(*c*) if the suit appears from the statement in the plaint to be barred by any positive rule of law:

(*d*) if the plaint, having been returned for amendment within a time fixed by the Court, is not amended within such time.

Procedure on rejecting plaint.

55. When a plaint is rejected, the Judge shall record with his own hand an order to that effect with the reason for such order.

When rejection of plaint does not preclude presentation of fresh plaint.

56. The rejection of the plaint on any of the grounds hereinbefore mentioned shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

When plaint shall be returned to be presented to proper Court.

57. The plaint shall be returned to be presented to the proper Court in the following cases:

(*a*) if a suit has been instituted in a Court whose grade is lower or higher than that of the Court competent to try it, where such Court exists, or where no option as to the selection of the Court is allowed by law:

(*b*) if, in a suit relating to immoveable property, but not coming under the proviso to section 16, it appears that no part of such property is situate within the local limits of the jurisdiction of the Court to which the plaint is presented:

(*c*) if, in any other case, it appears that the cause of action did not arise, and that none of the defendants are dwelling or carrying on business, or personally working for gain, within such local limits.

Procedure on returning plaint.

On returning a plaint, the Judge shall, with his own hand, endorse thereon the date of its presentation and return, the name of the party presenting it, and a brief statement of the reason for returning it.

Procedure on admitting plaint.

58. The plaintiff shall endorse on the plaint, or annex thereto, a memorandum of the documents (if any) which he has produced along with it; and, if the plaint be admitted, shall present as many copies on plain paper of the plaint as there are defendants, unless the Court by reason of the length of the plaint or the number of the defendants, or for any other sufficient reason, permits him to present a like number of concise statements of the nature of the claim made, or of the relief or remedy required, in the suit, in which case he shall present such statements.

Concise statements.

If the plaintiff sues, or the defendant or any of the defendants is sued, in a representative capacity, such statements shall show in what capacity the plaintiff or defendant sues or is sued.

The plaintiff may, by leave of the Court, amend such statements so as to make them correspond with the plaint.

The chief ministerial officer of the Court shall sign such memorandum and copies or statements if, on examination, he finds them to be correct.

Register of suits.

The Court shall also cause the particulars mentioned in section 50 to be entered in a book to be kept

for the purpose and called the Register of civil suits. Such entries shall be numbered in every year according to the order in which the plaint is admitted.

Production of document on which plaintiff sues. Delivery of document or copy.

59. If a plaintiff sues upon a document in his possession or power, he shall produce it in court when the plaint is presented, and shall at the same time deliver the document or a copy thereof to be filed with the plaint.

List of other documents.

If he rely on any other documents (whether in his possession or power or not) as evidence in support of his claim, he shall enter such documents in a list to be added or annexed to the plaint.

Statement in case of documents not in his possession or power.

60. In the case of any such document not in his possession or power, he shall, if possible, state in whose possession or power it is.

Suits on lost negotiable instruments.

61. In case of any suit founded upon a negotiable instrument, if it be proved that the instrument is lost, and if an indemnity be given by the plaintiff, to the satisfaction of the Court, against the claims of any other person upon such instrument, the Court may make such decree as it would have made if the plaintiff had produced the instrument in court when the plaint was presented, and had at the same time delivered a copy of the instrument to be filed with the plaint.

Production of shop-book.

62. If the document on which the plaintiff sues be an entry in a shop-book or other book in his possession or power, the plaintiff shall produce the book at the time of filing the plaint, together with a copy of the entry on which he relies.

Original entry to be marked and returned.

The Court, or such officer as it appoints in this behalf, shall forthwith mark the document for the purpose of identification; and, after examining and comparing the copy with the original and attesting the copy if found correct, shall return the book to the plaintiff and cause the copy to be filed.

Inadmissibility of document not produced when plaint filed.

63. A document which ought to be produced in court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint, and which is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

Nothing in this section applies to documents produced for cross-examination of the defendant's witnesses, or in answer to any case set up by the defendant, or handed to a witness merely to refresh his memory.

CHAPTER VI.

OF THE ISSUE AND SERVICE OF SUMMONS.

Issue of Summons.

Summons.

64. When the plaint has been registered, and the copies or concise statements required by section 58 have been filed, a summons may be issued to each defendant to appear and answer the claim on a day to be therein specified,

(*a*) in person, or

(*b*) by a pleader duly instructed and able to answer all material questions relating to the suit, or

(*c*) by a pleader accompanied by some other person able to answer all such questions.

Every such summons shall be signed by the Judge or such officer as he appoints, and shall be sealed with the seal of the Court:

Provided that no such summons shall be issued when the defendant has appeared at the presentation of the plaint and admitted the plaintiff's claim.

Copy or statement annexed to summons.

65. Every such summons shall be accompanied with one of the copies or concise statements mentioned in section 58.

Court may order defendant or plaintiff to appear in person.

66. If the Court sees reason to require the personal appearance of the defendant, the summons shall order him to appear in person in court on the day therein specified.

If the Court sees reason to require the personal appearance of the plaintiff on the same day, it may make an order for such appearance.

No party to be ordered to appear in person unless resident

67. No party shall be ordered to appear in person unless he resides

(*a*) within the local limits of the Court's ordinary original jurisdiction, or

within 50 or, where there is railway, 200 miles.

(*b*) without such limits and at a place less than fifty, or, where there is railway-communication for five-sixths of the distance between the place where he resides and the place where the Court is situate, two hundred miles from the court-house.

Summons to be either to settle issues or for final disposal.

68. The Court shall determine, at the time of issuing the summons, whether it shall be for the settlement of issues only, or for the final disposal of the suit; and the summons shall contain a direction accordingly:

Provided that, in every suit heard by Courts of Small Causes, the summons shall be for the final disposal of the suit.

Fixing day for appearance of defendant.

69. The day for the appearance of the defendant shall be fixed by the Court with reference to its current business, the place of residence of the defendant and the time necessary

for the service of the summons; and the day shall be so fixed as to allow the defendant sufficient time to enable him to appear and answer on such day.

What shall be deemed 'sufficient time' must be determined with reference to the circumstances of the case.

Summons to order defendant to produce documents required by plaintiff or relied on by defendant.

70. The summons to appear and answer shall order the defendant to produce any document in his possession or power, containing evidence relating to the merits of the plaintiff's case, or upon which the defendant intends to rely in support of his case.

On issue of summons for final disposal, defendant to be directed to produce his witnesses.

71. When the summons is for the final disposal of the suit, it shall direct the defendant to produce, on the day fixed for his appearance, the witnesses upon whose evidence he intends to rely in support of his case.

Service of Summons.

Delivery of summons for service.

72. The summons shall be delivered to the proper officer of the Court, to be served by him or one of his subordinates.

Mode of service.

73. Service of the summons shall be made by delivering or tendering a copy thereof signed by the Judge or such officer as he appoints in this behalf, and sealed with the seal of the Court.

Service on several defendants.

74. When there are more defendants than one, service of the summons shall be made on each defendant:

Provided that, if the defendants are partners, and the suit relates to a partnership transaction or to an actionable wrong in respect of which relief is claimable from the firm, the service may be made, unless the Court directs otherwise either (*a*) on one defendant for himself and for the other defendants, or (*b*) on any person having the management of the business of the partnership at the principal place, within the local limits of the Court's ordinary original civil jurisdiction, of such business.

Service to be on defendant in person when practicable, or on his agent.

75. Whenever it may be practicable, the service shall be made on the defendant in person, unless he have an agent empowered to accept the service, in which case service on such agent shall be sufficient.

Service on agent by whom defendant carries on business.

76. In a suit relating to any business or work against a person who does not reside within the local limits of the jurisdiction of the Court from which the summons issues, service on any manager or agent, who, at the time of service, personally carries on such business or work for such person within such limits, shall be deemed good service.

For the purpose of this section, the master of a ship is the agent of his owner or charterer.

Service on agent in charge, in suits for immoveable property.

77. In a suit to obtain relief respecting, or compensation for wrong to, immoveable property, if the service cannot be made on the defendant in person, and the defendant have no agent empowered to accept the service, it may be made on any agent of the defendant in charge of the property.

When service may be on male member of defendant's family.

78. If in any suit the defendant cannot be found and if he have no agent empowered to accept the service of the summons on his behalf, the service may be made on any adult male member of the family of the defendant who is residing with him.

Explanation.—A servant is not a member of the family within the meaning of this section.

Person served to sign acknowledgment.

79. When the serving-officer delivers or tenders a copy of the summons to the defendant personally, or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.

Procedure when defendant refuses to accept service,

80. If the defendant or other person refuses to sign the acknowledgment,

or cannot be found.

or if the serving-officer cannot find the defendant, and there is no agent empowered to accept the service of the summons on his behalf, nor any other person on whom the service can be made,

the serving officer shall affix a copy of the summons on the outer door of the house in which the defendant ordinarily resides and then return the original to the Court from which it issued, with a return endorsed thereon or annexed thereto, stating that he has so affixed the copy and the circumstances under which he did so.

Endorsement of time and manner of service.

81. The serving-officer shall, in all cases in which the summons has been served under section 79, endorse or annex, or cause to be endorsed or annexed, on or to the original summons, the time when and the manner in which the summons was served.

Examination of serving-officer.

82. When a summons is returned under section 80, the Court shall examine the serving-officer on oath touching his proceedings, and may make such further enquiry in the matter as it thinks fit; and shall either declare that the summons has been duly served or order such service as it thinks fit.

Substituted service.

Where the Court is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding the service, or that for any other reason the summons cannot be served in the ordinary way, the Court shall order the summons to be served by affixing a copy thereof in some conspicuous place in the Court-house, and

also upon some conspicuous part of the house, if any, in which the defendant is known to have last resided, or in such other manner as the Court thinks fit.

Effect of substituted service.

83. The service substituted by order of the Court shall be as effectual as if it had been made on the defendant personally.

When service substituted, time for appearance to be fixed.

84. Whenever service is substituted by order of the Court, the Court shall fix such time for the appearance of the defendant as the case may require.

Service of summons when defendant resides within jurisdiction of another Court and has no agent to accept service.

85. If the defendant resides within the jurisdiction of any Court other than the Court in which the suit is instituted, and has no agent resident within the local limits of the jurisdiction of the latter Court empowered to accept the service of the summons, such Court shall send the summons, either by one of its officers or by post, to any Court, not being a High Court, having jurisdiction at the place where the defendant resides, by which it can be conveniently served, and shall fix such time for the appearance of the defendant as the case may require.

The Court to which the summons is sent shall, upon receipt thereof, proceed as if it had been issued by such Court, and shall then return the summons to the Court from which it originally issued, together with the record (if any) made under this paragraph.

Service, within Presidency-towns and Rangoon, of process issued by Provincial Courts.

86. Whenever any process issued by any Court established beyond the limits of the towns of Calcutta, Madras, Bombay and Rangoon is to be served within any such town, it shall be sent to the Court of Small Causes within whose jurisdiction the process is to be served,

and such Court of Small Causes shall deal with such process in the same manner as if the process had been issued by itself,

and shall then return the process to the Court from which it issued.

Service on defendant in jail.

87. If the defendant be in jail, the summons shall be delivered to the officer in charge of the jail in which the defendant is confined, and such officer shall cause the summons to be served upon the defendant.

The summons shall be returned to the Court from which it issued, with a statement of the service endorsed thereon and signed by the officer in charge of the jail and by the defendant.

Procedure if jail be in different district.

88. If the jail in which the defendant is confined is not in the district in which the suit is instituted, the summons may be sent by post or otherwise to the officer in charge of such jail, and such officer shall cause the summons to be served upon the defendant, and shall return the summons to the Court from which it issued, with a statement of the service endorsed thereon, and signed as provided in section 87.

Service when defendant resides out of British India and has no agent to accept service.

89. If the defendant resides out of British India, and has no agent in British India empowered to accept the service, the summons shall be addressed to the defendant at the place where he is residing, and forwarded to him by post if there be postal communication between such place and the place where the Court is situate.

Service through British Resident or Agent of Government.

90. If there be a British Resident or Agent of Government in or for the territory in which the defendant resides, the summons may be sent to such Resident or Agent, by post or otherwise, for the purpose of being served upon the defendant; and if the Resident or Agent returns the summons with an endorsement under his hand that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be conclusive evidence of the service.

Substitution of letter for summons.

91. The Court may, notwithstanding anything hereinbefore contained, substitute for the summons a letter signed by the Judge or such officer as he appoints in this behalf, when the defendant is, in the opinion of the Court, of a rank which entitles him to such mark of consideration.

The letter shall contain all the particulars required to be stated in the summons, and, subject to the provisions contained in section 92, shall be treated in all respects as a summons.

Mode of sending such letter.

92. When a letter is so substituted for a summons, it may be sent to the defendant by post or by a special messenger selected by the Court, or in any other manner which the Court thinks fit; unless the defendant has an agent empowered to accept service of summons, in which case the letter may be delivered or sent to such agent.

Service of Process.

Process to be served at expense of party issuing.

93. Every process issued under this Code shall be served at the expense of the party on whose behalf it is issued, unless the Court otherwise directs.

Costs of service.

The court-fee leviable for such service shall be levied within a time to be fixed by the Court before the process is issued.

Notices and orders in writing how served.

94. All notices and orders required by this Code to be given to or served on any person shall be in writing, and shall be served in the manner hereinbefore provided for the service of summons.

Postage.

Postage.

95. Postage, where chargeable on any notice, summons or letter issued under this Code and forwarded by post, and the fee for registering the same, shall be paid within a time to be fixed by the Court before the communication is forwarded:

Provided that the Local Government, with the previous sanction of the Governor General in Council, may remit such postage, or fee, or both, or may prescribe a scale of court-fees to be levied in lieu thereof.

CHAPTER VII.

OF THE APPEARANCE OF THE PARTIES AND CONSEQUENCE OF NON-APPEARANCE.

Parties to appear on day fixed in summons for defendant to appear and answer.

96. On the day fixed in the summons for the defendant to appear and answer, the parties shall be in attendance at the court-house in person or by their respective pleaders, and the suit shall then be heard, unless the hearing be adjourned to a future day fixed by the Court.

Dismissal of suit where summons not served in consequence of plaintiff's failure to pay fee for issuing.

97. If, on the day so fixed for the defendant to appear and answer, it be found that the summons has not been served upon him in consequence of the failure of the plaintiff to pay the court-fee leviable for such service, the Court may order that the suit be dismissed:

Proviso.

Provided that no such order shall be passed, although the summons has not been served upon the defendant, if, on the day fixed for him to appear and answer, he attends in person or by agent, when he is allowed to appear by agent.

If neither party appears, suit to be dismissed.

98. If on the day fixed for the defendant to appear and answer, or on any other subsequent day to which the hearing of the suit is adjourned, neither party appears, the suit shall be dismissed, unless the Judge, for reasons to be recorded under his hand, otherwise directs.

In such case plaintiff may bring fresh suit;

99. Whenever a suit is dismissed under section 97 or section 98, the plaintiff may (subject to the law of limitation) bring a fresh suit; or if, within the period of thirty days from the date of the order dismissing the suit, he satisfies the Court that there was a sufficient excuse for his not paying the court-fee required within the time allowed for the service of the summons, or for his non-appearance, as the case may be, the Court shall pass an order to set aside the dismissal and appoint a day for proceeding with the suit.

or Court may restore suit to its file.

Dismissal of suit where plaintiff, after summons returned unserved, fails for a year to apply for fresh summons.

99A. If, after a summons has, whether before or after the first day of June, 1882, been issued to the defendant, or to one of several defendants, and returned unserved, the plaintiff fails for a period of one year from such return to apply for the issue of a fresh summons and to satisfy the Court that he has used his best endeavours to discover the residence of the defendant who has not been served, or that such defendant is avoiding service of process, the Court may dismiss the suit as against such defendant.

In such case the plaintiff may (subject to the law of limitation) bring a fresh suit.

Procedure if only plaintiff appears,

100. If the plaintiff appears and the defendant does not appear, the procedure shall be as follows:

when summons duly served,

(*a*) if it is proved that the summons was duly served, the Court may proceed *ex parte*:

when summons not duly served,

(*b*) if it is not proved that the summons was duly served, the Court shall direct a second summons to be issued and served on the defendant:

when summons served, but not in due time.

(*c*) if it is proved that the summons was served on the defendant, but not in sufficient time to enable him to appear and answer on the day fixed in the summons, the Court shall postpone the hearing of the suit to a future day to be fixed by the Court, and shall direct notice of such day to be given to the defendant.

If it is owing to the plaintiff's default that the summons was not served in sufficient time, the Court shall order him to pay the costs occasioned by such postponement.

Procedure where defendant appears on day of adjourned hearing, and assigns good cause for previous non-appearance.

101. If the Court has adjourned the hearing of the suit *ex parte*, and the defendant, at or before such hearing, appears and assigns good cause for his previous non-appearance, he may, upon such terms as the Court directs as to costs or otherwise, be heard in answer to the suit, as if he had appeared on the day fixed for his appearance.

Procedure where defendant only appears.

102. If the defendant appears and the plaintiff does not appear, the Court shall dismiss the suit, unless the defendant admits the claim, or part thereof, in which case the Court shall pass a decree against the defendant upon such admission, and, where part only of the claim has been admitted, shall dismiss the suit so far as it relates to the remainder.

Decree against plaintiff by default bars fresh suit.

103. When a suit is wholly or partially dismissed under section 102, the plaintiff shall be precluded from bringing a fresh suit in respect of the same cause of action. But he may apply for an order to set the dismissal aside; and, if it be proved that he was prevented by any

sufficient cause from appearing when the suit was called on for hearing, the Court shall set aside the dismissal upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

No order shall be made under this section unless the plaintiff has served the defendant with notice in writing of his application.

Procedure where defendant residing out of British India does not appear.

104. If, on the day fixed for the hearing of a suit against a defendant residing out of British India, who has no agent empowered to accept service of summons, or on any day to which the hearing has been adjourned, the defendant does not appear, the plaintiff may apply to the Court for permission to proceed with his suit, and the Court may direct that the plaintiff be at liberty to proceed with his suit in such manner and subject to such conditions as the Court thinks fit.

Procedure in case of non-attendance of one or more of several plaintiffs.

105. If there be more plaintiffs than one, and one or more of them appear, and the others do not appear, the Court may, at the instance of the plaintiff or plaintiffs appearing, permit the suit to proceed in the same way as if all the plaintiffs had appeared, and pass such order as it thinks fit.

Procedure in case of non-attendance of one or more of several defendants.

106. If there be more defendants than one, and one or more of them appear, and the others do not appear, the suit shall proceed, and the Court shall, at the time of passing judgment, make such order as it thinks fit with respect to the defendants who do not appear.

Consequence of non-attendance, without sufficient cause shewn, of party ordered to appear in person.

107. If a plaintiff or defendant, who has been ordered to appear in person under the provisions of section 66 or section 436, does not appear in person, or shew sufficient cause to the satisfaction of the Court for failing so to appear, he shall be subject to all the provisions of the foregoing sections applicable to plaintiffs and defendants, respectively, who do not appear.

Of setting aside Decrees ex parte.

Setting aside decree *ex parte* against defendant.

108. In any case in which a decree is passed *ex parte* against a defendant, he may apply to the Court by which the decree was made for an order to set it aside;

and if he satisfies the Court that the summons was not duly served, or that he was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order to set aside the decree upon such terms as to costs, payment into court or otherwise, as it thinks fit, and shall appoint a day for proceeding with the suit.

No decree to be set aside without notice to opposite party.

109. No decree shall be set aside on any such application as aforesaid, unless notice thereof in writing has been served on the opposite party.

CHAPTER VIII.

OF WRITTEN STATEMENTS AND SET-OFF.

Written statements.

110. The parties may, at any time before or at the first hearing of the suit, tender written statements of their respective cases, and the Court shall receive such statements and place them on the record.

Particulars of set-off to be given in written statement.

111. If in a suit for the recovery of money the defendant claims to set-off against the plaintiff's demand any ascertained sum of money legally recoverable by him from the plaintiff, and if in such claim of the defendant against the plaintiff both parties fill the same character as they fill in the plaintiff's suit, the defendant may, at the first hearing of the suit, but not afterwards unless permitted by the Court, tender a written statement containing the particulars of the debt sought to be set-off.

Inquiry.

The Court shall thereupon inquire into the same, and if it finds that the case fulfils the requirements of the former part of this section, and that the amount claimed to be set-off does not exceed the pecuniary limits of its jurisdiction, the Court shall set-off the one debt against the other.

Effect of set-off.

Such set-off shall have the same effect as a plaint in a cross-suit so as to enable the Court to pronounce a final judgment in the same suit, both on the original and on the cross claim; but it shall not affect the lien, upon the amount decreed, of any pleader in respect of the costs payable to him under the decree.

Illustrations.

(*a*) A bequeaths Rs. 2,000 to B, and appoints C his executor and residuary legatee. B dies and D takes out administration to B's effects. C pays Rs. 1,000 as surety for D. Then D sues C for the legacy. C cannot set-off the debt of Rs. 1,000 against the legacy, for neither C nor D fills the same character with respect to the legacy as they fill with respect to the payment of the Rs. 1,000.

(*b*) A dies intestate and in debt to B. C takes out administration to A's effects, and B buys part of the effects from C. In a suit for the purchase-money by C against B, the latter cannot set-off the debt against the price, for C fills two different characters, one as the vendor to B, in which he sues B, and the other as representative to A.

(*c*) A sues B on a bill of exchange. B alleges that A has wrongfully neglected to insure B's goods and is liable to him in compensation which he claims to set-off. The amount not being ascertained cannot be set-off.

(*d*) A sues B on a bill of exchange for Rs. 500. B holds a judgment against A for Rs. 1,000. The two claims being both definite pecuniary demands may be set-off.

(e) A sues B for compensation on account of a trespass. B holds a promissory note for Rs. 1,000 from A and claims to set-off that amount against any sum that A may recover in the suit. B may do so, for as soon as A recovers, both sums are definite pecuniary demands.

(f) A and B sue C for Rs. 1,000. C cannot set-off a debt due to him by A alone.

(g) A sues B and C for Rs. 1,000. B cannot set-off a debt due to him alone by A.

(h) A owes the partnership-firm of B and C Rs. 1,000. B dies leaving C surviving. A sues C for a debt of Rs. 1,500 due in his separate character. C may set-off the debt of Rs. 1,000.

No written statement to be received after first hearing.

112. Except as provided in the last preceding section, no written statement shall be received after the first hearing of the suit:

Provisoes.

Provided that the Court may at any time require a written statement, or additional written statement, from any of the parties, and fix a time for presenting the same:

Provided also that a written statement, or an additional written statement, may, with the permission of the Court, be received at any time for the purpose of answering written statements so required and presented.

Procedure when party fails to present written statement called for by Court.

113. If any party from whom a written statement is so required fails to present the same within the time fixed by the Court, the Court may pass a decree against him, or make such order in relation to the suit as it thinks fit.

Frame of written statements.

114. Written statements shall be as brief as the nature of the case admits, and shall not be argumentative, but shall be confined as much as possible to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he either admits or believes he will be able to prove.

Every such statement shall be divided into paragraphs, numbered consecutively, and each paragraph containing as nearly as may be a separate allegation.

Written statements to be signed and verified.

115. Written statements shall be signed and verified in the manner hereinbefore provided for signing and verifying plaints, and no written statement shall be received unless it be so signed and verified.

Power of Court as to argumentative, prolix or irrelevant written statements.

116. If it appears to the Court that any written statement, whether called for by the Court or spontaneously tendered, is argumentative or prolix, or contains matter irrelevant to the suit, the Court may amend it then and there, or may, by an order to be endorsed thereon, reject the same, or return it to the party by whom it was made for amendment within a time to be fixed by the Court, imposing such terms as to costs or otherwise as the Court thinks fit.

Attestation of amendments.

When any amendment is made under this section, the Judge shall attest it by his signature.

Effect of rejection.

When a statement has been rejected under this section, the party making it shall not present another written statement, unless it be expressly called for or allowed by the Court.

CHAPTER IX.

OF THE EXAMINATION OF THE PARTIES BY THE COURT.

Ascertainment whether allegations in plaint and written statements admitted or denied.

117. At the first hearing of the suit, the Court shall ascertain from the defendant or his pleader whether he admits or denies the allegations of fact made in the plaint, and shall ascertain from each party or his pleader whether he admits or denies such allegations of fact as are made in the written statement (if any) of the opposite party, and as are not expressly or by necessary implication admitted or denied by the party against whom they are made. The Court shall record such admissions and denials.

Oral examination of party, or companion of himself or his pleader.

118. At the first hearing of the suit, or at any subsequent hearing, any party appearing in person or present in Court, or any person able to answer any material questions relating to the suit by whom such party or his pleader is accompanied, may be examined orally by the Court; and the Court may, if it thinks fit, put in the course of such examination questions suggested by either party.

Substance of examination to be written.

119. The substance of the examination shall be reduced to writing by the Judge, and shall form part of the record.

Consequence of refusal or inability of pleader to answer.

120. If the pleader of any party who appears by a pleader refuses or is unable to answer any material question relating to the suit which the Court is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Court may postpone the hearing of the suit to a future day, and direct that such party shall appear in person on such day.

If such party fails without lawful excuse to appear in person on the day so appointed, the Court may pass a decree against him, or make such order in relation to the suit as it thinks fit.

CHAPTER X.

OF DISCOVERY AND OF THE ADMISSION, INSPECTION, PRODUCTION, IMPOUNDING AND RETURN OF DOCUMENTS.

Power to deliver interrogatories.

121. Any party may at any time by leave of the Court deliver through the Court interrogatories in

writing for the examination of the opposite party, or where there are more opposite parties than one, any one or more of such parties, with a note at the foot thereof stating which of such interrogatories each of such persons is required to answer:

Provided that no party shall deliver more than one set of interrogatories to the same person without the permission of the Court, and that no defendant shall deliver interrogatories for the examination of the plaintiff unless such defendant has previously tendered a written statement and such statement has been received and placed on the record.

Service of interrogatories.

122. Interrogatories delivered under section 121 shall be served on the pleader (if any) of the party interrogated, or in the manner hereinbefore provided for the service of summons, and the provisions of sections 79, 80, 81 and 82 shall, in the latter case, apply so far as may be practicable.

Inquiry into propriety of exhibiting interrogatories.

123. The Court, in adjusting the costs of the suit, shall, at the instance of any party, inquire or cause inquiry to be made into the propriety of delivering such interrogatories; and if it thinks that such interrogatories have been delivered unreasonably, vexatiously or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be borne by the party in fault.

Service of interrogatories on officer of corporation or company.

124. If any party to a suit be a body corporate or a joint stock company, whether incorporated or not, or any other body of persons empowered by law to sue or be sued, whether in its own name or in the name of any officer or other person, any opposite party may apply to the Court for an order allowing him to deliver interrogatories to any member or officer of such corporation, company or body, and an order may be made accordingly.

Power to refuse to answer interrogatories as irrelevant, &c.

125. Any party called upon to answer interrogatories, whether by himself or by any such member or officer, may refuse to answer any interrogatory on the ground that it is irrelevant, or is not put *bonâ fide* for the purposes of the suit, or that the matter inquired after is not sufficiently material at that stage of the suit, or on any other like ground.

Time for filing affidavit in answer.

126. Interrogatories shall be answered by affidavit to be filed in court within ten days from the service thereof or within such further time as the Judge may allow.

Procedure where party omits to answer sufficiently.

127. If any person interrogated omits or refuses to answer, or answers insufficiently, any interrogatory, the party interrogating may apply to the Court for an order requiring him to answer or to answer further, as the case may be. And an order may be made requiring him to answer or to answer further either by affidavit or by *vivâ voce* examination as the Judge may direct: Provided that the Judge shall not require an answer to any interrogatory which in his opinion need not have been answered under section 125.

Power to demand admission of genuineness of documents.

128. Either party may, by a notice through the Court, within a reasonable time not less than ten days before the hearing, require the other party to admit (saving all just exceptions to the admissibility of such document in evidence) the genuineness of any document material to the suit.

The admission shall also be made in writing signed by the other party or his pleader and filed in court.

If such notice be not given, no costs of proving such document shall be allowed, unless the Judge otherwise orders.

If such notice is not complied with within four days after its being served, and the Judge thinks it reasonable that the admission should have been made, the party refusing shall bear the expense of proving such document, whatever may be the result of the suit.

Power to order discovery of document.

129. The Court may, at any time during the pendency therein of any suit, order any party to the suit to declare by affidavit all the documents which are or have been in his possession or power relating to any matter in question in the suit, and any party to the suit may, at any time before the first hearing, apply to the Court for a like order.

Affidavit in answer to such order.

Every affidavit made under this section shall specify which, if any, of the documents therein mentioned the declarant objects to produce, together with the grounds of such objection.

Power to order production of documents during suit.

130. The Court may, at any time during the pendency therein of any suit, order the production by any party thereto of such of the documents in his possession or power relating to any matter in question in such suit or proceeding as the Court thinks right; and the Court may deal with such documents when produced in such manner as appears just.

Notice to produce for inspection documents referred to in plaint, &c.

131. Any party to a suit may at any time before or at the hearing thereof give notice through the Court to any other party to produce any specified document for the inspection of the party giving such notice or of his pleader, and to permit such party or pleader to take copies thereof.

Consequence of non-compliance with such notice.

No party failing to comply with such notice shall afterwards be at liberty to put any such document in evidence on his behalf in such suit, unless he satisfies the Court that such document relates only to his own title, or that he had some other and sufficient cause for not complying with such notice.

Party receiving such notice to deliver notice when and where inspection may be had.

132. The party to whom such notice is given shall, within ten days from the receipt thereof, deliver through the Court to the party giving the same a notice stating a time within three days from such delivery at which the documents, or such of them as he does not object to produce, may be inspected at his pleader's office or some other convenient place, and stating which, if any, of the documents he objects to produce, and on what grounds.

Application for order of inspection.

133. If any party served with notice under section 131 omits to give notice under section 132 of the time for inspection, or objects to give inspection, or names an inconvenient place for inspection, the party desiring it may apply to the Court for an order of inspection.

Application to be founded on affidavit.

134. Except in the case of documents referred to in the plaint, written statement or affidavit of the party against whom the application is made, or disclosed in his affidavit of documents, such application shall be founded upon an affidavit shewing (*a*) of what documents inspection is sought, (*b*) that the party applying is entitled to inspect them, and (*c*) that they are in the possession or power of the party against whom the application is made.

Power to order issue or question on which right to discovery depends to be first determined.

135. If the party from whom discovery of any kind or inspection is sought objects to the same or any part thereof, and if the Court is satisfied that the right to such discovery or inspection depends on the determination of any issue or question in dispute in the suit, or that for any other reason it is desirable that any such issue or question should be determined before deciding upon the right to the discovery or inspection, the Court may order that the issue or question be determined first and reserve the question as to the discovery or inspection.

Consequences of failure to answer or give inspection.

136. If any party fails to comply with any order under this chapter, to answer interrogatories or for discovery, production or inspection, which has been duly served, he shall, if a plaintiff, be liable to have his suit dismissed for want of prosecution, and if a defendant, to have his defence, if any, struck out, and to be placed in the same position as if he had not appeared and answered;

and the party interrogating or seeking discovery, production or inspection may apply to the Court for an order to that effect, and the Court may make such order accordingly.

Any party failing to comply with any order under this chapter, to answer interrogatories or for discovery, production or inspection, which has been served personally upon him, shall also be deemed guilty of an offence under section 188 of the Indian Penal Code.

Court may send for papers from its own records or from other Courts.

137. The Court may of its own accord, and may in its discretion upon the application of any of the parties to a suit, send for, either from its own records or from any other Court, the record of any other suit or proceeding, and inspect the same.

Every application made under this section shall (unless the Court otherwise directs) be supported by an affidavit of the applicant or his pleader, shewing how the record is material to the suit in which the application is made, and that the applicant cannot without unreasonable delay or expense obtain a duly authenticated copy of the record or of such portion thereof as the applicant requires, or that the production of the original is necessary for the purposes of justice.

Nothing contained in this section shall be deemed to enable the Court to use in evidence any document which under the Indian Evidence Act, 1872, would be inadmissible in the suit.

Documentary evidence to be in readiness at first hearing.

138. The parties or their pleaders shall bring with them and have in readiness at the first hearing of the suit, to be produced when called for by the Court, all the documentary evidence of every description in their possession or power, on which they intend to rely, and which has not already been filed in court, and all documents which the Court at any time before such hearing has ordered to be produced.

Effect of non-production of documents.

139. No documentary evidence in the possession or power of any party which should have been, but has not been, produced in accordance with the requirements of section 138, shall be received at any subsequent stage of the proceedings unless good cause be shown to the satisfaction of the Court for the non-production thereof. And the Judge receiving any such evidence shall record his reasons for so doing.

Documents to be received by Court.

140. The Court shall receive the documents respectively produced by the parties at the first hearing, provided that the documents produced by each party be accompanied by an accurate list thereof prepared in such form as the High Court may from time to time direct.

Rejection of irrelevant or inadmissible documents.

The Court may at any stage of the suit reject any document which it considers irrelevant or otherwise inadmissible, recording the grounds of such rejection.

No documents to be placed on record unless proved. Proved documents to be marked and filed.

141. No document shall be placed on the record unless it has been proved or admitted in accordance with the law of evidence for the time being in force. Every document so proved or admitted shall be endorsed with the number and title of the suit, the name of the person producing it, and the date on which it was produced. The Judge shall then endorse with his own hand a

statement that it was proved against or admitted by (as the case may be) the person against whom it is used. The document shall then be filed as part of the record:

Entries in shop-books.

Provided that, if the document be an entry in a shop-book or other book, the party on whose behalf such book is produced may furnish a copy of the entry, which may be endorsed as aforesaid, and shall be filed as part of the record, and the Court shall mark the entry, and shall then return the book to the person producing it.

All documents produced at the first hearing and not so proved or admitted shall be returned to the parties respectively producing them.

Rejected documents to be marked,

142. When a document so proved or admitted is relied on as evidence by either party, but the Court considers it inadmissible, it shall be further endorsed with the addition of the word "rejected," and the endorsement shall be signed by the Judge.

and returned.

The document shall then be returned to the party who produced it.

Court may order any document to be impounded.

143. Notwithstanding anything contained in sections 62, 141 and 142, the Court may, if it sees sufficient cause, direct any document or book produced before it in any suit to be impounded and kept in the custody of an officer of the Court, for such period and subject to such conditions as the Court thinks fit.

When document admitted in evidence may be returned.

144. In suits in which an appeal is not allowed, when the suit has been disposed of, and in suits in which an appeal is allowed, when the time for preferring an appeal from the decree has elapsed, or, if an appeal has been preferred, then after the appeal has been disposed of, any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit, and placed on the record, shall, unless the document is impounded under section 143, be entitled to receive back the same:

When document may be returned before time limited.

Provided that a document may be returned at any time before either of such events, if the person applying for such return delivers to the proper officer a certified copy of such document to be substituted for the original:

Certain documents not to be returned.

Provided also that no document shall be returned which, by force of the decree, has become void or useless.

Receipt to be given for returned document.

On the return of a document which has been admitted in evidence, a receipt shall be given by the party receiving it, in a receipt-book to be kept for the purpose.

Provisions as to documents applied to material objects.

145. The provisions herein contained as to documents shall, so far as may be, apply to all other material objects producible as evidence.

CHAPTER XI.

OF THE SETTLEMENT OF ISSUES.

Framing of issues.

146. Issues arise when a material proposition of fact or law is affirmed by the one party and denied by the other.

Material propositions are those propositions of law or fact which a plaintiff must allege in order to show a right to sue.

Each material proposition affirmed by one party and denied by the other must form the subject of a distinct issue.

Issues are of two kinds: (*a*) issues of fact, (*b*) issues of law.

At the first hearing of the suit, the Court shall, after reading the plaint and the written statements, if any, and after such examination of the parties as may appear necessary, ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues on which the right decision of the case appears to the Court to depend.

When issues both of law and of fact arise in the same suit, and the Court is of opinion that the case may be disposed of on the issues of law only, it shall try those issues first, and for that purpose may, if it thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

Nothing in this section requires the Court to frame and record issues when the defendant at the first hearing of the suit makes no defence.

Allegations from which issues may be framed.

147. The Court may frame the issues from all or any of the following materials:—

(*a*) allegations made on oath by the parties, or by any persons present on their behalf, or made by the pleaders of such parties or persons;

(*b*) allegations made in the plaint or in the written statements (if any) tendered in the suit, or in answer to interrogatories delivered in the suit;

(*c*) the contents of documents produced by either party.

Court may examine witnesses or documents before framing issues.

148. If the Court be of opinion that the issues cannot be correctly framed without the examination of some person not before the Court, or without the inspection of some document not produced in the suit, it may adjourn the framing of the issues to a future day, to be fixed by the Court, and may (subject to the rules contained in the Indian Evidence Act) compel the attend-

ance of any person or the production of any document by the person in whose hands it may be, by summons or other process.

Power to amend, add and strike out issues.

149. The Court may at any time before passing a decree amend the issues or frame additional issues on such terms as it thinks fit, and all such amendments or additional issues as may be necessary for determining the controversy between the parties shall be so made or framed.

The Court may also, at any time before passing a decree, strike out any issues that appear to it to be wrongly framed or introduced.

Questions of fact or law may by agreement be stated in form of issue.

150. When the parties to a suit are agreed as to the question of fact or of law to be decided between them, they may state the same in the form of an issue, and enter into an agreement in writing

(*a*) that upon the finding of the Court in the affirmative or the negative of such issue, a sum of money specified in the agreement, or to be ascertained by the Court, or in such manner as the Court may direct, shall be paid by one of the parties to the other of them, or that one of them be declared entitled to some right or subject to some liability specified in the agreement,

(*b*) that upon such finding some property specified in the agreement and in dispute in the suit shall be delivered by one of the parties to the other of them, or as that other may direct, or

(*c*) that upon such finding one or more of the parties shall do or abstain from doing some particular act, specified in the agreement, and relating to the matter in dispute.

Court, if satisfied that agreement was executed in good faith, may pronounce judgment.

151. If the Court be satisfied, after making such inquiry as it deems proper,

(*a*) that the agreement was duly executed by the parties,

(*b*) that they have a substantial interest in the decision of such question as aforesaid, and

(*c*) that the same is fit to be tried and decided,

it may proceed to record and try the issue, and state its finding or opinion thereon in the same manner as if the issue had been framed by the Court;

and may, upon the finding or decision on such issue, pronounce judgment according to the terms of the agreement;

and upon the judgment so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

CHAPTER XII.

DISPOSAL OF THE SUIT AT THE FIRST HEARING.

If parties not at issue on any question of law or fact.

152. If at the first hearing of a suit it appears that the parties are not at issue on any question of law or of fact, the Court may at once pronounce judgment.

If one of several defendants be not at issue with plaintiff.

153. Where there are more defendants than one, and any one of the defendants is not at issue with the plaintiff on any question of law or fact, the Court may at once pronounce judgment for or against such defendant, and the suit shall proceed only against the other defendants.

If parties at issue on questions of law or fact,

154. When the parties are at issue on some question of law or of fact, and issues have been framed by the Court as hereinbefore provided, if the Court be satisfied that no further argument or evidence than the parties can at once supply is required upon such of the issues as may be sufficient for the decision of the suit, and that no injustice will result from proceeding with the suit forthwith, the Court may proceed to determine such issues,

Court may determine issue, and pronounce judgment.

and, if the finding thereon is sufficient for the decision, may pronounce judgment accordingly, whether the summons has been issued for the settlement of issues only or for the final disposal of the suit:

Provided that, where the summons has been issued for the settlement of issues only, the parties or their pleaders are present and none of them object.

If the finding is not sufficient for the decision, the Court shall postpone the further hearing of the suit, and shall fix a day for the production of such further evidence, or for such further argument, as the case requires.

If either party fails to produce his evidence, Court may pronounce judgment, or adjourn suit.

155. If the summons has been issued for the final disposal of the suit, and either party fails without sufficient cause to produce the evidence on which he relies, the Court may at once pronounce judgment,

or may, if it thinks fit, after framing and recording issues under section 146, adjourn the suit for the production of such evidence as may be necessary to its decision upon such issues.

CHAPTER XIII.

OF ADJOURNMENTS.

Court may grant time, and adjourn hearing.

156. The Court may, if sufficient cause be shown, at any stage of the suit grant time to the parties or to any of them, and may from time to time adjourn the hearing of the suit.

Costs of adjournment.

In all such cases the Court shall fix a day for the further hearing of the suit, and may make such order as it thinks fit with respect to the costs occasioned by the adjournment:

Provided that, when the hearing of evidence has once begun, the hearing of the suit shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the hearing to be necessary for reasons to be recorded by the Judge with his own hand.

Procedure if parties fail to appear on day fixed.

157. If, on any day to which the hearing of the suit is adjourned, the parties or any of them fail to appear, the Court may proceed to dispose of the suit in one of the modes directed in that behalf by Chapter VII, or make such other order as it thinks fit.

Court may proceed notwithstanding either party fails to produce evidence, &c.

158. If any party to a suit to whom time has been granted fails to produce his evidence, or to cause the attendance of his witnesses, or to perform any other act necessary to the further progress of the suit, for which time has been allowed, the Court may, notwithstanding such default, proceed to decide the suit forthwith.

CHAPTER XIV.

OF THE SUMMONING AND ATTENDANCE OF WITNESSES.

Summons to attend to give evidence or produce documents.

159. The parties may, after the summons has been delivered for service on the defendant, whether it be for the settlement of issues only, or for the final disposal of the suit, obtain, on application to the Court or to such officer as it appoints in this behalf, before the day fixed for such settlement or disposal, as the case may be, summonses to persons whose attendance is required either to give evidence or to produce documents.

Expenses of witnesses to be paid into court on applying for summons.

160. The party applying for a summons shall, before the summons is granted and within a period to be fixed by the Court, pay into court such a sum of money as appears to the Court to be sufficient to defray the travelling and other expenses of the person summoned, in passing to and from the court in which he is required to attend, and for one day's attendance.

Scale of expenses.

If the Court be subordinate to a High Court, regard shall be had, in fixing the scale of such expenses, to the rules (if any) laid down by competent authority.

Tender of expenses to witness.

161. The sum so paid into Court shall be tendered to the person summoned, at the time of serving the summons, if it can be served personally.

Procedure where insufficient sum paid in.

162. If it appear to the Court or to such officer as it appoints in this behalf that the sum paid into Court is not sufficient to cover such expenses, the Court may direct such further sum to be paid to the person summoned as appears to be necessary on that account; and, in case of default in payment, may order such sum to be levied by attachment and sale of the moveable property of the party obtaining the summons; or the Court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid.

Expenses if witness detained more than one day.

If it be necessary to detain the person summoned for a longer period than one day, the Court may, from time to time, order the party at whose instance he was summoned to pay into Court such sum as is sufficient to defray the expenses of his detention for such further period, and, in default of such deposit being made, may order such sum to be levied by attachment and sale of the moveable property of the party at whose instance he was summoned; or the Court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid.

Time, place and purpose of attendance to be specified in summons.

163. Every summons for the attendance of a person to give evidence or produce a document shall specify the time and place at which he is required to attend, and also whether his attendance is required for the purpose of giving evidence or to produce a document, or for both purposes; and any particular document which the person summoned is called on to produce shall be described in the summons with reasonable accuracy.

Summons to produce document.

164. Any person may be summoned to produce a document, without being summoned to give evidence; and any person summoned merely to produce a document shall be deemed to have complied with the summons, if he cause such document to be produced instead of attending personally to produce the same.

Power to require persons present in Court to give evidence.

165. Any person present in Court may be required by the Court to give evidence or to produce any document then and there in his actual possession or power.

Summons how served.

166. Every summons to a person to give evidence or produce a document shall be served as nearly as may be in manner hereinbefore prescribed for the service of summons on the defendant; and the rules contained in Chapter VI as to proof of service shall apply in the case of all summonses served under this section.

Time for serving summons.

167. The service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the person summoned, to allow him a reasonable time for preparation and for travelling to the place at which his attendance is required.

Attachment of property of absconding witness.

168. If the serving-officer certify to the Court that the summons for the attendance of a person, either to give evidence or to produce a document, cannot be served, the Court shall examine the serving-officer on oath touching the non-service:

and upon being satisfied that such evidence or production is material, and that the person for whose attendance the summons has been issued is absconding or keeping out of the way for the purpose of avoiding the service of the summons, may issue a proclamation requiring him to attend to give evidence, or produce the document, at a time and place to be named therein; and a copy of such proclamation shall be affixed on the outer door of the house in which he ordinarily resides.

If he does not attend at the time and place named in such proclamation, the Court may in its discretion, at the instance of the party on whose application the summons was issued, make an order for the attachment of the property of the person whose attendance is required, to such amount as the Court thinks fit, not exceeding the amount of the costs of attachment and of the fine which may be imposed under section 170:

Provided that no Court of Small Causes shall make an order for the attachment of immoveable property.

If witness appears, attachment may be withdrawn.

169. If, on the attachment of his property, such person appears and satisfies the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court shall direct that the property be released from attachment, and shall make such order as to the costs of the attachment as it thinks fit.

Procedure if witness fails to appear.

170. If such person does not appear, or, appearing, fails to satisfy the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court may impose upon him such fine not exceeding five hundred rupees as the Court thinks fit, having regard to his condition in life and all the circumstances of the case, and may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of the said fine, if any:

Provided that, if the person whose attendance is required pays into Court the costs and fine as aforesaid, the Court shall order the property to be released from attachment.

Court may of its own accord summon as witnesses strangers to suit.

171. Subject to the rules of this Code as to attendance and appearance and to the provisions of the Indian Evidence Act, 1872, if the Court at any time thinks it necessary to examine any person other than a party to the suit and not named as a witness by a party to the suit, the Court may, of its own motion, cause such person to be summoned as a witness to give evidence, or to produce any document in his possession, on a day to be appointed, and may examine him as a witness or require him to produce such document.

Duty of persons summoned to give evidence or produce document.

172. Subject as last aforesaid, whoever is summoned to appear and give evidence in a suit must attend at the time and place named in the summons for that purpose, and whoever is summoned to produce a document must either attend to produce it, or cause it to be produced, at such time and place.

When they may depart.

173. No person so summoned and attending shall depart unless and until (*a*) he has been examined or has produced the document and the Court has risen, or (*b*) he has obtained the Court's leave to depart.

Consequences of failure to comply with summons.

174. If any person on whom a summons to give evidence or produce a document has been served fails to comply with the summons, or if any person so summoned and attending departs in contravention of section 173, the Court may order him to be arrested and brought before the Court:

Provided that no such order shall be made when the Court has reason to believe that the person so failing had a lawful excuse for such failure.

When any person so brought before the Court fails to satisfy it that he had a lawful excuse for not complying with the summons, the Court may sentence him to fine not exceeding five hundred rupees.

Explanation.—Non-payment or non-tender of a sum sufficient to defray the expenses mentioned in section 160 shall be deemed a lawful excuse within the meaning of this section.

Procedure when witness apprehended cannot give evidence or produce documents.

If any person so apprehended and brought before the Court cannot, owing to the absence of the parties or any of them, give the evidence or produce the document which he has been summoned to give or produce, the Court may require him to give reasonable bail or other security for his appearance at such time and place as it thinks fit, and on such bail or security being given, may release him.

Procedure when witness absconds.

175. If any person so failing to comply with a summons absconds or keeps out of the way, so that he cannot be apprehended and brought before the Court, the provisions of sections 168, 169 and 170 shall, *mutatis mutandis*, apply.

Persons bound to attend in person.

176. No one shall be bound to attend in person to give evidence or to be examined in Court unless he resides—

(a) within the local limits of its ordinary original jurisdiction, or

(b) without such limits and at a place less than fifty or (where there is railway-communication for five-sixths of the distance between the place where he resides and the place where the Court is situate) two hundred miles distant from the Court-house.

Consequence of refusal of party to give evidence when called on by Court.

177. If any party to a suit present in Court refuses, without lawful excuse, when required by the Court, to give evidence or to produce any document then and there in his actual possession or power, the Court may in its discretion either pass a decree against him, or make such order in relation to the suit as the Court thinks fit.

Rules as to witnesses to apply to parties summoned.

178. Whenever any party to a suit is required to give evidence or to produce a document, the rules as to witnesses contained in this Code shall apply to him so far as they are applicable.

CHAPTER XV.

OF THE HEARING OF THE SUIT AND EXAMINATION OF WITNESSES.

Statement and production of evidence by party having right to begin.

179. On the day fixed for the hearing of the suit, or on any other day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

Rules as to right to begin.

Explanation.—The plaintiff has the right to begin unless where the defendant admits the facts alleged by the plaintiff and contends that either in point of law or on some additional facts alleged by the defendant the plaintiff is not entitled to any part of the relief which he seeks, in which case the defendant has the right to begin.

Statement and production of evidence by other party.

180. The other party shall then state his case and produce his evidence (if any).

Reply by party beginning.

The party beginning is then entitled to reply.

Where there are several issues, the burden of proving some of which lies on the other party, the party beginning may, at his option, either produce his evidence on those issues or reserve it by way of answer to the evidence produced by the other party. In the latter case, the party beginning may produce evidence on those issues after the other party has produced all his evidence, and the other party may then reply specially on the evidence so produced by the party beginning; but the party beginning will then be entitled to reply generally on the whole case.

Witnesses to be examined in open Court.

181. The evidence of the witnesses in attendance shall be taken orally in open Court in the presence, and under the personal direction and superintendence, of the Judge.

How evidence shall be taken in appealable cases.

182. In cases in which an appeal is allowed, the evidence of each witness shall be taken down in writing, in the language of the Court, by or in the presence and under the personal direction and superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over in the presence of the Judge and of the witness, and also in the presence of the parties or their pleaders, and the Judge shall, if necessary, correct the same and shall sign it.

When deposition to be interpreted.

183. If the evidence is taken down under section 182 in a language different from that in which it was given, and the witness does not understand the language in which it is taken down, the evidence as taken down in writing shall be interpreted to him in the language in which it was given.

Memorandum when evidence not taken down by Judge.

184. In cases in which the evidence is not taken down in writing by the Judge, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what each witness deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record.

When evidence may be taken in English.

185. Where English is not the language of the Court, but all the parties to the suit who appear in person, and the pleaders of such as appear by pleaders, do not object to have such evidence as is given in English taken down in English, the Judge may so take it down with his own hand.

Any particular question and answer may be taken down.

186. The Court may of its own motion or on the application of any party or his pleader take down, or cause to be taken down, any particular question and answer, or any objection to any question, if there appear any special reason for so doing.

Questions objected to and allowed by Court.

187. If any question put to a witness be objected to by a party or his pleader, and the Court allows the same to be put, the Judge shall take down the question, the answer, the objection and the name of the person making it, together with the decision of the Court thereon.

Remarks on demeanour of witnesses.

188. The Court may record such remarks as it thinks material respecting the demeanour of any witness while under examination.

189. In cases in which an appeal is not allowed, it shall not be necessary to take down the evidence of the witnesses in writing at length; but the Judge, as the examination of each witness proceeds, shall make a memorandum of the substance of what he deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record.

Memorandum of evidence in unappealable cases.

190. If the Judge be rendered unable to make a memorandum as above required by this chapter, he shall cause the reason of such inability to be recorded, and shall cause the memorandum to be made in writing from his dictation in open Court.

Judge unable to make such memorandum to record reason of his inability

Every memorandum so made shall form part of the record.

191. Where the Judge taking down any evidence, or causing any memorandum to be made under this chapter, dies or is removed from the Court before the conclusion of the suit, his successor may, if he thinks fit, deal with such evidence or memorandum as if he himself had taken it down or caused it to be made.

Power to deal with evidence taken down by Judge removed before conclusion of suit.

192. If a witness be about to leave the jurisdiction of the Court, or if other sufficient cause be shown to the satisfaction of the Court why his evidence should be taken immediately, the Court may, upon the application of either party or of the witness, at any time after the institution of the suit, take the evidence of such witness in manner hereinbefore provided.

Power to examine witness immediately.

Where such evidence is not taken forthwith and in the presence of the parties, such notice as the Court thinks sufficient, of the day fixed for the examination, shall be given to the parties.

The evidence so taken shall be read over to the witness, and, if he admits it to be correct, shall be signed by him, and may then be read at any hearing of the suit.

193. The Court may at any stage of the suit recall any witness who has been examined and who has not departed in accordance with section 173, and may (subject to the provisions of the Indian Evidence Act, 1872) put such questions to him as the Court thinks fit.

Court may recall and examine witness.

CHAPTER XVI.

OF AFFIDAVITS.

194. Any Court of first instance and any appellate Court may at any time for sufficient reason order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as the Court thinks reasonable:

Power to order any point to be proved by affidavit.

Provided that where it appears to the Court that either party *bonâ fide* desires the production of a witness for cross-examination, and that such witness can be produced, an order shall not be made authorizing the evidence of such witness to be given by affidavit.

195. Upon any application evidence may be given by affidavit, but the Court may at the instance of either party order the attendance for cross-examination of the declarant.

Power to order attendance of declarant for cross-examination.

Such attendance shall be in Court unless the declarant is exempted under this Code from personal appearance in court, or the Court otherwise directs.

196. Affidavits shall be confined to such facts as the declarant is able of his own knowledge to prove, except on interlocutory applications, on which statements of his belief may be admitted, provided that reasonable grounds thereof be set forth.

Matters to which affidavits shall be confined.

The costs of every affidavit which shall unnecessarily set forth matters of hearsay or argumentative matter, or copies of or extracts from documents, shall unless the Court otherwise directs) be paid by the party producing the same.

197. In the case of any affidavit under this Code—

Oath of declarant by whom to be administered.

(*a*) any Court or Magistrate, or

(*b*) any officer whom a High Court may appoint in this behalf, or

(*c*) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf,

may administer the oath of the declarant.

CHAPTER XVII.

OF JUDGMENT AND DECREE.

198. The Court, after the evidence has been duly taken and the parties have been heard either in person or by their respective pleaders or recognized agents, shall pronounce judgment in open Court, either at once or on some future day, of which due notice shall be given to the parties or their pleaders.

Judgment when pronounced.

199. A Judge may pronounce a judgment written by his predecessor but not pronounced.

Power to pronounce judgment written by Judge's predecessor.

200. The judgment shall be written in the language of the Court, or in English, or in the Judge's mother-tongue.

Language of judgment.

201. Whenever the judgment is written in any language other than that of the Court, the judgment shall, if any of the parties so

Translation of judgment.

require, be translated into the language of the Court, and the translation shall also be signed by the Judge or such officer as he appoints in this behalf.

Judgment to be dated and signed.

202. The judgment shall be dated and signed by the Judge in open Court at the time of pronouncing it, and shall not be altered or added to, save to correct verbal errors or to supply some accidental defect not affecting a material part of the case, or on review.

Judgments of Small Cause Courts.

203. The judgments of the Courts of Small Causes need not contain more than the points for determination and the decision thereupon.

Judgments of other Courts.

The judgments of all other Courts shall contain a concise statement of the case, the points for determination, the decision thereon, and the reasons for such decision.

Court to state its decision on each issue.

Exception.

204. In suits in which issues have been framed, the Court shall state its finding or decision, with the reasons thereof, upon each separate issue, unless the finding upon any one or more of the issues be sufficient for the decision of the suit.

Date of decree.

205. The decree shall bear date the day on which the judgment was pronounced; and, when the Judge has satisfied himself that the decree has been drawn up in accordance with the judgment, he shall sign the decree.

Contents of decree.

206. The decree must agree with the judgment: it shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claims, as stated in the register, and shall specify clearly the relief granted or other determination of the suit.

The decree shall also state the amount of costs incurred in the suit, and by what parties and in what proportions such costs are to be paid.

Power to amend decree.

If the decree is found to be at variance with the judgment, or if any clerical or arithmetical error be found in the decree, the Court shall, of its own motion or on that of any of the parties, amend the decree so as to bring it into conformity with the judgment or to correct such error: provided that reasonable notice has been given to the parties or their pleaders of the proposed amendment.

Decree for recovery of immoveable property.

207. When the subject-matter of the suit is immoveable property, and such property is identified by boundaries or by numbers in a record of settlement or survey, the decree shall specify such boundaries or numbers.

Decree for delivery of moveable property.

208. When the suit is for moveable property, if the decree be for the delivery of such property, it shall also state the amount of money to be paid as an alternative if delivery cannot be had.

In suits for money, decree may order certain interest to be paid on principal sum adjudged.

209. When the suit is for a sum of money due to the plaintiff, the Court may, in the decree, order interest at such rate as the Court deems reasonable to be paid on the principal sum adjudged, from the date of the suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the institution of the suit, with further interest at such rate as the Court deems reasonable on the aggregate sum so adjudged, from the date of the decree to the date of payment, or to such earlier date as the Court thinks fit.

Decree may direct payment by instalments.

210. In all decrees for the payment of money, the Court may for any sufficient reason order that the amount shall be paid by instalments, with or without interest.

Order, after decree, for payment by instalments.

And after the passing of any such decree the Court may, on the application of the judgment-debtor and with the consent of the decree-holder, order that the amount decreed be paid by instalments on such terms as to the payment of interest, the attachment of the property of the defendant, or the taking of security from him, or otherwise, as it thinks fit:

Save as provided in this section and section 206, no decree shall be altered at the request of parties.

In suits for land, Court may decree payment of mesne profits with interest.

211. When the suit is for the recovery of possession of immoveable property yielding rent or other profit, the Court may provide in the decree for the payment of rent or mesne profits in respect of such property from the institution of the suit until the delivery of possession to the party in whose favour the decree is made, or until the expiration of three years from the date of the decree (whichever event first occurs), with interest thereupon at such rate as the Court thinks fit.

Explanation.—'Mesne profits' of property mean those profits which the person in wrongful possession of such property actually received, or might with ordinary diligence have received, therefrom, together with interest on such profits.

Court may determine amount of mesne profits prior to suit, or may reserve inquiry.

212. When the suit is for the recovery of possession of immoveable property and for mesne profits which have accrued on the property during a period prior to the institution of the suit, and the amount of such profits is disputed, the Court may either determine the amount by the decree itself, or may pass a decree for the property and direct an inquiry into the amount of mesne profits, and dispose of the same on further orders.

Administration-suit.

213. When the suit is for an account of any property and for its due administration under the de-

cree of the Court, the Court, before making the decree, shall order such accounts and inquiries to be taken and made, and give such other directions, as it thinks fit.

In the administration by the Court of the property of any person who dies after this Code comes into force, if such property proves to be insufficient for the payment in full of his debts and liabilities, the same rules shall be observed as to the respective rights of secured and unsecured creditors and as to debts and liabilities proveable, and as to the valuation of annuities and future and contingent liabilities respectively, as may be in force for the time being with respect to the estates of persons adjudged insolvent;

and all persons who in any such case would be entitled to be paid out of such property may come in under the decree for its administration, and make such claims against the same as they may respectively be entitled to by virtue of this Code.

Applications under section 265 of the Indian Contract Act, 1872, shall be deemed to be suits within the meaning of this section.

Suit to enforce right of pre-emption.

214. When the suit is to enforce a right of pre-emption in respect of a particular sale of property, and the Court finds for the plaintiff, if the amount of purchase-money has not been paid into court, the decree shall specify a day on or before which it shall be so paid, and shall declare that on payment of such purchase-money, together with the costs (if any) decreed against him, the plaintiff shall obtain possession of the property, but that if such money and costs are not so paid, the suit shall stand dismissed with costs.

Suit for dissolution of partnership.

215. When the suit is for the dissolution of a partnership, the Court, before making its decree, may pass an order fixing the day on which the partnership shall stand dissolved, and directing such accounts to be taken and other acts to be done as it thinks fit.

Suit for account between principal and agent.

215A. When a suit is for an account of pecuniary transactions between a principal and agent, and in all other suits not hereinbefore provided for, where it is necessary, in order to ascertain the amount of money due to or from any party, that an account should be taken, the Court shall, before making its decree, pass an order directing such accounts to be taken as it thinks fit.

Decree when set-off is allowed.

216. If the defendant has set-off the amount of a debt against the claim of the plaintiff, and such set-off has been allowed, the decree shall state what amount is due to the plaintiff and what amount (if any) is due to the defendant, and shall be for the recovery of any sum which appears to be due to either party.

Effect of decree as to sum awarded to defendant.

The decree of the Court with respect to any sum awarded to the defendant shall have the same effect, and be subject to the same rules in respect of appeal or otherwise, as if such sum had been claimed by the defendant in a separate suit against the plaintiff.

Certified copies of judgment and decree to be furnished.

217. Certified copies of the judgment and decree shall be furnished to the parties on application to the Court, and at their expense.

CHAPTER XVIII.

OF COSTS.

Costs of applications.

218. When disposing of any application under this Code, the Court may give to either party the costs of such application, or may reserve the consideration of such costs for any future stage of the proceedings.

Judgment to direct by whom costs to be paid.

219. The judgment shall direct by whom the costs of each party are to be paid, whether by himself or by any other party to the suit, and whether in whole or in what part or proportion.

Power of Court as to costs.

220. The Court shall have full power to give and apportion costs of every application and suit in any manner it thinks fit, and the fact that the Court has no jurisdiction to try the case is no bar to the exercise of such power;

Provided that, if the Court directs that the costs of any application or suit shall not follow the event, the Court shall state its reasons in writing.

Every order relating to costs made under this Code and not forming part of a decree may be executed as if it were a decree for money.

Costs may be set-off against sum admitted or found to be due.

221. The Court may direct that the costs payable to one party by another shall be set-off against a sum which is admitted or is found in the suit to be due from the former to the latter.

Interest on costs.
Payment of costs out of subject-matter.

222. The Court may give interest on costs at any rate not exceeding six per cent. per annum, and may direct that costs, with or without interest, be paid out of, or charged upon, the subject-matter of the suit.

CHAPTER XIX.

OF THE EXECUTION OF DECREES.

A.—Of the Court by which Decrees may be executed.

Court by which decree may be executed.

223. A decree may be executed either by the Court which passed it or by the Court to which it is sent for execution under the provisions hereinafter contained.

The Court which passed a decree may, on the application of the decree-holder, send it for execution to another Court,

(*a*) if the person against whom the decree is passed actually and voluntarily resides or carries on business, or personally works for gain, within the local limits of the jurisdiction of such other Court, or

(*b*) if such person has not property within the local limits of the jurisdiction of the Court which passed the decree sufficient to satisfy such decree and has property within the local limits of the jurisdiction of such other Court, or

(*c*) if the decree directs the sale of immoveable property situate outside the local limits of the jurisdiction of the Court which passed it, or

(*d*) if the Court which passed the decree considers for any other reason, which it shall record in writing, that the decree should be executed by such other Court.

The Court which passed a decree may of its own motion send it for execution to any Court subordinate thereto.

The Court to which a decree is sent under this section for execution shall certify to the Court which passed it the fact of such execution, or, where the former Court fails to execute the same, the circumstances attending such failure.

If the decree has been passed in a case cognizable by a Court of Small Causes and the Court which passed it wishes it to be executed in Calcutta, Madras, Bombay or Rangoon, such Court may send to the Court of Small Causes in Calcutta, Madras, Bombay or Rangoon, as the case may be, the copies and certificate respectively mentioned in clauses (*a*), (*b*) and (*c*) of section 224; and such Court of Small Causes shall thereupon execute the decree as if it had been passed by itself.

If the Court to which a decree is to be sent for execution is situate within the same district as the Court which passed such decree, such Court shall send the same directly to the former Court. But, if the Court to which the decree is to be sent for execution is situate in a different district, the Court which passed it shall send it to the District Court of the district in which the decree is to be executed.

Procedure when Court desires that its own decree shall be executed by another Court.

224. The Court sending a decree for execution under section 223 shall send

(*a*) a copy of the decree;

(*b*) a certificate setting forth that satisfaction of the decree has not been obtained by execution within the jurisdiction of the Court by which it was passed, or, where the decree has been executed in part, the extent to which satisfaction has been obtained and what part of the decree remains unexecuted; and

(*c*) a copy of any order for the execution of the decree, and, if no such order has been made, a certificate to that effect.

Court receiving copies of decree, &c., to file same without proof.

225. The Court to which a decree is so sent shall cause such copies and certificate to be filed, without any further proof of the decree or order for execution, or of the copies thereof, or of the jurisdiction of the Court which passed it, unless the former Court, for any special reasons to be recorded under the hand of the Judge, requires such proof.

Execution of decree or order by Court to which it is sent.

226. When such copies are so filed, the decree or order may, if the Court to which it is sent be the District Court, be executed by such Court or by any subordinate Court which it directs to execute the same.

Execution by High Court of decree transmitted by other Court.

227. If the Court to which the decree is sent for execution be a High Court, the decree shall be executed by such Court in the same manner as if it had been made by such Court in the exercise of its ordinary original civil jurisdiction.

Powers of Court in executing transmitted decree.

228. The Court executing a decree sent to it under this chapter shall have the same powers in executing such decree as if it had been passed by itself. All persons disobeying or obstructing the execution of the decree shall be punishable by such Court in the same manner as if it had passed the decree. And its orders in executing such decree shall be subject to the same rules in respect of appeal as if the decree had been passed by itself.

Appeal from orders in executing such decrees.

Decrees of Courts established by Government of India in Native States.

229. A decree of any Court established by the authority of the Governor General in Council in the territories of any Foreign Prince or State, which cannot be executed within the jurisdiction of the Court by which it was made, may be executed in manner herein provided within the jurisdiction of any Court in British India.

B.—Of Application for Execution.

Application for execution.

230. When the holder of a decree desires to enforce it, he shall apply to the Court which passed the decree or to the officer, if any, appointed in this behalf, or if the decree has been sent under the provisions hereinbefore contained to another Court, then to such Court or to the proper officer thereof.

The Court may in its discretion refuse execution at the same time against the person and property of the judgment-debtor.

Where an application to execute a decree for the payment of money or delivery of other property has been made under this section and granted, no subsequent application to execute the same decree shall be granted after the expiration of

twelve years from any of the following dates (namely)—

(a) the date of the decree sought to be enforced or of the decree (if any) on appeal affirming the same, or

(b) where the decree or any subsequent order directs any payment of money, or the delivery of any property, to be made at a certain date—the date of the default in making the payment or delivering the property in respect of which the applicant seeks to enforce the decree.

Nothing in this section shall prevent the Court from granting an application for execution of a decree after the expiration of the said term of twelve years, where the judgment-debtor has, by fraud or force, prevented the execution of the decree at some time within twelve years immediately before the date of the application.

Notwithstanding anything herein contained, proceedings may be taken to enforce any decree within three years after the passing of this Code, unless when the period prescribed for taking such proceedings by the law in force immediately before the passing of this Code shall have expired before the completion of the said three years.

Application by joint decree-holder.

231. If a decree has been passed jointly in favour of more persons than one, any one or more of such persons, or his or their representatives, may apply for the execution of the whole decree for the benefit of them all, or, where any of them has died, for the benefit of the survivors and the representative in interest of the deceased.

If the Court sees sufficient cause for allowing the decree to be executed on an application so made, it shall pass such order as it deems necessary for protecting the interests of the persons who have not joined in the application.

Application by transferee of decree.

232. If a decree be transferred by assignment in writing, or by operation of law, from the decree-holder to any other person, the transferee may apply for its execution to the Court which passed it; and, if that Court thinks fit, the decree may be executed in the same manner and subject to the same conditions as if the application were made by such decree-holder:

Provided as follows:—

(a) where the decree has been transferred by assignment, notice in writing of such application shall be given to the transferor and the judgment-debtor, and the decree shall not be executed until the Court has heard their objections (if any) to such execution;

(b) where a decree for money against several persons has been transferred to one of them, it shall not be executed against the others.

Transferee to hold subject to equities enforceable against original holder.

233. Every transferee of a decree shall hold the same subject to the equities (if any) which the judgment-debtor might have enforced against the original decree-holder.

If judgment-debtor die before execution, application may be made against his representative.

234. If a judgment-debtor dies before the decree has been fully executed, the holder of the decree may apply to the Court which passed it to execute the same against the legal representative of the deceased.

Such representative shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of; and for the purpose of ascertaining such liability, the Court executing the decree may, of its own motion or on the application of the decree-holder, compel the said representative to produce such accounts as it thinks fit.

Contents of application for execution of decree.

235. The application for the execution of a decree shall be in writing verified by the applicant or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case, and shall contain in a tabular form the following particulars (namely)—

(a) the number of the suit;

(b) the names of the parties;

(c) the date of the decree;

(d) whether any appeal has been preferred from the decree;

(e) whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree;

(f) whether any and what previous applications have been made for execution of the decree and with what result;

(g) the amount of the debt or compensation, with the interest, if any, due upon the decree, or other relief granted thereby;

(h) the amount of costs, if any, awarded;

(i) the name of the person against whom the enforcement of the decree is sought; and

(j) the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, by the arrest and imprisonment of the person named in the application, or by the attachment of his property, or otherwise as the nature of the relief sought may require.

Application for attachment of moveable property to be accompanied with inventory.

236. Whenever an application is made for the attachment of any moveable property belonging to the judgment-debtor but not in his possession, the decree-holder shall annex to the application an inventory of the property to be attached, containing a reasonably accurate description of the same.

Further particulars when application is for attachment of immoveable property.

237. Whenever an application is made for the attachment of any immoveable property belonging to the judgment-debtor, it shall contain at the foot a de-

scription of the property sufficient to identify it, and also a specification of the judgment-debtor's share or interest therein to the best of the belief of the applicant and so far as he has been able to ascertain the same.

Every such description and specification shall be verified in manner hereinbefore provided for the verification of plaints.

When application must be accompanied by extract from Collector's register.

238. If the property be land registered in the Collector's office, the application for attachment shall be accompanied by an authenticated extract from the register of such office, specifying the persons registered as proprietors of, or as possessing any transferable interest in, the land or its revenue, or as liable to pay revenue for such land, and the shares of the registered proprietors.

C.—Of staying Execution.

When Court may stay execution.

239. The Court to which a decree has been sent for execution under this chapter shall, upon sufficient cause being shewn, stay the execution of such decree for a reasonable time, to enable the judgment-debtor to apply to the Court by which the decree was made, or to any Court having appellate jurisdiction in respect of the decree or the execution thereof, for an order to stay the execution, or for any other order relating to the decree or execution which might have been made by such Court of first instance or appellate Court if execution had been issued thereby, or if application for execution had been made thereto;

and in case the property or person of the judgment-debtor has been seized under an execution, the Court which issued the execution may order the restitution or discharge of such property or person pending the result of the application for such order.

Power to require security from, or impose conditions upon, judgment-debtor.

240. Before passing an order under section 239 to stay execution, or for the restitution of property or the discharge of the judgment-debtor, the Court may require such security from, or impose such conditions upon, the judgment-debtor as it thinks fit.

Liability of judgment-debtor discharged to be retaken.

241. No discharge under section 239 of the property or person of a judgment-debtor shall prevent it or him from being retaken in execution of the decree sent for execution.

Order of Court which passed decree or of appellate Court to be binding upon Court applied to.

242. Any order of the Court by which the decree was passed, or of such Court of appeal as aforesaid, in relation to the execution of such decree, shall be binding upon the Court to which the decree was sent for execution.

Stay of execution pending suit between decree-holder and judgment-debtor.

243. If a suit be pending in any Court against the holder of a decree of such Court, on the part of the person against whom the decree was passed, the Court may (if it think fit) stay execution on the decree, either absolutely or on such terms as it thinks fit, until the pending suit has been decided.

D.—Questions for Court executing Decree.

Questions to be decided by Court executing decree.

244. The following questions shall be determined by order of the Court executing a decree and not by separate suit (namely)—

(*a*) questions regarding the amount of any mesne profits as to which the decree has directed inquiry;

(*b*) questions regarding the amount of any mesne profits or interest which the decree has made payable in respect of the subject-matter of a suit, between the date of its institution and the execution of the decree, or the expiration of three years from the date of the decree;

(*c*) any other questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree.

Nothing in this section shall be deemed to bar a separate suit for mesne profits accruing between the institution of the first suit and the execution of the decree therein, where such profits are not dealt with by such decree.

E.—Of the Mode of executing Decrees.

Procedure on receiving application for execution of decree.

245. The Court, on receiving an application for the execution of a decree, shall ascertain whether such of the requirements of sections 235, 236, 237 and 238 as may be applicable to the case have been complied with; and if they have not been complied with, the Court may reject the application, or may allow it to be amended then and there, or within a time fixed by the Court. If the application be not so amended, it shall be rejected.

Every amendment made under this section shall be attested by the signature of the Judge.

Procedure on admitting application.

When the application is admitted, the Court shall enter in the register of the suit a note of the application and the date on which it was made, and shall order execution of the decree according to the nature of the application:

Provided that, in the case of a decree for money, the value of the property attached shall, as nearly as may be, correspond with the amount for which the decree has been made.

Cross-decrees.

246. If cross-decrees between the same parties for the payment of money be produced to the Court, execution shall be taken out only by the party who holds a decree for the larger sum, and for so much only as remains after deducting the smaller sum, and satisfaction for the smaller sum shall be entered on the decree for the larger sum as well as satisfaction on the decree for the smaller sum.

If the two sums be equal, satisfaction shall be entered upon both decrees.

Explanation I.—The decrees contemplated by this section are decrees capable of execution at the same time and by the same Court.

Explanation II.—This section applies where either party is an assignee of one of the decrees and as well in respect of judgment-debts due by the original assignor as in respect of judgment-debts due by the assignee himself.

Explanation III.—This section does not apply unless

the decree-holder in one of the suits in which the decrees have been made is the judgment-debtor in the other and each party fills the same character in both suits; and

the sums due under the decrees are definite.

Illustrations.

(*a*) A holds a decree against B for Rs. 1,000. B holds a decree against A for the payment of Rs. 1,000 in case A fails to deliver certain goods at a future day. B cannot treat his decree as a cross-decree under this section.

(*b*) A and B, co-plaintiffs, obtain a decree for Rs. 1,000 against C, and C obtains a decree for Rs. 1,000 against B. C cannot treat his decree as a cross-decree under this section.

(*c*) A obtains a decree against B for Rs. 1,000. C, who is a trustee for B, obtains a decree on behalf of B against A for Rs. 1,000. B cannot treat C's decree as a cross-decree under this section.

Cross-claims under same decree.

247. When two parties are entitled under the same decree to recover from each other sums of different amounts, the party entitled to the smaller sum shall not take out execution against the other party; but satisfaction for the smaller sum shall be entered on the decree.

When the amounts are equal, neither party shall take out execution, but satisfaction for each sum shall be entered on the decree.

Notice to show cause why decree should not be executed.

248. The Court shall issue a notice to the party against whom execution is applied for, requiring him to show cause, within a period to be fixed by the Court, why the decree should not be executed against him,

(*a*) if more than one year has elapsed between the date of the decree and the application for its execution, or

(*b*) if the enforcement of the decree be applied for against the legal representative of a party to the suit in which the decree was made:

Proviso.

Provided that no such notice shall be necessary

in consequence of more than one year having elapsed between the date of the decree and the application for execution, if the application be made within one year from the date of any decree passed on appeal from the decree sought to be executed, or of the last order against the party against whom execution is applied for, passed on any previous application for execution, or

in consequence of the application being against the legal representative of the judgment-debtor, if upon a previous application for execution against the same person the Court has ordered execution to issue against him.

Explanation.—In this section the phrase "the Court" means the Court by which the decree was passed, unless the decree has been sent to another Court for execution, in which case it means such other Court.

Procedure after issue of notice.

249. If the person to whom notice is issued under the last preceding section does not appear, or does not shew cause to the satisfaction of the Court why the decree should not be executed, the Court shall order the decree to be executed.

If he offers any objection to the enforcement of the decree, the Court shall consider such objection and pass such order as it thinks fit.

Warrant when to issue.

250. When the preliminary measures (if any) required by the foregoing provisions have been taken, the Court, unless it sees cause to the contrary, shall issue its warrant for the execution of the decree.

Date, signature, seal and delivery.

251. Such warrant shall be dated the day on which it is issued, signed by the Judge or such officer as the Court appoints in this behalf, sealed with the seal of the Court, and delivered to the proper officer to be executed.

And a day shall be specified in such warrant on or before which it must be executed, and the proper officer shall endorse thereon the day and manner in which it was executed, or, if it was not executed, the reason why it was not executed, and shall return it with such endorsement to the Court from which it issued.

Decree against representative of deceased for money to be paid out of deceased's property.

252. If the decree be against a party as the legal representative of a deceased person, and the decree be for money to be paid out of the property of the deceased, it may be executed by the attachment and sale of any such property:

If no such property remains in the possession of the judgment-debtor, and he fails to satisfy the Court that he has duly applied such property of the deceased as is proved to have come into his possession, the decree may be executed against the judgment-debtor to the extent of the property not duly applied by him, in the same manner as if the decree had been against him personally.

Decree against surety.

253. Whenever a person has, before the passing of a decree in an original suit, become liable as surety for the performance of the same or of any part thereof, the decree may be executed against him to the extent to which he has rendered himself liable, in the same manner as a decree may be executed against a defendant:

Provided that such notice in writing as the Court in each case thinks sufficient has been given to the surety.

Decree for money.

254. Every decree or order directing a party to pay money, as compensation or costs, or as the alternative to some other relief granted by the decree or order, or otherwise, may be enforced by the imprisonment of the judgment-debtor, or by the attachment and sale of his property in manner hereinafter provided, or by both.

Decree for mesne profits or other matter, amount of which to be subsequently ascertained.

255. If the decree be for mesne profits or any other matter the amount of which in money is to be subsequently determined, the property of the judgment-debtor may, before the amount due from him under the decree has been ascertained, be attached as in the case of an ordinary decree for money.

Power to direct immediate execution of decree for money not exceeding Rs. 1,000.

256. When a decree is passed for a sum of money only, and the amount decreed does not exceed the sum of one thousand rupees, the Court may, when passing the decree, on the oral application of the decree-holder, order immediate execution thereof by the issue of a warrant directed either against the person of the judgment-debtor if he is within the local limits of the jurisdiction of the Court, or against his moveable property within the same limits.

Modes of paying money under decree.

257. All money payable under a decree shall be paid as follows (namely)—

(*a*) into the Court whose duty it is to execute the decree; or

(*b*) out of Court to the decree-holder; or

(*c*) otherwise as the Court which made the decree directs.

Agreement to give time to judgment-debtor.

257A. Every agreement to give time for the satisfaction of a judgment-debt shall be void unless it is made for consideration and with the sanction of the Court which passed the decree, and such Court deems the consideration to be under the circumstances reasonable.

Agreement for satisfaction of judgment-debt.

Every agreement for the satisfaction of a judgment-debt, which provides for the payment, directly or indirectly, of any sum in excess of the sum due or to accrue due under the decree, shall be void unless it is made with the like sanction.

Any sum paid in contravention of the provisions of this section shall be applied to the satisfaction of the judgment debt; and the surplus, if any, shall be recoverable by the judgment-debtor.

Payment to decree-holder.

258. If any money payable under a decree is paid out of Court, or the decree is otherwise adjusted in whole or in part to the satisfaction of the decree-holder, or if any payment is made in pursuance of an agreement of the nature mentioned in section 257 A, the decree holder shall certify such payment or adjustment to the Court whose duty it is to execute the decree.

The judgment-debtor also may inform the Court of such payment or adjustment, and apply to the Court to issue a notice to the decree-holder to show cause, on a day to be fixed by the Court, why such payment or adjustment should not be recorded as certified; and if, after due service of such notice, the decree-holder fails to appear on the day fixed, or having appeared fails to show cause why the payment or adjustment should not be recorded as certified, the Court shall record the same accordingly.

No such payment or adjustment shall be recognized by any Court unless it has been certified as aforesaid.

Decrees for specific moveables, or recovery of wives.

259. If the decree be for any specific moveable, or for any share in a specific moveable, or for the recovery of a wife, it may be enforced by the seizure, if practicable, of the moveable or share, and by the delivery thereof to the party to whom it has been adjudged, or to such person as he appoints to receive delivery on his behalf, or by the imprisonment of the judgment-debtor, or by attaching his property or by both imprisonment and attachment if necessary.

When any attachment under this section has remained in force for six months, if the judgment-debtor has not obeyed the decree and the decree-holder has applied to have the attached property sold, such property may be sold, and out of the proceeds the Court may award to the decree-holder, in cases where any amount has been fixed under section 208, such amount, and, in other cases, such compensation, as it thinks fit, and shall pay the balance, if any, to the judgment-debtor on his application.

If the judgment-debtor has obeyed the decree and paid all costs of executing the same which he is bound to pay, or if, at the end of six months from the date of the attachment, no application to have the property sold has been made, or, if made, has been refused, the attachment shall cease to exist.

Decree for specific performance or restitution of conjugal rights.

260. When the party against whom a decree for the specific performance of a contract, or for restitution of conjugal rights or for the performance of or abstention from any other particular act, has been made, has had an opportunity of obeying the decree or injunction and has wilfully failed to obey it, the decree may be enforced by his imprisonment, or by the attachment of his property, or by both.

When any attachment under this section has remained in force for one year, if the judgment-debtor has not obeyed the decree and the decree-holder has applied to have the attached property sold, the property may be sold; and out of the proceeds the Court may award to the decree-holder such compensation as it thinks fit, and may pay the balance, if any, to the judgment-debtor on his application.

If the judgment-debtor has obeyed the decree and paid all costs of executing the same which he is bound to pay, or if, at the end of one year from the date of the attachment, no application to have the property sold has been made and granted, the attachment shall cease to exist.

Decree for execution of conveyance, or endorsement of negotiable instruments.

261. If the decree be for the execution of a conveyance, or for the endorsement of a negotiable instrument, and the judgment-debtor neglects or refuses to comply with the decree, the decree-holder may prepare the draft of a conveyance or endorsement in accordance with the terms of the decree, and deliver the same to the Court.

The Court shall thereupon cause the draft to be served on the judgment-debtor in manner hereinbefore provided for serving a summons, together with a notice in writing stating that his objections, if any, thereto shall be made within such time (mentioning it) as the Court fixes in this behalf.

The decree-holder may also tender a duplicate of the draft to the Court for execution, upon the proper stamp-paper if a stamp is required by law.

On proof of such service, the Court, or such officer as it appoints in this behalf, shall execute the duplicate so tendered, or may, if necessary, alter the same, so as to bring it into accordance with the terms of the decree and execute the duplicate so altered:

Provided that, if any party object to the draft so served as aforesaid, his objections shall, within the time so fixed, be stated in writing and argued before the Court, and the Court shall thereupon pass such order as it thinks fit, and execute, or alter and execute, the duplicate in accordance therewith.

Form and effect of execution of conveyance by Court.

262. The execution of a conveyance, or the endorsement of a negotiable instrument, by the Court under the last preceding section may be in the following form: "*C. D.*, Judge of the Court of . (*or as the case may be*), for *A.B*, in a suit by *E. F.*, against *A.B*," or in such other form as the High Court may from time to time prescribe, and shall have the same effect as the execution of the conveyance or endorsement of the instrument by the party ordered to execute or endorse the same.

Decree for immoveable property.

263. If the decree be for the delivery of any immoveable property, possession thereof shall be delivered over to the party to whom it has been adjudged, or to such person as he appoints to receive delivery on his behalf, and, if need be, by removing any person bound by the decree who refuses to vacate the property.

Delivery of immoveable property when in occupancy of tenant.

264. If the decree be for the delivery of any immoveable property in the occupancy of a tenant or other person entitled to occupy the same and not bound by the decree to relinquish such occupancy, the Court shall order delivery to be made by affixing a copy of the warrant in some conspicuous place on the property, and proclaiming to the occupant by beat of drum, or in such other mode as is customary, at some convenient place, the substance of the decree in regard to the property:

Provided that, if the occupant can be found, a notice in writing containing such substance shall be served upon him, and in such case no proclamation need be made.

Partition of estate or separation of share.

265. If the decree be for the partition or for the separate possession of a share of an undivided estate paying revenue to Government, the partition of the estate or the separation of the share shall be made by the Collector and according to the law, if any, for the time being in force for the partition, or the separate possession of shares, of such estates.

F.—Of Attachment of Property.

Property liable to attachment and sale in execution of decree.

266. The following property is liable to attachment and sale in execution of a decree (namely), lands, houses or other buildings, goods, money, bank-notes, cheques, bills of exchange, hundís, promissory-notes, Government-securities, bonds or other securities for money, debts, shares in the capital or joint stock of any railway, banking or other public Company or Corporation, and, except as hereinafter mentioned, all other saleable property, moveable or immoveable, belonging to the judgment-debtor or over which, or the profits of which, he has a disposing power which he may exercise for his own benefit, and whether the same be held in the name of the judgment-debtor or by another person in trust for him or on his behalf:

Provided that the following particulars shall not be liable to such attachment or sale (namely)—

(*a*) the necessary wearing apparel of the judgment-debtor, his wife and children;

(*b*) tools of artizans, and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle as may in the opinion of the Court be necessary to enable him to earn his livelihood as such;

(*c*) the materials of houses and other buildings belonging to and occupied by agriculturists;

(*d*) books of account;

(*e*) mere rights to sue for damages;

(*f*) any right of personal service;

(*g*) stipends and gratuities allowed to military and civil pensioners of Government, and political pensions;

(*h*) the salary of a public officer or of any servant of a Railway Company, when such salary does not exceed twenty rupees *per mensem*, and one moiety of the salary of any such officer or servant when his salary exceeds that amount;

(*i*) the pay and allowances of persons to whom the Native Articles of War apply;

(*j*) the wages of labourers and domestic servants;

(*k*) an expectancy of succession by survivorship or other merely contingent or possible right or interest;

(*l*) a right to future maintenance.

Explanation.—The particulars mentioned in clauses (*g*), (*h*), (*i*) and (*j*) are exempt from attachment or sale whether before or after they are actually payable:

Provided also that nothing in this section shall be deemed

(*a*) to exempt the materials of houses and other buildings from attachment or sale in execution of decrees for rent, or

(*b*) to affect the Army Act, 1881, or any similar law for the time being in force.

Power to summon and examine persons as to property liable to be seized.

267. The Court may, of its own motion or on the application of the decree-holder, summon any person whom it thinks necessary, and examine him in respect to any property liable to be seized in satisfaction of the decree, and may require the person summoned to produce any document in his possession or power relating to such property, and, before issuing the summons of its own motion, shall declare the person on whose behalf the summons is so issued.

Attachment of debt, share and other property not in possession of judgment-debtor.

268. In the case of (*a*) a debt not secured by a negotiable instrument, (*b*) a share in the capital of any public Company or Corporation, (*c*) other moveable property not in the possession of the judgment-debtor, except property deposited in, or in the custody of, any Court, the attachment shall be made by a written order prohibiting,

(*a*) in the case of the debt, the creditor from recovering the debt and the debtor from making payment thereof until the further order of the Court;

(*b*) in the case of the share, the person in whose name the share may be standing, from transferring the same or receiving any dividend thereon;

(*c*) in the case of the other moveable property except as aforesaid, the person in possession of the same from giving it over to the judgment-debtor.

A copy of such order shall be fixed up in some conspicuous part of the court-house, and another copy of the same shall be sent, in the case of the debt, to the debtor, in the case of the share, to the proper officer of the Company or Corporation, and in the case of the other moveable property (except as aforesaid), to the person in possession of the same.

A debtor prohibited under clause (*a*) of this section may pay the amount of his debt into Court, and such payment shall discharge him as effectually as payment to the party entitled to receive the same.

In the case of the salary of a public officer or the servant of a Railway Company, the attachment shall be made by a written order requiring the officer whose duty it is to disburse the salary to withhold every month such portion as the Court may direct, until the further orders of the Court.

A copy of every such order shall be fixed up in a conspicuous part of the court-house and shall be served on the officer so required.

Every such officer may from time to time pay into court any portion so withheld, and such payment shall discharge the Government or the Railway Company, as the case may be, as effectually as payment to the judgment-debtor.

Attachment of moveable property in possession of judgment-debtor.

269. If the property be moveable property in the possession of the judgment-debtor, other than the property mentioned in the first proviso to section 266, the attachment shall be made by actual seizure, and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinates, and shall be responsible for the due custody thereof:

Proviso.

Provided that when the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody will exceed its value, the proper officer may sell it at once.

Power to make rules for maintenance of attached live-stock.

The Local Government may from time to time make rules for the maintenance and custody, while under attachment, of live-stock and other moveable property, and the officer attaching property under this section shall, notwithstanding the provisions of the former part of this section, act in accordance with such rules.

Attachment of negotiable instruments.

270. If the property be a negotiable instrument not deposited in a Court, nor in the custody of a public officer, the attachment shall be made by actual seizure, and the instrument shall be brought into court and held subject to the further orders of the Court.

Seizure of property in building.

271. No person executing any process under this Code directing or authorizing seizure of moveable property shall enter any dwelling-house after sunset and before sunrise, or shall break open any outer door of a dwelling-house. But, when any such person has duly gained access to any dwelling-house, he may unfasten and open the door of any room in which he has reason to believe any such property to be:

Seizure of property in zanánás.

Provided that, if the room be in the actual occupancy of a woman, who according to the customs of the country does not appear in public, the person executing the process shall give notice to her that she is at liberty to with-

draw; and after allowing a reasonable time for such woman to withdraw, and giving her every reasonable facility for withdrawing, he may enter such room for the purpose of seizing the property, using at the same time every precaution, consistent with these provisions, to prevent its clandestine removal.

Attachment of property deposited in Court or with Government officer.

272. If the property be deposited in, or be in the custody of, any Court or public officer, the attachment shall be made by a notice to such Court or officer, requesting that such property, and any interest or dividend becoming payable thereon, may be held subject to the further orders of the Court from which the notice issues:

Proviso.

Provided that, if such property is deposited in, or is in the custody of, a Court, any question of title or priority arising between the decree-holder and any other person, not being the judgment-debtor, claiming to be interested in such property by virtue of any assignment, attachment or otherwise, shall be determined by such Court.

Attachment of decree for money.

273. If the property be a decree for money passed by the Court which passed the decree sought to be executed, the attachment shall be made by an order of the Court directing the proceeds of the former decree to be applied in satisfaction of the latter decree.

If the property be a decree for money passed by any other Court, the attachment shall be made by a notice in writing to such Court under the hand of the Judge of the Court which passed the decree sought to be executed, requesting the former Court to stay the execution of its decree until such notice is cancelled by the Court from which it was sent. The Court receiving such notice shall stay execution accordingly, unless and until

(*a*) the Court which passed the decree sought to be executed cancels the notice, or

(*b*) the holder of the decree sought to be executed applies to the Court receiving such notice to execute its own decree.

On receiving such application, the Court shall proceed to execute the decree and apply the proceeds in satisfaction of the decree sought to be executed.

Attachment of other decrees.

In the case of all other decrees the attachment shall be made by a notice in writing, under the hand of the Judge of the Court which passed the decree sought to be executed, to the holder of the decree sought to be attached, prohibiting him from transferring or charging the same in any way; and, when such decree has been passed by any other Court, also by sending to such Court a like notice in writing to abstain from executing the decree sought to be attached until such notice is cancelled by the Court from which it was sent. Every Court receiving such notice shall give effect to the same until it is so cancelled.

Decree-holders to give information.

The holder of any decree attached under this section shall be bound to give the Court executing the same such information and aid as may reasonably be required.

Attachment of immoveable property.

274. If the property be immoveable, the attachment shall be made by an order prohibiting the judgment-debtor from transferring or charging the property in any way, and all persons from receiving the same from him by purchase, gift or otherwise.

The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be fixed up in a conspicuous part of the property and of the Court-house.

When the property is land paying revenue to Government, a copy of the order shall also be fixed up in the office of the Collector of the District in which the land is situate.

Order for withdrawal of attachment after satisfaction of decree.

275. If the amount decreed with costs and all charges and expenses resulting from the attachment of any property be paid into Court, or if satisfaction of the decree be otherwise made through the Court, or if the decree is set aside or reversed, an order shall be issued, on the application of any person interested in the property, for the withdrawal of the attachment.

Private alienation of property after attachment to be void.

276. When an attachment has been made by actual seizure or by written order duly intimated and made known in manner aforesaid, any private alienation of the property attached, whether by sale, gift, mortgage or otherwise, and any payment of the debt or dividend, or a delivery of the share, to the judgment-debtor during the continuance of the attachment, shall be void as against all claims enforceable under the attachment.

Court may direct coin or currency-notes attached to be paid to party entitled.

277. If the property attached is coin or currency-notes, the Court may, at any time during the continuance of the attachment, direct that such coin or notes, or a part thereof sufficient to satisfy the decree, be paid over to the party entitled under the decree to receive the same.

Investigation of claims to, and objections to attachment of, attached property.

278. If any claim be preferred to, or any objection be made to the attachment of, any property attached in execution of a decree, on the ground that such property is not liable to such attachment, the Court shall proceed to investigate the claim or objection with the like power as regards the examination of the claimant or objector, and in all other respects, as if he was a party to the suit:

Provided that no such investigation shall be made where the Court considers that the claim or objection was designedly or unnecessarily delayed.

If the property to which the claim or objection applies has been advertised for sale, the Court ordering the sale may postpone it pending the investigation of the claim or objection.

Postponement of sale.

279. The claimant or objector must adduce evidence to show that at the date of the attachment he had some interest in, or was possessed of, the property attached.

Evidence to be adduced by claimant.

280. If upon the said investigation the Court is satisfied that, for the reason stated in the claim or objection, such property was not, when attached, in the possession of the judgment-debtor or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the judgment-debtor at such time, it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, or partly on his own account and partly on account of some other person, the Court shall pass an order for releasing the property, wholly or to such extent as it thinks fit, from attachment.

Release of property from attachment.

281. If the Court is satisfied that the property was, at the time it was attached, in possession of the judgment-debtor as his own property and not on account of any other person, or was in the possession of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him, the Court shall disallow the claim.

Disallowance of claim to release of property attached.

282. If the Court is satisfied that the property is subject to a mortgage or lien in favour of some person not in possession, and thinks fit to continue the attachment, it may do so, subject to such mortgage or lien.

Continuance of attachment subject to claim of incumbrancer.

283. The party against whom an order under section 280, 281 or 282 is passed may institute a suit to establish the right which he claims to the property in dispute, but, subject to the result of such suit, if any, the order shall be conclusive.

Saving of suits to establish right to attached property.

284. Any Court may order that any property which has been attached, or such portion thereof as may seem necessary to satisfy the decree, shall be sold, and that the proceeds of such sale, or a sufficient portion thereof, shall be paid to the party entitled under the decree to receive the same.

Power to order property attached to be sold and proceeds to be paid to person entitled.

285. Where property not in the custody of any Court has been attached in execution of decrees of more Courts than one, the Court which shall receive or realize such property and shall determine any claim thereto and any objection to the attachment thereof, shall be the Court of highest grade, or, where there is no difference in grade between such Courts, the Court under whose decree the property was first attached.

Property attached in execution of decrees of several Courts.

G.—Of Sale and Delivery of Property.

(a) General Rules.

286. Sales in execution of decrees shall be conducted by an officer of the Court or by any other person whom the Court may appoint, and, except as provided in section 296, shall be made by public auction in manner hereinafter mentioned.

Sales by whom conducted and how made.

287. When any property is ordered to be sold by public auction in execution of a decree, the Court shall cause a proclamation of the intended sale to be made in the language of such Court. Such proclamation shall state the time and place of sale, and shall specify as fairly and accurately as possible—

Proclamation of sales by public auction.

(*a*) the property to be sold;

(*b*) the revenue assessed upon the estate or part of the estate, when the property to be sold is an interest in an estate or a part of an estate paying revenue to Government;

(*c*) any incumbrance to which the property is liable;

(*d*) the amount for the recovery of which the sale is ordered; and

(*e*) every other thing which the Court considers material for the purchaser to know in order to judge of the nature and value of the property.

For the purpose of ascertaining the matters so to be specified, the Court may summon any person whom it thinks necessary, and examine him in respect to any such matters, and require him to produce any document in his possession or power relating thereto.

The High Court shall, as soon as may be after this Code comes into force, make rules for the guidance of the Courts in exercise of their duties under this section. The High Court may from time to time alter any rules so made. All such rules shall be published in the local official Gazette and shall thereupon have the force of law. As regards his own Court and the Court of Small Causes at Rangoon, the Recorder of Rangoon shall be deemed to be a "High Court" within the meaning of this paragraph.

Rules to be made by High Court.

Nothing in this section shall apply to cases in which the execution of the decree has been transferred to the Collector.

288. No Judge or other public officer shall be answerable for any error, misstatement or omission in any proclamation under section 287, unless the same has been committed or made dishonestly.

Indemnity of Judges, &c.

289. The proclamation shall be made, in manner prescribed by section 274, on the spot where the property

Mode of making proclamation.

is attached, and a copy thereof shall then be fixed up in the court-house and, in the case of land paying revenue to Government, also in the Collector's office.

If the Court so direct, such proclamation shall also be published in the local official Gazette and in some local newspaper, and the costs of such publication shall be deemed to be costs of the sale.

Time of sale.

290. Except in the case of property mentioned in the proviso to section 269, no sale under this chapter shall, without the consent in writing of the judgment-debtor, take place until after the expiration of at least thirty days in the case of immoveable property, and of at least fifteen days in the case of moveable property, calculated from the date on which the copy of the proclamation has been fixed up in the court-house of the Judge ordering the sale.

Power to adjourn sale.

291. The Court may in its discretion adjourn any sale under this chapter (other than a sale by the Collector) to a specified day and hour, and the officer conducting any such sale may in his discretion adjourn the sale, recording his reasons for such adjournment: Provided that when the sale is made in, or within the precincts of, the court-house, no such adjournment shall be made without the leave of the Court. Whenever a sale is adjourned under this section for a longer period than seven days, a fresh proclamation under section 289 shall be made, unless the judgment-debtor consents to waive it.

Stoppage of sale on tender of debt and costs, or on proof of payment.

Every such sale shall be stopped if, before the lot is knocked down, the debt and costs (including the costs of the sale) are tendered to such officer, or proof is given to his satisfaction that the amount of such debt and costs has been paid into the Court that ordered the sale.

Officers concerned in execution-sales not to bid for or buy property sold.

292. No officer having any duty to perform in connection with any sale under this chapter shall either directly or indirectly bid for, acquire or attempt to acquire, any interest in any property sold at such sale.

Defaulting purchaser answerable for loss by re-sale.

293. The deficiency of price (if any) which may happen on a re-sale under this Code by reason of the purchaser's default, and all expenses attending such re-sale, shall be certified to the Court by the officer holding the sale,

and shall, at the instance of either the judgment-creditor or the judgment-debtor, be recoverable from the defaulter under the rules contained in this chapter for the execution of a decree for money.

Decree-holder not to bid for or buy property without permission.

294. No holder of a decree in execution of which property is sold shall, without the express permission of the Court, bid for or purchase the property.

If decree-holder purchase, amount of decree may be taken as payment.

When a decree-holder purchases with such permission, the purchase-money and the amount due on the decree may, if he so desires, be set-off against one another, and the Court executing the decree shall enter up satisfaction of the decree in whole or in part accordingly.

When a decree-holder purchases, by himself or through another person, without such permission, the Court may, if it thinks fit, on the application of the judgment-debtor or any other person interested in the sale, by order set aside the sale; and the costs of such application and order, and any deficiency of price which may happen on the re-sale, and all expenses attending it, shall be paid by the decree-holder.

Proceeds of execution-sale to be divided rateably among decree-holders.

295. Whenever assets are realized by sale or otherwise in execution of a decree, and more persons than one have, prior to the realization, applied to the Court by which such assets are held for execution of decrees for money against the same judgment-debtor, and have not obtained satisfaction thereof, the assets, after deducting the costs of the realization, shall be divided rateably among all such persons:

Provided as follows:—

Proviso where property is sold subject to mortgage

(*a*) when any property is sold subject to a mortgage or charge, the mortgagee or incumbrancer shall not as such be entitled to share in any surplus arising from such sale:

(*b*) when any property liable to be sold in execution of a decree is subject to a mortgage or charge, the Court may, with the assent of the mortgagee or incumbrancer, order that the property be sold free from the mortgage or charge, giving to the mortgagee or incumbrancer the same right against the proceeds of the sale as he had against the property sold:

Proviso.

(*c*) when immoveable property is sold in execution of a decree ordering its sale for the discharge of an incumbrance thereon, the proceeds of sale shall be applied—

first, in defraying the expenses of the sale;

secondly, in discharging the interest and principal-money due on the incumbrance;

thirdly, in discharging the interest and principal-moneys due on subsequent incumbrances (if any); and

fourthly, rateably among the holders of decrees for money against the judgment-debtor, who have, prior to the sale of the said property, applied to the Court which made the decree ordering such sale for execution of such decrees and have not obtained satisfaction thereof.

If all or any of such assets be paid to a person not entitled to receive the same, any person so entitled may sue such person to compel him to refund the assets.

Nothing in this section affects any right of the Government.

(b) *Rules as to Moveable Property.*

Rules as to negotiable instruments and shares in public Companies.

296. If the property to be sold be a negotiable instrument or a share in any public Company or Corporation, the Court may, instead of directing the sale to be made by public auction, authorize the sale of such instrument or share through a broker at the market-rate of the day.

Payment for other moveable property sold.

297. In the case of other moveable property, the price of each lot shall be paid for at the time of sale, or as soon after as the officer holding the sale directs, and, in default of payment, the property shall forthwith be again put up and sold.

On payment of the purchase-money, the officer holding the sale shall grant a receipt for the same, and the sale shall become absolute.

Irregularity not to vitiate sale of moveable property, but any person injured may sue.

298. No irregularity in publishing or conducting the sale of moveable property shall vitiate the sale; but any person sustaining any injury by reason of such irregularity at the hand of any other person may institute a suit against him for compensation, or (if such other person be the purchaser) for the recovery of the specific property and for compensation in default of such recovery.

Delivery of moveable property actually seized.

299. When the property sold is a negotiable instrument or other moveable property of which actual seizure has been made, the property shall be delivered to the purchaser.

Delivery of moveable property to which judgment-debtor entitled subject to lien.

300. When the property sold is any moveable property to which the judgment-debtor is entitled subject to the possession of some other person, the delivery thereof to the purchaser shall be made by giving notice to the person in possession prohibiting him from delivering possession of the property to any person except the purchaser.

Delivery of debts and of shares in public Companies.

301. When the property sold is a debt not secured by a negotiable instrument, or is a share in any public Company, the delivery thereof shall be made by a written order of the Court prohibiting the creditor from receiving the debt or any interest thereon, and the debtor from making payment thereof to any person except the purchaser, or prohibiting the person in whose name the share may be standing from making any transfer of the share to any person except the purchaser, or receiving payment of any dividend or interest thereon, and the manager, secretary or other proper officer of the Company from permitting any such transfer or making any such payment to any person except the purchaser.

Transfer of negotiable instruments and shares.

302. If the endorsement or conveyance of the party in whose name a negotiable instrument or a share in any public Company is standing is required to transfer such instrument or share, the Judge may endorse the instrument or the certificate of the share, or may execute such other document as may be necessary.

The endorsement or execution shall be in the following form or to the like effect:—"*A. B.*, by *C. D.*, Judge of the Court of (*or as the case may be*); in a suit by *E. F.* against *A. B.*"

Until the transfer of such instrument or share, the Court may, by order, appoint some person to receive any interest or dividend due thereon, and to sign a receipt for the same; and any endorsement made, or document executed, or receipt signed, as aforesaid, shall be as valid and effectual for all purposes as if the same had been made or executed or signed by the party himself.

Vesting order in case of other property.

303. In the case of any moveable property not hereinbefore provided for, the Court may make an order vesting such property in the purchaser or as he may direct; and such property shall vest accordingly.

(c) *Rules as to Immoveable Property.*

What Courts may order sales of land.

304. Sales of immoveable property in execution of a decree may be ordered by any Court other than a Court of Small Causes.

Postponement of sale of land to enable defendant to raise amount of decree.

305. When an order for the sale of immoveable property has been made, if the judgment-debtor can satisfy the Court that there is reason to believe that the amount of the decree may be raised by mortgage or lease or private sale of such property, or some part thereof, or of any other immoveable property of the judgment-debtor, the Court may on his application postpone the sale of property comprised in the order for sale, for such period as it thinks proper to enable him to raise the amount.

Certificate to judgment-debtor.

In such case the Court shall grant a certificate to the judgment-debtor authorizing him, within a period to be mentioned therein, and notwithstanding anything contained in section 276, to make the proposed mortgage, lease or sale: provided that all moneys payable under such mortgage, lease or sale shall be paid into court and not to the judgment-debtor:

Provided also that no mortgage, lease or sale under this section shall become absolute until it has been confirmed by the Court.

Deposit by purchaser of immoveable property.

306. On every sale of immoveable property under this chapter, the person declared to be the purchaser shall pay immediately after such declaration a deposit of twenty-five per centum on the amount of his purchase-money to the officer conducting the sale, and, in default of such deposit,

the property shall forthwith be put up again and sold.

Time for payment in full.

307. The full amount of purchase-money shall be paid by the purchaser before the Court closes on the fifteenth day after the sale of the property, exclusive of such day, or, if the fifteenth day be a Sunday or other holiday, then on the first office-day after the fifteenth day.

Procedure in default of payment.

308. In default of payment within the period mentioned in the last preceding section, the deposit, after defraying the expenses of the sale, shall be forfeited to Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold.

Notification on re-sale of immoveable property.

309. Every re-sale of immoveable property, in default of payment of the purchase-money within the period allowed for such payment, shall be made after the issue of a fresh notification in the manner and for the period hereinbefore prescribed for the sale.

Co-sharer of share of undivided estate sold in execution to have preference in bidding.

310. When the property sold in execution of a decree is a share of undivided immoveable property, and two or more persons, of whom one is a co-sharer respectively advance the same sum at any bidding at such sale, such bidding shall be deemed to be the bidding of the co-sharer.

Application to set aside sale of land on ground of irregularity.

311. The decree-holder, or any person whose immoveable property has been sold under this chapter, may apply to the Court to set aside the sale on the ground of a material irregularity in publishing or conducting it;

but no sale shall be set aside on the ground of irregularity unless the applicant proves to the satisfaction of the Court that he has sustained substantial injury by reason of such irregularity.

Effect of objection being disallowed and of its being allowed.

312. If no such application as is mentioned in the last preceding section be made, or if such application be made and the objection be disallowed, the Court shall pass an order confirming the sale as regards the parties to the suit and the purchaser.

If such application be made, and if the objection be allowed, the Court shall pass an order setting aside the sale.

No suit to set aside, on the ground of such irregularity, an order passed under this section shall be brought by the party against whom such order has been made.

Application to set aside sale on ground of judgment-debtor having no saleable interest

313. The purchaser at any such sale may apply to the Court to set aside the sale, on the ground that the person whose property purported to be sold had no saleable interest therein, and the Court may make such order as it thinks fit: provided that no order to set aside a sale shall be made, unless the judgment-debtor and the decree-holder have had opportunity of being heard against such order.

Confirmation of sale.

314. No sale of immoveable property in execution of a decree shall become absolute until it has been confirmed by the Court.

If sale set aside, price to be returned to purchaser.

315 When a sale of immoveable property is set aside under section 312 or 313,

or when it is found that the judgment-debtor had no saleable interest in the property which purported to be sold and the purchaser is for that reason deprived of it,

the purchaser shall be entitled to receive back his purchase-money (with or without interest as the Court may direct) from any person to whom the purchase-money has been paid.

The repayment of the said purchase-money and of the interest (if any) allowed by the Court may be enforced against such person under the rules provided by this Code for the execution of a decree for money.

Certificate to purchaser of immoveable property.

316. When a sale of immoveable property has become absolute in manner aforesaid, the Court shall grant a certificate stating the property sold and the name of the person who at the time of sale is declared to be the purchaser. Such certificate shall bear the date of the confirmation of the sale; and, so far as regards the parties to the suit and persons claiming through or under them, the title to the property sold shall vest in the purchaser from the date of such certificate and not before: provided that the decree under which the sale took place was still subsisting at that date.

Bar to suit against purchaser buying benámí.

317. No suit shall be maintained against the certified purchaser on the ground that the purchase was made on behalf of any other person, or on behalf of some one through whom such other person claims.

Nothing in this section shall bar a suit to obtain a declaration that the name of the certified purchaser was inserted in the certificate fraudulently or without the consent of the real purchaser.

Delivery of immoveable property in occupancy of judgment-debtor.

318. When the property sold is in the occupancy of the judgment-debtor or of some person on his behalf, or of some person claiming under a title created by the judgment-debtor subsequently to the attachment of such property, and a certificate in respect thereof has been granted under section 316, the Court shall, on application by the purchaser, order delivery to be made by putting the purchaser or any person whom he may appoint to receive delivery on his behalf in possession of the property, and, if need be, by removing any person who refuses to vacate the same.

Delivery of immoveable property in occupancy of tenant.

319. When the property sold is in the occupancy of a tenant or other person entitled to occupy the same, and a certificate in respect thereof has been granted under section 316, the Court shall order delivery thereof to be made by affixing a copy of the certificate of sale in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or in such other mode as may be customary, at some convenient place, that the interest of the judgment-debtor has been transferred to the purchaser.

Power to prescribe rules for transferring to Collector execution of certain decrees.

320. The Local Government may, with the sanction of the Governor General in Council, declare, by notification in the official Gazette, that in any local area the execution of decrees in cases in which a Court has ordered any immoveable property to be sold, or the execution of any particular kind of such decrees, or the execution of decrees ordering the sale of any particular kind of, or interest in, immoveable property, shall be transferred to the Collector, and rescind or modify any such declaration.

Power to prescribe rules as to transmission, execution and re-transmission of decrees.

The Local Government may also, notwithstanding anything hereinbefore contained, from time to time prescribe rules for the transmission of the decree from the Court to the Collector, and for regulating the procedure of the Collector and his subordinates in executing the same, and for retransmitting the decree from the Collector to the Court.

Power of Collector when execution of decree is so transferred.

321. When the execution of a decree has been so transferred, the Collector may—

(*a*) proceed as the Court would proceed under section 305; or

(*b*) raise the amount of the decree by letting in perpetuity, or for a term, on payment of a premium, or by mortgaging, the whole or any part of the property ordered to be sold; or

(*c*) sell the property ordered to be sold or so much thereof as may be necessary.

Procedure of Collector when execution of decree so transferred.

322. When the execution of a decree, not being a decree ordering the sale of immoveable property in pursuance of a contract specifically affecting the same, but being a decree for money in satisfaction of which the Court has ordered the sale of immoveable property, has been so transferred, the Collector, if, after such enquiry as he thinks necessary, he has reason to believe that all the liabilities of the judgment-debtor can be discharged without a sale of the whole of his available immoveable property, may proceed as hereinafter provided.

Notice to be given to decree-holders and to persons having claims on property.

322A. In the case mentioned in section 322, the Collector shall publish a notice calling upon—

(*a*) every person holding a decree for money against the judgment-debtor capable of execution by sale of his immoveable property, and which such decree-holder desires to have so executed, and every holder of a decree for money in execution of which proceedings for the sale of such property are pending, to produce before the Collector a copy of the decree, and a certificate from the Court which passed or is executing the same, declaring the amount recoverable thereunder;

(*b*) every person having any claim on the said property, to submit to the Collector a statement of such claim, and to produce the documents, if any, by which it is evidenced.

Such notice shall be in the language of the district, and shall allow a period of sixty days from the date of its publication for compliance therewith. It shall be published by being posted in the court-house of the Court which made the original order under section 304, and at such other places (if any) as the Collector thinks fit. Where the address of any such decree-holder or claimant is known, a copy of the notice shall be sent to him by post or otherwise.

Amount of money-decrees to be ascertained, and immoveable property available for their satisfaction.

322B. Upon the expiration of the said period the Collector shall appoint a day for hearing any representations which the judgment-debtor and the decree-holders or claimants (if any) may desire to make, and for holding such enquiry as he may deem necessary for informing himself as to the nature and extent of such decrees and claims and of the judgment-debtor's immoveable property, and may from time to time adjourn such hearing and enquiry.

If there be no dispute as to the fact or extent of the liability of the judgment-debtor to any of the decrees or claims of which the Collector is informed, or as to the relative priorities of such decrees or claims, or as to the liability of any such property for the satisfaction of such decrees or claims, the Collector shall draw up a statement, specifying the amount to be recovered for the discharge of such decrees, the order in which such decrees and claims are to be satisfied, and the immoveable property available for that purpose.

If any such dispute arises, the Collector shall refer the same, with a statement thereof and his own opinion thereon, to the Court which made the original order under section 304, and shall, pending the reference, stay proceedings relating to the subject thereof. The Court shall dispose of the dispute if the matter thereof be within its jurisdiction, or transmit the case to a competent Court for disposal, and the final decision shall be communicated to the Collector. The Collector shall then draw up a statement as above provided in accordance with such decision.

When District Court may issue notices and hold inquiry.

322C. The Collector may, instead of himself issuing the notices and holding the enquiry required by sections 322A and 322B, draw up a statement specifying the circumstances of the judgment-debtor and of his immoveable property so far as they are known to the Collector or appear in the records of his office, and forward

such statement to the District Court; and such Court shall thereupon issue the notices, hold the inquiry and draw up the statement required by sections 322A and 322B, and transmit such statement to the Collector.

Effect of decision of Court as to dispute arising under section 322B or 322C.

322D. The decision by the Court of any dispute arising under section 322B or section 322C shall, as between the parties thereto, have the force of, and be appealable as, a decree.

Scheme for liquidation of money-decrees.

323. Whenever the amount to be recovered and the property available have been determined as provided in section 322B or 322C, the Collector may—

(1) if it appears that the amount cannot be recovered without the sale of the whole of the property available, proceed to sell such property; or if it appears that the amount with interest (if any) in accordance with the decree, and, when not decreed, with interest (if any) at such rate as he thinks reasonable, may be recovered without such sale,

(2) raise such amount and interest (notwithstanding any order under section 304),

(*a*) by letting in perpetuity or for a term, on payment of a premium, the whole or any part of the said property; or

(*b*) by mortgaging the whole or any part of such property; or

(*c*) by selling part of such property; or

(*d*) by letting on farm, or managing by himself or another, the whole or any part of such property for any term not exceeding twenty years from the date of the order of sale; or

(*e*) partly by one of such modes, and partly by another or others of such modes.

(3) For the purpose of managing under this section the whole or any part of such property, the Collector may exercise all the powers of its owner.

(4) For the purpose of improving the saleable value of the property available or any part thereof, or rendering it more suitable for letting or managing, or for preserving the property from sale in satisfaction of an incumbrance, the Collector may discharge the claim of any incumbrancer which has become payable, or compound the claim of any incumbrancer whether it has become payable or not, and, for the purpose of providing funds to effect such discharge or composition, may mortgage, let or sell any portion of the property which he deems sufficient. If any dispute arises as to the amount due on any incumbrance with which the Collector proposes to deal under this paragraph, he may institute a suit in the proper Court, either in his own name or the name of the judgment-debtor, to have an account taken, or he may agree to refer such dispute to the decision of two arbitrators, one to be chosen by each party, or of an umpire to be named by such arbitrators.

In proceeding under paragraphs (2), (3) and (4) of this section, the Collector shall be subject to such rules consistent with this Act as may from time to time be made in this behalf by the Chief Controlling Revenue-authority.

Recovery of balance, if any, after letting or management.

324. If, on the expiration of the letting or management under section 323, the amount to be recovered has not been realized, the Collector shall notify the fact in writing to the judgment-debtor or his representative in interest, stating at the same time that, if the balance necessary to make up the said amount is not paid to the Collector within six weeks of the date of such notice, he will proceed to sell the whole or a sufficient part of the said property; and, if on the expiration of the said six weeks the said balance is not so paid, the Collector shall sell such property or part accordingly.

Collector to render accounts to civil Court.

324A. The Collector shall from time to time render to the Court which made the original order under section 304 an account of all monies which come to his hands and of all charges incurred by him in the exercise and performance of the powers and duties conferred and imposed on him under the provisions of this chapter, and shall hold the balance at the disposal of the Court.

Such charges shall include all debts and liabilities from time to time due to the Government in respect of the property or any part thereof, the rent (if any) from time to time due to a superior holder in respect of such property or part, and (if the Collector so directs) the expenses of witnesses summoned by him.

Application of balance.

Such balance shall be applied by the Court as follows:—

firstly, in providing for the maintenance of such members of the judgment-debtors's family (if any) as are entitled to be maintained out of the income of the property, to such amount in the case of each member as the Court thinks fit; and

secondly, where the Collector has proceeded under section 321, in satisfaction of the original decree in execution of which the Court ordered the sale of immoveable property or otherwise as the Court may under section 295 direct; or

thirdly, where the Collector has proceeded under section 322, in keeping down the interest on incumbrances on the property, and (when the judgment-debtor has no other sufficient means of subsistence) in providing for his subsistence to such amount as the Court thinks fit; and in discharging rateably the claims of the original decree-holder and any other decree-holders who have complied with the said notice, and whose claims were included in the amount ordered to be recovered;

and no other holder of a decree for money shall be entitled to be paid out of such property or balance until the decree-holders who have obtained such order have been satisfied;

and the residue, if any, shall be paid to the judgment-debtor or such other person, if any, as the Court directs.

Sales how to be conducted.

325. When the Collector sells any property under this chapter, he shall put it up to public auction, in one or more lots as he thinks fit, and may—

(a) fix a reasonable reserved price for each lot;

(b) adjourn the sale for a reasonable time, whenever he deems the adjournment necessary for the purpose of obtaining a fair price for the property, recording his reasons for such adjournment;

(c) buy in the property offered for sale, and resell the same by public auction or private contract, as he thinks fit.

Restrictions as to alienation by judgment-debtor or his representative, and prosecution of remedies by decree-holders.

325A. So long as the Collector can exercise or perform in respect of the judgment-debtor's immoveable property, or any part thereof, any of the powers or duties conferred or imposed on him by sections 322 to 325 (both inclusive), the judgment-debtor or his representative in interest shall be incompetent to mortgage, charge, lease or alienate such property or part except with the written permission of the Collector, nor shall any civil Court issue any process against such property or part in execution of a decree for money.

During the same period no civil Court shall issue any process of execution either against the judgment-debtor or his property in respect of any decree for the satisfaction whereof provision has been made by the Collector under section 323.

The same period shall be excluded in calculating the period of limitation applicable to the execution of any decree affected by the provisions of this section in respect of any remedy of which the decree-holder has thereby been temporarily deprived.

Provision where property is in several districts.

325B. When the property of which the sale has been ordered is situate in more districts than one, the powers and duties conferred and imposed on the Collector by sections 321 to 325 (both inclusive) shall from time to time be exercised and performed by such one of the Collectors of the said districts as the Local Government may by general rule or special order direct.

Powers of Collector to compel attendance of parties and witnesses and production of documents.

325C. In exercising the powers conferred on him by sections 322 to 325 (both inclusive), the Collector shall have the powers of a civil Court to compel the attendance of parties and witnesses and the production of documents.

When Court may authorize Collector to stay public sale of land.

326. When, in any local area in which no declaration under section 320 is in force, the property attached consists of land or of a share in land, and the Collector represents to the Court that the public sale of the land or share is objectionable, and that satisfaction of the decree may be made within a reasonable period by a temporary alienation or management of the land or share, the Court may authorize the Collector to provide for such satisfaction in the manner recommended by him, instead of proceeding to a sale of the land or share. In such case the provisions of sections 320, paragraph two, to 325C (both inclusive) shall apply, as far as they are applicable.

Local rules as to sales of land in execution of decrees for money.

327. The Local Government may from time to time, with the sanction of the Governor General in Council, make special rules for any local area imposing conditions in respect of sale of any class of interests in land in execution of decrees for money, where such interests are so uncertain or undetermined as in the opinion of the Local Government to make it impossible to fix their value:

and if, when this Code comes into operation in any local area, any special rules as to sale of land in execution of decrees are in force therein, the Local Government may continue such rules in force, or may from time to time, with the sanction of the Governor General in Council, modify the same.

All rules so made or continued, and all such modifications of the same, shall be published in the local official Gazette, and shall thereupon have the force of law.

II.—Of Resistance to Execution.

Procedure in case of obstruction to execution of decree.

328. If, in the execution of a decree for the possession of property, the officer charged with the execution of the warrant is resisted or obstructed by any person, the decree-holder may complain to the Court at any time within one month from the time of such resistance or obstruction.

The Court shall fix a day for investigating the complaint, and shall summon the party against whom the complaint is made to answer the same.

Procedure in case of obstruction by judgment-debtor or at his instigation.

329. If the Court is satisfied that the obstruction or resistance was occasioned by the judgment-debtor or by some person at his instigation, the Court shall inquire into the matter of the complaint, and pass such order as it thinks fit.

Procedure when obstruction continues.

330. If the Court is satisfied that the resistance or obstruction was without any just cause, and that the complainant is still resisted or obstructed in obtaining possession of the property by the judgment-debtor or some other person at his instigation, the Court may, at the instance of the decree-holder and without prejudice to any penalty to which such judgment-debtor or other person may be liable, under the Indian Penal Code or any other law, for such resistance or obstruction, commit the judgment-debtor or such other person to jail for a term which may

extend to thirty days, and direct that the decree-holder be put into possession of the property.

Procedure in case of obstruction by claimant in good faith, other than judgment-debtor.

331. If the resistance or obstruction has been occasioned by any person other than the judgment-debtor claiming in good faith to be in possession of the property on his own account or on account of some person other than the judgment-debtor, the claim shall be numbered and registered as a suit between the decree-holder as plaintiff and the claimant as defendant;

and the Court shall, without prejudice to any proceedings to which the claimant may be liable under the Indian Penal Code or any other law for the punishment of such resistance or obstruction, proceed to investigate the claim in the same manner and with the like power as if a suit for the property had been instituted by the decree-holder against the claimant under the provisions of Chapter V,

and shall pass such order as it thinks fit for executing or staying execution of the decree.

Every such order shall have the same force as a decree, and shall be subject to the same conditions as to appeal or otherwise.

Procedure in case of person dispossessed of property disputing right of decree-holder to be put into possession.

332. If any person other than the judgment-debtor is dispossessed of any property in execution of a decree, and such person disputes the right of the decree-holder to dispossess him of such property under the decree, on the ground that the property was *bonâ fide* in his possession on his own account or on account of some person other than the judgment-debtor, and that it was not comprised in the decree, or that, if it was comprised in the decree, he was not a party to the suit in which the decree was passed, he may apply to the Court.

If after examining the applicant it appears to the Court that there is probable cause for making the application, the Court shall proceed to investigate the matter in dispute; and if it finds that the ground mentioned in the first paragraph of this section exists, it shall make an order that the applicant recover possession of the property, and if it does not find as aforesaid, it shall dismiss the application.

In hearing applications under this section, the Court shall confine itself to the grounds of dispute above specified.

The party against whom an order is passed under this section may institute a suit to establish the right which he claims to the present possession of the property; but, subject to the result of such suit, if any, the order shall be final.

Transfer of property by judgment-debtor after institution of suit.

333. Nothing in section 331 or 332 applies to a person to whom the judgment-debtor has transferred the property after the institution of the suit in which the decree is made.

Resisting or obstructing purchaser in obtaining possession of immoveable property.

334. If the purchaser of any immoveable property sold in execution of a decree be resisted or obstructed by the judgment-debtor or any one on his behalf in obtaining possession of the property, the provisions of this chapter relating to resistance or obstruction to a decree-holder in obtaining possession of the property adjudged to him shall be applicable.

Obstruction by claimant other than judgment-debtor.

335. If the purchaser of any such property is resisted or obstructed by any person other than the judgment debtor claiming in good faith a right to the present possession thereof, or if, in delivering possession thereof, any such person is dispossessed, the Court, on the complaint of the purchaser or the person so dispossessed, shall inquire into the matter of the resistance, obstruction or dispossession, as the case may be, and pass such order thereon as it thinks fit.

The party against whom such order is passed may institute a suit to establish the right which he claims to the present possession of the property; but, subject to the result of such suit, if any, the order shall be final.

I.—Of Arrest and Imprisonment.

Place of judgment-debtor's imprisonment.

336. A judgment-debtor may be arrested in execution of a decree at any hour and on any day, and shall as soon as practicable be brought before the Court, and his imprisonment may be in the civil jail of the district in which the Court ordering the imprisonment is situate, or, when such jail does not afford suitable accommodation, in any other place which the Local Government may appoint for the confinement of persons ordered by the Courts of such district to be imprisoned:

Provided as follows:—

(*a*) for the purpose of making an arrest under this section, no dwelling-house shall be entered after sunset or before sunrise, and no outer door of a dwelling-house shall be broken open. But, when the officer authorized to make the arrest has duly gained access to any dwelling-house, he may unfasten and open the door of any room in which he has reason to believe the judgment-debtor is to be found: provided that, if the room be in the actual occupancy of a woman who is not the judgment-debtor, and who according to the customs of the country does not appear in public, the officer shall give notice to her that she is at liberty to withdraw; and, after allowing a reasonable time for her to withdraw and giving her every reasonable facility for withdrawing, he may enter such room for the purpose of making the arrest:

Proviso.

(*b*) when the decree in execution of which a judgment-debtor is arrested is a decree for money and the judgment-debtor pays the amount of the decree and the costs of the arrest to the officer

arresting him, such officer shall at once release him.

The Local Government may, by notification published in the official Gazette, direct that, whenever a judgment-debtor is arrested in execution of a decree for money and brought before the Court under this section, the Court shall inform him that he may apply under Chapter XX to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of his application and if he places all his property in possession of a receiver appointed by the Court.

If after such publication the judgment-debtor express his intention so to apply, and if he furnish sufficient security that he will appear when called upon, and that he will within one month apply under section 344 to be declared an insolvent, the Court shall release him from arrest:

But if he fails so to apply, the Court may either direct the security to be realised or commit him to jail in execution of the decree.

In the case of a surety such security may be realised in manner provided by section 253.

Warrant for arrest to direct judgment-debtor to be brought up.

337. Every warrant for the arrest of the judgment-debtor shall direct the officer entrusted with its execution to bring him before the Court with all convenient speed, unless the amount which he has been ordered to pay, together with the interest thereon and the costs, if any, to which he is liable, be sooner paid.

Scales of subsistence-allowances.

338. The Local Government may from time to time prescribe scales, graduated according to rank, race and nationality, of monthly allowances payable for the subsistence of judgment-debtors.

Judgment-debtor's subsistence-money.

339. No judgment-debtor shall be arrested in execution of a decree unless and until the decree-holder pays into Court such sum as, having regard to the scales so fixed, the Judge thinks sufficient for the subsistence of the judgment-debtor from his arrest until he can be brought before the Court.

When a judgment-debtor is committed to jail in execution of a decree, the Court shall fix for his subsistence such monthly allowance as he may be entitled to according to the said scales, or, where no such scales have been fixed, as it considers sufficient with reference to the class to which he belongs.

The monthly allowance fixed by the Court shall be supplied by the party on whose application the decree has been executed, by monthly payments in advance before the first day of each month.

The first payment shall be made to the proper officer of the Court for such portion of the current month as remains unexpired before the judgment-debtor is committed to jail, and the subsequent payments (if any) shall be made to the officer in charge of the jail.

Subsistence-money to be costs in suit.

340. Sums disbursed by the decree-holder for the subsistence of the judgment-debtor in jail shall be deemed to be costs in the suit:

Provided that the judgment-debtor shall not be detained in jail or arrested on account of any sum so disbursed.

Release of judgment-debtor.

341. The judgment-debtor shall be discharged from jail,

(*a*) on the amount mentioned in the warrant of committal being paid to the officer in charge of the jail; or

(*b*) on the decree being otherwise fully satisfied; or

(*c*) at the request of the person on whose application he has been imprisoned; or

(*d*) on such person omitting to pay the allowance as hereinbefore directed; or

(*e*) if the judgment-debtor be declared an insolvent, as hereinafter provided; or

(*f*) when the term of his imprisonment, as limited by section 342, is fulfilled:

Provided that, in the second, third and fifth cases mentioned in this section, the judgment-debtor shall not be discharged without the order of the Court.

A judgment-debtor discharged under this section is not thereby discharged from his debt; but he cannot be re-arrested under the decree in execution of which he was imprisoned.

Imprisonment not to exceed six months.

342. No person shall be imprisoned in execution of a decree for a longer period than six months;

When not to exceed six weeks.

or for a longer period than six weeks if the decree be for the payment of a sum of money not exceeding fifty rupees.

Endorsement on warrant.

343. The officer entrusted with the execution of the warrant shall endorse thereupon the day on, and the manner in, which it was executed, and, if the latest day specified in the warrant for the return thereof has been exceeded, the reason of the delay, or if it was not executed, the reason why it was not executed, and shall return the warrant with such endorsement to the Court.

If the endorsement is to the effect that such officer is unable to execute the warrant, the Court shall examine him on oath touching his alleged inability, and may, if it thinks fit, summon and examine witnesses as to such inability, and shall record the result.

CHAPTER XX.

OF INSOLVENT JUDGMENT-DEBTORS.

Power to apply for declaration of insolvency.

344. Any judgment-debtor arrested or imprisoned in execution of a decree for money, or against whose property an order of

attachment has been made in execution of such a decree, may apply in writing to be declared an insolvent.

Any holder of a decree for money may apply in writing that the judgment-debtor may be declared an insolvent.

Every such application shall be made to the District Court within the local limits of whose jurisdiction the judgment-debtor resides or is in custody.

Contents of application.

345. The application, when made by the judgment-debtor, shall set forth—

(*a*) the fact of his arrest or imprisonment, or that an order for the attachment of his property has been made, the Court by whose order he was arrested or imprisoned, or by which the order of attachment was made, and, where he has been arrested or imprisoned, the place in which he is in custody;

(*b*) the amount, kind and particulars of his property, and the value of any such property not consisting of money;

(*c*) the place or places in which such property is to be found;

(*d*) his willingness to put it at the disposal of the Court;

(*e*) the amount and particulars of all pecuniary claims against him; and

(*f*) the names and residences of his creditors, so far as they are known to or can be ascertained by him.

The application, when made by the holder of a decree for money, shall set forth the date of the decree, the Court by which it was passed, the amount remaining due thereunder, and the place where the judgment-debtor resides or is in custody.

Subscription and verification of application.

346. The application shall be signed and verified by the applicant in manner hereinbefore prescribed for signing and verifying plaints.

Service of copy of application and notice.

347. The Court shall fix a day for hearing the application, and shall cause a copy thereof, with a notice in writing of the time and place at which it will be heard, to be stuck up in court and served at the applicant's expense—

where the applicant is the judgment-debtor—on the holder of the decree in execution of which he was arrested or imprisoned or the order of attachment was made, or on the pleader of such decree-holder, and on the other creditors (if any) mentioned in the application:

where the applicant is the decree-holder—on the judgment-debtor or his pleader.

The Court may, if it thinks fit, publish at the applicant's expense the application in such official Gazettes and public newspapers as it thinks fit.

Where the applicant is the judgment-debtor, the Court may exempt him from any payments under this section if satisfied that he is unable to make them.

Power to serve other creditors.

348. The Court may also, if it thinks fit, cause a like copy and notice to be served on any other person alleging himself to be a creditor of the applicant and applying for leave to be heard on the application.

Powers of Court as to judgment-debtor under arrest.

349. Where the judgment-debtor is under arrest, the Court may, pending the hearing under section 350, order him to be immediately committed to jail, or leave him in the custody of the officer to whom the service of the warrant was entrusted, or release him on his furnishing sufficient security that he will appear when called upon.

Procedure at hearing.

350. On the day so fixed, or on any subsequent day to which the Court may adjourn the hearing, the Court shall examine the judgment-debtor, in the presence of the persons on whom such notice has been served or their pleaders, as to his then circumstances and as to his future means of payment, and shall hear the said decree-holder, the other creditors mentioned in the application, and the other persons (if any) alleging themselves to be creditors, in opposition to the judgment-debtor's discharge; and may, if it thinks fit, grant time to the said decree-holder and other creditors or persons to adduce evidence showing that the judgment-debtor is not entitled to be declared an insolvent.

Declaration of insolvency and appointment of receiver.

351. If the Court is satisfied—

(*a*) that he statements in the application are substantially true;

(*b*) that the judgment-debtor has not, with intent to defraud his creditors, concealed, transferred or removed any part of his property since the institution of the suit in which was passed the decree in execution of which he was arrested or imprisoned, or the order of attachment was made, or at any subsequent time;

(*c*) that he has not, knowing himself to be unable to pay his debts in full, recklessly contracted debts or given an unfair preference to any of his creditors by any payment or disposition of his property;

(*d*) that he has not committed any other act of bad faith regarding the matter of the application,

the Court may declare him to be an insolvent, and may also, if it thinks fit, make an order appointing a receiver of his property, or if it does not appoint such receiver, may discharge the insolvent,

If the Court is not so satisfied, it shall make an order rejecting the application.

Creditors to prove their debts.

352. The creditors mentioned in the application. and the other persons (it any) alleging themselves of be creditors of the insolvent, shall then produce evidence of the amount and

particulars of their respective pecuniary claims against him; and the Court shall by order determine the persons who have proved themselves to be the insolvent's creditors and their respective debts; and shall frame a schedule of such persons and debts; and the declaration under section 351 shall be deemed to be a decree in favour of each of the said creditors for their said respective debts.

Schedule to be framed.

A copy of every such schedule shall be stuck up in the court-house.

Nothing in this section shall be deemed to entitle a partner in an insolvent-firm or, when he has died before the insolvency, his legal representative, to prove in competition with the creditors of the firm.

Applications by unscheduled creditors.

353. Any creditor of the insolvent who is not mentioned in such schedule may apply to the Court for permission to produce evidence of the amount and particulars of his pecuniary claims against the insolvent, and, in case the applicant proves himself to be a creditor of the insolvent, for an order directing his name to be inserted in the schedule as a creditor for the debt so proved.

Any creditor mentioned in the schedule may apply to the Court for an order altering the schedule so far as regards the amount, nature or particulars of his own debt, or to strike out the name of another creditor, or to alter the schedule so far as regards the amount, nature or particulars of the debt of another creditor.

In the case of any application under this section, the Court, after causing such notices as it thinks fit to be served, at the applicant's expense, on the insolvent and the other creditors, and hearing their objections, if any, may comply with or reject the application.

Effect of order appointing Receiver.

354. Every order under section 351 shall be published in the local official Gazette and shall operate to vest in the Receiver all the insolvent's property (except the particulars specified in the first proviso to section 266), whether set forth in his application or not.

Receiver to give security and collect assets.

355. The Receiver so appointed shall give such security as the Court may direct and shall possess himself of all such property, except as aforesaid;

Discharge of insolvent.

and on his certifying that the insolvent has placed him in possession thereof, or has done everything in his power for that purpose, the Court may discharge the insolvent upon such conditions (if any) as the Court thinks fit.

Duty of Receiver.

356. The Receiver shall proceed under the direction of the Court—

(*a*) to convert the property into money:

(*b*) to pay thereout debts, fines and penalties (if any) due by the insolvent to Government:

(*c*) to pay the said decree-holder's costs:

(*d*) to discharge according to their respective priorities all debts secured by mortgage of the insolvent's property:

(*e*) to distribute the balance among the scheduled creditors rateably according to the amounts of their respective debts and without any preference,

His right to remuneration.

and such Receiver may retain as a remuneration for the performance of his duties a commission, to be fixed by the Court, not exceeding the rate of five per centum upon the amount of the balance so distributed (the amount of the commission so retained being deemed a distribution), and shall deliver the surplus, if any, to the insolvent or his legal representative:

Delivery of surplus.

Provided that, in any local area in which a declaration has been made under section 320 and is in force, no sale of immoveable property paying revenue to Government or held or let for agricultural purposes shall be made by the Receiver; but, after he has sold the other property of the insolvent, the Court shall ascertain (*a*) the amount required to satisfy the claims of the scheduled creditors after deducting the monies already received, (*b*) the immoveable property of the insolvent remaining unsold, and (*c*) the incumbrances, if any, existing thereon, and shall forward a statement to the Collector containing the particulars aforesaid; and thereupon the Collector shall proceed to raise the amount so required by the exercise of such of the powers conferred on him by sections 322 to 325 both inclusive, as he thinks fit, and subject to the provisions of those sections so far as they may be applicable; and shall hold at the disposal of the Court all sums that may come to his hands by such exercise.

Effect of discharge.

357. An insolvent discharged under section 351 or 355 shall not be arrested or imprisoned on account of any of the scheduled debts. But (subject to the provisions of section 358) his property, whether previously or subsequently acquired (except the particulars specified in the first proviso to section 266 and except the property vested in the Receiver), shall, by order of the Court, be liable to attachment and sale until the debts due to the scheduled creditors are satisfied to the extent of one-third, or until the expiry of twelve years from the date of the order of discharge under section 351 or 355.

Declaration that insolvent is discharged from liability.

358. If the aggregate amount of the scheduled debts is two hundred rupees or a less sum, the Court may, and in any case after the scheduled debts have been satisfied to the extent of one-third, or after the expiry of twelve years from the order of discharge, the Court shall, declare the insolvent discharged as aforesaid absolved from further liability in respect of such debts.

Procedure in case of dishonest applicant.

359. Whenever, at the hearing under section 350, it is proved that the applicant has

(*a*) been guilty, in his application, of any concealment or of wilfully making any false statement as to the debts due by him, or respecting the property belonging to him, whether in possession or in expectancy, or held for him in trust;

(*b*) fraudulently concealed, transferred or removed any property; or

(*c*) committed any other act of bad faith regarding the matter of the application,

the Court shall, at the instance of any of his creditors, sentence him by order in writing to imprisonment for a term which may extend to one year from the date of committal.

Or the Court may, if it think fit, send him to the Magistrate to be dealt with according to law.

Investment of other Courts with powers of District Courts.

Transfer of cases.

360. The Local Government may, by notification in the official Gazette, invest any Court other than a District Court with the powers conferred on District Courts by sections 344 to 359 (both inclusive), and the District Judge may transfer to any Court situate in his district and so invested any case instituted under section 314.

Any Court so invested may entertain any application under section 344 by any person arrested in execution of a decree of such Court.

Nothing in this chapter shall apply to any Court having jurisdiction in the towns of Rangoon, Maulmain, Akyab and Bassein where the property of the judgment-debtor exceeds in value two thousand five hundred rupees, or the amount of the pecuniary claims against him exceeds five thousand rupees, or such property or any part thereof is situate outside British Burma.

PART II.

OF INCIDENTAL PROCEEDINGS.

CHAPTER XXI.

OF THE DEATH, MARRIAGE AND INSOLVENCY OF PARTIES.

No abatement by party's death, if right to sue survives.

361. The death of a plaintiff or defendant shall not cause the suit to abate if the right to sue survives.

Illustrations.

(*a*) A covenants with B and C to pay an annuity to B during C's life. B and C sue A to compel payment. B dies before the decree: the right to sue survives to C, and the suit does not abate.

(*b*) In the same case, all the parties die before decree. The right to sue survives to the representative of the survivor of B and C, and he may continue the suit against A's representative.

(*c*) A sues B for libel. A dies. The right to sue does not survive, and the suit abates.

(*d*) A, a member of a Hindú joint family under the Mitákshará law, institutes a suit for partition of the family-property. A dies leaving B, a minor son, his heir. The right to sue survives to B, and the suit does not abate.

Procedure in case of death of one of several plaintiffs or defendants, if right to sue survive.

362. If there be more plaintiffs or defendants than one, and any of them dies, and if the right to sue survives to the surviving plaintiff or plaintiffs alone, or against the surviving defendant or defendants alone, the Court shall cause an entry to that effect to be made on the record, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

Procedure in case of death of one of several plaintiffs where right to sue survives to survivors and representative of deceased.

363. If there be more plaintiffs than one, and any of them dies, and if the right to sue does not survive to the surviving plaintiff or plaintiffs alone, but survives to him or them and the legal representative of the deceased plaintiff jointly, the Court may, on the application of such legal representative, enter his name on the record in the place of such deceased plaintiff, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs and such legal representative.

Procedure where no application made by representative of deceased plaintiff.

364. If within the time limited by law no application be made to the Court by any person claiming to be the legal representative of a deceased plaintiff, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs;

and the legal representative (if any) of the deceased plaintiff shall be made a party and shall be interested in and bound by the decree passed in the suit, in the same manner as if the suit had proceeded at his instance conjointly with the surviving plaintiff or plaintiffs.

Procedure in case of death of sole, or sole surviving, plaintiff.

365. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, where the right to sue survives, on the application of the legal representative of the deceased, enter his name in the place of such plaintiff on the record, and the suit shall thereupon proceed.

Abatement where no application by representative of deceased plaintiff.

366. If within the time limited by law no such application be made to the Court by any person claiming to be the legal representative of the deceased plaintiff, the Court may pass an order that the suit shall abate, and shall, on the application of the defendant, award to the defendant the costs which he may have incurred in defending the suit, to be recovered from the estate of the deceased plaintiff;

or the Court may, if it think proper, on the application of the defendant, and upon such terms as to costs or otherwise as it thinks fit, pass such other order as it thinks fit for bringing in the legal re-

presentative of the deceased plaintiff, or for proceeding with the suit in order to a final determination of the matter in dispute, or for both those purposes.

Explanation.—A certificate of heirship, or a certificate to collect debts, does not of itself constitute the person holding it the legal representative of the deceased. But when the person holding any such certificate obtains thereby property belonging to the deceased, he may be treated as a legal representative liable in respect of such property.

Procedure in case of dispute as to representative of deceased plaintiff.

367. If any dispute arise as to who is the legal representative of a deceased plaintiff, the Court may either stay the suit until the fact has been determined in another suit, or decide at or before the hearing of the suit who shall be admitted to be such legal representative for the purpose of prosecuting the suit.

Procedure in case of death of one of several defendants,

368. If there be more defendants than one, and any of them die before decree and the right to sue does not survive against the surviving defendant or defendants alone,

or of sole or sole surviving defendant.

and also in case of the death of a sole defendant, or sole surviving defendant where the right to sue survives,

the plaintiff may make an application to the Court, specifying the name, description and place of abode of any person whom he alleges to be the legal representative of the deceased defendant, and whom he desires to be made the defendant in his stead.

The Court shall thereupon enter the name of such representative on the record in the place of such defendant,

and shall issue a summons to such representative to appear on a day to be therein mentioned to defend the suit;

and the case shall thereupon proceed in the same manner as if such representative had originally been made a defendant and had been a party to the former proceedings in the suit:

Provided that the person so made defendant may object that he is not the legal representative of the deceased defendant, or may make any defence appropriate to his character as such representative.

When the plaintiff fails to make such application within the period prescribed therefor, the suit shall abate, unless he satisfies the Court that he had sufficient cause for not making the application within such period.

Suit not abated by marriage of female party.

369. The marriage of a female plaintiff or defendant shall not cause the suit to abate, but the suit may notwithstanding be proceeded with to judgment, and, where the decree is against a female defendant, it may thereupon be executed against her alone.

If the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and, in case of judgment for the wife, execution of the decree may with such permission be issued upon the application of the husband, where the husband is by law entitled to the subject-matter of the decree.

When plaintiff's bankruptcy or insolvency bars suit.

370. The bankruptcy or insolvency of a plaintiff in any suit which his assignee or the receiver appointed under section 351 might maintain for the benefit of his creditors shall not bar the suit, unless such assignee or receiver declines to continue the suit and to give security for the costs thereof within such time as the Court may order.

Procedure when assignee fails to continue suit or give security.

If the assignee or receiver neglect or refuse to continue the suit and to give such security within the time so ordered, the defendant may apply for the dismissal of the suit on the ground of the plaintiff's bankruptcy or insolvency, and the Court may dismiss the suit and award to the defendant the costs which he has incurred in defending the same, to be proved as a debt against the plaintiff's estate.

Effect of abatement or dismissal.

371. When a suit abates or is dismissed under this chapter, no fresh suit shall be brought on the same cause of action.

Application to set aside abatement or dismissal.

But the person claiming to be the legal representative of the deceased or bankrupt or insolvent plaintiff may apply for an order to set aside the order for abatement or dismissal; and, if it be proved that he was prevented by any sufficient cause from continuing the suit, the Court shall set aside the abatement or dismissal upon such terms as to costs or otherwise as it thinks fit.

Procedure in case of assignment pending suit.

372. In other cases of assignment, creation or devolution of any interest pending the suit, the suit may, with the leave of the Court, given either with the consent of all parties or after service of notice in writing upon them, and hearing their objections, if any, be continued by or against the person to whom such interest has come either in addition to or in substitution for the person from whom it has passed, as the case may require.

CHAPTER XXII.

OF THE WITHDRAWAL AND ADJUSTMENT OF SUITS.

Power to allow plaintiff to withdraw with liberty to bring fresh suit.

373. If, at any time after the institution of the suit, the Court is satisfied on the application of the plaintiff (*a*) that the suit must fail by reason of some formal defect, or (*b*) that there are sufficient grounds for permitting him to withdraw from the suit or to abandon part of his claim with liberty to bring a fresh suit for the subject-matter of the suit or in respect of the part so abandoned, the Court may grant such permission on such terms as to costs or otherwise as it thinks fit.

If the plaintiff withdraw from the suit, or abandon part of his claim, without such permission, he shall be liable for such costs as the Court may award, and shall be precluded from bringing a fresh suit for the same matter or in respect of the same part.

Nothing in this section shall be deemed to authorize the Court to permit one of several plaintiffs to withdraw without the consent of the others.

Limitation law not affected by first suit.

374. In any fresh suit instituted on permission granted under the last preceding section, the plaintiff shall be bound by the law of limitation in the same manner as if the first suit had not been brought.

Compromise of suits.

375. If a suit be adjusted wholly or in part by any lawful agreement or compromise, or if the defendant satisfy the plaintiff in respect to the whole or any part of the matter of the suit, such agreement, compromise or satisfaction shall be recorded, and the Court shall pass a decree in accordance therewith so far as it relates to the suit, and such decree shall be final, so far as relates to so much of the subject-matter of the suit as is dealt with by the agreement, compromise or satisfaction.

CHAPTER XXIII.

OF PAYMENT INTO COURT.

Deposit by defendant of amount in satisfaction of claim.

376. The defendant in any suit to recover a debt or damages may, at any stage of the suit, deposit in court such sum of money as he considers a satisfaction in full of the claim.

Notice of deposit.

377. Notice in writing of the deposit shall be given through the Court by the defendant to the plaintiff, and the amount of the deposit shall (unless the Court otherwise directs) be paid to the plaintiff on his application.

Interest on deposit not allowed to plaintiff after notice.

378. No interest shall be allowed to the plaintiff on any sum deposited by the defendant from the date of the receipt of such notice, whether the sum deposited be in full of the claim or fall short thereof.

Procedure where plaintiff accepts deposit as satisfaction in part.

379. If the plaintiff accept such amount only as satisfaction in part of his claim, he may prosecute his suit for the balance; and if the Court decides that the deposit by the defendant was a full satisfaction of the plaintiff's claim, the plaintiff must pay the costs of the suit incurred after the deposit and the costs incurred previous thereto, so far as they were caused by excess in the plaintiff's claim.

Procedure where he accepts it as satisfaction in full.

If the plaintiff accept such amount as satisfaction in full of his claim, he shall present to the Court a statement to that effect, and such statement shall be filed and the Court shall pass judgment accordingly, and, in directing by whom the costs of each party are to be paid, the Court shall consider which of the parties is most to blame for the litigation.

Illustrations.

(*a*) A owes B Rs. 100 B sues A for the amount, having made no demand for payment and having no reason to believe that the delay caused by making a demand would place him at a disadvantage. On the plaint being filed, A pays the money into court. B accepts it in full satisfaction of his claim, but the Court should not allow him any costs, the litigation being presumably groundless on his part.

(*b*) B sues A under the circumstances mentioned in illustration (*a*). On the plaint being filed, A disputes the claim. Afterwards A pays the money into court. B accepts it in full satisfaction of his claim. The Court should also give B his costs of suit, A's conduct having shown that the litigation was necessary.

(*c*) A owes B Rs. 100 and is willing to pay him that sum without suit. B claims Rs. 150 and sues A for that amount. On the plaint being filed, A pays Rs. 100 into court and disputes only his liability to pay the remaining Rs. 50. B accepts the Rs. 100 in full satisfaction of his claim. The Court should order him to pay A's costs.

CHAPTER XXIV.

OF REQUIRING SECURITY FOR COSTS.

When security for costs may be required from plaintiff at any stage of suit.

380. If, at the institution or at any subsequent stage of a suit, it appears to the Court that a sole plaintiff is, or (when there are more plaintiffs than one) that all the plaintiffs are, residing out of British India, and that such plaintiff does not, or that no one of such plaintiffs does, possess any sufficient immoveable property within British India independent of the property in suit, the Court may, either of its own motion or on the application of any defendant, order the plaintiff or plaintiffs, within a time to be fixed by the order, to give security for the payment of all costs incurred and likely to be incurred by any defendant.

Effect of failure to furnish security.

381. In the event of such security not being furnished within the time so fixed, the Court shall dismiss the suit unless the plaintiff or plaintiffs be permitted to withdraw therefrom under the provisions of section 373.

Residence out of British India.

382. Whoever leaves British India under such circumstances as to afford reasonable probability that he will not be forthcoming whenever he may be called upon to pay costs shall be deemed to be residing out of British India within the meaning of section 380.

CHAPTER XXV.

OF COMMISSIONS.

A.—Commissions to examine Witnesses.

Cases in which Court may issue commission to examine witness.

383. Any Court may in any suit issue a commission for the examination on interrogatories or otherwise of persons resident with-

in the local limits of its jurisdiction, who are exempted under this Code from attending the Court, or who are from sickness or infirmity unable to attend it.

Order for commission.

384. Such order may be made by the Court either of its own motion, or on the application, supported by affidavit or otherwise, of any party to the suit or of the witness to be examined.

When witness resides within Court's jurisdiction.

385. The commission for the examination of a person who resides within the local limits of the jurisdiction of the Court issuing the same may be issued to any person whom the Court thinks fit to execute the same.

Persons for whose examination commission may issue.

386. Any Court may in any suit issue a commission for the examination of—

(*a*) any person resident beyond the local limits of its jurisdiction;

(*b*) persons who are about to leave such limits before the date on which they are required to be examined in Court; and

(*c*) civil and military officers of Government who cannot, in the opinion of the Judge, attend the Court without detriment to the public service.

Such commission may be issued to any Court, not being a High Court or the Court of the Recorder of Rangoon, within the local limits of whose jurisdiction such person resides, or to any pleader of a High Court whom the Court issuing the commission thinks fit to appoint.

The Court on issuing any commission under this section shall direct whether the commission shall be returned to itself or to any subordinate Court.

Commission to examine witness not within British India.

387. When any Court to which application is made for the issue of a commission for the examination of a person residing at any place not within British India is satisfied that his evidence is necessary, the Court may issue such commission.

Court to examine witness pursuant to commission.

388. Every Court receiving a commission for the examination of any person shall examine him pursuant thereto.

Return of commission with depositions of witnesses.

389. After the commission has been duly executed, it shall be returned, together with the evidence taken under it, to the Court out of which it issued, unless the order for issuing the commission has otherwise directed, in which case the commission shall be returned in terms of such order; and the commission and the return thereto, and the evidence taken under it, shall (subject to the provisions of the next following section) form part of the record of the suit.

When depositions may be read in evidence.

390. Evidence taken under a commission shall not be read as evidence in the suit without the consent of the party against whom the same is offered, unless

(*a*) the person who gave the evidence is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or exempted from personal appearance in Court, or

(*b*) the Court in its discretion dispenses with the proof of any of the circumstances mentioned in the last preceding clause, and authorizes the evidence of any person being read as evidence in the suit, notwithstanding proof that the cause for taking such evidence by commission has ceased at the time of reading the same.

Provisions as to execution and return of commissions to apply to commissions issued by foreign Courts.

391. The provisions hereinbefore contained as to the execution and return of commissions shall apply to commissions issued by

(*a*) Courts situate beyond the limits of British India and established by the authority of Her Majesty or of the Governor General in Council, or

(*b*) Courts situate in any part of the British Empire other than British India, or

(*c*) Courts of any foreign country for the time being in alliance with Her Majesty.

B.—Commissions for local Investigations.

Commission to make local investigations.

392. In any suit or proceeding in which the Court deems a local investigation to be requisite or proper for the purpose of elucidating any matter in dispute, or of ascertaining the market-value of any property, or the amount of any mesne profits or damages or annual nett profits, and the same cannot be conveniently conducted by the Judge in person, the Court may issue a commission to such person as it thinks fit, directing him to make such investigation and to report thereon to the Court:

Provided that, when the Local Government has made rules as to the persons to whom such commission shall be issued, the Court shall be bound by such rules.

Procedure of Commissioner.

393. The Commissioner, after such local inspection as he deems necessary, and after reducing to writing the evidence taken by him, shall return such evidence, together with his report in writing, signed with his name, to the Court.

Report and depositions to be evidence in suit.

The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the suit and shall form part of the record; but

Commissioner may be examined in person.

the Court, or, with the permission of the Court, any of the parties to the suit, may examine the Commissioner personally in open Court touching any of the matters referred to him or mentioned in his report, or as to the manner in which he has made the investigation.

C.—Commissions to examine Accounts.

Commission to examine or adjust accounts.

394. In any suit in which an examination or adjustment of accounts is necessary, the Court may issue a commission to such person as it thinks fit directing him to make such examination or adjustment.

Court to give Commissioner necessary instructions.

395. The Court shall furnish the Commissioner with such part of the proceedings and such detailed instructions as appear necessary,

and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his examination.

Court to receive Commissioner's proceedings or direct further inquiry.

The proceedings of the Commissioner shall be received in evidence in the suit, unless the Court has reason to be dissatisfied with them, in which case the Court shall direct such further inquiry as is requisite.

D.—Commission to make Partition.

Commission to make partition of non-revenue-paying immoveable property.

396. In any suit in which the partition of immoveable property not paying revenue to Government appears to the Court to be necessary, the Court, after ascertaining the several parties interested in such property and their several rights therein, may issue a commission to such persons as it thinks fit to make a partition according to such rights.

Procedure of Commissioners.

The Commissioners shall ascertain and inspect the property, and shall divide the same into as many shares as may be directed by the order under which the commission issues, and shall allot such shares to the parties, and may, if authorized thereto by the said order, award sums to be paid for the purpose of equalizing the value of the shares.

The Commissioners shall then prepare and sign a report, or (if they cannot agree) separate reports, appointing the share of each party, and distinguishing each share (if so directed by the said order) by metes and bounds. Such report or reports shall be annexed to the commission and transmitted to the Court; and the Court, after hearing any objections which the parties may make to the report or reports, shall either quash the same and issue a new commission, or (where the Commissioners agree in their report) pass a decree in accordance therewith.

E.—General Provisions.

Expenses of commission to be paid into court.

397. Before issuing any commission under this Chapter, the Court may order such sum (if any) as it thinks reasonable for the expenses of the commission to be, within a time to be fixed by the Court, paid into court by the party at whose instance or for whose benefit the commission is issued.

Powers of Commissioners.

398. Any Commissioner appointed under this Chapter may, unless otherwise directed by the order of appointment,

(*a*) examine the parties themselves and any witness whom they or any of them may produce, and any other person whom the Commissioner thinks proper to call upon to give evidence in the matter referred to him;

(*b*) call for and examine documents and other things relevant to the subject of inquiry;

(*c*) at any reasonable time enter upon or into any land or building mentioned in the order.

Attendance, examination and punishment of witnesses before Commissioner.

399. The provisions of this Code relating to the summoning, attendance and examination of witnesses, and to the remuneration of, and penalties to be imposed upon, witnesses, shall apply to persons required to give evidence or to produce documents under this Chapter, whether the commission in execution of which they are so required has been issued by a Court situate within, or by a Court situate beyond, the limits of British India.

For the purposes of this section, the Commissioner shall be deemed to be a Court of Civil Judicature.

Court to direct parties to appear before Commissioner.

400. Whenever a commission is issued under this chapter, the Court shall direct that the parties to the suit shall appear before the Commissioner in person or by their agents or pleaders.

Procedure *ex parte*.

If the parties do not so appear the Commissioner may proceed *ex parte*.

PART III.

OF SUITS IN PARTICULAR CASES.

CHAPTER XXVI.

SUITS BY PAUPERS.

Suits may be brought *in forma pauperis*.

401. Subject to the following rules, any suit may be brought by a pauper.

Explanation.—A person is a "pauper" when he is not possessed of sufficient means to enable him to pay the fee prescribed by law for the plaint in such suit, or, where no such fee is prescribed, when he is not entitled to property worth one hundred rupees other than his necessary wearing apparel and the subject-matter of the suit.

What suits excepted.

402. No suit shall be brought by a pauper to recover compensation for loss of caste, libel, slander, abusive language or assault.

Application to be in writing.
Contents of application.

403. The application for permission to sue by a pauper shall be in writing, and shall contain the particulars required by section 50 in regard to plaints in suits: a schedule of any moveable or immoveable property belonging to the petitioner, with the estimated value thereof, shall be annexed thereto; and it shall be signed and verified in the manner hereinbefore prescribed for the signing and verification of plaints.

Presentation of application.

404. Notwithstanding anything contained in section 36, the application shall be presented to the Court by the applicant in person, unless he is exempted from appearing in Court under section 640 or section 641, in which case the application may be presented by a duly authorized agent who can answer all material questions relating to the application, and who may be examined in the same manner as the party represented by him might have been examined had such party attended in person.

Rejection of application.

405. If the application be not framed or presented in the manner prescribed by sections 403 and 404, the Court shall reject it.

Examination of applicant.

406. If the application be in proper form and duly presented, the Judge may, if he thinks fit, examine the petitioner, or his agent, when the applicant is allowed to appear by agent, regarding the merits of the claim and the property of the applicant.

If presented by agent, Court may order applicant to be examined by commission.

When the application is presented by an agent, the Court may, if it thinks fit, order that the applicant be examined by a commission in the manner in which the examination of an absent witness may be taken under the provisions of this Code.

Rejection of application.

407. If it appear to the Court

(*a*) that the applicant is not a pauper, or

(*b*) that he has, within the two months next before the presentation of the application, disposed of any property fraudulently or with a view to obtain the benefit of this chapter, or

(*c*) that his allegations do not show a right to sue in such Court, or

(*d*) that he has entered into any agreement with reference to the subject-matter of the proposed suit under which any other person has obtained an interest in such subject-matter,

the Court shall reject the application.

Notice of day for receiving evidence of applicant's pauperism.

408. If the Court sees no reason to refuse the application on any of the grounds stated in section 407, it shall fix a day (of which at least ten days' previous notice shall be given to the opposite party and the Government Pleader) for receiving such evidence as the applicant may adduce in proof of his pauperism, and for hearing any evidence which may be adduced in disproof thereof.

Procedure at hearing.

409. On the day so fixed, or as soon thereafter as may be convenient, the Court shall examine the witnesses (if any) produced by either party, and may cross-examine the applicant or his agent, and shall make a memorandum of the substance of their evidence.

The Court shall also hear any argument which the parties may desire to offer on the question whether, on the face of the application and of the evidence (if any) taken by the Court as herein provided, the applicant is or is not subject to any of the prohibitions specified in section 407.

The Court shall then either allow or refuse to allow the applicant to sue as a pauper.

Procedure if application admitted.

410. If the application be granted, it shall be numbered and registered, and shall be deemed the plaint in the suit, and the suit shall proceed in all other respects as a suit instituted under Chapter V, except that the plaintiff shall not be liable to any court-fee (other than fees payable for service of process) in respect of any petition, appointment of a pleader, or other proceeding connected with the suit.

Costs when pauper succeeds.
Recovery of court-fees.

411. If the plaintiff succeed in the suit, the Court shall calculate the amount of court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper; and such amount shall be a first charge on the subject-matter of the suit, and shall also be recoverable by the Government from any party ordered by the decree to pay the same, in the same manner as costs of suit are recoverable under this Code.

Procedure when pauper fails.

412. If the plaintiff fails in the suit, or if he is dispaupered, or if the suit is dismissed under section 97 or 98, the Court shall order the plaintiff, or any person made under section 32 co-plaintiff to the suit, to pay the court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper;

and if it find that the suit was frivolous or vexatious, it may also punish the plaintiff with fine not exceeding one hundred rupees, or with imprisonment for a term which may extend to a month, or with both.

Refusal to allow applicant to sue as pauper to bar subsequent application of like nature.

413. An order of refusal made under section 409 to allow the applicant to sue as a pauper shall be a bar to any subsequent application of the like nature by him in respect of the same right to sue; but the applicant shall be at liberty to institute a suit in the ordinary manner in respect of such right, provided that he first pays the costs (if any) incurred by Government in opposing his application for leave to sue as a pauper.

414. The Court may, on motion by the defendant, or by the Government Pleader, of which one week's notice in writing has been given to the plaintiff, order the plaintiff to be dispaupered—

Dispaupering.

(a) if he is guilty of vexatious or improper conduct in the course of the suit;

(b) if it appears that his means are such that he ought not to continue to sue as a pauper, or

(c) if he has entered into any agreement with reference to the subject-matter of the suit, under which any other person has obtained an interest in such subject-matter.

415. The costs of an application for permission to sue as a pauper and of an inquiry into pauperism are costs in the suit.

Costs.

CHAPTER XXVII.

SUITS BY OR AGAINST GOVERNMENT OR PUBLIC OFFICERS.

416. Suits by or against the Government shall be instituted by or against (as the case may be) the Secretary of State for India in Council.

Suits by or against Secretary of State in Council.

417. Persons being *ex officio* or otherwise authorized to act for Government in respect of any judicial proceeding shall be deemed to be the recognized agents by whom appearances, acts and applications under this Code may be made or done on behalf of Government.

Persons authorized to act for Government.

418. In suits by the Secretary of State for India in Council, instead of inserting in the plaint the name and description and place of abode of the plaintiff, it shall be sufficient to insert the words "The Secretary of State for India in Council."

Plaints in suits by Secretary of State in Council.

419. The Government Pleader in any court shall be the agent of the Government for the purpose of receiving processes against the said Secretary of State in Council issuing out of such court.

Agent for Government to receive process.

420. The Court, in fixing the day for the said Secretary of State in Council to answer to the plaint, shall allow a reasonable time for the necessary communication with the Government through the proper channels, and for the issue of instructions to the Government Pleader to appear and answer on behalf of the said Secretary of State in Council or the Government, and may extend the time at its discretion.

Appearance and answer by Secretary of State in Council.

421. The Court may also, in any case in which the Government Pleader is not accompanied by any person on the part of the said Secretary of State in Council, who may be able to answer any material questions relating to the suit, direct the attendance of such a person.

Attendance of person able to answer questions relating to suit against Government.

422. Where the defendant is a public officer, the Court may send a copy of the summons to the head of the office in which the defendant is employed, for the purpose of being served on him, if it appear to the Court that the summons may be most conveniently so served.

Service on public officers.

423. If the public officer on receiving the summons considers it proper to make a reference to the Government before answering to the plaint, he may apply to the Court to grant such extension of the time fixed in the summons as may be necessary to enable him to make such reference and to receive orders thereon through the proper channel;

Extension of time to enable officer to make reference to Government.

and the Court upon such application may extend the time for so long as appears to be requisite.

424. No suit shall be instituted against the said Secretary of State in Council, or against a public officer in respect of an act purporting to be done by him in his official capacity, until the expiration of two months next after notice in writing has been, in the case of the Secretary of State in Council, delivered to, or left at the office of, a Secretary to the Local Government or the Collector of the District, and, in the case of a public officer, delivered to him or left at his office, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left.

Notice previous to suing Secretary of State in Council or public officer.

425. No warrant of arrest shall be issued in such suit without the consent in writing of the District Judge.

Arrests in such suits.

426. If the Government undertakes the defence of a suit against a public officer, the Government Pleader, upon being furnished with authority to appear and answer to the plaint, shall apply to the Court, and upon such application the Court shall cause a note of his authority to be entered in the register.

Application where Government undertakes defence.

427. If such application is not made by the Government Pleader on or before the day fixed in the notice for the defendant to appear and answer to the plaint, the case shall proceed as in a suit between private parties, except that the defendant shall not be liable to arrest, nor his property to attachment, otherwise than in execution of a decree.

Procedure where no such application made.

Defendant not liable to arrest before judgment.

428. In a suit against a public officer in respect of such act as aforesaid the Court shall exempt the defendant from appearing in person when he satisfies the Court that he cannot absent himself from his duty without detriment to the public service.

Exemption of public officers from personal appearance.

429. When the decree is against the said Secretary of State in Council or against a public officer in respect of such act as aforesaid, a time shall be specified in the decree within which it shall be satisfied; and, if the decree is not satisfied within the time so specified, the Court shall report the case for the orders of the Local Government.

Procedure where decree against Government or public officer.

Execution shall not issue on any such decree unless it remains unsatisfied for the period of three months computed from the date of the report.

CHAPTER XXVIII.

SUITS BY ALIENS AND BY OR AGAINST FOREIGN AND NATIVE RULERS.

430. Alien enemies residing in British India with the permission of the Governor General in Council, and alien friends, may sue in the Courts of British India as if they were subjects of Her Majesty.

When aliens may sue.

No alien enemy residing in British India without such permission, or residing in a foreign country, shall sue in any of such Courts.

Explanation.—Every person residing in a foreign country, the Government of which is at war with the United Kingdom of Great Britain and Ireland, and carrying on business in that country without a license in that behalf under the hand of one of Her Majesty's Secretaries of State or of a Secretary to the Government of India, shall, for the purpose of the second paragraph of this section, be deemed to be an alien enemy residing in a foreign country.

431. A foreign State may sue in the Courts of British India, provided that—

When foreign State may sue.

(*a*) it has been recognized by Her Majesty or the Governor General in Council, and

(*b*) the object of the suit is to enforce the private rights of the head or of the subjects of the foreign State.

The Court shall take judicial notice of the fact that a foreign State has not been recognized by Her Majesty or by the Governor General in Council.

432. Persons specially appointed by order of Government at the request of any Sovereign Prince or ruling Chief, whether in subordinate alliance with the British Government or otherwise, and whether residing within or without British India, to prosecute or defend any suit on his behalf, shall be deemed to be the recognized agents by whom appearances, acts and applications under this Code may be made or done on behalf of such Prince or Chief.

Persons specially appointed by Government to prosecute or defend for Princes or Chiefs.

433. Any such Prince or Chief, and any ambassador or envoy of a foreign State, may, with the consent of Government certified by the signature of one of its Secretaries (but not without such consent) be sued in any competent Court not subordinate to a District Court;

Suits against Sovereign Princes, &c.

Such consent shall not be given unless—

(*a*) the Prince, Chief, ambassador or envoy has instituted a suit in such Court against the person desiring to sue him; or

(*b*) the Prince, Chief, ambassador or envoy by himself or another trades within the local limits of the jurisdiction of such Court; or

(*c*) the subject-matter of the suit is immoveable property situate within the said local limits and in the possession of the Prince, Chief, ambassador or envoy.

No such Prince, Chief, ambassador or envoy shall be arrested under this Code; and no decree shall be executed against the property of any such Prince, Chief, ambassador or envoy unless with consent of Government certified as aforesaid.

Sovereign Princes, &c., exempt from arrest.

When their property may be attached.

434. The Governor General in Council may from time to time, by notification in the *Gazette of India*,

Execution in British India of decrees of Courts of Native States.

(*a*) declare that the decrees of any Civil or Revenue Courts situate in the territories of any Native Prince or State in alliance with Her Majesty, and not established by the authority of the Governor General in Council, may be executed in British India as if they had been made by the Courts of British India, and

(*b*) cancel any such declaration.

So long as such declaration remains in force, the said decrees may be executed accordingly.

CHAPTER XXIX.

SUITS BY AND AGAINST CORPORATIONS AND COMPANIES.

435. In suits by a Corporation, or by a Company authorized to sue and be sued in the name of an officer or of a trustee, the plaint may be subscribed and verified on behalf of the Corporation or Company by any director, secretary or other principal officer of the Corporation or Company, who is able to depose to the facts of the case.

Subscription and verification of plaint.

436. When the suit is against a Corporation, or against a Company authorized to sue and be sued in the name of an officer or of a trustee, the summons may be served—

Service on Corporation or Company.

(a) by leaving it at the registered office (if any) of the Corporation or Company, or

(b) by sending it by post in a letter addressed to such officer or trustee at the office (or if there be more offices than one, at the principal office in British India) of the Corporation or Company, or

(c) by giving it to any director, secretary or other principal officer of the Corporation or Company;

and the Court may require the personal appearance of any director, secretary or other principal officer of the Corporation or Company who may be able to answer material questions relating to the suit.

CHAPTER XXX.

SUITS BY AND AGAINST TRUSTEES, EXECUTORS AND ADMINISTRATORS.

Representation of beneficiaries in suits concerning property vested in trustees, &c.

437. In all suits concerning property vested in a trustee, executor or administrator, when the contention is between the persons beneficially interested in such property and a third person, the trustee, executor or administrator shall represent the persons so interested, and it shall not ordinarily be necessary to make them parties to the suit. But the Court may, if it thinks fit, order them or any of them to be made such parties.

Joinder of executors and administrators.

438. When there are several executors or administrators, they shall all be made parties to a suit against one or more of them:

Provided that executors who have not proved their testator's will, and executors and administrators beyond the local limits of the jurisdiction of the Court, need not be made parties.

Husband of married executrix not to join.

439. Unless the Court directs otherwise, the husband of a married administratrix or executrix shall not be a party to a suit by or against her.

CHAPTER XXXI.

SUITS BY AND AGAINST MINORS AND PERSONS OF UNSOUND MIND.

Minor must sue by next friend.

440. Every suit by a minor shall be instituted in his name by an adult person, who in such suit shall be called the next friend of the minor, and may be ordered to pay any costs in the suit as if he were the plaintiff.

Costs.

Applications to be made by next friend or guardian *ad litem*.

441. Every application to the Court on behalf of a minor (other than an application under section 449) shall be made by his next friend, or his guardian for the suit.

Plaint filed without next friend to be taken off file.

442. If a plaint be filed by or on behalf of a minor without a next friend, the defendant may apply to have the plaint taken off the file, with costs to be paid by the pleader or other person by whom it was presented. Notice of such application shall be given to such person by the defendant; and the Court, after hearing his objections, if any, may make such order in the matter as it thinks fit.

Costs.

Guardian *ad litem* to be appointed by Court.

443. Where the defendant to a suit is a minor, the Court, on being satisfied of the fact of his minority, shall appoint a proper person to be guardian for the suit for such minor, to put in the defence for such minor, and generally to act on his behalf in the conduct of the case.

A guardian for the suit is not a guardian of person or property within the meaning of the Indian Majority Act, 1875, section 3.

Order obtained without next friend or guardian may be discharged.

444. Every order made in a suit or on any application before the Court, in or by which a minor is in any way concerned or affected, without such minor being represented by a next friend or guardian for the suit, as the case may be, may be discharged, and, if the pleader of the party at whose instance such order was obtained knew, or might reasonably have known, the fact of such minority, with costs to be paid by such pleader.

Costs.

Who may be next friend.

445. Any person being of sound mind and full age may act as next friend of a minor, provided his interest is not adverse to that of such minor, and he is not a defendant in the suit.

Removal of next friend.

446. If the interest of the next friend of a minor is adverse to that of such minor, or if he is so connected with a defendant whose interest is adverse to that of the minor, as to make it unlikely that the minor's interest will be properly protected by him, or if he does not do his duty, or, pending the suit, ceases to reside within British India, or for any other sufficient cause, application may be made on behalf of the minor or by a defendant for his removal; and the Court (if satisfied of the sufficiency of the cause assigned) may order the next friend to be removed accordingly.

Retirement of next friend.

447. Unless otherwise ordered by the Court, a next friend shall not retire at his own request without first procuring a fit person to be put in his place, and giving security for the costs already incurred.

Application for appointment of new next friend.

The application for the appointment of a new next friend shall be supported by affidavit showing the fitness of the person proposed, and also that he has no interest adverse to the minor.

448. On the death or removal of the next friend of a minor, further proceedings shall be stayed until the appointment of a next friend in his place.

Stay of proceedings on death or removal of next friend.

449. If the pleader of such minor omits, within reasonable time, to take steps to get a new next friend appointed, any person interested in the minor or the matter at issue may apply to the Court for the appointment of one, and the Court may appoint such person as it thinks fit.

Application for appointment of new next friend.

450. A minor plaintiff, or a minor not a party to a suit on whose behalf an application is pending, on coming of age must elect whether he will proceed with the suit or application.

Course to be followed by minor plaintiff or applicant on coming of age.

451. If he elects to proceed with it, he shall apply for an order discharging the next friend, and for leave to proceed in his own name.

Where he elects to proceed.

The title of the suit or application shall in such case be corrected so as to read thenceforth thus:

"*A. B.*, late a minor, by *C. D.*, his next friend, but now of full age."

452. If he elects to abandon the suit or application, he shall, if a sole plaintiff, or sole applicant, apply for an order to dismiss the suit or application on repayment of the costs incurred by the defendant or respondent, or which may have been paid by his next friend.

Where he elects to abandon.

Costs.

453. Any application under section 451 or section 452 may be made *ex parte*; and it must be proved by affidavit that the late minor has attained his full age.

Making and proving applications under sections 451, 452.

454. A minor co-plaintiff on coming of age and desiring to repudiate the suit must apply to have his name struck out as co-plaintiff; and the Court, if it finds that he is not a necessary party, shall dismiss him from the suit on such terms as to costs or otherwise as it thinks fit.

When minor co-plaintiff coming of age desires to repudiate suit.

Notice of the application shall be served on the next friend, as well as on the defendant; and it must be proved by affidavit that the late minor has attained his full age. The costs of all parties of such application, and of all or any proceedings theretofore had in the suit, shall be paid by such persons as the Court directs.

Costs.

If the late minor be a necessary party to the suit the Court may direct him to be made a defendant.

455. If any minor on attaining majority can prove to the satisfaction of the Court that a suit instituted in his name by a next friend was unreasonable or improper, he may, if a sole plaintiff, apply to have the suit dismissed.

When suit unreasonable or improper.

Notice of the application shall be served on all the parties concerned: and the Court, upon being satisfied of such unreasonableness or impropriety, may grant the application, and order the next friend to pay the costs of all parties in respect of the application and of anything done in the suit.

Costs.

456. An order for the appointment of a guardian for the suit may be obtained upon application in the name and on behalf of the minor or by the plaintiff. Such application must be supported by an affidavit verifying the fact that the proposed guardian has no interest in the matters in question in the suit adverse to that of the minor, and that he is a fit person to be so appointed.

Petition for appointment of guardian *ad litem*.

Where there is no other person fit and willing to act as guardian for the suit, the Court may appoint any of its officers to be such guardian: Provided that he has no interest adverse to that of the minor.

457. A co-defendant of sound mind and of full age may be appointed guardian for the suit, if he has no interest adverse to that of the minor; but neither a plaintiff, nor a married woman, can be so appointed.

Who may be guardian *ad litem*.

458. If the guardian for the suit of a minor defendant does not do his duty, or if other sufficient ground be made to appear, the Court may remove him, and may order him to pay such costs as may have been occasioned to any party by his breach of duty.

Guardian neglecting his duty may be removed.

Costs.

459. If the guardian for the suit dies pending such suit, or is removed by the Court, the Court shall appoint a new guardian in his place.

Appointment in place of guardian dying *pendente lite*.

460. When the enforcement of a decree is applied for against the heir or representative, being a minor, of a deceased party, a guardian for the suit of such minor shall be appointed by the Court, and the decree-holder shall serve on such guardian notice of such application.

Guardian *ad litem* of minor representative of deceased judgment-debtor.

461. No sum of money or other thing shall be received or taken by a next friend or guardian for the suit on behalf of a minor, at any time before decree or order, unless he has first obtained the leave of the Court, and given security to its satisfaction that such money or other thing shall be duly accounted for to, and held for the benefit of, such minor.

Before decree, next friend or guardian *ad litem* not to receive money without leave of Court and giving security.

462. No next friend or guardian for the suit shall, without the leave of the Court, enter into any agreement or compromise on behalf of a minor, with reference to the suit in which he acts as next friend or guardian.

Next friend or guardian *ad litem* not to compromise without leave of Court.

Any such agreement or compromise entered into without the leave of the Court shall be voidable against all parties other than the minor.

Compromise without leave voidable.

463. The provisions contained in sections 440 to 462 (both inclusive) shall, *mutatis mutandis*, apply in the case of persons of unsound mind, adjudged to be so under Act No. XXXV of 1858, or under any other law for the time being in force.

Application of sections 440 to 462 to persons of unsound mind.

464. Nothing in sections 442 to 462 applies to any minor or person of unsound mind, for whose person or property a guardian or manager has been appointed by the Court of Wards or by the Civil Court under any local law.

Wards of Court.

CHAPTER XXXII.

SUITS BY AND AGAINST MILITARY MEN.

465. When any officer or soldier actually serving the Government in a military capacity is a party to a suit, and cannot obtain leave of absence for the purpose of prosecuting or defending the suit in person, he may authorize any person to sue or defend in his stead.

Officers or soldiers who cannot obtain leave may authorize any person to sue or defend for them.

The authority shall be in writing and shall be signed by the officer or soldier in the presence of (*a*) his commanding officer, or the next subordinate officer, if the party be himself the commanding officer, or (*b*) where the officer or soldier is serving in military staff employment, the head or other superior officer of the office in which he is employed. Such commanding or other officer shall countersign the authority, which shall be filed in court.

When so filed, the countersignature shall be sufficient proof that the authority was duly executed, and that the officer or soldier by whom it was granted could not obtain leave of absence for the purpose of prosecuting or defending the suit in person.

Explanation.—In this chapter the expression 'commanding officer' means the officer in actual command for the time being of any regiment, corps, detachment or depôt to which the officer or soldier belongs.

466. Any person authorized by an officer or a soldier to prosecute or defend a suit in his stead may prosecute or defend it in person in the same manner as the officer or soldier could do if present; or he may appoint a pleader to prosecute or defend the suit on behalf of such officer or soldier.

Person so authorized may act personally or appoint pleader.

467. Processes served upon any person authorized by an officer or a soldier, as in section 465, or upon any pleader appointed as aforesaid by such person to act for, or on behalf of, such officer or soldier, shall be as effectual as if they had been served on the party in person or on his pleader.

Service on person so authorized, or on his pleader, to be good service.

468. When an officer or a soldier is a defendant, the Court shall send a copy of the summons to his commanding officer for the purpose of being served on him.

Service on officers and soldiers.

The officer to whom such copy is sent, after causing it to be served on the person to whom it is addressed, if practicable, shall return it to the Court with the written acknowledgment of such person endorsed thereon.

If from any cause the copy cannot be so served, it shall be returned to the Court by which it was sent, with information of the cause which has prevented the service.

469. If, in the execution of a decree, a warrant of arrest or other process is to be executed within the limits of a cantonment, garrison, military station or military bázár, the officer charged with the execution of such warrant or other process shall deliver the same to the commanding officer.

Execution of warrant of arrest in cantonments, &c.

The commanding officer shall back the warrant or other process with his signature, and, in the case of a warrant of arrest, if the person named therein is within the limits of his command, shall cause him to be arrested and delivered to the officer so charged.

CHAPTER XXXIII.

INTERPLEADER.

470. When two or more persons claim adversely to one another the same payment or property from another person, whose only interest therein is that of a mere stakeholder and who is ready to render it to the right owner, such stakeholder may institute a suit of interpleader against all the claimants for the purpose of obtaining a decision as to whom the payment or property should be made or delivered, and of obtaining indemnity for himself:

When interpleader-suit may be instituted.

Provided that if any suit is pending in which the rights of all parties can properly be decided, the stakeholder shall not institute a suit of interpleader.

471. In every suit of interpleader the plaint must, in addition to the other statements necessary for plaints, state—

Plaint in such suit.

(a) that the plaintiff has no interest in the thing claimed otherwise than as a mere stakeholder;

(b) the claims made by the defendants severally; and

(c) that there is no collusion between the plaintiff and any of the defendants.

Payment of thing claimed into Court.

472. When the thing claimed is capable of being paid into court or placed in the custody of the Court, the plaintiff must so pay or place it before he can be entitled to any order in the suit.

Procedure at first hearing.

473. At the first hearing the Court may—

(a) declare that the plaintiff is discharged from all liability to the defendants in respect of the thing claimed, award him his costs, and dismiss him from the suit;

or, if it thinks that justice or convenience so require,

(b) retain all parties until the final disposal of the suit;

and, if it finds that the admissions of the parties or other evidence enable it,

(c) adjudicate the title to the thing claimed: or else it may

(d) direct the defendants to interplead one another by filing statements and entering into evidence for the purpose of bringing their respective claims before the Court, and shall adjudicate on such claims.

When agents and tenants may institute interpleader-suits.

474. Nothing in this chapter shall be taken to enable agents to sue their principals, or tenants to sue their landlords, for the purpose of compelling them to interplead with any persons other than persons making claim through such principals or landlords.

Illustrations.

(a) A deposits a box of jewels with B as his agent. C alleges that the jewels were wrongfully obtained from him by A, and claims them from B. B cannot institute an interpleader-suit against A and C.

(b) A deposits a box of jewels with B as his agent. He then writes to C for the purpose of making the jewels a security for a debt due from himself to C. A afterwards alleges that C's debt is satisfied, and C alleges the contrary. Both claim the jewels from B. B may institute an interpleader suit against A and C.

Charge of plaintiff's costs.

475. When the suit is properly instituted, the Court may provide for the plaintiff's costs by giving him a charge on the thing claimed or in some other effectual way.

Procedure where defendant is suing stakeholder.

476. If any of the defendants in an interpleader-suit is actually suing the stakeholder in respect of the subject of such suit, the Court in which the suit against the stakeholder is pending shall, on being duly informed by the Court which passed the decree in the interpleader-suit in favour of the stakeholder, that such decree has been passed, stay the proceedings as against him; and his costs in the suit so stayed may be provided for in such suit; but if, and so far as, they are not provided for in that suit, they may be added to his costs incurred in the interpleader-suit.

Costs.

PART IV.

PROVISIONAL REMEDIES.

CHAPTER XXXIV.

OF ARREST AND ATTACHMENT BEFORE JUDGMENT.

A.—Arrest before Judgment.

When plaintiff may apply that security be taken.

477. If at any stage of any suit, other than a suit for the possession of immoveable property, the plaintiff satisfies the Court by affidavit or otherwise—

that the defendant, with intent to avoid or delay the plaintiff, or to avoid any process of the Court, or to obstruct or delay the execution of any decree that may be passed against him,

(a) has absconded or left the jurisdiction of the Court, or

(b) is about to abscond or to leave the jurisdiction of the Court, or

(c) has disposed of or removed from the jurisdiction of the Court his property or any part thereof, or

that the defendant is about to leave British India under circumstances affording reasonable probability that the plaintiff will or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant in the suit,

the plaintiff may apply to the Court that security be taken for the appearance of the defendant to answer any decree that may be passed against him in the suit.

Order to bring up defendant to show cause why he should not give security.

478. If the Court, after examining the applicant, and making such further investigation as it thinks fit, is satisfied—

that the defendant, with any such intent as aforesaid,

(a) has absconded or left the jurisdiction of the Court, or

(b) is about to abscond or to leave the jurisdiction of the Court, or

(c) has disposed of or removed from the jurisdiction of the Court his property or any part thereof, or

that the defendant is about to leave British India under the circumstances last aforesaid,

the Court may issue a warrant to arrest the defendant and bring him before the Court to show cause why he should not give security for his appearance.

If defendant fail to show cause, Court may order him to make deposit or give security.

479. If the defendant fail to show such cause, the Court shall order him either to deposit in court money or other property sufficient to answer the claim against him, or to give security for his appearance at any time when called upon while the suit is pending, and until execution or satisfaction of any decree that may be passed against him in the suit.

The surety shall bind himself, in default of such appearance, to pay any sum of money which the defendant may be ordered to pay in the suit.

Procedure in case of application by surety to be discharged.

480. The surety for the appearance of the defendant may at any time apply to the Court in which he became such surety to be discharged from his obligation.

On such application being made, the Court shall summon the defendant to appear, or, if it thinks fit, may issue a warrant for his arrest in the first instance.

On the appearance of the defendant pursuant to the summons or warrant, or on his voluntary surrender, the Court shall direct the surety to be discharged from his obligation, and shall call upon the defendant to find fresh security.

Procedure where defendant fails to give security or find fresh security.

481. If the defendant fail to comply with any order under section 479 or section 480, the Court may commit him to jail until the decision of the suit, or, if judgment be given against the defendant, until the execution of the decree: Provided that no person shall be imprisoned under this section in any case for a longer period than six months, nor for a longer period than six weeks when the amount or value of the subject-matter of the suit does not exceed fifty rupees:

Provided that no person shall be detained in prison under this section after he has complied with such order.

Subsistence of defendants arrested.

482. The provisions of section 339 as to allowances payable for the subsistence of judgment-debtors shall apply to all defendants arrested under this chapter.

B.—Attachment before Judgment.

Application before judgment for security from defendant to satisfy decree, and in default for attachment of property.

483. If at any stage of any suit the plaintiff satisfies the Court by affidavit or otherwise that the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him,

(*a*) is about to dispose of the whole or any part of his property, or to remove the same from the jurisdiction of the Court in which the suit is pending, or

(*b*) has quitted the jurisdiction of the Court, leaving therein property belonging to him,

the plaintiff may apply to the Court to call upon the defendant to furnish security to satisfy any decree that may be passed against him in such suit and, on his failing to give such security, to direct that any portion of his property within the jurisdiction of the Court shall be attached until the further order of the Court.

Contents of application.

The application shall, unless the Court otherwise directs, specify the property required to be attached and the estimated value thereof.

Court may call on defendant to furnish security or show cause.

484. If the Court, after examining the applicant and making any further investigation which it thinks fit, is satisfied that the defendant is about to dispose of or remove his property, with intent to obstruct or delay the execution of any decree that may be passed against him in the suit, or that he has with such intent quitted the jurisdiction of the Court, leaving therein property belonging to him, the Court may require him, within a time to be fixed by the Court, either to furnish security in such sum as may be specified in the order, to produce and place at the disposal of the Court, when required, the said property or the value of the sum, or such portion thereof as may be sufficient to satisfy the decree, or to appear and show cause why he should not furnish security.

The Court may also in the order direct the conditional attachment of the whole or any portion of the property specified in the application.

Attachment if cause not shown or security not furnished.

485. If the defendant fail to show cause why he should not furnish security, or fail to furnish the security required, within the time fixed by the Court, the Court may order that the property specified in the application, or such portion thereof as appears sufficient to satisfy any decree which may be passed in the suit, shall be attached.

Withdrawal of attachment.

If the defendant show such cause or furnish the required security, and the property specified in the application or any portion of it has been attached, the Court shall order the attachment to be withdrawn.

Mode of making attachment.

486. The attachment shall be made in the manner herein provided for the attachment of property in execution of a decree for money.

Investigation of claims to property attached before judgment.

487. If any claim be preferred to the property attached before judgment, such claim shall be investigated in the manner hereinbefore provided for the investigation of claims to property attached in execution of a decree for money.

Removal of attachment when security furnished or suit diminished.

488. When an order of attachment before judgment is passed, the Court which passed the order shall remove the attachment

whenever the defendant furnishes the security required, together with security for the costs of the attachment, or when the suit is dismissed.

Attachment not to affect rights of strangers, or bar decree-holder from applying for sale.

489. Attachment before judgment shall not affect the rights, existing prior to the attachment, of persons not parties to the suit, nor bar any person holding a decree against the defendant from applying for the sale of the property under attachment in execution of such decree.

Property attached under chapter not to be re-attached in execution of decree.

490. Where property is under attachment by virtue of the provisions of this chapter, and a decree is given in favour of the plaintiff, it shall not be necessary to re-attach the property in execution of such decree.

C.—Compensation for improper Arrests or Attachments.

Compensation for obtaining arrest or attachment on insufficient grounds.

491. If in any suit in which an arrest or attachment has been effected, it appears to the Court that such arrest or attachment was applied for on insufficient grounds,

or if the suit of the plaintiff fails, and it appears to the Court that there was no probable ground for instituting the suit,

the Court may, on the application of the defendant, award against the plaintiff in its decree such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the defendant for the expense or injury caused to him by the arrest or attachment:

Proviso.

Provided that the Court shall not award under this section a larger amount than it might decree in a suit for compensation.

An award under this section shall bar any suit for compensation in respect of such arrest or attachment.

CHAPTER XXXV.

OF TEMPORARY INJUNCTIONS AND INTERLOCUTORY ORDERS.

A.—Temporary Injunctions.

Cases in which temporary injunction may be granted.

492. If in any suit it is proved by affidavit or otherwise—

(*a*) that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in execution of a decree, or

(*b*) that the defendant threatens, or is about, to remove or dispose of his property with intent to defraud his creditors,

the Court may by order grant a temporary injunction to restrain such act, or give such other order for the purpose of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of the property as the Court thinks fit, or refuse such injunction or other order.

Injunction to restrain repetition or continuance of breach.

493. In any suit for restraining the defendant from committing a breach of contract or other injury, whether compensation be claimed in the suit or not, the plaintiff may, at any time after the commencement of the suit, and either before or after judgment, apply to the Court for a temporary injunction to restrain the defendant from committing the breach of contract or injury complained of, or any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right.

The Court may by order grant such injunction on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as the Court thinks fit, or refuse the same.

In case of disobedience, an injunction granted under this section or section 492 may be enforced by the imprisonment of the defendant for a term not exceeding six months, or the attachment of his property, or both.

No attachment under this section shall remain in force for more than one year, at the end of which time, if the defendant has not obeyed the injunction, the property attached may be sold, and out of the proceeds the Court may award to the plaintiff such compensation as it thinks fit, and may pay the balance, if any, to the defendant.

Before granting injunction, Court to direct notice to opposite party.

494. The Court shall in all cases, except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice of the application for the same to be given to the opposite party.

Injunction to Corporation binding on its members and officers.

495. An injunction directed to a Corporation or public Company is binding not only on the Corporation or Company itself, but also on all members and officers of the Corporation or Company whose personal action it seeks to restrain.

Order for injunction may be discharged, varied or set aside.

496. Any order for an injunction may be discharged, or varied, or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Compensation to defendant for issue of injunction on insufficient grounds.

497. If it appears to the Court that an injunction which it has granted was applied for on insufficient grounds, or

if, after the issue of the injunction, the suit is dismissed or judgment is given against the plaintiff by default or otherwise, and it appears to the Court that there was no probable ground for instituting the suit,

the Court may, on the application of the defendant, award against the plaintiff in its decree such sum, not exceeding one thousand rupees, as it

deems a reasonable compensation to the defendant for the expense or injury caused to him by the issue of the injunction:

Proviso.

Provided that the Court shall not award under this section a larger amount than it might decree in a suit for compensation.

An award under this section shall bar any suit for compensation in respect of the issue of the injunction.

B.—Interlocutory Orders.

Power to order interim sale of perishable articles.

498. The Court may, on the application of any party to a suit, order the sale, by any person named in such order, and in such manner and on such terms as it thinks fit, of any moveable property, being the subject of such suit, which is subject to speedy and natural decay.

Power to make order for detention, &c., of subject-matter, and to authorize entry, taking of samples and experiments.

499. The Court may, on the application of any party to a suit, and on such terms as it thinks fit,

(*a*) make an order for the detention, preservation or inspection of any property being the subject of such suit;

(*b*) for all or any of the purposes aforesaid authorize any person to enter upon or into any land or building in the possession of any other party to such suit, and

(*c*) for all or any of the purposes aforesaid, authorize any samples to be taken, or any observation to be made or experiment to be tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence.

The provisions hereinbefore contained as to execution of process shall apply, *mutatis mutandis*, to persons authorized to enter under this section.

Application for such orders to be after notice.

500. An application by the plaintiff for an order under section 498 or section 499 may be made after notice in writing to the defendant at any time after service of the summons.

An application by the defendant for a like order may be made after notice in writing to the plaintiff, and at any time after the applicant has appeared.

When party may be put in immediate possession of land the subject of suit.

501. When land paying revenue to Government, or a tenure liable to sale, is the subject of a suit, if the party in possession of such land or tenure neglects to pay the Government-revenue, or the rent due to the proprietor of the tenure, as the case may be, and such land or tenure is consequently ordered to be sold, any other party to the suit claiming to have an interest in such land or tenure may upon payment of the revenue or rent due previously to the sale (and with or without security at the discretion of the Court), be put in immediate possession of the land or tenure;

and the Court in its decree may award against the defaulter the amount so paid, with interest thereupon at such rate as the Court thinks fit, or may charge the amount so paid, with interest thereupon at such rate as the Court orders, in any adjustment of accounts which may be directed in the decree passed in the suit.

Deposit of money, &c., in court.

502. When the subject-matter of a suit is money or some other thing capable of delivery, and any party thereto admits that he holds such money or other thing as a trustee for another party, or that it belongs or is due to another party, the Court may order the same to be deposited in court or delivered to such last-named party, with or without security, subject to the further direction of the Court.

CHAPTER XXXVI.

APPOINTMENT OF RECEIVERS.

Power of Court to appoint Receivers.

503. Whenever it appears to the Court to be necessary for the realization, preservation or better custody or management of any property, moveable or immoveable, the subject of a suit, or under attachment, the Court may by order—

(*a*) appoint a Receiver of such property,

and, if need be,

(*b*) remove the person in whose possession or custody the property may be from the possession or custody thereof;

(*c*) commit the same to the custody or management of such Receiver; and

(*d*) grant to such Receiver such fee or commission on the rents and profits of the property by way of remuneration, and all such powers as to bringing and defending suits, and for the realization, management, protection preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of instruments in writing, as the owner himself has, or such of those powers as the Court thinks fit.

Receiver's liabilities.

Every Receiver so appointed shall—

(*e*) give such security (if any) as the Court thinks fit duly to account for what he shall receive in respect of the property;

(*f*) pass his accounts at such periods and in such form as the Court directs;

(*g*) pay the balance due from him thereon as the Court directs; and

(*h*) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

Nothing in this section authorizes the Court to remove from the possession or custody of property under attachment any person whom the parties to the suit, or some or one of them, have or has not a present right so to remove.

When Collector may be appointed Receiver.

504. Where the property is land paying revenue to Government, or land of which the revenue has been assigned or redeemed, and the Court considers that the interests of those concerned will be promoted by the management of the Collector, the Court may appoint the Collector to be Receiver of such property.

Courts empowered under this chapter.

505. The powers conferred by this chapter shall be exercised only by High Courts and District Courts: Provided that whenever the Judge of a Court subordinate to a District Court considers it expedient that a Receiver should be appointed in any suit before him, he shall nominate such person as he considers fit for such appointment, and submit such person's name, with the grounds for the nomination, to the District Court, and the District Court shall authorize such Judge to appoint the person so nominated, or pass such other order as it thinks fit.

PART V.

OF SPECIAL PROCEEDINGS.

CHAPTER XXXVII.

REFERENCE TO ARBITRATION.

Parties to suit may apply for order of reference.

506. If all the parties to a suit desire that any matter in difference between them in the suit be referred to arbitration, they may, at any time before judgment is pronounced, apply, in person or by their respective pleaders specially authorized in writing in this behalf, to the Court for an order of reference.

Every such application shall be in writing and shall state the particular matter sought to be referred.

Nomination of arbitrator.

507. The arbitrator shall be nominated by the parties in such manner as may be agreed upon between them.

When Court to nominate arbitrator.

If the parties cannot agree with respect to such nomination, or if the person whom they nominate refuses to accept the arbitration and the parties desire that the nomination shall be made by the Court, the Court shall nominate the arbitrator.

Order of reference.

508. The Court shall, by order, refer to the arbitrator the matter in difference which he is required to determine, and shall fix such time as it thinks reasonable for the delivery of the award, and specify such time in the order.

When once a matter is referred to arbitration, the Court shall not deal with it in the same suit, except as hereinafter provided.

When reference is to two or more, order to provide for difference of opinion.

509. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators,

(a) by the appointment of an umpire, or

(b) by declaring that the decision shall be with the majority, if the major part of the arbitrators agree, or

(c) by empowering the arbitrators to appoint an umpire, or

(d) otherwise, as may be agreed between the parties; or, if they cannot agree, as the Court determines.

If an umpire is appointed, the Court shall fix such time as it thinks reasonable for the delivery of his award in case he is required to act.

Death, incapacity, &c., of arbitrators or umpire.

510. If the arbitrator, or, where there are more arbitrators than one, any of the arbitrators, or the umpire, dies, or refuses, or neglects or becomes incapable to act, or leaves British India under circumstances showing that he will probably not return at an early date, the Court may in its discretion either appoint a new arbitrator or umpire in the place of the person so dying, or refusing, or neglecting, or becoming incapable to act, or leaving British India, or make an order superseding the arbitration, and in such case shall proceed with the suit.

Appointment of umpire by Court.

511. Where the arbitrators are empowered by the order of reference to appoint an umpire and fail to do so, any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if, within seven days after such notice has been served, or such further time as the Court may in each case allow, no umpire be appointed, the Court, upon the application of the party who has served such notice as aforesaid, may appoint an umpire.

Powers of arbitrator or umpire appointed under sections 509, 510, 511.

512. Every arbitrator or umpire appointed under section 509, section 510 or section 511 shall have the like powers as if his name had been inserted in the order of reference.

Summoning witnesses.

513. The Court shall issue the same processes to the parties and witnesses whom the arbitrators or umpire desire or desires to examine, as the Court may issue in suits tried before it.

Punishment for default, &c.

Persons not attending in accordance with such process, or making any other default, or refusing to give their evidence, or guilty of any contempt to the arbitrator or umpire during the investigation of the matters referred, shall be subject to the like disadvantages, penalties and punishments, by order of the Court on the representation of the arbitrator or umpire, as they would incur for the like offences in suits tried before the Court.

514. If, from the want of the necessary evidence or information, or from any other cause, the arbitrators cannot complete the award within the period specified in the order, the Court may, if it thinks fit, either grant a further time, and from time to time enlarge the period for the delivery of the award, or make an order superseding the arbitration, and in such case shall proceed with the suit.

Extension of time for making award.

Supersession of arbitration.

515. When an umpire has been appointed he may enter on the reference in the place of the arbitrators

When umpire may arbitrate in lieu of arbitrators.

(a) if they have allowed the appointed time to expire without making an award, or

(b) when they have delivered to the Court or to the umpire a notice in writing, stating that they cannot agree.

516. When an award in a suit has been made, the persons who made it shall sign it and cause it to be filed in court, together with any depositions and documents which have been taken and proved before them; and notice of the filing shall be given to the parties.

Award to be signed and filed.

517. Upon any reference by an order of the Court, the arbitrators or umpire may, with the consent of the Court, state the award as to the whole or any part thereof in the form of a special case for the opinion of the Court; and the Court shall deliver its opinion thereon; and such opinion shall be added to and form part of the award.

Arbitrators or umpire may state special case.

518. The Court may, by order, modify or correct an award,

Court may, on application, modify or correct award in certain cases.

(a) where it appears that a part of the award is upon a matter not referred to arbitration, provided such part can be separated from the other part and does not affect the decision on the matter referred, or

(b) where the award is imperfect in form, or contains any obvious error which can be amended without affecting such decision.

519. The Court may also make such order as it thinks fit respecting the costs of the arbitration, if any question arise respecting such costs and the award contain no sufficient provision concerning them.

Order as to costs of arbitration.

520. The Court may remit the award or any matter referred to arbitration to the reconsideration of the same arbitrators or umpire, upon such terms as it thinks fit,

When award or matter referred to arbitration may be remitted.

(a) where the award has left undetermined any of the matters referred to arbitration, or where it determines any matter not referred to arbitration;

(b) where the award is so indefinite as to be incapable of execution;

(c) where an objection to the legality of the award is apparent upon the face of it.

521. An award remitted under section 520 becomes void on the refusal of the arbitrators or umpire to reconsider it. But no award shall be set aside except on one of the following grounds (namely)—

Grounds for setting aside award.

(a) corruption or misconduct of the arbitrator or umpire;

(b) either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the arbitrator or umpire;

(c) the award having been made after the issue of an order by the Court superseding the arbitration and restoring the suit;

and no award shall be valid unless made within the period allowed by the Court.

522. If the Court sees no cause to remit the award or any of the matters referred to arbitration for reconsideration in manner aforesaid, and if no application has been made to set aside the award, or if the Court has refused such application,

Judgment to be according to award.

the Court shall, after the time for making such application has expired, proceed to give judgment according to the award,

or, if the award has been submitted to it in the form of a special case, according to its own opinion on such case.

Upon the judgment so given a decree shall follow, and shall be enforced in manner provided in this Code for the execution of decrees. No appeal shall lie from such decree except in so far as the decree is in excess of, or not in accordance with, the award.

Decree to follow.

523. When any persons agree in writing that any difference between them shall be referred to the arbitration of any person named in the agreement or to be appointed by any Court having jurisdiction in the matter to which the agreement relates, the parties thereto, or any of them, may apply that the agreement be filed in court.

Agreement to refer to arbitration may be filed in court.

The application shall be in writing and shall be numbered and registered as a suit between one or more of the parties interested or claiming to be interested as plaintiff or plaintiffs, and the others or other of them as defendants or defendant, if the application have been presented by all the parties, or, if otherwise, between the applicant as plaintiff and the other parties as defendants.

Application to be numbered and registered.

On such application being made, the Court shall direct notice thereof to be given to all the parties to the agreement other than the applicants, requiring such parties to show cause, within the time specified in the notice, why the agreement should not be filed.

Notice to show cause against filing.

If no sufficient cause be shown, the Court may cause the agreement to be filed, and shall make an order of reference thereon, and may also nominate the arbitrator, when he is not named therein and the parties cannot agree as to the nomination.

524. The foregoing provisions of this chapter, so far as they are consistent with any agreement so filed, shall be applicable to all proceedings under an order of reference made by the Court under section 523, and to the award of arbitration and to the enforcement of the decree founded thereupon.

Provisions of chapter applicable to proceedings under order of reference.

525. When any matter has been referred to arbitration without the intervention of a Court of Justice, and an award has been made thereon, any person interested in the award may apply to the Court of the lowest grade having jurisdiction over the matter to which the award relates, that the award be filed in court.

Filing award in matter referred to arbitration without intervention of Court.

The application shall be in writing and shall be numbered and registered as a suit between the applicant as plaintiff and the other parties as defendants.

Application to be numbered and registered.

The Court shall direct notice to be given to the parties to the arbitration, other than the applicant, requiring them to show cause, within a time specified, why the award should not be filed.

Notice to parties to arbitration.

526. If no ground such as is mentioned or referred to in section 520 or section 521, be shown against the award, the Court shall order it to be filed, and such award shall then take effect as an award made under the provisions of this chapter.

Filing and enforcement of such award.

CHAPTER XXXVIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

527. Parties claiming to be interested in the decision of any question of fact or law, may enter into an agreement in writing stating such question in the form of a case for the opinion of the Court, and providing that, upon the finding of the Court with respect to such question,

Power to state case for Court's opinion.

(*a*) a sum of money fixed by the parties or to be determined by the Court, shall be paid by one of the parties to the other of them; or

(*b*) some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or

(*c*) one or more of the parties shall do, or refrain from doing, some other particular act specified in the agreement.

Every case stated under this section shall be divided into consecutively numbered paragraphs, and shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby.

528. If the agreement is for the delivery of any property, or for the doing, or the refraining from doing, any particular act, the estimated value of the property to be delivered, or to which the act specified has reference, shall be stated in the agreement.

When value of subject-matter must be stated.

529. The agreement, if framed in accordance with the rules hereinbefore contained, may be filed in the Court which would have jurisdiction to entertain a suit, the amount or value of the subject-matter of which is the same as the amount or value of the subject-matter of the agreement.

Agreement to be filed and numbered as suit.

The agreement, when so filed, shall be numbered and registered as a suit between one or more of the parties claiming to be interested, as plaintiff or plaintiffs, and the other or others of them as defendant or defendants; and notice shall be given to all the parties to the agreement, other than the party or parties by whom it was presented.

530. When the agreement has been filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by the statements contained therein.

Parties to be subject to Court's jurisdiction.

531. The case shall be set down for hearing as a suit instituted under Chapter V, the provisions of which shall apply to such suit so far as the same are applicable.

Hearing and disposal of case.

If the Court is satisfied, after an examination of the parties, or after taking such evidence as it thinks fit,

(*a*) that the agreement was duly executed by them, and

(*b*) that they have a *bonâ fide* interest in the question stated therein, and

(*c*) that the same is fit to be decided,

it shall proceed to pronounce judgment thereon, in the same way as in an ordinary suit, and upon the judgment so given a decree shall follow and shall be enforced in the manner provided in this Code for the execution of decrees.

CHAPTER XXXIX.

OF SUMMARY PROCEDURE ON NEGOTIABLE INSTRUMENTS.

532. In any Court to which this section applies, all suits upon bills of exchange, hundís or promissory notes may, in case the plain-

Institution of summary suits upon bills of exchange, &c.

tiff desires to proceed under this chapter, be instituted by presenting a plaint in the form prescribed by this Code; but the summons shall be in the form contained in the fourth schedule hereto annexed, No. 172, or in such other form as the High Court may from time to time prescribe.

In any case in which the plaint and summons are in such forms respectively, the defendant shall not appear or defend the suit unless he obtains leave from a Judge as hereinafter mentioned so to appear and defend;

and in default of his obtaining such leave or of appearance and defence in pursuance thereof, the plaintiff shall be entitled to a decree for any sum not exceeding the sum mentioned in the summons, together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by a rule of the High Court, unless the plaintiff claims more than such fixed sum, in which case the costs shall be ascertained in the ordinary way, and such decree may be enforced forthwith.

Payment into court of sum mentioned in summons.

The defendant shall not be required to pay into court the sum mentioned in the summons, or to give security therefor, unless the Court thinks his defence not to be *primâ facie* sustainable, or feels reasonable doubt as to its good faith.

Explanation.—This section is not confined to cases in which the bill, hundí or note sued upon, together with mere lapse of time, is sufficient to establish a *primâ facie* right to recover.

Defendant showing defence on merits to have leave to appear.

533. The Court shall, upon application by the defendant, give leave to appear and to defend the suit, upon the defendant paying into court the sum mentioned in the summons, or upon affidavits satisfactory to the Court, which disclose a defence or such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Court may deem sufficient to support the application, and on such terms as to security, framing and recording issues, or otherwise, as the Court thinks fit.

Power to set aside decree.

534. After decree, the Court may, under special circumstances, set aside the decree, and if necessary stay or set aside execution, and may give leave to appear to the summons and to defend the suit, if it seem reasonable to the Court so to do, and on such terms as the Court thinks fit.

Power to order bill, &c., to be deposited with officer of Court.

535. In any proceeding under this chapter the Court may order the bill, hundí or note on which the suit is founded to be forthwith deposited with an officer of the Court, and may further order that all proceedings shall be stayed until the plaintiff gives security for the costs thereof.

Recovery of cost of noting non-acceptance of dishonoured bill or note.

536. The holder of every dishonoured bill of exchange or promissory note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonour, as he has under this chapter for the recovery of the amount of such bill or note.

Procedure in suits under chapter.

537. Except as provided by sections 532 to 536 (both inclusive), the procedure in suits under this chapter shall be the same as the procedure in suits instituted under Chapter V.

Application of chapter.

538. Sections 532 to 537 (both inclusive) apply only to—

(*a*) the High Courts of Judicature at Fort William, Madras and Bombay;

(*b*) the Court of the Recorder of Rangoon;

(*c*) the Courts of Small Causes in Calcutta, Madras and Bombay;

(*d*) the Court of the Judge of Karáchí; and

(*e*) any other Court having ordinary original civil jurisdiction to which the Local Government may, by notification in the official Gazette, apply them.

In case of such application the Local Government may direct by whom any of the powers and duties incident to the provisions so applied shall be exercised and performed, and make any rules which it thinks requisite for carrying into operation the provisions so applied.

Within one month after such notification has been published, such provisions shall apply accordingly, and the rules so made shall have the force of law.

The Local Government may from time to time alter or cancel any such notification.

CHAPTER XL.

OF SUITS RELATING TO PUBLIC CHARITIES.

When suits relating to public charities may be brought.

539. In case of any alleged breach of any express or constructive trust created for public charitable or religious purposes, or whenever the direction of the Court is deemed necessary for the administration of any such trust, the Advocate General acting *ex officio*, or two or more persons having a direct interest in the trust and having obtained the consent in writing of the Advocate General, may institute a suit in the High Court or the District Court within the local limits of whose civil jurisdiction the whole or any part of the subject-matter of the trust is situate, to obtain a decree—

(*a*) appointing new trustees under the trust;

(*b*) vesting any property in the trustees under the trust;

(*c*) declaring the proportions in which its objects are entitled;

(*d*) authorizing the whole or any part of its property to be let, sold, mortgaged or exchanged;

(*e*) settling a scheme for its management;

or granting such further or other relief as the nature of the case may require.

The powers conferred by this section on the Advocate General may, outside the Presidency-towns, be, with the previous sanction of the Local Government, exercised also by the Collector or by such officer as the Local Government may appoint in this behalf.

Act No. X of 1840, section two, is hereby repealed.

PART VI.

OF APPEALS.

CHAPTER XLI.

OF APPEALS FROM ORIGINAL DECREES.

Appeal to lie from all original decrees, except when expressly prohibited.

540. Unless when otherwise expressly provided by this Code or by any other law for the time being in force, an appeal shall lie from the decrees, or from any part of the decrees, of the Courts exercising original jurisdiction to the Courts authorized to hear appeals from the decisions of those Courts.

Form of appeal. What to accompany memorandum.

541. The appeal shall be made in the form of a memorandum in writing presented by the appellant, and shall be accompanied by a copy of the decree appealed against and (unless the Appellate Court dispenses therewith) of the judgment on which it is founded.

Contents of memorandum.

Such memorandum shall set forth, concisely and under distinct heads, the grounds of objection to the decree appealed against, without any argument or narrative; and such grounds shall be numbered consecutively.

Appellant confined to grounds set out.

542. The appellant shall not, without the leave of the Court, urge or be heard in support of any other ground of objection, but the Court in deciding the appeal shall not be confined to the grounds set forth by the appellant:

Provided that the Court shall not rest its decision on any ground not set forth by the appellant, unless the respondent has had sufficient opportunity of contesting the case on that ground.

Rejection or amendment of memorandum.

543. If the memorandum of appeal be not drawn up in the manner hereinbefore prescribed, it may be rejected, or be returned to the appellant for the purpose of being amended within a time to be fixed by the Court or be amended then and there.

When the Court rejects under this section any memorandum, it shall record the reasons for such rejection.

When a memorandum of appeal is amended under this section, the Judge, or such officer as he appoints in this behalf, shall attest the amendment by his signature.

One of several plaintiffs or defendants may obtain reversal of whole decree if it proceed on ground common to all.

544. Where there are more plaintiffs or more defendants than one in a suit, and the decree appealed against proceeds on any ground common to all the plaintiffs or to all the defendants, any one of the plaintiffs or of the defendants may appeal against the whole decree, and thereupon the Appellate Court may reverse or modify the decree in favour of all the plaintiffs or defendants, as the case may be.

Of staying and executing Decrees under Appeal.

Execution of decree not stayed solely by reason of appeal.

545. Execution of a decree shall not be stayed by reason only of an appeal having been preferred against the decree; but the appellate Court may for sufficient cause order the execution to be stayed:

Stay of execution of appealable decree before time for appealing has expired.

If an application be made for stay of execution of an appealable decree before the expiry of the time allowed for appealing therefrom, the Court which passed the decree may for sufficient cause order the execution to be stayed:

Provided that no order shall be made under this section unless the Court making it is satisfied—

(*a*) that substantial loss may result to the party applying for stay of execution unless the order is made;

(*b*) that the application has been made without unreasonable delay; and

(*c*) that security has been given by the applicant for the due performance of such decree or order as may ultimately be binding upon him.

Security in case of order for execution of decree appealed against.

546. If an order is made for the execution of a decree against which an appeal is pending, the Court which passed the decree shall, on sufficient cause being shown by the appellant, require security to be given for the restitution of any property which may be taken in execution of the decree, or for the payment of the value of such property, and for the due performance of the decree or order of the Appellate Court,

or the Appellate Court may for like cause direct the Court which passed the decree to take such security.

And when an order has been passed for the sale of immoveable property in execution of a decree for money, and an appeal is pending against such decree, the sale shall on the application of the

judgment-debtor be stayed until the appeal is disposed of, on such terms as to giving security or otherwise as the Court which passed the decree thinks fit.

No such security to be required from Government or public officers.

547. No such security as is mentioned in sections 545 and 546 shall be required from the Secretary of State for India in Council, or (when Government has undertaken the defence of the suit) from any public officer sued in respect of an act alleged to be done by him in his official capacity.

Of Procedure in Appeal from Decrees.

Registry of memorandum of appeal.

548. When a memorandum of appeal is admitted, the Appellate Court or the proper officer of that Court shall endorse thereon the date of presentation, and shall register the appeal in a book to be kept for the purpose.

Register of Appeals.

Such book shall be called the Register of Appeals.

Appellate Court may require appellant to give security for costs.

549. The Appellate Court may at its discretion, either before the respondent is called upon to appear and answer or afterwards on the application of the respondent, demand from the appellant security for the costs of the appeal, or of the original suit, or of both:

When appellant resides out of British India.

Provided that the Court shall demand such security in all cases in which the appellant is residing out of British India, and is not possessed of any sufficient immoveable property within British India independent of the property (if any) to which the appeal relates.

If such security be not furnished within such time as the Court orders, the Court shall reject the appeal.

Appellate Court to give notice to Court whose decree appealed against.

550. When the memorandum of appeal is registered, the Appellate Court shall send notice of the appeal to the Court against whose decree the appeal is made.

Transmission of papers to Appellate Court.

If the appeal be from a Court the records of which are not deposited in the Appellate Court, the Court receiving such notice shall send with all practicable despatch all material papers in the suit, or such papers as may be specially called for by the Appellate Court.

Copies of exhibits in Court whose decree appealed against.

Either party may apply in writing to the Court against whose decree the appeal is made, specifying any of such papers in such Court of which he requires copies to be made; and copies of such papers shall be made at the expense of the applicant, and shall be deposited accordingly.

Power to confirm decision of lower Court without sending it notice.

551. The Appellate Court may, if it thinks fit, after fixing a time for hearing the appellant or his pleader, and hearing him accordingly if he appears at such time, confirm the decision of the Court against whose decree the appeal is made, without sending notice of the appeal to such Court and without serving notice on the respondent or his pleader; but in such case the confirmation shall be notified to the same Court.

Day for hearing appeal.

552. The Appellate Court, unless where it confirms, under section 551, the decision of the lower Court, shall fix a day for hearing the appeal.

Such day shall be fixed with reference to the current business of the Court, the place of residence of the respondent, and the time necessary for the service of the notice of appeal, so as to allow the respondent sufficient time to appear and answer the appeal on such day.

Publication and service of notice of day for hearing appeal.

553. Notice of the day so fixed shall be stuck up in the appellate court-house, and a like notice shall be sent by the Appellate Court to the Court against whose decree the appeal is made, and shall be served on the respondent or on his pleader in the Appellate Court in the manner provided in Chapter VI for the service on a defendant of a summons to appear and answer; and all rules applicable to such summons and to proceedings with reference to the service thereof, shall apply to the service of such notice.

Appellate Court may itself cause notice to be served.

Instead of sending the notice to the Court against whose decree the appeal is made, the Appellate Court may itself cause the notice to be served on the respondent or his pleader under the rules above referred to.

Contents of notice.

554. The notice to the respondent shall declare that, if he does not appear in the Appellate Court on the day so fixed, the appeal will be heard *ex parte*.

Procedure on Hearing.

Right to begin.

555. On the day so fixed, or on any other day to which the hearing may be adjourned, the appellant shall be heard in support of the appeal. The Court shall then, if it does not dismiss the appeal at once, hear the respondent against the appeal, and in such case the appellant shall be entitled to reply.

Dismissal of appeal for appellant's default.

556. If on the day so fixed, or any other day to which the hearing may be adjourned, the appellant does not attend in person or by his pleader, the appeal shall be dismissed for default.

If the appellant attends and the respondent does not attend, the appeal shall be heard *ex parte* in his absence.

Hearing appeal *ex parte*.

557. If on the day so fixed, or any other day to which the hearing may be adjourned, it is found that the notice to the respondent has not been served in consequence of the failure of the appellant to deposit, within the period fixed by the Court, the sum required to defray the cost of issuing the notice, the Court may order that the appeal be dismissed:

Dismissal of appeal where notice not served in consequence of appellant's failure to deposit cost.

Provided that no such order shall be passed, although the notice has not been served upon the respondent, if on the day fixed for hearing the appeal the respondent appears in person or by a pleader, or by a duly authorized agent.

Proviso.

558. If an appeal be dismissed under section 556 or section 557, the appellant may apply to the Appellate Court for the re-admission of the appeal; and if it be proved that he was prevented by any sufficient cause from attending when the appeal was called on for hearing or from depositing the sum so required, the Court may re-admit the appeal on such terms as to costs or otherwise as the Court thinks fit to impose upon him.

Re-admission of appeal dismissed for default.

559. If it appear to the Court at the hearing that any person who was a party to the suit in the Court against whose decree the appeal is made, but who has not been made a party to the appeal, is interested in the result of the appeal, the Court may adjourn the hearing to a future day to be fixed by the Court, and direct that such person be made a respondent.

Power to adjourn hearing, and direct persons appearing interested to be made respondents.

560. When an appeal is heard *ex parte* in the absence of the respondent, and judgment is given against him, he may apply to the Appellate Court to re-hear the appeal; and if he satisfies the Court that the notice was not duly served, or that he was prevented by sufficient cause from attending when the appeal was called on for hearing, the Court may re-hear the appeal on such terms as to costs or otherwise as the Court thinks fit to impose upon him.

Re-hearing on application of respondent against whom *ex parte* decree made.

561. Any respondent, though he may not have appealed against any part of the decree, may upon the hearing not only support the decree on any of the grounds decided against him in the Court below, but take any objection to the decree which he could have taken by way of appeal, provided he has filed a notice of such objection not less than seven days before the date fixed for the hearing of the appeal.

Upon hearing, respondent may object to decree as if he had preferred separate appeal.

Such objection shall be in the form of a memorandum, and the provisions of section 541, so far as they relate to the form and contents of the memorandum of appeal, shall apply thereto.

Form of notice, and provisions applicable thereto.

562. If the Court against whose decree the appeal is made has disposed of the suit upon a preliminary point so as to exclude any evidence of fact which appears to the Appellate Court essential to the determination of the rights of the parties, and the decree upon such preliminary point is reversed in appeal, the appellate Court may, if it thinks fit, by order remand the case, together with a copy of the order in appeal, to the Court against whose decree the appeal is made, with directions to re-admit the suit under its original number in the register and proceed to investigate the suit on the merits.

Remand of case by Appellate Court.

The Appellate Court may, if it thinks fit, direct what issue or issues shall be tried in any case so remanded.

563. When a case is remanded with directions to take any evidence so excluded, the Court to which the case is remanded shall not take any other evidence in the case, except evidence tendered to contradict the evidence so taken.

When further evidence barred.

564. The Appellate Court shall not remand a case for a second decision, except as provided in section 562.

Limit to remand.

565. When the evidence upon the record is sufficient to enable the Appellate Court to pronounce judgment, the Appellate Court shall, after resettling the issues, if necessary, finally determine the case, notwithstanding that the judgment of the Court against whose decree the appeal is made has proceeded wholly upon some ground other than that on which the Appellate Court proceeds.

When evidence on record sufficient, Appellate Court shall determine case finally.

566. If the Court against whose decree the appeal is made has omitted to frame or try any issue, or to determine any question of fact, which appears to the Appellate Court essential to the right decision of the suit upon the merits, and the evidence upon the record is not sufficient to enable the Appellate Court to determine such issue or question, the Appellate Court may frame issues for trial, and may refer the same for trial to the Court against whose decree the appeal is made, and in such case shall direct such Court to take the additional evidence required,

When Appellate Court may frame issues and refer them for trial to Court whose decree appealed against.

and such Court shall proceed to try such issues, and shall return to the Appellate Court its finding thereon together with the evidence.

567. Such finding and evidence shall become part of the record in the suit; and either party may, within a time to be fixed by

Finding and evidence to be put on record.

Objections to finding.

the Appellate Court, present a memorandum of objections to the finding.

Determination of appeal.

After the expiration of the period fixed for presenting such memorandum, the Appellate Court shall proceed to determine the appeal.

Production of additional evidence in Appellate Court.

568. The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, in the Appellate Court. But if

(a) the Court against whose decree the appeal is made refuses to admit evidence which ought to have been admitted, or

(b) the Appellate Court requires any document to be produced for any witness to be examined to enable it to pronounce judgment; or for any other substantial cause,

the Appellate Court may allow such evidence to be produced, or document to be received, or witness to be examined.

Whenever additional evidence is admitted by an Appellate Court, the Court shall record on its proceedings the reason for such admission.

Mode of taking additional evidence.

569. Whenever additional evidence is allowed to be received, the Appellate Court may either take such evidence, or direct the Court against whose decree the appeal is made, or any other subordinate Court, to take such evidence and to send it when taken to the Appellate Court.

Points to be defined and recorded.

570. In all cases where additional evidence is directed or allowed to be taken, the Appellate Court shall specify the points to which the evidence is to be confined, and record on its proceedings the points so specified.

Of the Judgment in Appeal.

Judgment when and where pronounced.

571. The Appellate Court, after hearing the parties or their pleaders and referring to any part of the proceedings, whether on appeal or in the Court against whose decree the appeal is made, to which reference may be considered necessary, shall pronounce judgment in open Court, either at once or on some future day, of which notice shall be given to the parties or their pleaders.

Language of judgment.

572. The judgment shall be written in English; provided that if English is not the mother-tongue of the Judge, and he is not able to write an intelligible judgment in English, the judgment shall be written in his mother-tongue or in the language of the Court.

Translation of judgment.

573. When the language in which the judgment is written is not the language of the Court, the judgment shall, if any party so require, be translated into such language, and the translation, after it has been ascertained to be correct, shall be signed by the Judge or such officer as he appoints in this behalf.

Contents of judgment.

574. The judgment of the Appellate Court shall state—

(a) the points for determination;

(b) the decision thereupon;

(c) the reasons for the decision; and,

(d) when the decree appealed against is reversed or varied, the relief to which the appellant is entitled,

Date and signature.

and shall at the time that it is pronounced be signed and dated by the Judge or by the Judges concurring therein.

Decision when appeal heard by two or more Judges.

575. When the appeal is heard by a Bench of two or more Judges, the appeal shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges.

If there be no such majority which concurs in a judgment varying or reversing the decree appealed against, such decree shall be affirmed:

Provided that if the Bench hearing the Appeal is composed of two Judges belonging to a Court consisting of more than two Judges, and the Judges composing the Bench differ in opinion on a point of law, the appeal may be referred to one or more of the other Judges of the same Court, and shall be decided according to the opinion of the majority (if any) of all the Judges who have heard the appeal, including those who first heard it.

When there is no such majority which concurs in a judgment varying or reversing the decree appealed against, such decree shall be affirmed.

The High Court may from time to time make rules consistent with this Code to regulate references under this section.

Dissent to be recorded.

576. When the appeal is heard by more Judges than one, any Judge dissenting from the judgment of the Court shall state in writing the decision or order which he thinks should be passed on the appeal, and he may state his reasons for the same.

What judgment may direct.

577. The judgment may be for confirming, varying or reversing the decree against which the appeal is made, or, if the parties to the appeal agree as to the form which the decree in appeal shall take, or as to the order to be passed in appeal, the Appellate Court may pass a decree or order accordingly.

No decree to be reversed or modified for error or irregularity not affecting merits or jurisdiction.

578. No decree shall be reversed or substantially varied, nor shall any case be remanded, in appeal, on account of any error, defect or irregularity, whether in the decision or in any order passed in the suit, or otherwise, not affecting the merits of the case or the jurisdiction of the Court.

Of the Decree in Appeal.

579. The decree of the Appellate Court shall bear date the day on which the judgment was pronounced.

Date and contents of decree.

The decree shall contain the number of the appeal, and the memorandum of appeal, including the names and description of the appellant and respondent, and shall specify clearly the relief granted or other determination of the appeal.

The decree shall also state the amount of costs incurred in the appeal, and by what parties and in what proportions such costs and the costs in the suit are to be paid.

The decree shall be signed and dated by the Judge or Judges who passed it:

Provided that where there are more Judges than one, if there be a difference of opinion among them, it shall not be necessary for any Judge dissenting from the judgment of the Court to sign the decree.

Judge dissenting from judgment need not sign decree.

580. Certified copies of the judgment and decree in appeal shall be furnished to the parties on application to the Court and at their expense.

Copies of judgment and decree to be furnished to parties.

581. A copy of the judgment and of the decree, certified by the Appellate Court or such officer as it appoints in this behalf, shall be sent to the Court which passed the decree appealed against, and shall be filed with the original proceedings in the suit, and an entry of the judgment of the appellate Court shall be made in the register of civil suits.

Certified copy of decree to be sent to Court whose decree appealed against.

582. The Appellate Court shall have, in appeals under this chapter, the same powers, and shall perform as nearly as may be the same duties, as are conferred and imposed by this Code on Courts of original jurisdiction in respect of suits instituted under Chapter V; and, in Chapter XXI, so far as may be, the words "plaintiff", "defendant" and "suit" shall be held to include an appellant, a respondent and an appeal, respectively, in proceedings arising out of the death, marriage or insolvency of parties to an appeal.

Appellate Court to have same powers as Courts of original jurisdiction.

The provisions hereinbefore contained shall apply to appeals under this chapter so far as such provisions are applicable.

583. When a party entitled to any benefit (by way of restitution or otherwise) under a decree passed in an appeal under this chapter desires to obtain execution of the same, he shall apply to the Court which passed the decree against which the appeal was preferred; and such Court shall proceed to execute the decree passed in appeal, according to the rules hereinbefore prescribed for the execution of decrees in suits.

Execution of decree of Appellate Court.

CHAPTER XLII.

OF APPEALS FROM APPELLATE DECREES.

584. Unless when otherwise provided by this Code or by any other law, from all decrees passed in appeal by any Court subordinate to a High Court, an appeal shall lie to the High Court on any of the following grounds (namely)—

Second appeals to High Court.

(*a*) the decision being contrary to some specified law or usage having the force of law;

Grounds of second appeal.

(*b*) the decision having failed to determine some material issue of law or usage having the force of law;

(*c*) a substantial error or defect in the procedure as prescribed by this Code or any other law, which may possibly have produced error or defect in the decision of the case upon the merits.

585. No second appeal shall lie except on the grounds mentioned in section 584.

Second appeal on no other grounds.

586. No second appeal shall lie in any suit of the nature cognizable in Courts of Small Causes, when the amount or value of the subject-matter of the original suit does not exceed five hundred rupees.

No second appeal in certain suits.

587. The provisions contained in Chapter XLI shall apply, as far as may be, to appeals under this chapter, and to the execution of decrees passed in such appeals.

Provisions as to second appeal.

CHAPTER XLIII.

OF APPEALS FROM ORDERS.

588. An appeal shall lie from the following orders under this Code, and from no other such orders:—

Orders appealable.

(1) orders under section 20, staying proceedings in a suit;

(2) orders under section 32, striking out or adding the name of any person as plaintiff or defendant;

(3) orders under section 36 or section 66, directing that a party shall appear in person;

(4) orders under section 44, adding a cause of action;

(5) orders under section 47, excluding a cause of action;

(6, orders returning plaints for amendment or to be presented to the proper Court;

(7) orders under section 111, setting-off, or refusing to set-off, one debt against another;

(8) orders rejecting applications under section 103 (in cases open to appeal) for an order to set aside the dismissal of a suit;

(9) orders rejecting applications under section 108, or an order to set aside a decree *ex parte*;

(10) orders under sections 113, 120 and 177;

(11) orders under section 116 or section 245, rejecting, or returning for amendment, written statements or applications for execution of decrees;

(12) orders under sections 143 and 145, directing anything to be impounded;

(13) orders under section 162, for the attachment and sale of moveable property;

(14) orders under section 168 for attachment of property, and orders under section 170 for the sale of attached property;

(15) orders under section 261, as to objections to draft-conveyances or draft-endorsements;

(16) orders under section 294, the first paragraph of section 312 or section 313, for confirming, or setting aside, or refusing to set aside, a sale of immoveable property;

(17) orders in insolvency-matters, under section 351, section 352, section 353 or section 357;

(18) orders under section 366, paragraph two, section 367 or section 368;

(19) orders rejecting applications under section 370 for dismissal of a suit;

(20) orders under section 371, refusing to set aside the abatement or dismissal of a suit;

(21) orders disallowing objections, under section 372;

(22) orders under section 454, section 455 or section 458, directing a next friend or guardian for the suit to pay costs;

(23) orders in interpleader-suits under section 473, clause (*a*), (*b*) or (*d*), section 475 or section 476;

(24) orders under section 479, section 480, section 485, section 492, section 493, section 496, section 497, section 502 or section 503;

(25) orders under section 514, superseding an arbitration;

(26) orders under section 518, modifying an award;

(27) orders of refusal under section 558 to re-admit, or under section 560 to re-hear, an appeal;

(28) orders under section 562, remanding a case;

(29) orders under any of the provisions of this Code, imposing fines, or for the arrest or imprisonment of any person, except when such imprisonment is in execution of a decree.

The orders passed in appeals under this section shall be final.

What Courts to hear appeals.

589. An appeal from any order specified in section 588, clauses (15), (16) and (17), shall lie to the High Court.

When an appeal from any other order is allowed by this chapter, it shall lie to the Court to which an appeal would lie from the decree in the suit in relation to which such order was made, or, when such order is passed by a Court (not being a High Court) in the exercise of appellate jurisdiction, then to the High Court.

Procedure in appeals from orders.

590. The procedure prescribed in Chapter XLI shall, so far as may be, apply to appeals from orders under this Code, or under any special or local law in which a different procedure is not provided.

No other appeal from orders; but error therein may be set forth in memorandum of appeal against decree.

591. Except as provided in this chapter, no appeal shall lie from any order passed by any Court in the exercise of its original or appellate jurisdiction; but if any decree be appealed against, any error, defect or irregularity in any such order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal.

CHAPTER XLIV.

OF PAUPER APPEALS.

Who may appeal as pauper.

592. Any person entitled under this Code or any other law to prefer an appeal, who is unable to pay the fee required for the petition of appeal, may, on presenting an application accompanied by a memorandum of appeal, be allowed to appeal as a pauper, subject to the rules contained in Chapters XXVI, XLI, XLII and XLIII, in so far as those rules are applicable:

Procedure on application for admission of appeal.

Provided that the Court shall reject the application unless, upon a perusal thereof and of the judgment and decree against which the appeal is made, it sees reason to think that the decree appealed against is contrary to law or to some usage having the force of law, or is otherwise erroneous or unjust.

Inquiry into pauperism.

593. The inquiry into the pauperism of the applicant may be made either by the Appellate Court or by the Court against whose decision the appeal is made under the orders of the Appellate Court:

Proviso.

Provided that, if the applicant was allowed to sue or appeal as a pauper in the Court against whose decree the appeal is made, no further inquiry in respect of his pauperism shall be necessary, unless the Appellate Court sees special cause to direct such inquiry.

CHAPTER XLV.

OF APPEALS TO THE QUEEN IN COUNCIL.

'Decree' defined.

594. In this chapter, unless there be something repugnant in the subject or context, the expression 'decree' includes also judgment and order.

When appeals lie to Queen in Council.

595. Subject to such rules as may, from time to time, be made by Her Majesty in Council regarding appeals from the Courts of British India, and to the provisions hereinafter contained,

an appeal shall lie to Her Majesty in Council—

(a) from any final decree passed on appeal by a High Court or any other Court of final appellate jurisdiction;

(b) from any final decree passed by a High Court in the exercise of original civil jurisdiction, and

(c) from any decree, when the case, as hereinafter provided, is certified to be a fit one for appeal to Her Majesty in Council.

Value of subject-matter.

596. In each of the cases mentioned in clauses (a) and (b) of section 595,

the amount or value of the subject-matter of the suit in the Court of first instance must be ten thousand rupees or upwards, and the amount or value of the matter in dispute on appeal to Her Majesty in Council must be the same sum or upwards,

or the decree must involve, directly or indirectly, some claim or question to, or respecting, property of like amount or value,

and where the decree appealed from affirms the decision of the Court immediately below the Court passing such decree, the appeal must involve some substantial question of law.

Bar of certain appeals.

597. Notwithstanding anything contained in section 595,

no appeal shall lie to Her Majesty in Council from the judgment of one Judge of a High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, or of one Judge of a Division Court, or of two or more Judges of such High Court, or of a Division Court constituted by two or more Judges of such High Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the High Court at the time being;

and no appeal shall lie to Her Majesty in Council from any decree which, under section 586, is final.

Application to Court whose decree complained of.

598. Whoever desires to appeal under this chapter to Her Majesty in Council must apply by petition to the Court whose decree is complained of.

Time within which application must be made.

599. Such application must ordinarily be made within six months from the date of such decree.

But if that period expires when the Court is closed, the application may be made on the day that the Court re-opens.

Certificate as to value or fitness.

600. Every petition under section 598 must state the grounds of appeal, and pray for a certificate, either that, as regards amount or value and nature, the case fulfils the requirements of section 596, or that it is otherwise a fit one for appeal to Her Majesty in Council.

Upon receipt of such petition, the Court may direct notice to be served on the opposite party to show cause why the said certificate should not be granted.

Effect of refusal of certificate.

601. If such certificate be refused, the petition shall be dismissed:

Provided that, if the decree complained of be a final decree passed by a Court other than a High Court, the order refusing the certificate shall be appealable, within thirty days from the date of the order, to the High Court to which the former Court is subordinate.

Security and deposit required on grant of certificate.

602. If the certificate be granted, the applicant shall, within six months from the date of the decree complained of, or within six weeks from the grant of the certificate, whichever is the later date,

(a) give security for the costs of the respondent, and

(b) deposit the amount required to defray the expense of translating, transcribing, indexing and transmitting to Her Majesty in Council a correct copy of the whole record of the suit, except

(1) formal documents directed to be excluded by any order of Her Majesty in Council in force for the time being;

(2) papers which the parties agree to exclude;

(3) accounts, or portions of accounts, which the officer empowered by the Court for that purpose considers unnecessary, and which the parties have not specifically asked to be included, and

(4) such other documents as the High Court may direct to be excluded:

and when the applicant prefers to print in India the copy of the record, except as aforesaid, he shall also, within the time mentioned in the first clause of this section, deposit the amount required to defray the expense of printing such copy.

Admission of appeal and procedure thereon.

603. When such security has been completed and deposit made to the satisfaction of the Court, the Court may

(a) declare the appeal admitted, and

(b) give notice thereof to the respondent, and shall then

(c) transmit to Her Majesty in Council, under the seal of the Court, a correct copy of the said record, except as aforesaid, and

(d) give to either party one or more authenticated copies of any of the papers in the suit on his applying therefor and paying the reasonable expenses incurred in preparing them.

Revocation of acceptance of security.

604. At any time before the admission of the appeal, the Court may, upon cause shown, revoke the acceptance of any such security, and make further directions thereon.

Power to order further security or payment.

605. If at any time after the admission of the appeal, but before the transmission of the copy of the record, except as aforesaid, to Her Majesty in Council, such security appears inadequate,

or further payment is required for the purpose of translating, transcribing, printing, indexing or transmitting the copy of the record, except as aforesaid,

the Court may order the appellant to furnish, within a time to be fixed by the Court, other and sufficient security, or to make, within like time, the required payment.

Effect of failure to comply with order.

606. If the appellant fail to comply with such order, the proceedings shall be stayed,

and the appeal shall not proceed without an order in this behalf of Her Majesty in Council,

and in the meantime execution of the decree appealed against shall not be stayed.

Refund of balance of deposit.

607. When the copy of the record, except as aforesaid, has been transmitted to Her Majesty in Council, the appellant may obtain a refund of the balance, if any, of the amount which he has deposited under section 602.

Powers of Court pending appeal.

608. Notwithstanding the admission of any appeal under this chapter, the decree appealed against shall be unconditionally enforced, unless the Court admitting the appeal otherwise directs.

But the Court may, if it thinks fit, on any special cause shown by any party interested in the suit, or otherwise appearing to the Court,

(*a*) impound any moveable property in dispute or any part thereof, or

(*b*) allow the decree appealed against to be enforced, taking such security from the respondent as the Court thinks fit for the due performance of any order which Her Majesty in Council may make on the appeal, or

(*c*) stay the execution of the decree appealed against, taking such security from the appellant as the Court thinks fit for the due performance of the decree appealed against, or of any order which Her Majesty in Council may make on the appeal, or

(*d*) place any party seeking the assistance of the Court under such conditions, or give such other direction respecting the subject-matter of the appeal, as it thinks fit.

Increase of security found inadequate.

609. If, at any time during the pendency of the appeal, the security so furnished by either party appears inadequate, the Court may, on the application of the other party, require further security.

In default of such further security being furnished as required by the Court, if the original security was furnished by the appellant, the Court may, on the application of the respondent, issue execution of the decree appealed against as if the appellant had furnished no such security.

And if the original security was furnished by the respondent, the Court shall, so far as may be practicable, stay all further execution of the decree, and restore the parties to the position in which they respectively were when the security which appears inadequate was furnished, or give such direction respecting the subject-matter of the appeal as it thinks fit.

Procedure to enforce orders of Queen in Council.

610. Whoever desires to enforce or to obtain execution of any order of Her Majesty in Council shall apply by petition, accompanied by a certified copy of the decree or order made in appeal and sought to be enforced or executed, to the Court from which the appeal to Her Majesty was preferred.

Such Court shall transmit the order of Her Majesty to the Court which made the first decree appealed from, or to such other Court as Her Majesty by her said order may direct, and shall (upon the application of either party) give such directions as may be required for the enforcement or execution of the same; and the Court to which the said order is so transmitted shall enforce or execute it accordingly, in the manner and according to the rules applicable to the execution of its original decrees.

When any moneys expressed to be payable in British currency are payable in India under such order, the amount so payable shall be estimated according to the rate of exchange for the time being fixed by the Secretary of State for India in Council, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, for the adjustment of financial transactions between the Imperial and the Indian Governments.

Appeal against order relating to execution.

611. The orders made by the Court which enforces or executes the order of Her Majesty in Council, relating to such enforcement or execution, shall be appealable in the same manner and subject to the same rules as the orders of such Court relating to the enforcement or execution of its own decrees.

Power to make rule

612. The High Court may, from time to time, make rules consistent with this Act to regulate—

(*a*) the service of notices under section 600;

(*b*) the grant or refusal of certificates, under sections 601 and 602, by Courts of final appellate jurisdiction subordinate to the High Court;

(*c*) the amount and nature of the security required under sections 602, 605 and 609;

(*d*) the testing of such security;

(*e*) the estimate of the cost of transcribing the record;

(*f*) the preparation, examination and certifying of such transcript;

(*g*) the revision and authentication of translations;

(*h*) the preparation of indices to transcripts of records, and of lists of the papers not included therein;

(*i*) the recovery of costs incurred in British India in connection with appeals to Her Majesty in Council,

and all other matters connected with the enforcement of this chapter.

Publication of rules.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law in the High Court and the Courts of final appellate jurisdiction subordinate thereto.

Legalization of existing rules.

613. All rules heretofore made and published by any High Court relating to appeal to Her Majesty in Council and in force immediately before the passing of this Act, shall, so far as they are consistent with this Act, be deemed to have been made and published hereunder.

Recorder of Rangoon.

614. In sections 595 and 612, the expression 'High Court' shall be deemed to include also the Recorder of Rangoon, but not so as to empower him to make rules binding on Courts other than his own Court.

Construction of Bengal Regulation III of 1828, section 4, clause 5.

615. The rules and restrictions referred to in Bengal Regulation III of 1828, section IV, clause *fifth*, shall be deemed to be the rules and restrictions applicable to appeals under this Code from the decisions of the High Court of Judicature at Fort William in Bengal.

Saving of Her Majesty's pleasure,

616. Nothing herein contained shall be understood—

(*a*) to bar the full and unqualified exercise of Her Majesty's pleasure in receiving or rejecting appeals to Her Majesty in Council, or otherwise howsoever, or

and of rules for conduct of business before Judicial Committee.

(*b*) to interfere with any rules made by the Judicial Committee of the Privy Council, and for the time being in force, for the presentation of appeals to Her Majesty in Council, or their conduct before the said Judicial Committee.

And nothing in this chapter applies to any matter of criminal or admiralty or vice-admiralty jurisdiction, or to appeals from orders and decrees of Prize Courts.

PART VII.

CHAPTER XLVI.

OF REFERENCE TO AND REVISION BY THE HIGH COURT.

Reference of question to High Court.

617. If before or on the hearing of a suit or an appeal in which the decree is final, or if in the execution of any such decree, any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits, arises, on which the Court trying the suit or appeal, or executing the decree, entertains reasonable doubt, the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer such statement with its own opinion on the point for the decision of the High Court.

Court may pass decree contingent upon opinion of High Court.

618. The Court may either stay the proceedings or proceed in the case notwithstanding such reference, and may pass a decree or order contingent upon the opinion of the High Court on the point referred;

but no execution shall be issued, property sold, or person imprisoned in any case in which such reference is made until the receipt of a copy of the judgment of the High Court upon such reference.

Judgment of High Court to be transmitted, and case disposed of accordingly.

619. The High Court shall hear the parties to the case in which the reference is made, in person or by their respective pleaders, and shall decide the point so referred, and shall transmit a copy of its judgment, under the signature of the Registrar, to the Court by which the reference was made; and such Court shall, on the receipt thereof, proceed to dispose of the case in conformity with the decision of the High Court.

Costs of reference to High Court.

620. Costs, if any, consequent on a reference for the opinion of the High Court, shall be costs in the case.

Power to alter, &c., decrees of Court making reference.

621. When a case is referred to the High Court under this chapter, the High Court may return the case for amendment, and may alter, cancel or set aside any decree or order which the Court making the reference has passed in the case out of which the reference arose, and make such order as it thinks fit.

Power to call for record of cases not appealable to High Court.

622. The High Court may call for the record of any case in which no appeal lies to the High Court, if the Court by which the case was decided appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its jurisdiction illegally or with

material irregularity; and may pass such order in the case as the High Court thinks fit.

PART VIII.

CHAPTER XLVII.

OF REVIEW OF JUDGMENT.

Application for review of judgment.

623. Any person considering himself aggrieved—

(a) by a decree or order from which an appeal is hereby allowed, but from which no appeal has been preferred;

(b) by a decree or order from which no appeal is hereby allowed; or

(c) by a judgment on a reference from a Court of Small Causes,

and who from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him,

may apply for a review of judgment to the Court which passed the decree or made the order, or to the Court, if any, to which the business of the former Court has been transferred.

A party who is not appealing from a decree may apply for a review of judgment notwithstanding the pendency of an appeal by some other party, except when the ground of such appeal is common to the applicant and the appellant, or when, being a respondent, he can present to the Appellate Court the case on which he applies for the review.

To whom applications for review may be made.

624. Except upon the ground of the discovery of such new and important matter or evidence as aforesaid, or of some clerical error apparent on the face of the decree, no application for a review of judgment, other than that of a High Court, shall be made to any Judge other than the Judge who delivered it.

Form of applications for review.

625. The rules hereinbefore contained as to the form of making appeals shall apply, *mutatis mutandis*, to applications for review.

Application when rejected.

626. If it appears to the Court that there is not sufficient ground for a review, it shall reject the application.

Application when granted.

If the Court be of opinion that the application for the review should be granted, it shall grant the same, and the Judge shall record with his own hand his reasons for such opinion:

Proviso.

Provided that—

(a) no such application shall be granted without previous notice to the opposite party to enable him to appear and be heard in support of the decree a review of which is applied for; and

(b) no such application shall be granted on the ground of discovery of new matter or evidence which the applicant alleges was not within his knowledge, or could not be adduced by him, when the decree or order was passed, without strict proof of such allegation.

Application for review in Court consisting of two or more Judges.

627. If the Judge or Judges, or any one of the Judges, who passed the decree or order, a review of which is applied for, continues or continue attached to the Court at the time when the application for a review is presented, and is not or are not precluded by absence or other cause, for a period of six months next after the application, from considering the decree or order to which the application refers, such Judge or Judges or any of them shall hear the application, and no other Judge or Judges of the Court shall hear the same.

Application when rejected.

628. If the application for a review be heard by more than one Judge and the Court be equally divided, the application shall be rejected.

If there be a majority the decision shall be according to the opinion of the majority.

Order of rejection final.

Objections to admission.

629. An order of the Court for rejecting the application shall be final; but whenever such application is admitted, the admission may be objected to on the ground that it was

(a) in contravention of the provisions of section 624,

(b) in contravention of the provisions of section 626, or

(c) after the expiration of the period of limitation prescribed therefor and without sufficient cause.

Such objection may be made at once by an appeal against the order granting the application, or may be taken in any appeal against the final decree or order made in the suit.

Where the application has been rejected in consequence of the failure of the applicant to appear, he may apply for an order to have the rejected application restored to the file, and, if it be proved to the satisfaction of the Court that he was prevented by any sufficient cause from appearing when such application was called on for hearing, the Court may order it to be restored to the file upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for hearing the same.

No order shall be made under this section unless the applicant has served the opposite party with notice in writing of the latter application.

No application to review an order passed on review or on an application for a review shall be entertained.

Registry of application granted, and order for re-hearing.

630. When an application for a review is granted, a note thereof shall be made in the register, and the Court may at once re-hear the case or make such order in regard to the re-hearing as it thinks fit.

PART IX.

CHAPTER XLVIII.

SPECIAL RULES RELATING TO THE CHARTERED HIGH COURTS.

Chapter to apply only to certain High Courts.

631. This chapter applies only to High Courts which are or may hereafter be established under the twenty-fourth and twenty-fifth of Victoria, chapter 104 (*An Act for establishing High Courts of Judicature in India*).

Application of Code to High Courts.

632. Except as provided in this chapter the provisions of this Code apply to such High Courts.

High Court to record judgments according to its own rules.

633. The High Court shall take evidence, and record judgments and orders in such manner as it by rule from time to time directs.

Power to order execution of decree before ascertainment of costs, and

634. Whenever a High Court considers it necessary that a decree made in the exercise of its ordinary original civil jurisdiction should be enforced before the amount of the costs incurred in the suit can be ascertained by taxation, the Court may order that the decree shall be executed forthwith, except as to so much thereof as relates to the costs;

execution for costs subsequently.

and, as to so much thereof as relates to the costs, that the decree may be executed as soon as the amount of the costs shall be ascertained by taxation.

Unauthorized persons not to address Court.

635. Nothing in this Code shall be deemed to authorize any person on behalf of another to address the Court in the exercise of its ordinary original civil jurisdiction, or to examine witnesses, except when the Court shall have in the exercise of the power conferred by its charter authorized him so to do, or to interfere with the power of the High Court to make rules concerning advocates, vakils and attorneys.

Who may serve process of High Courts.

636. Notices to produce documents, summonses to witnesses, and every other judicial process, issued in the exercise of the ordinary or extraordinary original civil jurisdiction of the High Court, and of its matrimonial, testamentary and intestate jurisdictions, except summonses to defendants issued under section 64, writs of execution, and notices under section 558, may be served by the attorneys in the suit, or by persons employed by them, or by such other persons as the High Court by any rule or order from time to time directs.

Non-judicial acts may be done by Registrar.

637. Any non-judicial or quasi-judicial act which this Code requires to be done by a Judge, and any act which may be done by a Commissioner appointed to examine and adjust accounts under section 394, may be done by the Registrar of the Court or by such other officer of the Court as the Court may direct to do such act.

The High Court may from time to time by rule declare what shall be deemed to be non-judicial and quasi-judicial acts within the meaning of this section.

Sections not applying to High Court in original civil jurisdiction.

638. The following portions of this Code shall not apply to the High Court in the exercise of its ordinary or extraordinary original civil jurisdiction, namely, sections 16, 17 and 19, sections 54, clauses (*a*) and (*b*), 57, 119, 160, 182 to 185 (both inclusive), 187, 189, 190, 191, 192 (so far as relates to the manner of taking evidence), 198 to 206 (both inclusive), and so much of section 409 as relates to the making of a memorandum;

and section 579 shall not apply to the High Court in the exercise of its appellate jurisdiction.

Code not to affect High Court in exercise of insolvent jurisdiction.

Nothing in this Code shall extend or apply to any Judge of a High Court in the exercise of jurisdiction as an Insolvent Court.

Power to frame forms.

639. The High Court may from time to time frame forms for any proceeding in such Court, and may make rules as to the books, entries and accounts to be kept by its officers.

PART X.

CHAPTER XLIX.

MISCELLANEOUS.

Exemption of certain women from personal appearance.

640. Women, who according to the customs and manners of the country ought not to be compelled to appear in public, shall be exempt from personal appearance in Court.

But nothing herein contained shall be deemed to exempt such women from arrest in execution of civil process.

Local Government may exempt certain persons from personal appearance.

641. The Local Government may, by notification in the official Gazette, exempt from personal appearance in Court any person whose rank, in the opinion of such Government, entitles him to the

privilege of exemption, and may, by like notification, withdraw such privilege.

Lists of names of persons exempted to be kept in Courts.

The names and residences of the persons so exempted shall from time to time be forwarded to the High Court by the Local Government, and a list of such persons shall be kept in such Court, and a list of such persons as reside within the local limits of the jurisdiction of each Court subordinate to the High Court shall be kept in such subordinate Court.

Costs of commission rendered necessary by claiming privilege.

When any person so exempted claims the privilege of such exemption, and it is consequently necessary to examine him by commission, he shall pay the costs of that commission, unless the party requiring his evidence pays such costs.

Persons exempt from arrest under civil process.

642. No Judge, Magistrate or other judicial officer shall be liable to arrest under civil process while going to, presiding in, or returning from, his Court.

And, except as provided in sections 256 and 643, where any matter is pending before a tribunal having jurisdiction therein, or believing in good faith that it has such jurisdiction, the parties thereto, their pleaders, mukhtárs, revenue-agents and recognized agents, and their witnesses acting in obedience to a summons, shall be exempt from arrest under civil process while going to or attending such tribunal for the purpose of such matter, and while returning from such tribunal.

Procedure in case of certain offences.

643. When in a case pending before any Court, there appears to the Court sufficient ground for sending for investigation to the Magistrate a charge of any such offence as is described in section 193, section 196, section 199, section 200, section 205, section 206, section 207, section 208, section 209, section 210, section 463, section 471, section 474, section 475, section 476 or section 477 of the Indian Penal Code, which may be made in the course of any other suit or proceeding, or with respect to any document offered in evidence in the case, the Court may cause the person accused to be detained till the rising of the Court, and may then send him in custody to the Magistrate, or take sufficient bail for his appearance before the Magistrate.

The Court shall send to the Magistrate the evidence and documents relevant to the charge, and may bind over any person to appear and give evidence before such Magistrate.

The Magistrate shall receive such charge and proceed with it according to law.

Use of forms in fourth schedule.

644. Subject to the power conferred on the High Court by section 639 and by the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, the forms set forth in the fourth schedule hereto annexed, with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

Language of subordinate Courts.

645. The language which, when this Code comes into force, is the language of any Court subordinate to a High Court, shall continue to be the language of such subordinate Court until the Local Government otherwise orders;

but it shall be lawful for the Local Government from time to time to declare what language shall be the language of every such Court.

Assessors in causes of salvage, &c.

645A. In any Admiralty or Vice-Admiralty cause of salvage, towage or collision, the Court, whether it be exercising its original or its appellate jurisdiction, may if it thinks fit, and upon request of either party to such cause shall, summon to its assistance, in such manner as the Court may by rule, from time to time, direct, two competent assessors; and such assessors shall attend and assist accordingly.

Every such assessor shall receive such fees for his attendance as the Court by rule prescribes. Such fees shall be paid by such of the parties as the Court in each case may direct.

Power of Registrars of Small Cause Courts to state cases.

646. Whenever the Registrar of a Court of Small Causes has any doubt upon any question of law or usage having the force of law, or as to the construction of a document, which construction may affect the merits of the decision, he may state a case for the opinion of the Judge; and all the provisions herein contained relative to the stating of a case by the Judge shall apply, *mutatis mutandis*, to the stating of a case by the Registrar.

Miscellaneous proceedings.

647. The procedure herein prescribed shall be followed, as far as it can be made applicable, in all proceedings in any Court of civil jurisdiction other than suits and appeals.

Admission of affidavits as evidence.

The High Court may from time to time make rules to provide for the admission, in such proceedings, of affidavits as evidence of the matters to which such affidavits respectively relate; and such rules, on being published in the local official Gazette, shall have the force of law.

Procedure when person to be arrested or property to be attached is outside district.

648. Where any Court desires that any person shall be arrested or that any property shall be attached under any provision of this Code not relating to the execution of decrees, and such person resides or property is situate outside the local limits of its jurisdiction, the Court may, in its discretion, issue a warrant of arrest or make an order of attachment, and send to the District Court within the local limits of whose jurisdiction such person or property resides or is situate a copy of the warrant or order, together with the probable amount of the costs of the arrest or attachment.

The District Court shall, on receipt of such copy and amount, cause the arrest or attachment to be

made by its own officers, or by a Court subordinate to itself, and shall inform the Court which issued or made such warrant or order of the arrest or attachment;

and the Court making any arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued, unless he furnishes sufficient security for his appearance before that Court, or (where the case is one under Chapter XXXIV) for satisfying any decree that may be passed against him by such Court, in either of which cases the Court making the arrest shall release him.

Rules applicable to all civil process for arrest, sale or payment.

649. The rules contained in Chapter XIX shall apply to the execution of any judicial process for the arrest of a person or the sale of property or payment of money, which may be desired or ordered by a Civil Court in any civil proceeding.

In the same chapter, the expression 'Court which passed a decree', or words to that effect, shall, unless there is something repugnant in the context, be deemed to include, where the decree to be executed is passed in appeal, the Court which passed the decree against which the appeal was preferred, and, where the Court which passed the decree to be executed has ceased to exist or to have jurisdiction to execute it, the Court which, if the suit wherein the decree was passed were instituted at the time of making application for execution of the decree, would have jurisdiction to try such suit.

Application of rules as to witnesses.

650. The provisions of Chapters XIV and XV relating to witnesses shall apply to all persons required to give evidence or to produce documents in any proceeding under this Code.

Service of foreign summonses.

650 A. Summonses issued by any Civil or Revenue Court situate beyond the limits of British India may be sent to the Courts in British India and served as if they had been issued by such Courts: Provided that the Courts issuing such summonses have been established by the authority of the Governor General in Council, or that the Governor General in Council has, by notification in the *Gazette of India*, declared the provisions of this section to apply to such Courts.

The Governor General in Council may by like notification cancel any notification made under this section, but not so as to invalidate the service of any summons served previous to such cancellation.

Penalty for resisting apprehension or escaping from custody under Code or civil process.

651. Whoever offers any resistance or illegal obstruction to the lawful apprehension of himself under this Code, or under the warrant of any Civil or Revenue Court, or escapes or attempts to escape from any custody in which he is lawfully detained under this Code or under such warrant, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Power to make subsidiary rules of procedure.

652. The High Court may from time to time make rules consistent with this Code to regulate any matter connected with its own procedure or the procedure of the Courts of Civil Judicature subject to its superintendence. All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

THE FIRST SCHEDULE.

(*See section 3.*)

ACTS REPEALED.

Number and year.	Subject or title.	Extent of repeal.
X of 1877	The Code of Civil Procedure	So much as has not been repealed.
XII of 1879	Amending Act X of 1877, &c.	Sections one to one hundred and three (both inclusive).
VII of 1880	Merchant Shipping	Section eighty-five.

THE SECOND SCHEDULE.

(*See section 5.*)

Chapters and Sections of this Code extending to Provincial Courts of Small Causes.

PRELIMINARY: Sections 1, 2, 3 and 5.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11.

CHAPTER II.—Of the Place of Suing, except section 20, paragraph 4, and sections 22 to 24 (both inclusive).

CHAPTER III.—Of Parties and their Appearances, Applications and Acts.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.

CHAPTER V.—Of the Institution of Suits.

CHAPTER VI.—Of the Issue and Service of Summons, except section 77.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Section 111, Set-off.

CHAPTER IX.—Of the examination of the Parties by the Court, except section 119.

CHAPTER X.—Of Discovery and the Admission, &c., of Documents.

CHAPTER XII.—Section 155, first paragraph, Judgment where either party fails to produce his evidence.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses.

CHAPTER XV.—Of the Hearing of the suit and Examination of Witnesses, except sections 182 to 188 (both inclusive).

CHAPTER XVII.—Of Judgment and Decree, except sections 204, 207, 211, 212, 213, 214 and 215.

CHAPTER XVIII.—Sections 220, 221 and 222, Of Costs.

CHAPTER XIX.—Of the Execution of Decrees, sections 223 to 236 (both inclusive), 239 to 258 (both inclusive), 259 (except so far as relates to the recovery of wives), 266 (except so far as relates to immoveable property), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 280 (both inclusive), 283, 284 (so far as relates to moveable property), 285, 286, 287, 288, 289, 290, 291, 292, 293 (so far as relates to re-sales under 297), 294 to 303 (both inclusive), 328 to 333 (both inclusive, so far as relates to moveable property), 336 to 343 (both inclusive).

CHAPTER XX.—Section 360, Power to invest certain Courts with Insolvency-jurisdiction.

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of payment into Court.

CHAPTER XXIV.—Of requiring Security for Costs.

CHAPTER XXV.—Of Commissions.

CHAPTER XXVI.—Suits by Paupers.

CHAPTER XXVII.—Suits by and against Government or Government Servants.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers, except the first paragraph of section 433.

CHAPTER XXIX.—Suits by and against Corporations and Companies.

THE SECOND SCHEDULE—*concluded.*

Chapters and Sections of this Code extending to Provincial Courts of Small Causes—concluded.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.
CHAPTER XXXI.—Suits by and against Minors and Persons of unsound Mind.
CHAPTER XXXII.—Suits by and against Military Men.
CHAPTER XXXIII.—Interpleader.
CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards immoveable property.
CHAPTER XXXVI.—Appointment of Receivers.
CHAPTER XXXVII.—Reference to Arbitration, sections 506 to 526 (both inclusive).
CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties.
CHAPTER XLVI.—Reference to and Revision by High Court.
CHAPTER XLVII.—Of Review of Judgment.
CHAPTER XLIX.—Miscellaneous, sections 640 to 647 (both inclusive), sections 649 to 652 (both inclusive).

THE THIRD SCHEDULE.

(See section 7.)

Bombay Enactments.

Bombay Regulation XXIX, 1827.
" " VII, 1830.
" " I, 1831.
" " XVI, 1831.
Act XIX of 1835.
" XIII of 1842.

THE FOURTH SCHEDULE.

(*See section 644.*)

FORMS OF PLEADINGS AND DECREES.

A.—PLAINTS. PART I.

No. 1.

FOR MONEY LENT.

IN THE COURT OF , AT

Civil Suit No.

A. B. of
against
C. D. of

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , he lent the defendant rupees repayable on demand [*or* on the day of].
2. That the defendant has not paid the same, except rupees paid on the day of 18 .

[*If the plaintiff claims exemption from any law of limitation, say:*—

3. The plaintiff was a minor [*or* insane] from the day of till the day of].
4. The plaintiff prays judgment for rupees, with interest at per cent. from the day of 18 .

[NOTE.—The object of stating when the debt is to be repaid is merely to fix a date for interest. If, therefore, interest is not claimed, the statement may be omitted.

No. 2.

FOR MONEY RECEIVED TO PLAINTIFF'S USE.

(*Title.*)

A. B and *G. H.*, the above-named plaintiffs, state as follows:—

1. That on the day of 18 , at , the defendant received rupees [*or* a cheque on the Bank for rupees] from one *E. F.* for the use of the plaintiffs.
2. That the defendant has not paid [*or* delivered] the same accordingly.
3. The plaintiffs pray judgment for rupees, with interest at per cent. from the day of 18 .

THE FOURTH SCHEDULE—*continued.*

No. 3.

FOR PRICE OF GOODS SOLD BY A FACTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , he and *E. F.*, since deceased, delivered to the defendant [*one thousand barrels of flour, five hundred maunds of rice, or as the case may be*] for sale upon commission.

2. That on the day of 18 , [*or*, on some day unknown to the plaintiff, before the day of 18], the defendant sold the said merchandise for rupees.

3. That the commission and expenses of the defendant thereon amount to rupees.

4. That on the day of 18 , the plaintiff demanded from the defendant the proceeds of the said merchandise.

5. That he has not paid the same.

[*Demand of judgment.*]

No. 4.

FOR MONEY RECEIVED BY DEFENDANT THROUGH THE PLAINTIFF'S MISTAKE OF FACT.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff agreed to buy and the defendant agreed to sell bars of silver at annas per tola of fine silver.

2. That the plaintiff procured the said bars, to be assayed by one *E. F.*, who was paid by the defendant for such assay, and that the said *E. F.* declared each of the said bars to contain 1,500 tolas of fine silver, and that the plaintiff accordingly paid the defendant Rs. annas therefor.

3. That each of the said bars did contain only 1,200 tolas of fine silver.

4. That the defendant has not repaid the sum so overpaid.

[*Demand of judgment.*]

[NOTE.—A demand of repayment is not necessary, but it may affect the question of interest or the costs.]

No. 5.

FOR MONEY PAID TO A THIRD PARTY AT THE DEFENDANT'S REQUEST.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , at the request [*or* by the authority] of the defendant, the plaintiff paid to one *E. F.* rupees.

2. That, in consideration thereof, the defendant promised [*or* became bound] to pay the same to the plaintiff on demand [*or as the case may be*].

3. That [on the day of 18 , the plaintiff demanded payment of the same from the defendant, but] he has not paid the same.

[*Demand of judgment.*]

[NOTE.—If the request or authority is implied, the plaint should state facts raising the implication.]

No. 6.

FOR GOODS SOLD AT A FIXED PRICE AND DELIVERED.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , *E. F.*, of , deceased, sold and delivered to the defendant [one hundred barrels of flour, *or*, the goods mentioned in the schedule hereto annexed, *or*, sundry goods].

2. That the defendant promised to pay rupees for the said goods on delivery [*or*, on the day of *some day before the plaint was filed*].

3. That he has not paid the same.

4. That the said *E. F.*, in his lifetime made his will, whereby he appointed the plaintiff executor thereof.

5. That on the day of 18 , the said *E. F.* died.

6 That on the day of probate of the said will was granted to the plaintiff by the Court of .

7. The plaintiff as executor as aforesaid [*Demand of judgment*].

[NOTE.—If a day was fixed for payment it should be stated as furnishing a date for the commencement of interest.]

THE FOURTH SCHEDULE—*continued.*

No. 7.

GOODS SOLD AT A REASONABLE PRICE AND DELIVERED.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff sold and delivered to the defendant [sundry articles of house-furniture] but no express agreement was made as to the price.

2. That the same were reasonably worth rupees.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

[NOTE.—The law implies a promise to pay so much as the goods are reasonably worth.]

No. 8.

FOR GOODS DELIVERED TO A THIRD PARTY AT DEFENDANT'S REQUEST AT A FIXED PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff sold to the defendant [one hundred barrels of flour] and, at the request of the defendant, delivered the same to one *E. F.*

2. That the defendant promised to pay to the plaintiff rupees therefor.

3. That he has not paid the same.

[*Demand of judgment.*]

No. 9.

FOR NECESSARIES FURNISHED TO THE FAMILY OF DEFENDANT'S TESTATOR WITHOUT HIS EXPRESS REQUEST, AT A REASONABLE PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff furnished to [*Mary Jones*] the wife of [*James Jones*] deceased, at her request, sundry articles of [*food and clothing*], but no express agreement was made as to the price.

2. That the same were necessary for her.

3. That the same were reasonably worth rupees.

4. That the said *James Jones* refused to pay the same.

5. That the defendant is the executor of the last Will of the said *James Jones.*

[*Demand of judgment.*]

No. 10.

FOR GOODS SOLD AT A FIXED PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the plaintiff sold to *E. F.*, of , deceased, [*all the crops then growing on his farm in*

2. That the said *E. F.* promised to pay the plaintiff rupees for the same.

3. That he did not pay the same.

4. That the defendant is administrator of the estate of the said *E. F.*

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 11.

FOR GOODS SOLD AT A REASONABLE PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , *E. F.*, of , sold to the defendant [*all the fruit growing in his orchard in*], but no express agreement was made as to the price.

2. That the same was reasonably worth rupees.

3. That the defendant has not paid the same.

4. That on the day of the High Court of Judicature at Fort William duly adjudged the said *E. F.* to be a lunatic and appointed the plaintiff committee of his estate, with the usual powers for the management thereof.

5. The plaintiff as committee as aforesaid [*Demand of judgment*].

[NOTE.—When the lunatic's estate is not subject to the ordinary original jurisdiction of a High Court, for paragraphs 4 and 5 substitute the following:—]

4. That on the day of the Civil Court of duly adjudged the said *E. F.* to be of unsound mind and incapable of managing his affairs, and appointed the plaintiff Manager of his estate.

5. The plaintiff as Manager as aforesaid.

[*Demand of judgment.*]

No. 12.

FOR GOODS MADE AT DEFENDANT'S REQUEST, AND NOT ACCEPTED.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , *E. F.*, of , agreed with the plaintiff that the plaintiff should make for him [*six tables and fifty chairs*], and that the said *E. F.* should pay for the same upon delivery thereof rupees.

2. That the plaintiff made the said goods, and on the day of 18 , offered to deliver the same to the said *E. F.*, and has ever since been ready and willing so to do.

3. That the said *E. F.* has not accepted the said goods or paid for the same.

4. That on the day of 18 , the High Court of Judicature at Fort William duly adjudged the said *E. F.* to be a lunatic, and appointed the defendant committee of his estate.

5. The plaintiff prays judgment for rupees with interest from the day of , at the rate of per cent. per annum, to be paid out of the estate of the said *E. F.* in the hands of the defendant.

No. 13.

FOR DEFICIENCY UPON A RE-SALE [GOODS SOLD AT AUCTION].

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , plaintiff put up at auction sundry [*articles of merchandise*], subject to the condition that all goods not paid for and removed by the purchaser thereof within [*ten days*] after the sale, should be re-sold by auction on his account, of which condition the defendant had notice.

2. That the defendant purchased [*one crate of crockery*] at the said auction at the price of rupees.

3. That the plaintiff was ready and willing to deliver the same to the defendant on the said day and for [*ten days*] thereafter, of which the defendant had notice.

4. That the defendant did not take away the said goods purchased by him, nor pay therefor, within [*ten days*] after the sale, nor afterwards.

5. That on the day of 18 , at , the plaintiff re-sold the said [*crate of crockery*], on account of the defendant, by public auction, for rupees.

6. That the expenses attendant upon such re-sale amounted to rupees.

7. That the defendant has not paid the deficiency thus arising, amounting to rupees.

[*Demand of judgment.*]

[NOTE to § 4.—Unless the seller agreed to deliver, the purchaser must fetch the goods; see Act IX of 1872, section 93.]

THE FOURTH SCHEDULE—*continued.*

No. 14.

FOR THE PURCHASE-MONEY OF LANDS CONVEYED.

(*Title*).

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the plaintiff sold [and conveyed] to the defendant [the house and compound No. , in the city of *or*, a farm known as , in *or*, a piece of land lying, *&c.*]

2. That the defendant promised to pay the plaintiff rupees for the said [house and compound, *or* farm, *or* land].

3. That he has not paid the same.

[*Demand of judgment.*]

[NOTE.—Where there has been no actual conveyance, say, in § 1. "sold to the defendant the house, &c., and placed him in possession of the same."]

No. 15.

FOR THE PURCHASE-MONEY OF IMMOVEABLE PROPERTY CONTRACTED TO BE SOLD, BUT NOT CONVEYED.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the plaintiff and defendant mutually agreed that the plaintiff should sell to the defendant, and that the defendant should purchase from the plaintiff [the house No. , in the town of , *or* one hundred bighás of land in , bounded by the East Indian railroad, and by other lands of the plaintiff] for rupees.

2. That on the day of 18 , at , the plaintiff tendered [*or*, was ready and willing, and offered to execute] a sufficient instrument of conveyance of the said property to the defendant, on payment of the said sum, and still is ready and willing to execute the same.

3. That the defendant has not paid the said sum.

[*Demand of judgment.*]

No. 16.

FOR SERVICES AT A FIXED PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant [hired plaintiff as a clerk, at the salary of rupees per year].

2. That from the [said day] until the day of 18 , the plaintiff served the defendant as his [clerk].

3. That the defendant has not paid the said salary.

[*Demand of judgment.*]

No. 17.

FOR SERVICES AT A REASONABLE PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That between the day of 18 , and the day of 18 at , plaintiff [executed sundry drawings, designs and diagrams] for the defendant, at his request; but no express agreement was made as to the sum to be paid for such services.

2. That the said services were reasonably worth rupees.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 18.

FOR SERVICES AND MATERIALS AT A FIXED PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff [furnished the paper for and printed one thousand copies of a book called] for the defendant, at his request [and delivered the same to him].

2. That the defendant promised to pay rupees therefor.

3. That he has not paid the same.

[*Demand of judgment.*]

No. 19.

FOR SERVICES AND MATERIALS AT A REASONABLE PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff built a house [known as No. , in], and furnished the materials therefor, for the defendant, at his request, but no express agreement was made as to the price to be paid for such work and materials.

2. That the said work and materials were reasonably worth rupees.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 20.

FOR RENT RESERVED IN A LEASE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant entered into a contract with the plaintiff, under their hands, a copy of which is hereto annexed.

[*Or state the substance of the contract.*]

2. That the defendant has not paid the rent of the [month] ending on the day of 18 , amounting to rupees.

[*Demand of judgment.*]

Another Form.

1. That the plaintiff let to the defendant a house, No. 27, Chowringhee, for seven years to hold from the day of 18 , at rupees a year, payable quarterly.

2. That of such rent quarters are due and unpaid.

[*Demand of judgment.*]

No. 21.

FOR USE AND OCCUPATION AT A FIXED RENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant hired from the plaintiff [the house No. , street], at the rent of rupees, payable on the first day of .

2. That the defendant occupied the said premises from the day of 18 , to the day of 18 .

3. That the defendant has not paid rupees, being the part of said rent due on the first day of 18 .

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 22.

FOR USE AND OCCUPATION AT A REASONABLE RENT.

(*Title.*)

A. B., the above-named plaintiff, executor of the will of *X. Y.*, deceased, states as follows:—

1. That the defendant occupied the [house No. , street], by permission of the said *X. Y.*, from the day of 18 , until the day of 18 , and no agreement was made as to payment for the use of the said premises.

2. That the use of the said premises for the said period was reasonably worth rupees.

3. That the defendant has not paid the same.

4. The plaintiff as such executor as aforesaid prays judgment for rupees.

No. 23

FOR BOARD AND LODGING.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That from the day of 18 , until the day of 18 , the defendant occupied certain rooms in the house [No. , street], by permission of the plaintiff, and was furnished by the plaintiff, at his request, with meat, drink, attendance and other necessaries.

2. That, in consideration thereof, the defendant promised to pay [*or* That no agreement was made as to payment for such meat, drink, attendance or necessaries, but the same were reasonably worth] the sum of rupees.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 24.

FOR FREIGHT OF GOODS.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , plaintiff transported in [his barge, *or otherwise*] [one thousand barrels of flour, *or* sundry goods], from to , at the request of the defendant.

2. That the defendant promised to pay the plaintiff the sum of [one rupee per barrel] as freight thereon [*or*, That no agreement was made as to payment for such transportation, but such transportation was reasonably worth rupees.]

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 25.

FOR PASSAGE-MONEY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , plaintiff conveyed the defendant [in his ship, called the], from to at his request.

2. That the defendant promised to pay the plaintiff rupees therefor. [*or* That no agreement was made as to the price of the said passage, but the said passage was reasonably worth rupees].

3. That the defendant has not paid the same.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 26.

ON AN AWARD.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant, having a controversy between them concerning [a demand of the plaintiff for the price of ten barrels of oil, which the defendant refused to pay], agreed to submit the same to the award of *E. F.* and *G. H.*, as arbitrators [*or*, entered into an agreement, a copy of which is hereto annexed].

2. That on the day of 18 , at , the said arbitrators awarded that the defendant should [pay the plaintiff rupees].

3. That the defendant has not paid the same.

[*Demand of judgment.*]

[NOTE.—This will apply where the agreement to refer is not filed in court.]

No. 27.

ON A FOREIGN JUDGMENT.

(*Title*).

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , in the State [*or* Kingdom] of , the Court of that State [*or* Kingdom], in a suit therein pending between the plaintiff and the defendant, duly adjudged that the defendant should pay to the plaintiff rupees, with interest from the said date.

2. That the defendant has not paid the same.

[*Demand of judgment.*]

PLAINTS UPON INSTRUMENTS FOR THE PAYMENT OF MONEY ONLY.

No. 28.

ON AN ANNUITY BOND.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant by his bond became bound to the plaintiff in the sum of rupees to be paid by the defendant to the plaintiff, subject to a condition that if the defendant should pay to the plaintiff rupees half-yearly on the day of and the day of in every year during the life of the plaintiff, the said bond should be void.

2. That afterwards, on the day of 18 , the sum of rupees for of the said half-yearly payments of the said annuity, became due to the plaintiff and is still unpaid.

[*Demand of judgment.*]

No. 29.

PAYEE AGAINST MAKER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, by his promissory note now overdue, promised to pay to the plaintiff rupees [days] after date.

2. That he has not paid the same [except rupees, paid on the day of 18].

[*Demand of judgment.*]

[NOTE.—*Where the note is payable after notice, for paragraphs 1 and 2 substitute:*—]

1. That on the day of 18 , at , the defendant by his promissory note promised to pay to the plaintiff rupees months after notice.

THE FOURTH SCHEDULE—*continued.*

2. That notice was afterwards given by the plaintiff to the defendant to pay the same months after the said notice.

3. That the said time for payment has elapsed, but the defendant has not paid the same.

[*Where the note is payable at a particular place, say*—]

1. That on the day of 18 , at , the defendant by his promissory note, now overdue, promised to pay to the plaintiff [at Messrs. *A. & Co.'s*, Madras] rupees months after date.

2. That the said note was duly presented for payment [at Messrs. *A. & Co.'s*] aforesaid, but has not been paid.

Written Statement of the Defendant.

IN THE COURT, &c.

C. D., the above-named defendant, states as follows :—

1. The defendant made the note sued upon under the following circumstances: The plaintiff and defendant had for some years been in partnership as indigo-manufacturers, and it had been agreed between them that they should dissolve partnership, that the plaintiff should retire from the business, and that the defendant should take over the whole of the partnership-assets and liabilities and should pay the plaintiff the value of his share in the assets after deducting the liabilities.

2. The plaintiff thereupon undertook to examine the partnership-books and inquire into the state of the partnership-assets and liabilities; and he did accordingly examine the said books and make the said inquiries, and he thereupon represented to the defendant that the assets of the firm exceeded Rs. 1,00,000 and that the liabilities of the firm were less than Rs. 30,000, whereas the fact was that the assets of the firm were less than Rs. 50,000 and the liabilities of the firm largely exceeded the assets.

3. The misrepresentations mentioned in the second paragraph of this statement induced the defendant to make the note now sued on, and there never was any other consideration for the making of such note.

No. 30.

FIRST INDORSEE AGAINST MAKER.

(*Title*).

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant, by his promissory note, now overdue, promised to pay to the order of *E. F.* [*or* to *E. F.* or order] rupees [days after date].

2. That the said *E. F.* indorsed the same to the plaintiff.

3. That the defendant has not paid the same.

[*Demand of judgment*].

No. 31.

SUBSEQUENT INDORSEE AGAINST MAKER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. [*As in the last preceding form.*]

2. That the same was, by the indorsement of the said *E. F.* and of *G. H.* and *I. J.* [*or* and others] transferred to the plaintiff.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 32

FIRST INDORSEE AGAINST FIRST INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That *E. F.*, on the day of 18 , at , by his promissory note, now overdue, promised to pay to the defendant or order rupees months after date.

THE FOURTH SCHEDULE—*continued.*

2. That the defendant indorsed the same to the plaintiff.

3. That on the day of 18 , the same was duly presented for payment, but was not paid.

[*Or state facts excusing want of presentment.*]

4. That the defendant had notice thereof.

5. That he has not paid the same.

[*Demand of judgment.*]

No. 33.

SUBSEQUENT INDORSER AGAINST FIRST INDORSER; THE INDORSEMENT BEING SPECIAL.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to one *E. F.* a promissory note, now overdue, made [*or* purporting to have been made] by one *G. H.*, on the day of 18 , at , to the order of the defendant, for the sum of rupees [payable days after date].

2. That the same was, by the indorsement of the said *E. F.* [and others], transferred to the plaintiff. [*or* That the said *E. F.* indorsed the same to the plaintiff.]

3, 4 and 5. [*Same as 3, 4 and 5 of the last preceding form.*]

[*Demand of judgment.*]

No. 34.

SUBSEQUENT INDORSER AGAINST HIS IMMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to him a promissory note, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , to the order of one *G. H.*, for the sum of rupees [payable days after date], and indorsed by the said *G. H.* to the defendant.

2, 3 and 4. [*Same as in 3, 4 and 5 in Form No. 33.*]

[*Demand of judgment.*]

No. 35.

SUBSEQUENT INDORSER AGAINST INTERMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That a promissory note, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , to the order of one *G. H.*, for the sum of rupees [payable days after date], and indorsed by the said *G. H.* to the defendant, was by the indorsement of the defendant [and others] transferred to the plaintiff.

2, 3 and 4. [*As in No. 33.*]

[*Demand of judgment.*]

No. 36.

SUBSEQUENT INDORSER AGAINST MAKER, AND FIRST AND SECOND INDORSER.

IN THE COURT OF AT

Civil Suit No.

A. B. of

against

C. D. of

E. F. of

and

G. H. of

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, *C. D.*, by his promissory note, now overdue, promised to pay to the order of the defendant, *E. F.*, rupees months after date].

THE FOURTH SCHEDULE—*continued.*

2. That the said *E. F.* indorsed the same to the defendant, *G. H.*, who indorsed it to the plaintiff.

3. That on the day of 18 , the same was presented [*or state facts excusing want of presentment*] to the said *C. D.* for payment, but was not paid.

4. That the said *E. F.* and *G. H.* had notice thereof.

5. That they have not paid the same.

[*Demand of judgment.*]

No. 37.

DRAWER AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , by his bill of exchange, now overdue, the plaintiff required the defendant to pay to him rupees [days after date, *or* sight, thereof].

2. That the defendant accepted the said bill. [*If the bill is payable at a certain time after sight, the date of acceptance should be stated; otherwise it is not necessary.*]

3. That he has not paid the same.

4. That by reason thereof the plaintiff incurred expenses in and about the presenting and noting of the bill, and incidental to the dishonour thereof.

[*Demand of judgment.*]

[NOTE.—Where the bill is payable to a third party, for paragraphs 1, 2, 3, say—]

1. That on, &c., at &c., by his bill of exchange, now overdue, directed to the defendant, the plaintiff required the defendant to pay to *E. F.* or order rupees months after date.

2. That the plaintiff delivered the said bill to the said *E. F.* on

3. That the defendant accepted the said bill, but did not pay the same, whereupon the same was returned to the plaintiff.

No. 38.

PAYEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , the defendant accepted a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 at , requiring the defendant to pay to the plaintiff rupees after sight thereof.

2. That he has not paid the same.

[*Demand of judgment.*]

No. 39.

FIRST INDORSEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , the defendant accepted a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring the defendant to pay to the order of one *G. H.* rupees after sight thereof.

2. That the said *G. H.* indorsed the same to the plaintiff.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 40.

SUBSEQUENT INDORSER AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. [*As in the last preceding form, to the end of article 1.*]

2. That by the indorsement of the said *G. H.* [and others], the same was transferred to the plaintiff.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 41.

PAYER AGAINST DRAWER FOR NON-ACCEPTANCE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, by his bill of exchange, directed to *E. F.*, required the said *E. F.* to pay to the plaintiff rupees [days after sight.]

2. That on the day of 18 , the same was duly presented to the said *E. F.* for acceptance, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[*Demand of judgment.*]

No. 42.

FIRST INDORSEE AGAINST FIRST INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to the plaintiff a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring one *G. H.* to pay to the order of the defendant rupees [days] after sight [*or* after date, *or* at sight] thereof, [and accepted by the said *G. H.* on the day of 18].

2. That on the day of 18 , the same was presented to the said *G. H.* for payment, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[*Demand of judgment.*]

No. 43.

SUBSEQUENT INDORSER AGAINST FIRST INDORSER; THE INDORSEMENT BEING SPECIAL.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to one *E. F.* a bill of exchange, now overdue, made [*or* purporting to have been made] by one *G. H.*, on the day of 18 , at , requiring one *I. J.* to pay to the order of the defendant rupees days after sight thereof [*or otherwise*], and accepted by the said *I. J.* on the day of 18 [*This clause may be omitted if not according to the fact.*]

THE FOURTH SCHEDULE—*continued.*

2. That the same was, by the indorsement of the said *E. F.* [and others], transferred to the plaintiff.

3. That on the day of 18 the same was presented to the said *I. J.* for payment, and was dishonoured.

4. That the defendant had due notice thereof.

5. That he has not paid the same.

[*Demand of judgment.*]

No. 44.

SUBSEQUENT INDORSEE AGAINST HIS IMMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That the defendant indorsed to plaintiff a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring one *G. H.* to pay to the order of *I. J.* rupees days after sight thereof [*or otherwise*], [accepted by the said *G. H.*] and indorsed by the said *I. J.* to the defendant.

2. That on the day of 18 , the same was presented to the said *G. H.* for payment, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[*Demand of judgment.*]

No. 45.

SUBSEQUENT INDORSEE AGAINST INTERMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring one *G. H.* to pay to the order of one *I. J.* rupees days after sight thereof [*or otherwise*], [accepted by the said *G. H.*] and indorsed by the said *I. J.* to the defendant, was, by the indorsement of the defendant [and others], transferred to the plaintiff.

2. That on the day of 18 , the same was presented to the said *G. H.* for payment, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[*Demand of judgment.*]

No. 46.

INDORSEE AGAINST DRAWER, ACCEPTOR AND INDORSER.

IN THE COURT OF , AT

Civil Suit No.

A. B. of

against

C. D. of

E. F. of

and

G. H. of

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant *C. D.*, by his bill of exchange, now overdue, directed to the defendant *E. F.*, required the said *E. F.* to pay to the order of the defendant *G. H.* rupees [days after sight thereof.]

THE FOURTH SCHEDULE—*continued.*

2. That on the day of 18 , the said *E. F.* accepted the same.

3. That the said *G. H.* indorsed the same to the plaintiff.

4. That on the day of 18 , the same was presented to the said *E. F.* for payment, and was dishonoured.

5. That the other defendants had due notice thereof.

6. That they have not paid the same.

[*Demand of judgment.*]

No. 47.

PAYEE AGAINST DRAWER FOR NON-ACCEPTANCE OF A FOREIGN BILL.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant by his bill of exchange, drawn in Calcutta, required one *E. F.* to pay to the plaintiff in [London] pounds sterling, [sixty days] after sight thereof.

2. That on the day of 18 , the same was presented to the said *E. F.* for acceptance, and was dishonoured, and was thereupon duly protested.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[5. That the value of pounds sterling, at the time of the service of notice of protest on the defendant, was rupees annas.]

Wherefore the plaintiff demands judgment against the defendant for rupees, with [ten per centum] compensation and interest from the day of 18

No. 48.

PAYEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , one *E. F.*, by his bill of exchange, now overdue, directed to the defendant, required the defendant to pay to the plaintiff rupees after date [*or* days after sight] thereof.

2. That on the day of 18 , the defendant accepted the said bill.

3. That he has not paid the same.

[*Demand of judgment.*]

No. 49.

ON A MARINE [OPEN] POLICY, ON VESSEL LOST BY PERILS OF THE SEA, &c.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. The plaintiff was the owner of [*or* had an interest in] the ship at the time of her loss, as hereinafter mentioned.

2. That on the day of 18 , at , the defendants, in consideration of rupees to them paid [*or* which the plaintiff then promised to pay] executed to him a policy of insurance upon the said ship, a copy of which is hereto annexed; [*or*, whereby they promised to pay to the plaintiff, within days after proof of loss and interest, all loss and damage accruing to him by reason of the destruction or injury of the said ship, during her next voyage from to , whether by perils of the sea or by fire, or by other causes therein mentioned, not exceeding rupees].

THE FOURTH SCHEDULE—*continued.*

3. That the said ship, while proceeding on the voyage mentioned in the said policy, was on the day of 18 , totally lost by the perils of the sea [*or otherwise*].

4. That the plaintiff's loss thereby was rupees.

5. That on the day of 18 , he furnished the defendants with proof of his loss and interest, and otherwise duly performed all the conditions of the said policy on his part.

6. That the defendants have not paid the said loss.

[*Demand of judgment.*]

No. 50.

ON CARGO, LOST BY FIRE:—VALUED POLICY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff was the owner of [*or* had an interest in] [one hundred bales of cotton] on board the ship at the time of her loss as hereinafter mentioned.

2. That on the day of 18 , at the defendants, in consideration of rupees which the plaintiff then paid [*or* promised to pay], executed to him a policy of insurance upon the said goods, a copy of which is hereto annexed; [*or*, whereby they promised to pay to the plaintiff rupees in case of the total loss, by fire or other causes mentioned, of the said goods before their landing at ; *or*, in case of partial loss, such damage as the plaintiff might sustain thereby, provided the same should not exceed per centum of the whole value of the goods].

3. That on the day of 18 , at , while proceeding on the voyage mentioned in the said policy, the said goods were totally destroyed by fire (*or*, as the case may be).

4, 5 and 6. [*As in paragraphs 4, 5 and 6 of the last preceding form.*]

[*Demand of judgment.*]

No. 51.

ON FREIGHT:—VALUED POLICY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff had an interest in the freight to be earned by the ship on her voyage from to , at the time of her loss as hereinafter mentioned, and that a large quantity of goods was shipped upon freight in her at that time.

2. That on the day of 18 , at , the defendant, in consideration of rupees to him paid, executed to the plaintiff a policy of insurance upon the said freight, a copy of which is hereto annexed [*or state its tenor, as before*].

3. That the said ship, while proceeding upon the voyage mentioned in the said policy, was, on the day of 18 , totally lost by [the perils of the sea].

4. That the plaintiff has not received any freight from the said ship, nor did she earn any on the said voyage, by reason of her loss as aforesaid.

5 and 6. [*As in Form No 49.*]

[*Demand of judgment.*]

No. 52.

FOR A LOSS BY GENERAL AVERAGE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff was the owner of [*or* had an interest in] [one hundred bales of cotton] shipped on board a vessel called the *Y. Z.*, from to , at the time of the loss hereafter mentioned.

2. That on the day of 18 , at , in consideration of rupees [which the plaintiff then promised to pay], the defendant executed to the plaintiff a policy of insurance upon his said goods, a copy of which is hereto annexed [*or state its tenor, as before*].

THE FOURTH SCHEDULE—*continued.*

3. That on the day of 18 , while proceeding on the voyage mentioned in the said policy, the said vessel was so endangered by perils of the sea, that the master and crew thereof were compelled to, and did, cast into the sea a large part of her rigging and furniture.

4. That the plaintiff was, by reason thereof, compelled to, and did, pay a general average loss of rupees.

5. That on the day of 18 , he furnished the defendant with proof of his loss and interest, and otherwise duly performed all the conditions of the said policy on his part.

6. That the defendant has not paid the said loss.

[*Demand of judgment.*]

No. 53.

FOR A PARTICULAR AVERAGE LOSS.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1 and 2. [*As in the last preceding form.*]

3. That on the day of 18 , while on the high seas, the sea-water broke into the said ship, and damaged the said [cotton] to the amount of rupees.

4 and 5. [*As in paragraphs 5 and 6 of the last preceding form.*]

[*Demand of judgment.*]

No. 54.

ON A FIRE-INSURANCE POLICY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff [was the owner of, *or*] had an interest in a [dwelling-house, known as No. , street, in the city of ,] at the time of its destruction [*or*, injury] by fire as hereinafter mentioned.

2. That on the day of 18 , at , in consideration of rupees [to them paid], the defendants executed to the plaintiff a policy of insurance on the said [premises], a copy of which is hereto annexed [*or state its tenor*].

3. That on the day of 18 , the said [dwelling-house] was totally destroyed [*or*, greatly damaged] by fire.

4. That the plaintiff's loss thereby was rupees.

5. That on the day of 18 , he furnished the defendant with proof of his said loss and interest, and otherwise duly performed all the conditions of the said policy on his part.

6. That the defendants have not paid the said loss.

[*Demand of judgment.*]

No. 55.

AGAINST SURETY FOR PAYMENT OF RENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , one *E. F.* hired from the plaintiff, for the term of years, the [house No. , street ,] at the annual rent of rupees, payable [monthly].

2. That [at the same time and place] the defendant agreed, in consideration of the letting of the said premises to the said *E. F.*, to guarantee the punctual payment of the said rent.

THE FOURTH SCHEDULE—*continued.*

3. That the rent aforesaid for the month of 18 , amounting to rupees, has not been paid.

[*If, by the terms of the agreement, notice is required to be given to the surety, add:*—]

4. That on the day of 18 , the plaintiff gave notice to the defendant of the non-payment of the said rent, and demanded payment thereof.

5. That he has not paid the same.

[*Demand of judgment.*]

B.—PLAINTS FOR COMPENSATION FOR BREACH OF CONTRACT.

No. 56.

FOR BREACH OF AGREEMENT TO CONVEY LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant entered into an agreement, under their hands, of which a copy is hereto annexed.

[*Or*, That on, &c., the defendant agreed with the plaintiff that, in consideration of a deposit of rupees then paid, and of the further sum of [ten thousand] rupees payable as hereinafter mentioned, he would, on the day of 18 , at , execute to the plaintiff a sufficient conveyance of [the house No. , street, in the city of , free from all incumbrances; and the plaintiff agreed to pay [ten thousand] rupees for the same on delivery thereof].

2. That on the day of 18 , the plaintiff demanded the conveyance of the said property from the defendant and tendered rupees to the defendant [*or*, That all conditions were fulfilled, and all things happened and all times elapsed necessary to entitle the plaintiff to have the said agreement performed by the defendant on his part.]

3. That the defendant has not executed any conveyance of the said property to the plaintiff [*or*, That there is a mortgage upon the said property, made by to , for rupees, registered in the office of , on the day of 18 , and still unsatisfied, *or any other defect of title*].

4. That the plaintiff has thereby lost the use of the money paid by him as such deposit as aforesaid and of other moneys provided by him for the completion of the said purchase, and has lost the expenses incurred by him in investigating the title of the defendant and in preparing to perform the agreement on his part, and has incurred expense in endeavouring to procure the performance thereof by the defendant.

5. The plaintiff prays judgment for rupees compensation.

No. 57.

FOR BREACH OF AGREEMENT TO PURCHASE LAND.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant entered into an agreement, under their hands, of which a copy is hereto annexed.

[*Or*, That on the day of 18 , at , the plaintiff and defendant mutually agreed that the plaintiff should sell to the defendant and that the defendant should purchase from the plaintiff forty bighás of land in the village of for rupees.]

2. That on the day of 18 , at , the plaintiff, being then the absolute owner of the said property [and the same being free from all incumbrances, as was made to appear to the defendant], tendered to the defendant a sufficient instrument of conveyance of the same [*or*, was ready and willing, and offered, to convey the same to the defendant by a sufficient instrument,] on the payment by the defendant of the said sum.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 58.

Another Form.

FOR NOT COMPLETING A PURCHASE OF IMMOVEABLE PROPERTY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That by an agreement dated the day of 18 , it was agreed by and between the plaintiff and the defendant that the plaintiff should sell to the defendant and the defendant should purchase from the plaintiff a house and land at the price of rupees, upon the terms and conditions following (that is to say)—

(*a*) That the defendant should pay the plaintiff a deposit of rupees in part of the said purchase-money on the signing of the said agreement, and the remainder on the day of 18 , on which day the said purchase should be completed.

(*b*) That the plaintiff should deduce and make a good title to the said premises on or before the day of 18 , and on payment of the said remainder of the said purchase-money as aforesaid should execute to the defendant a proper conveyance of the said premises, to be prepared at the defendant's expense.

2. That all conditions were fulfilled, and all things happened and all times elapsed necessary to entitle the plaintiff to have the said agreement performed by the defendant on his part, yet the defendant did not pay the plaintiff the remainder of the said purchase-money as aforesaid on his part.

3. That the plaintiff has thereby lost the expense which he incurred in preparing to perform the said agreement on his part, and has been put to expense in endeavouring to procure the performance thereof by the defendant.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 59.

FOR NOT DELIVERING GOODS SOLD.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant mutually agreed that the defendant should deliver [one hundred barrels of flour] to the plaintiff [on the day of 18], and that the plaintiff should pay therefor rupees on delivery.

2. That on the [said] day the plaintiff was ready and willing, and offered to pay the defendant the said sum upon delivery of the said goods.

3. That the defendant has not delivered the same, whereby the plaintiff has been deprived of the profits which would have accrued to him from such delivery.

[*Demand of judgment.*]

No. 60.

FOR BREACH OF CONTRACT TO EMPLOY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant mutually agreed that the plaintiff should serve the defendant as [an accountant, *or* in the capacity of foreman, *or as the case may be*], and that the defendant should employ the plaintiff as such, for the term of [one year], and pay him for his services rupees [monthly].

2. That on the day of 18 , the plaintiff entered upon the service of the defendant as aforesaid, and has ever since been, and still is, ready and willing to continue in such service during the remainder of the said year, whereof the defendant always had notice.

3. That on the day of 18 , the defendant wrongfully discharged the plaintiff, and refused to permit him to serve as aforesaid, or to pay him for his services.

[*Demand of judgment.*]

No. 61.

FOR BREACH OF CONTRACT TO EMPLOY, WHERE THE EMPLOYMENT NEVER TOOK EFFECT.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. [*As in last preceding Form.*]

2. That on the day of 18 , at , the plaintiff offered to enter upon the service of the defendant, and has ever since been ready and willing so to do.

3. That the defendant refused to permit the plaintiff to enter upon such service, or to pay him for his services.

[*Demand of judgment.*]

No. 62.

FOR BREACH OF CONTRACT TO SERVE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant mutually agreed that the plaintiff should employ the defendant at an [annual] compensation of rupees, and that the defendant should serve the plaintiff as [an artist] for the term of [one year].

2. That the plaintiff has always been ready and willing to perform his part of the said agreement [and on the day of 18 , offered so to do].

3. That the defendant [entered upon] the service of the plaintiff on the above-mentioned day, but afterwards, on the day of 18 , he refused to serve the plaintiff as aforesaid.

(*Demand of judgment.*)

No. 63.

AGAINST A BUILDER FOR DEFECTIVE WORKMANSHIP.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant entered into an agreement, of which a copy is hereto annexed.

[*Or state the tenor of the contract.*]

[2. That the plaintiff duly performed all the conditions of the said agreement on his part.]

THE FOURTH SCHEDULE—*continued.*

3. That the defendant [built the house referred to in the said agreement in a bad and unworkmanlike manner].

[*Demand of judgment.*]

No. 64.

BY THE MASTER AGAINST THE FATHER OR GUARDIAN OF AN APPRENTICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant entered into an agreement, under his hand and seal,* a copy of which is hereto annexed.

[*Or state the tenor of the contract.*]

2. That after the making of the said agreement the plaintiff received the said [*apprentice*] into his service as such apprentice for the term aforesaid, and has always performed and been ready and willing to perform all things in the said agreement on his part to be performed.

3. That on the day of 18 , the said [*apprentice*] wilfully absented himself from the service of the plaintiff, and continues so to do.

(*Demand of judgment.*)

No. 65.

BY THE APPRENTICE AGAINST THE MASTER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant entered into an agreement with the plaintiff and his [father], *E. F.*, under their hands and seals, a copy of which is hereto annexed.

2. That after the making of the said agreement the plaintiff entered into the service of the defendant with him after the manner of an apprentice to serve for the term mentioned in the said agreement, and has always performed all things in the said agreement contained on his part to be performed.

3. That the defendant has not instructed the plaintiff in the business of [*or state any other breach, such as cruelty, failure to provide sufficient food, or other ill-treatment*].

[*Demand of judgment.*]

No. 66.

ON A BOND FOR THE FIDELITY OF A CLERK.

(*Title*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , plaintiff employed one *E. F.* as a clerk.

2. That on the day of 18 , at , the defendant agreed with the plaintiff, that if the said *E. F.* should not faithfully perform his duties as a clerk to the plaintiff, or should fail to account to the plaintiff for all moneys, evidences of debt, or other property received by him for the use of the plaintiff, the defendant would pay to the plaintiff whatever loss he might sustain by reason thereof, not exceeding rupees.

[*Or*, 2. That at the same time and place, the defendant bound himself to the plaintiff, by a writing under his hand, in the penal sum of rupees, conditioned that if the said *E. F.* should faithfully perform his duties as clerk and cashier to the plaintiff, and should justly account to the plaintiff for all moneys, evidences of debt, or other property which should be at any time held by him in trust for the plaintiff, the same should be void but not otherwise.]

[*Or*, 2. That at the same time and place, the defendant executed to the plaintiff a bond, a copy of which is hereto annexed.]

3. That between the day of 18 , and the day of 18 , the said *E. F.* received money and other property, amounting to the value of rupees, for the use of the plaintiff, for which he has not accounted to him, and the same still remains due and unpaid.

[*Demand of judgment.*]

No. 67.

BY TENANT AGAINST LANDLORD, WITH SPECIAL DAMAGE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, by an instrument in writing, let to the plaintiff [the house No. , street], for the term of years, contracting with the plaintiff that he, the plaintiff, and his legal representatives should quietly enjoy possession thereof for the said term.

2. That all conditions were fulfilled and all things happened necessary to entitle the plaintiff to maintain this suit.

3. That on the day of during the said term, one *E. F.*, who was the lawful owner of the said house, lawfully evicted the plaintiff therefrom, and still withholds the possession thereof from him.

4. That the plaintiff was thereby [prevented from continuing the business of a tailor at the said place, was compelled to expend rupees in moving, and lost the custom of *G. H.* and *I. J.* by such removal].

[*Demand of judgment.*]

* The form given in Act XIX of 1850 requires the seal of the father or guardian.

THE FOURTH SCHEDULE—*continued.*

No. 68.

FOR BREACH OF WARRANTY OF MOVEABLES.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

That on the day of 18 , at , the defendant warranted a steam-engine to be in good working order, and thereby induced the plaintiff to purchase the same of him, and to pay him rupees therefor.

2. That the said engine was not then in good working order, whereby the plaintiff incurred expense in having the said engine repaired, and lost the profits which could otherwise have accrued to him while the engine was under repair.

[*Demand of judgment.*]

No. 69.

ON AN AGREEMENT OF INDEMNITY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the plaintiff and defendant being partners in trade under the firm of *A. B. & C. D.*, dissolved the said partnership, and mutually agreed that the defendant should take and keep all the partnership-property, pay all debts of the firm, and indemnify the plaintiff against all claims that might be made upon him on account of any indebtedness of the said firm.

2 That the plaintiff duly performed all the conditions of the said agreement on his part.

3. That on the day of 18 , [a judgment was recovered against the plaintiff and defendant by one *E. F.*, in the High Court of Judicature at , upon a debt due from the said firm to the said *E. F.*, and on the day of 18 ,] the plaintiff paid rupees [in satisfaction of the same].

4. That the defendant has not paid the same to the plaintiff.

[*Demand of judgment.*]

No. 70.

BY SHIPOWNER AGAINST FREIGHTOR FOR NOT LOADING.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the plaintiff and defendant entered into an agreement, a copy of which is hereto annexed.

[*Or*, 1. That on , at , the plaintiff and defendant agreed by charter-party that the defendant should deliver to the plaintiff's ship at on the day of 18 , five hundred tons of merchandise, which she should carry to , and there deliver, on payment of freight; and that the defendant should have days for loading, days for discharge, and days for demurrage, if required, at rupees per day.]

2. That at the time fixed by the said agreement the plaintiff was ready and willing, and offered, to receive [the said merchandise, *or*, the merchandise mentioned in the said agreement] from the defendant.

3. That the period allowed for loading and demurrage has elapsed, but the defendant has not delivered the said merchandise to the said vessel.

Wherefore, the plaintiff demands judgment for rupees for demurrage and rupees additional for compensation.

C.—PLAINTS FOR COMPENSATION UPON WRONGS.

No. 71.

FOR TRESPASS ON LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

That on the day of 18 , at , the defendant entered upon certain land of the plaintiff, known as [and depastured the same with cattle, trod down the grass, cut the timber, and otherwise injured the same].

[*Demand of judgment.*]

No. 72.

FOR TRESPASS IN ENTERING A DWELLING-HOUSE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That the defendant entered a dwelling-house of the plaintiff called , and made a noise and disturbance therein for a long time, and broke open the doors of the said dwelling-house, and removed, took and carried away the fixtures and goods of the plaintiff therein, and disposed of the same to the defendant's own use, and expelled the plaintiff and his family from the possession of the said dwelling-house, and kept them so expelled for a long time.

2. That the plaintiff was thereby prevented from carrying on his business, and incurred expense in procuring another dwelling-house for himself and family.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 73.

FOR TRESPASS ON MOVEABLES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant broke open ten barrels of rum belonging to the plaintiff, and emptied their contents into the street [*or*, seized and took the plaintiff's goods, that is to say, iron, rice and household furniture, *or as the case may be*, and carried away the same and disposed of them to his own use]:

or, seized and took the plaintiff's cows and bullocks, and impounded them and kept them impounded for a long time.

2. That the plaintiff was thereby deprived of the use of the cows and bullocks during that time, and incurred expense in feeding them and in getting them restored to him; and was also prevented from selling them at fair, as he otherwise would have done, and the said cows and bullocks are diminished in value to the plaintiff [*otherwise, state the injury according to the facts*].

[*Demand of judgment.*]

No. 74.

FOR THE CONVERSION OF MOVEABLE PROPERTY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , plaintiff was in possession of certain goods described in the schedule hereto annexed [*or*, of one thousand barrels of flour].

2. That on that day, at , the defendant converted the same to his own use, and wrongfully deprived the plaintiff of the use and possession of the same.

[*Demand of judgment.*]

The schedule.

No. 75

AGAINST A WAREHOUSEMAN FOR REFUSAL TO DELIVER GOODS.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1 That on the day of 18 , at , the defendant, in consideration of the payment to him of rupees [*or*, rupees per barrel, per month, &c.], agreed to keep in his godown [one hundred barrels of flour], and to deliver the same to the plaintiff on payment of the said sum.

2. That thereupon the plaintiff deposited with the defendant the said [hundred barrels of flour].

3. That on the day of 18 , the plaintiff requested the defendant to deliver the said goods, and tendered him rupees [*or* the full amount of storage due thereon], but the defendant refused to deliver the same.

4. That the plaintiff was thereby prevented from selling the said goods to *E. F.*, and the same are lost to the plaintiff.

[*Demand of judgment.*]

No. 76.

FOR PROCURING PROPERTY BY FRAUD.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [he, the defendant, was solvent, and worth rupees over all his liabilities].

2. That the plaintiff was thereby induced to sell [and deliver] to the defendant [dry goods] of the value of rupees.

3. That the said representations were false [*or, state the particular falsehoods*], and were then known by the defendant to be so.

4. That the defendant has not paid for the said goods. [*Or, if the goods were not delivered*, That the plaintiff, in preparing and shipping the said goods and procuring their restoration, expended rupees.]

[*Demand of judgment.*]

No. 77.

FOR FRAUDULENTLY PROCURING CREDIT TO BE GIVEN TO ANOTHER PERSON.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant represented to the plaintiff that one *E. F.* was solvent and in good credit, and worth rupees over all his liabilities [*or*, that *E. F.* then held a responsible situation and was in good circumstances, and might safely be trusted with goods on credit].

2. That the plaintiff was thereby induced to sell to the said *E. F.* [rice] of the value of rupees [on month's credit].

THE FOURTH SCHEDULE—*continued.*

3. That the said representations were false and were then known by the defendant to be so, and were made by him with intent to deceive and defraud the plaintiff [*or*, to deceive and injure the plaintiff].

4. That the said *E. F.* [did not pay for the said goods at the expiration of the credit aforesaid, *or*] has not paid for the said rice, and the plaintiff has wholly lost the same by reason of the premises.

[*Demand of judgment.*]

No. 78.

FOR POLLUTING THE WATER UNDER THE PLAINTIFF'S LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That he is, and at all the times hereinafter mentioned was, possessed of certain land called and situate in , and of a well therein, and of water in the said well, and was entitled to the use and benefit of the said well and of the said water therein, and to have certain springs and streams of water which flowed and ran into the said well to supply the same to flow or run without being fouled or polluted.

2. That on the day of 18 , the defendant wrongfully fouled and polluted the said well and the said water therein and the said springs and streams of water which flowed into the said well.

3. That by reason of the premises the said water in the said well became impure and unfit for domestic and other necessary purposes, and the plaintiff and his family are deprived of the use and benefit of the said well and water.

[*Demand of judgment.*]

No. 79.

FOR CARRYING ON A NOXIOUS MANUFACTURE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and at all the times hereinafter mentioned was, possessed of certain lands called situate in .

2. That ever since the day of 18 , the defendant has wrongfully caused to issue from certain smelting works carried on by the defendant large quantities of offensive and unwholesome smoke and other vapours and noxious matter, which spread themselves over and upon the said lands, and corrupted the air, and settled on the surface of the said lands.

3. That thereby the trees, hedges, herbage and crops of the plaintiff growing on the said lands were damaged and deteriorated in value, and the cattle and live stock of the plaintiff on the said lands became unhealthy, and divers of them were poisoned and died.

4. That by reason of the premises, the plaintiff was unable to depasture the said lands with cattle and sheep as he otherwise might have done, and was obliged to remove his cattle, sheep and farming stock therefrom, and has been prevented from having so beneficial and healthy a use and occupation of the said lands as he otherwise would have had.

[*Demand of judgment.*]

No. 80.

FOR OBSTRUCTING A WAY.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and at the time hereinafter mentioned was, possessed of [a house in the village of].

2. That he was entitled to a right of way from the said [house] over a certain field to a public highway and back again from the said highway over the said field to the said house, for himself and his servants [with vehicles, *or*, on foot] at all times of the year.

3. That on the day of 18 , defendant wrongfully obstructed the said way, so that the plaintiff could not pass [with vehicles, *or*, on foot, *or*, in any manner] along the said way [and has ever since wrongfully obstructed the same].

4. [*State special damage, if any.*]

[*Demand of judgment.*]

Another Form.

1. That the defendant wrongfully dug a trench and heaped up earth and stones in the public highway leading from to so as to obstruct it.

2. That thereby the plaintiff, while lawfully passing along the said highway, fell over the said earth and stones [*or*, into the said trench] and broke his arm, and suffered great pain, and was prevented from attending to his business for a long time, and incurred expense for medical attendance.

[*Demand of judgment.*]

No. 81.

FOR DIVERTING A WATER-COURSE.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and at the time hereinafter mentioned was, possessed of a mill situated on a [stream] known as the , in the village of , district of .

THE FOURTH SCHEDULE—*continued.*

2. That by reason of such possession the plaintiff was entitled to the flow of the said stream for working the said mill.

3. That on the day of 18 , the defendant, by cutting the bank of the said stream, wrongfully diverted the water thereof, so that less water ran into the plaintiff's mill.

4. That by reason thereof, the plaintiff has been unable to grind more than sacks per day, whereas, before the said diversion of water, he was able to grind sacks per day.

[*Demand of judgment.*]

No. 82.

FOR OBSTRUCTING A RIGHT TO USE WATER FOR IRRIGATION.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and was at the time hereinafter mentioned, possessed of certain lands situate, &c. and entitled to take and use a portion of the water of a certain stream for irrigating the said lands.

2. That on the day of the defendant prevented the plaintiff from taking and using the said portion of the said water as aforesaid, by wrongfully obstructing and diverting the said stream.

[*Demand of judgment.*]

No. 83.

FOR WASTE BY A LESSEE.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , the defendant hired from him [the house No. street] for the term of

2. That the defendant occupied the same under such hiring.

3. That during the period of such occupation, the defendant greatly injured the premises [defaced the walls, tore up the floors, and broke down the doors; *or otherwise specify the injuries as far as possible*].

The plaintiff prays judgment for rupees compensation.

No. 84.

FOR ASSAULT AND BATTERY.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

That on the day of 18 , at the defendant assaulted and beat him

The plaintiff prays judgment for rupees compensation.

No. 85.

FOR ASSAULT AND BATTERY, WITH SPECIAL DAMAGE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant assaulted and beat him until he became insensible.

2. That the plaintiff was thereby disabled from attending to his business for [six weeks thereafter], and was compelled to pay rupees for medical attendance, and has been ever since disabled [from using his right arm]. [*Or otherwise state the damage, as the case may be.*]

[*Demand of judgment.*]

No. 86.

FOR ASSAULT AND FALSE IMPRISONMENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant assaulted the plaintiff and imprisoned him for days [*or* hours]; [*state special damage, if any, thus*:—]

2. That by reason thereof the plaintiff suffered great pain of body and mind and was exposed and injured in his credit and circumstances, and was prevented from carrying on his business and from providing for his family by his personal care and attention, and incurred expense in obtaining his liberation from the said imprisonment [*or otherwise, as the case may be.*]

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 87.

FOR INJURIES CAUSED BY NEGLIGENCE ON A RAILROAD.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , the defendants were common carriers of passengers by railway between and

2. That on that day the plaintiff was a passenger in one of the carriages of the defendants on the said road.

3. That while he was such passenger, at [*or*, near the station of ; *or*, between the stations of and], a collision occurred on the said railway, caused by the negligence and unskilfulness of the defendant's servants, whereby the plaintiff was much injured [having his leg broken, his head cut, &c., *and state the special damage, if any, as*], and incurred expense for medical attendance, and is permanently disabled from carrying on his former business as [a salesman].

[*Demand of judgment.*]

[*Or thus* :— 2. That on that day the defendants by their servants so negligently and unskilfully drove and managed an engine and a train of carriages attached thereto upon and along the defendants' railway which the plaintiff was then lawfully crossing, that the said engine and train were driven and struck against the plaintiff, whereby, *&c., as in* § 3.]

No. 88.

FOR INJURIES CAUSED BY NEGLIGENT DRIVING.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is a shoemaker, carrying on business at
The defendant is a merchant of

2. On the [23rd May, 1875], the plaintiff was walking eastward along Chowringhee, in the City of Calcutta, at about 3 o'clock in the afternoon. He was obliged to cross Harrington Street, which is a street running into Chowringhee at right angles. While he was crossing this street, and just before he could reach the foot-pavement on the further side thereof, a carriage of the defendant's, drawn by two horses, under the charge and control of the defendant's servants, was negligently, suddenly and without any warning turned at a rapid and dangerous pace out of Harrington Street into Chowringhee. The pole of the carriage struck the plaintiff and knocked him down, and he was much trampled by the horses.

3. By the blow and fall and trampling the plaintiff's left arm was broken, and he was bruised and injured on the side and back, as well as internally, and in consequence thereof the plaintiff was for four months ill and in suffering, and unable to attend to his business, and incurred heavy medical and other expenses, and sustained great loss of business and profits.

The plaintiff claims rupees damages.

(*Title.*)

Written Statement of Defendant.

1. The defendant denies that the carriage mentioned in the plaint was the defendant's carriage, or that it was under the charge or control of the defendant's servants. The carriage belonged to [Messrs. *E F.* and *G.H.*] of Street, Calcutta, livery stable-keepers, employed by the defendant to supply him with carriages and horses; and the person under whose charge and control the said carriage was, was the servant of the said [Messrs. *E. F.* and *G. H.*]

2. The defendant does not admit that the said carriage was turned out of Harrington Street either negligently, suddenly, or without warning, or at a rapid or dangerous pace.

3. The defendant says, that the plaintiff might and could, by the exercise of reasonable care and diligence, have seen the said carriage approaching him, and avoided any collision with it.

4. The defendant does not admit the statements of the third paragraph of the plaint.

No. 89.

FOR LIBEL; THE WORDS BEING LIBELLOUS IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant published in a newspaper, called the [*or*, in a letter addressed to *E. F.*], the following words concerning the plaintiff:—

[*Set forth the words used.*]

2. That the said publication was false and malicious.

[*Demand of judgment.*]

NOTE.—If the libel was in a language not the language of the Court, set out the libel *verbatim* in the foreign language in which it was published, and then proceed thus:—" Which said words, being translated into the language, have the meaning and effect following and were so understood by the persons to whom they were so published, that is to say [*here set out a literal translation of the libel in the language of the Court.*]

THE FOURTH SCHEDULE—*continued.*

No. 90.

FOR LIBEL; THE WORDS NOT BEING LIBELLOUS IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff [is, and] was, on and before the day of 18 , a merchant doing business in the city of .

2. That on the day of 18 , at , the defendant published in a newspaper, called the [*or*, in a letter addressed to *E. F.*, *or otherwise how published*], the following words concerning the plaintiff:—

["*A. B.* of this city has modestly retired to foreign lands. It is said that creditors to the amount of rupees are anxiously seeking his address."]

3. That the defendant meant thereby that [the plaintiff had absconded to avoid his creditors, and with intent to defraud them].

4. That the said publication was false and malicious.

[*Demand of judgment.*]

No. 91.

FOR SLANDER; THE WORDS BEING ACTIONABLE IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant falsely and maliciously spoke, in the hearing of *E. F.* [*or*, sundry persons], the following words concerning the plaintiff: ["He is a thief"].

2. That, in consequence of the said words, the plaintiff lost his situation as in the employ of .

[*Demand of judgment.*]

No. 92.

FOR SLANDER; THE WORDS NOT BEING ACTIONABLE IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant falsely and maliciously said to one *E. F.* concerning the plaintiff: ["He is a young man of remarkably easy conscience."]

2. That the plaintiff was then seeking employment as a clerk, and the defendant meant, by the said words, that the plaintiff was not trustworthy as a clerk.

3. That in consequence of the said words [the said *E. F.* refused to employ the plaintiff as a clerk].

[*Demand of judgment.*]

No. 93.

FOR MALICIOUS PROSECUTION.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant obtained a warrant of arrest from [a magistrate of the said city, *or, as the case may be*] on a charge of , and the plaintiff was arrested thereon, and imprisoned for *or* hours, and gave bail in the sum of rupees to obtain his release].

2. That in so doing, the defendant acted maliciously and without reasonable or probable cause.

3. That on the day of 18 , the said magistrate dismissed the complaint of the defendant, and acquitted the plaintiff.

4. That many persons, whose names are unknown to the plaintiff, hearing of the said arrest, and supposing the plaintiff to be a criminal, have ceased to do business with him; *or*, that, in consequence of the said arrest, the plaintiff lost his situation as clerk to one *E. F.*, *or*, that by reason of the premises the plaintiff suffered pain of body and mind, and was prevented from transacting his business, and was injured in his credit, and incurred expense in obtaining his release from the said imprisonment and in defending himself against the said complaint.

[*Demand of judgment.*]

D.—PLAINTS IN SUITS FOR SPECIFIC PROPERTY.

No. 94.

BY THE ABSOLUTE OWNER FOR THE POSSESSION OF IMMOVEABLE PROPERTY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That *X. Y.* was the absolute owner [of the estate, *or*, the share of the estate, called situate in the district of , the Government-revenue of which is rupees and the estimated value rupees, *or*, of the house No. street in the town of Calcutta, the estimated value of which is rupee].

THE FOURTH SCHEDULE—*continued.*

2. That on the day of 18 , *Z.* illegally dispossessed the said *X. Y.* of the said estate [*or* share *or* house].

3. That the said *X. Y.* has since died intestate, leaving the plaintiff, the said *A. B.*, his heir him surviving.

4. That the defendant withholds the possession of the estate [*or* share *or* house] from the plaintiff.

The plaintiff prays judgment:

(1) for the possession of the said premises;

(2) for rupees compensation for withholding the same.

Another Form.

A. B., the above-named plaintiff, states as follows:—

1. On the day of , the plaintiff, by an instrument in writing, let to the defendant a house and premises [No. 52, Russell Street, in the] for a term of five years from the day of , at the monthly rent of 300 rupees.

2. By the said instrument the defendant covenanted to keep the said house and premises in good and tenantable repair.

3. The said instrument also contained a clause of re-entry, entitling the plaintiff to re-enter upon the said house and premises, in case the rent thereby reserved, whether demanded or not, should be in arrear for twenty-one days, or in case the defendant should make default in the performance of any covenant upon his part to be performed.

4. On the day of 18 , a month's rent became due, and on the day of 18 , another month's rent became due; on the day of 18 , both had been in arrear for twenty-one days, and both are still due.

5. On the same day of 18 , the house and premises were not and are not now in good or tenantable repair, and it would require the expenditure of a large sum of money to reinstate the same in good and tenantable repair, and the plaintiff's reversion is much depreciated in value. The plaintiff claims

(1) possession of the said house and premises;

(2) rupees for arrears of rent;

(3) rupees compensation for the defendant's breach of his covenant to repair;

(4) rupees for the occupation of the house and premises from the day of 18 , to the day of recovering possession.

No. 95.

BY THE TENANT.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That one *E. F.* is the absolute owner of [a piece of land in the town of Calcutta bounded as follows:], the estimated value of which is rupees ,

2. That on the day of 18 , the said *E. F.* let the said premises to the plaintiff for years, from .

3. That the defendant withholds the possession thereof from the plaintiff.

[*Demand of judgment.*]

No. 96.

FOR MOVEABLE PROPERTY WRONGFULLY TAKEN.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , plaintiff owned [*or* was possessed of] one hundred barrels of flour, the estimated value of which is rupees.

2. That on that day, at , the defendant took the same.

The plaintiff prays judgment:

(1) for the possession of the said goods, or for rupees in case such possession cannot be had;

(2) for rupees compensation for the detention thereof.

No. 97.

FOR MOVEABLES WRONGFULLY DETAINED.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , plaintiff owned [*or, state facts showing a right to the possession*] the goods mentioned in the schedule hereto annexed [*or describe the goods*], the estimated value of which is rupees.

2. That from that day until the commencement of this suit, the defendant has detained the same from the plaintiff.

3. That before the commencement of this suit, to wit, on the day of 18 , the plaintiff demanded the same from the defendant, but he refused to deliver them.

The plaintiff prays judgment:

(1) for the possession of the said goods, or for rupees, in case such possession cannot be had;

(2) for rupees compensation for the detention thereof.

The schedule.

THE FOURTH SCHEDULE—*continued.*

No. 98.

AGAINST A FRAUDULENT PURCHASER AND HIS TRANSFEREE WITH NOTICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant [*C. D.*], for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [he was solvent, and worth rupees over all his liabilities].

2. That the plaintiff was thereby induced to sell and deliver to the said *C. D.* [one hundred boxes of tea], the estimated value of which is rupees.

3. That the said representations were false, and were then known by the said *C. D.* to be so. [*Or*, That at the time of making the said representations, the said *C. D.* was insolvent, and knew himself to be so.]

4. That the said *C. D.* afterwards transferred the said goods to the defendant *E. F.* without consideration [*or* who had notice of the falsity of the representation].

The plaintiff prays judgment:

(1) for the possession of the said goods, or for rupees, in case such possession cannot be had;

(2) for rupees compensation for the detention thereof.

E.—PLAINTS IN SUITS FOR SPECIAL RELIEF.

No. 99.

FOR RESCISSION OF A CONTRACT ON THE GROUND OF MISTAKE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , the defendant represented to the plaintiff that a certain piece of ground belonging to the defendant, situated at , contained [ten bighás].

2. That the plaintiff was thereby induced to purchase the same at the price of rupees in the belief that the said representation was true, and signed an instrument of agreement, of which a copy is hereto annexed. But no conveyance of the same has been executed to him.

3. That on the day of 18 , the plaintiff paid the defendant rupees as part of such purchase-money.

4. That the said piece of ground contained in fact only [five bighás].

The plaintiff prays judgment:

(1) for rupees, with interest from the day of

(2) that the said agreement of purchase be delivered up and cancelled.

No. 100.

FOR AN INJUNCTION RESTRAINING WASTE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff is the absolute owner of [*describe the property*].

2. That the defendant is in possession of the same under a lease from the plaintiff.

3. That the defendant has [cut down a number of valuable trees, and threatens to cut down many more for the purpose of sale] without the consent of the plaintiff.

The plaintiff prays judgment, that the defendant be restrained by injunction from committing or permitting any further waste on the said premises.

[*Pecuniary compensation might also be prayed.*]

No. 101.

FOR ABATEMENT OF A NUISANCE.

(*Title*).

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff is, and at all the times hereinafter mentioned was, the absolute owner of [the house No. , street, Calcutta].

2. That the defendant is, and at all the said times was, the absolute owner of [a plot of ground in the same street].

3. That on the day of 18 , the defendant erected upon his said plot a slaughter-house, and still maintains the same; and from that day until the present time has continually caused cattle to be brought and killed there [and has caused the blood and offal to be thrown into the street opposite the said house of the plaintiff].

4. That [the plaintiff has been compelled, by reason of the premises, to abandon the said house, and has been unable to rent the same].

The plaintiff prays judgment, that the said nuisance be abated.

No. 102.

FOR AN INJUNCTION AGAINST THE DIVERSION OF A WATER-COURSE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

As in Form No. 81.

The plaintiff prays judgment, that the defendant be restrained by injunction from diverting the water as aforesaid.

THE FOURTH SCHEDULE—*continued.*

No. 103.

FOR RESTORATION OF MOVEABLE PROPERTY, THREATENED WITH DESTRUCTION, AND FOR AN INJUNCTION.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff is, and at all times hereinafter mentioned was, the owner of [a portrait of his grandfather, which was executed by an eminent painter], and of which no duplicate exists [*or, state any facts showing that the property is of a kind that cannot be replaced by money*].

2. That on the day of 18 , he deposited the same for safe keeping with the defendant.

3. That on the day of 18 , he demanded the same from the defendant and offered to pay all reasonable charges for the storage of the same.

4. That the defendant refuses to deliver the same to the plaintiff and threatens to conceal, dispose of, cut or injure the same if required to deliver it up.

5. That no pecuniary compensation would be an adequate compensation to the plaintiff for the loss of the [painting];

The plaintiff prays judgment:

(1) that the defendant be restrained by injunction from disposing of, injuring or concealing the said [painting];

(2) that he return the same to the plaintiff.

No. 104.

INTERPLEADER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That before the date of the claims hereinafter mentioned, one *G. H.* deposited with the plaintiff [*describe the property*] for [safe keeping].

2. That the defendant, *C. D.*, claims the same [under an alleged assignment thereof to him from the said *G. H.*]

3. That the defendant, *E. F.*, also claims the same [under an order of the said *G. H.* transferring the same to him.]

4. That the plaintiff is ignorant of the respective rights of the defendants.

5. That he has no claim upon the said property, and is ready and willing to deliver it to such persons as the Court shall direct.

6. That this suit is not brought by collusion with either of the defendants.

The plaintiff prays judgment:

(1) that the defendants be restrained, by injunction, from taking any proceedings against the plaintiff in relation thereto;

(2) that they be required to interplead together concerning their claims to the said property;

[(3) that some person be authorized to receive the said property pending such litigation;]

(4) that upon delivering the same to such [person], the plaintiff be discharged from all liability to either of the defendants in relation thereto.

No. 105.

ADMINISTRATION BY CREDITOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. *F. F.*, late of , was at the time of his death, and his estate still is, indebted to the plaintiff in the sum of [*here insert nature of debt and security, if any*].

2. The said *E. F.* made his will, dated the day of and thereof appointed *C. D.* executor [*or*, devised his estate in trust, &c., *or*, died intestate, *as the case may be*].

3. The said will was proved by the said *C. D.* [*or*, Letters of administration were granted, &c.]

4. The defendant has possessed himself of the moveable [and immoveable, *or*, the proceeds of the immoveable] property of the said *E. F.*, and has not paid the plaintiff his said debt.

5. The said *E. F.* died on or about the day of .

6. The plaintiff prays that an account may be taken of the moveable [and immoveable] property of the said *E. F.*, deceased, and that the same may be administered under the decree of the Court.

No. 106.

ADMINISTRATION BY SPECIFIC LEGATEE.

(*Title.*)

[*Alter Form No. 105 thus:—*]

[*Omit paragraph 1 and commence paragraph 2*] *E. F.*, late of , duly made his last will, dated the day of and thereof appointed *C. D.* executor, and by such will bequeathed to the plaintiff [*here state the specific legacy.*]

For paragraph 4 substitute—

The defendant is in possession of the moveable property of the said *E. F.*, and, amongst other things, of the said [*here name the subject of the specific bequest.*]

For the commencement of paragraph 6 substitute—

The plaintiff prays that the defendant may be ordered to deliver to him the said [*here name the subject of the specific bequest*] or that, *&c.*

THE FOURTH SCHEDULE—*continued.*

No. 107.

ADMINISTRATION BY PECUNIARY LEGATEE.

(*Title.*)

[*Alter Form No. 105 thus*:—]

Omit paragraph 1 and substitute for paragraph 2] *E. F.*, late of , duly made his last will, dated the day of , and thereof appointed *C. D.* executor, and by such will bequeathed to the plaintiff a legacy of rupees.

In paragraph 4, substitute "legacy" *for* "debt."

Another Form.

Between *E. F.* ... *Plaintiff*,
and
G H. ... *Defendant.*

E. F., the above-named plaintiff, states as follows:—

1. *A. B.* of *K* in the duly made his last will, dated the [first day of March, 1873], whereby he appointed the defendant and *M. N.* [who died in the testator's life-time] executors thereof, and bequeathed his property, whether moveable or immoveable, to his executors in trust, to pay the rents and income thereof to the plaintiff for his life; and after his decease, and in default of his having a son who should attain twenty-one, or a daughter who should attain that age or marry, upon trust as to his immoveable property for the person who would be the testator's heir-at-law, and as to his moveable property for the persons who would be the testator's next-of-kin if he had died intestate at the time of the death of the plaintiff, and such failure of his issue as aforesaid.

2. The testator died on the [first day of July, 1878], and his will was proved by the defendant on the [fourth day of October, 1878]. The plaintiff has not been married.

3. The testator was at his death entitled to moveable and immoveable property; the defendant entered into the receipt of the rents of the immoveable property and got in the moveable property; he has sold some part of the immoveable property.

The plaintiff claims—

(1) to have the moveable and immoveable property of *A. B.* administered in this Court, and for that purpose to have all proper directions given and accounts taken;

(2) such further or other relief as the nature of the case may require.

Between *E. F.* ... *Plaintiff.*
and
G. H. ... *Defendant.*

Written Statement of Defendant.

1. *A. B.*'s will contained a charge of debts; he died insolvent; he was entitled at his death to some immoveable property which the defendant sold, and which produced the nett sum of rupees , and the testator had some moveable property which the defendant got in, and which produced the nett sum of rupees.

2. The defendant applied the whole of the said sums and the sum of rupees which the defendant received from rents of the immoveable property in the payment of the funeral and testamentary expenses and some of the debts of the testator.

3. The defendant made up his accounts and sent a copy thereof to the plaintiff on the [tenth day of January, 1875], and offered the plaintiff free access to the vouchers to verify such accounts, but he declined to avail himself of the defendant's offer.

4. The defendant submits that the plaintiff ought to pay the costs of this suit.

No. 108.

EXECUTION OF TRUSTS.

IN THE COURT OF , AT .

Civil Suit, No. .

A. B. of ... *Plaintiff*,
against
C. D. of the beneficiary [*or*, one of the beneficiaries] ... *Defendant.*

A. B., the above-named plaintiff, states as follows:—

1. That he is one of the trustees under an instrument of settlement bearing date on or about the day of made upon the marriage of *E. F.* and *G. H.*, the father and mother of the defendant [*or*, an instrument of assignment of the estate and effects of *E. F.* for the benefit of *C. D.*, the defendant, and other the creditors of *E. F.*]

2. The said *A. B.* has taken upon himself the burden of the said trust, and is in possession of [*or*, of the proceeds of] the moveable and immoveable property conveyed [*or* assigned] by the before-mentioned deed.

3. The said *C. D.* claims to be entitled to a beneficial interest under the before-mentioned deed.

4. The plaintiff is desirous to account for all the rents and profits of the said immoveable property [and the proceeds of the sale of the said, *or* of part of the said, immoveable property, *or* moveable, *or* the proceeds of the sale of, *or* of part of, the said moveable, property, *or* the profits accruing to the plaintiff as such trustee in the execution of the said trust]; and he prays that the Court will take the accounts of the said trust, and also that the whole of the said trust-estate may be administered in the Court for the benefit of the said *C. D.*, the defendant, and all other persons who may be interested in such administration, in the presence of the said *C. D.* and such other persons so interested as the Court may direct, or that the said *C. D.* may show good cause to the contrary.

[*N. B.—Where the suit is by a beneficiary, the plaint may be modelled,* mutatis mutandis, *on the plaint by a legatee.*]

No. 109.

FORECLOSURE OR SALE.

(*Title*).

A. B., the above-named plaintiff, states as follows:—

1. By a mortgage-deed dated the day of 18 , a house with the garden and appurtenances, situated within the jurisdiction of this Court, were conveyed by the defendant to him

THE FOURTH SCHEDULE—*continued.*

the plaintiff, his heirs [*or* executors, administrators,] and assigns, for securing the principal sum of Rs. together with interest thereon at the rate of Rs. per centum per annum, subject to redemption upon payment by the said defendant of the said principal and interest at a day long since past.

2. There is now due from the defendant to the plaintiff the sum of Rs. for principal and interest on the said mortgage.

3. The plaintiff prays (*a*) that the Court will order the defendant to pay him the said sum of Rs. with such further interest as may accrue between the filing of the plaint and the day of payment, and also the costs of this suit, on some day to be named by the Court, and in default that the right to redeem the said mortgaged premises may be foreclosed and the plaintiff placed in possession of the same premises; or (*b*) that the said premises may be sold, and the proceeds applied in and towards the payment of the amount of the said principal, interest and costs; and (*c*) that if such proceeds shall not be sufficient for the payment in full of such amount, the defendant do pay to the plaintiff the amount of the deficiency with interest thereon at the rate of six per cent. per annum until realization; and (*d*) that for that purpose all proper directions may be given and accounts taken by the Court.

No. 110.

REDEMPTION.

Title.

[*Alter Form No. 109 thus:—*]

Transpose parties and also the facts in paragraph 1.

For paragraph 2, substitute—

2. There is now due from the plaintiff to the defendant, for principal and interest on the said mortgage, the sum of Rs. which the plaintiff is ready and willing to pay to the defendant, of which the defendant, before filing this plaint, had notice.

For paragraph 3, substitute—

The plaintiff prays that he may redeem the said premises and that the defendant may be ordered to re-convey the same to him upon payment of the said sum of Rs. and interest, with such costs (if any), as the Court may order, upon a day to be named by the Court, and that the Court will give all proper directions for the preparation and execution of such re-conveyance and doing such other acts as may be necessary to put him into possession of the said premises, freed from the said mortgage.

No. 111.

SPECIFIC PERFORMANCE. (No. 1).

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. By an agreement dated the day of and signed by the above-named defendant, *C. D.*, he the said *C. D.* contracted to buy of [*or* sell to] him certain immoveable property therein described and referred to, for the sum of rupees.

2. He has applied to the said *C. D.* specifically to perform the said agreement on his part, but he has not done so.

3. The said *A. B.* has been and still is ready and willing specifically to perform the agreement on his part of which the said *C. D.* has had notice.

4. The plaintiff prays that the Court will order the said *C. D.* specifically to perform the said agreement and to do all acts necessary to put the said *A. B.* in full possession of the said property [*or* to accept a conveyance and possession of the said property] and to pay the costs of the suit.

[*N.B.—In suit for delivery up, to be cancelled, of any agreement, omit paragraphs 2 and 3, and substitute a paragraph stating generally the grounds for requiring the agreement to be delivered up to be cancelled—such as that the plaintiff signed it by mistake, under duress, or by the fraud of the defendant—and alter the prayer according to the relief sought.*]

No. 112.

SPECIFIC PERFORMANCE. (No. 2.)

(*Title*).

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , the defendant was absolutely entitled to certain immoveable property described in the agreement hereto annexed.

2. That on the same day, the plaintiff and defendant entered into an agreement, under their hands, a copy of which is hereto annexed.

3. That on the day of 18 , the plaintiff tendered rupees to the defendant, and demanded a conveyance of the said property.

4. That on the day of 18 , the plaintiff again demanded such conveyance. [*Or*, That the defendant refused to convey the same to the plaintiff.]

5. That the defendant has not executed such conveyance.

6. That the plaintiff is still ready and willing to pay the purchase-money of the said property to the defendant.

The plaintiff prays judgment:

(1) that the defendant execute to the plaintiff a sufficient conveyance of the said property [*following the terms of the agreement*];

(2) for rupees compensation for withholding the same.

No. 113.

PARTNERSHIP.

(*Title*).

A. B., the above-named plaintiff, states as follows:—

1. He and the said *C. D.*, the defendant, have been for the space of years [*or* months] last past carrying on business together at within the jurisdiction of this Court, under cer-

THE FOURTH SCHEDULE—*continued.*

tain articles of partnership in writing, signed by them respectively, [*or*, under a certain deed sealed and executed by them respectively, *or*, under a verbal agreement between them, the said plaintiff and defendant].

2. Divers disputes and differences have arisen between the plaintiff and defendant as such partners, whereby it has become impossible to carry on the said business in partnership with advantage to the partners.

3. The plaintiff desires to have the said partnership dissolved, and he is ready and willing to bear his share of the debts and obligations of the partnership according to the terms of the said articles [*or* deed, *or* agreement].

4. The plaintiff prays the Court to decree a dissolution of the said partnership, and that the accounts of the said partnership-trading may be taken by the Court, and the assets thereof realized, and that each party may be ordered to pay into Court any balance due from him upon such partnership-account, and that the debts and liabilities of the said partnership may be paid and discharged, and that the costs of the suit may be paid, out of the partnership-assets, and that any balance remaining of such assets, after such payment and discharge, and the payment of the said costs, may be divided between the plaintiff and defendant, according to the terms of the said articles [*or* deed, *or* agreement], or that, if the said assets shall prove insufficient, he the plaintiff and the said defendant may be ordered to contribute in such proportions as shall be just to a fund to be raised for the payment and discharge of such debts, liabilities and costs. And to give such other relief as the Court shall think fit.

This plaint was filed by of , pleader for the plaintiff, [*or* by].

[*N. B.—In suits for winding-up of any partnership, omit the prayer for dissolution: but instead thereof insert a paragraph stating the fact of the partnership having been dissolved.*]

No. 114.

FORMS OF CONCISE STATEMENTS.

[Code of Civil Procedure, section 58.]

The plaintiff's claim is	rs. for money lent [and interest].	Money lent.
The plaintiff's claim is rs. for money lent, and	rs., whereof rs. is for the price of goods sold, and rs. for interest.	Several demands.
The plaintiff's claim is	rs. for arrears of rent.	Rent.
The plaintiff's claim is	rs. for arrears of salary as a clerk [*or, as the case may be*].	Salary, &c.
The plaintiff's claim is	rs. for interest upon money lent.	Interest.
The plaintiff's claim is	rs. for a general average contribution.	General average.
The plaintiff's claim is	rs. for freight and demurrage.	Freight, &c.
The plaintiff's claim is	rs. for money deposited with the defendant as a banker.	Banker's balance.
The plaintiff's claim is pleader.	rs. for fees for work done [and rs. money expended] as a	Fees, &c., as pleader.
The plaintiff's claim is &c].	rs. for commission earned as [*state character—as* auctioneer, cotton-broker,	Commission.
The plaintiff's claim is	rs. for medical attendances.	Medical attendance, &c.
The plaintiff's claim is	rs. for a return of premiums paid upon policies of insurance.	Return of premium.
The plaintiff's claim is	rs. for the warehousing of goods.	Warehouse-rent.
The plaintiff's claim is	rs. for the carriage of goods by railway.	Carriage of goods.
The plaintiff's claim is	rs. for the use and occupation of a house.	Use and occupation of house.
The plaintiff's claim is	rs. for the hire of [furniture].	Hire of goods.
The plaintiff's claim is	rs. for work done as a [surveyor].	Work done.
The plaintiff's claim is	rs. for board and lodging.	Board and lodging
The plaintiff's claim is	rs. for the [board, lodging and] tuition of *X. Y.*	Schooling.
The plaintiff's claim is *&c.*] of the plaintiff.	rs. for money received by the defendant as pleader [*or* factor, *or* collector, *or*	Money received.
The plaintiff's claim is	rs. for fees received by the defendant under colour of the office of	Fees of office.
The plaintiff's claim is railway.	rs. for a return of money overcharged for the carriage of goods by	Money overpaid.
The plaintiff's claim is	rs. for a return of fees overcharged by the defendant as	Return of money by stake-holder.
The plaintiff's claim is	rs. for a return of money deposited with the defendant as stake-holder.	Money won from stake-holder.
The plaintiff's claim is able to plaintiff.	rs. for money entrusted to the defendant as stake-holder, and become pay-	Money entrusted to agent.
The plaintiff's claim is plaintiff.	rs. for a return of money entrusted to the defendant as agent of the	Money obtained by fraud.
The plaintiff's claim is	rs. for a return of money obtained from the plaintiff by fraud.	Money paid by mistake.
The plaintiff's claim is	rs. for a return of money paid to the defendant by mistake.	Money paid for consideration which has failed.
The plaintiff's claim is left undone; *or*, a bill to be taken up, *or*, a bill not taken up; *or*, *&c.*]	rs. for a return of money paid to the defendant for [work to be done, *or*, work	Money paid by surety for defendant.
The plaintiff's claim is	rs. for a return of money paid as a deposit upon shares to be allotted.	Rent paid.
The plaintiff's claim is	rs. for money paid for the defendant as his surety.	Money paid on accommodation-bill.
The plaintiff's claim is	rs. for money paid for rent due by the defendant.	Contribution by surety.
The plaintiff's claim is modation.	rs. upon a bill of exchange accepted [*or* indorsed] for the defendant's accom-	Money paid for calls.
The plaintiff's claim is	rs. for a contribution in respect of money paid by the plaintiff as surety.	
The plaintiff's claim is fendant, paid by the plaintiff.	rs. for a contribution in respect of a joint debt of the plaintiff and the de-	
The plaintiff's claim is bound to indemnify the plaintiff.	rs. for money paid for calls upon shares, against which the defendant was	

THE FOURTH SCHEDULE—*continued.*

Money payable under award.

The plaintiff's claim is rs. for money payable under an award.

Life-policy.

The plaintiff's claim is rs. upon a policy of insurance upon the life of *X. Y.*, deceased.

Money-bond.

The plaintiff's claim is rs. upon a bond to secure payment of rs. and interest.

Foreign judgment.

The plaintiff's claim is rs. upon a judgment of the Court in [the Empire of Russia].

Bills of exchange, &c.

The plaintiff's claim is rs. upon a cheque drawn by the defendant.

The plaintiff's claim is rs. upon a bill of exchange accepted [*or* drawn, *or* indorsed] by the defendant.

The plaintiff's claim is rs. upon a promissory note made [*or* indorsed] by the defendant.

The plaintiff's claim is rs. against the defendant, *A. B.*, as acceptor, and against the defendant, *C. D.*, as drawer [*or* indorser] of a bill of exchange.

Surety.

The plaintiff's claim is rs. against the defendant as surety for the price of goods sold.

The plaintiff's claim is rs. against the defendant, *A. B.*, as principal, and against the defendant, *C. D.*, as surety, for the price of goods sold [*or* for arrears of rent, *or* for money lent, *or* for money received by the defendant, *A. B.*, as traveller for the plaintiff, *or*, *&c.*]

Calls.

The plaintiff's claim is rs. for calls upon shares.

Indorsement for Costs, &c.

[*Add to the above forms*] and rs. for costs; and if the amount claimed be paid to the plaintiff or his pleader within days [*or if the summons is to be served out of the jurisdiction, insert the time for appearance limited by the order*] from the service hereof, further proceedings will be stayed.

Damages and other Claims.

Agent, &c.

The plaintiff's claim is for damages for breach of a contract to employ the plaintiff as traveller.

The plaintiff's claim is for damages for wrongful dismissal from the defendant's employment as traveller [and rs. for arrears of wages].

The plaintiff's claim is for damages for the defendant's wrongfully quitting the plaintiff's employment as manager.

The plaintiff's claim is for damages for breach of duty as factor [*or*, *&c.*,] of the plaintiff [and rs. for money received as factor, *or*, *&c.*]

Apprentices.

The plaintiff's claim is for damages for breach of the terms of a deed of apprenticeship of *X. Y.* to the defendant [*or* plaintiff].

Arbitration.

The plaintiff's claim is for damages for non-compliance with the award of *X. Y.*

Assault, &c.

The plaintiff's claim is for damages for assault [and false imprisonment, and for malicious prosecution].

By husband and wife.

The plaintiff's claim is for damages for assault and false imprisonment of the plaintiff, *C. D.*

Against husband and wife.

The plaintiff's claim is for damages for assault by the defendant, *C. D.*

Pleader.

The plaintiff's claim is for damages for injury by the defendant's negligence as pleader of the plaintiff.

Bailment.

The plaintiff's claim is for damages for negligence in the custody of goods [and for wrongfully detaining the same].

Pledge.

The plaintiff's claim is for damages for negligence in the keeping of goods pawned [and for wrongfully detaining the same].

Hire.

The plaintiff's claim is for damages for negligence in the custody of furniture [*or*, a carriage] lent on hire, [and for wrongfullly, *&c.*].

Banker.

The plaintiff's claim is for damages for wrongfully neglecting [*or* refusing] to pay the plaintiff's cheque.

Bill.

The plaintiff's claim is for damages for breach of a contract to accept the plaintiff's drafts.

Bond.

The plaintiff's claim is upon a bond conditioned not to carry on the trade of a .

Carrier.

The plaintiff's claim is for damages for refusing to carry the plaintiff's goods by railway.

The plaintiff's claim is for damages for refusing to carry the plaintiff by railway.

The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of coals by railway.

The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of machinery by sea.

Charter-party.

The plaintiff's claim is for damages for breach of charter-party of ship [*Mary*].

Claim for return of goods; damages.

The plaintiff's claim is for return of household furniture, [*or*, *&c.*,] or their value, and for damages for detaining the same.

Damages for depriving of goods.

The plaintiff's claim is for wrongfully depriving plaintiff of goods, household furniture, &c.

Defamation.

The plaintiff's claim is for damages for libel.

The plaintiff's claim is for damages for slander.

Wrongful distress.

The plaintiff's claim is for damages for improperly distraining.

[*This Form shall be sufficient whether the distress complained of be wrongful or excessive, or irregular.*]

Ejectment.

The plaintiff's claim is to recover possession of a house, No. in Street, or of a farm called Blackacre, situate in the of in the of .

To establish title and recover rents.

The plaintiff's claim is to establish his title to [*here describe property*] and to recover the rents thereof.

[*The two previous Forms may be combined.*]

Fishery.

The plaintiff's claim is for damages for infringement of the plaintiff's right of fishing.

Fraud.

The plaintiff's claim is for damages for fraudulent misrepresentation on the sale of a horse [*or* a business, *or* shares, *or*, *&c.*].

The plaintiff's claim is for damages for fraudulent misrepresentation of the credit of *A. B.*

Guarantee.

The plaintiff's claim is for damages for breach of a contract of guarantee for *A. B.*

The plaintiff's claim is for damages for breach of a contract to indemnify the plaintiff as the defendant's agent to distrain.

Insurance.

The plaintiff's claim is for a loss under a policy upon the ship [*Royal Charter*], and freight of cargo [*or* for return of premiums].

[*This Form shall be sufficient whether the loss claimed be total or partial.*]

Fire-insurance.

The plaintiff's claim is for a loss under a policy of fire-insurance upon house and furniture.

Landlord and tenant.

The plaintiff's claim is for damages for breach of a contract to insure a house.

The plaintiff's claim is for damages for breach of a contract to keep a house in repair.

THE FOURTH SCHEDULE—*continued.*

The plaintiff's claim is for damages for breaches of covenants contained in a lease of a farm. Landlord and tenant.

The plaintiff's claim is for damages for injury to the plaintiff from the defendant's negligence as a medical man. Medical man.

The plaintiff's claim is for damages for injury by the defendant's dog. Mischievous animal.

The plaintiff's claim is for damages for injury to the plaintiff by the negligent driving of the defendant or his servants. Negligence.

The plaintiff's claim is for damages for injury to the plaintiff while a passenger on the defendant's railway by the negligence of the defendant's servants.

The plaintiff's claim is for damages for injury to the plaintiff at the defendant's railway-station from the defective condition of the station.

The plaintiff's claim is as executor of *A. B.*, deceased, for damages for the death of the said *A. B.*, from injuries received while a passenger on the defendant's railway, by the negligence of the defendant's servants. Act XIII of 1855.

The plaintiff's claim is for damages for breach of promise of marriage. Promise of marriage.

The plaintiff's claim is for damages for breach of contract to accept and pay for goods. Sale of goods.

The plaintiff's claim is for damages for non-delivery [*or* short delivery, *or* defective quality, *or other breach of contract of sale*] of cotton [*or, &c.*].

The plaintiff's claim is for damages for breach of warranty of a horse.

The plaintiff's claim is for damages for breach of a contract to sell [*or* purchase] land. Sale of land.

The plaintiff's claim is for damages for breach of a contract to let [*or* take] a house.

The plaintiff's claim is for damages for breach of a contract to sell [*or* purchase] the lease, with good-will, fixtures, and stock-in-trade of a public-house.

The plaintiff's claim is for damages for breach of covenant for title [*or* for quiet enjoyment, *or, &c.*] in a conveyance of land.

The plaintiff's claim is for damages for wrongfully entering the plaintiff's land and drawing water from his well [*or* cutting his grass, *or* felling his timber, *or* pulling down his fences, *or* removing his gate, *or* using his road or path, *or* crossing his field, *or* depositing sand there, or carrying away gravel from thence, *or* carrying away stones from his river]. Trespass on land.

The plaintiff's claim is for damages for wrongfully taking away the support of plaintiff's land [*or* house, *or* mine]. Support.

The plaintiff's claim is for damages for wrongfully obstructing a way [public highway, *or* private way]. Way.

The plaintiff's claim is for damages for wrongfully diverting [*or* obstructing, *or* polluting, *or* diverting water from] a water-course. Water-course, &c.

The plaintiff's claim is for damages for wrongfully discharging water upon the plaintiff's land [*or* into the plaintiff's mine].

The plaintiff's claim is for damages for wrongfully obstructing the plaintiff's use of a well.

The plaintiff's claim is for damages for the infringement of the plaintiff's right of pasture. Pasture.

[*This Form shall be sufficient whatever the nature of the right to pasture be.*]

The plaintiff's claim is for damages for obstructing the access of light to plaintiff's house. Light.

The plaintiff's claim is for damages for the infringement of the plaintiff's patent. Patent.

The plaintiff's claim is for damages for the infringement of the plaintiff's copyright. Copyright.

The plaintiff's claim is for damages for wrongfully using [*or* imitating] the plaintiff's trademark. Trademark.

The plaintiff's claim is for damages for breach of a contract to build a ship [*or* to repair a house, *&c.*]. Work.

The plaintiff's claim is for damages for breach of a contract to employ the plaintiff to build a ship, &c.

The plaintiff's claim is for damages to his house, trees, crops, &c., caused by noxious vapours from the defendant's factory [*or*, &c.] Nuisance.

The plaintiff's claim is for damages from nuisance by noise from the defendant's works [*or* stables, *or, &c.*]

[*Add to indorsement*]:—and for an injunction Injunction.

[*Add to indorsement where claim is to land, or to establish title, or both*]:—

and for mesne profits. Mesne profits.

and for an account of rents or arrears of rent. Arrears of rent.

and for breach of covenant for [repairs]. Breach of covenant.

1. Creditor to administer Estate.

The plaintiff's claim is as a creditor of *X. Y.*, of , deceased, to have the moveable and immoveable property of the said *X. Y.* administered. The defendant, *C. D.*, is sued as the administrator of the said *X. Y.* [and the defendants, *E. F.* and *G. H.*, as his co-heirs at law].

2. Legatee to administer Estate.

The plaintiff's claim is as a legatee under the will dated the day of 18 , of *X. Y.*, deceased, to have the moveable and immoveable property of the said *X. Y.* administered. The defendant, *C. D.*, is sued as the executor of the said *X. Y.* [and the defendants *E. F.* and *G. H.*, as his devisees].

3. Partnership.

The plaintiff's claim is to have an account taken of the partnership-dealings between the plaintiff and defendant [under articles of partnership dated the day of], and to have the affairs of the partnership wound up.

4. By Mortgagee.

The plaintiff's claim is to have an account taken of what is due to him for principal, interest and costs on a mortgage dated the day of , made between [*parties*] [*or*, by deposit of title-deeds], and that the mortgage may be enforced by foreclosure or sale.

5. By Mortgagor.

The plaintiff's claim is to have an account taken of what, if anything, is due on a mortgage dated and made between [*parties*], and to redeem the property comprised therein.

6. Raising Portions.

The plaintiff's claim is that the sum of rs. which by a deed of settlement, dated was provided for the portions of the younger children of may be raised.

7. Execution of Trusts.

The plaintiff's claim is to have the trusts of an indenture dated and made between [*parties*] carried into execution.

THE FOURTH SCHEDULE—*continued.*

8. Cancellation or Rectification.

The plaintiff's claim is to have a deed dated and made between [*parties*] set aside or rectified.

9. Specific Performance.

The plaintiff's claim is for specific performance of an agreement dated the day of for the sale by the plaintiff to the defendant of certain [freehold] hereditaments at .

No. 115.

PROBATE.

1. *By an executor or legatee propounding a will in solemn form.*

The plaintiff claims to be executor of the last will dated the day of of *C. D.*, late of , deceased, who died on the day of , and to have the said will established. This summons is issued against you as one of the next-of-kin of the said deceased [*or, as the case may be*].

2. *By an executor or legatee of a former will, or a next-of-kin, &c., of the deceased, seeking to obtain the revocation of a probate granted in common form.*

The plaintiff claims to be executor of the last will dated the day of of *C. D.*, late of , deceased, who died on the day of and to have the probate of a pretended will of the said deceased, dated the day of revoked. This summons is issued against you as the executor of the said pretended will [*or, as the case may be*].

3. *By an executor or legatee of a will when letters of administration have been granted as in an intestacy.*

The plaintiff claims to be executor of the last will of *C. D.*, late of , deceased, who died on the day of , dated the day of .

The plaintiff claims that the grant of letters of administration of the estate of the said deceased obtained by you should be revoked, and probate of the said will granted to him.

4. *By a person claiming a grant of administration as a next-of-kin of the deceased, but whose interest as next-of-kin is disputed.*

The plaintiff claims to be the brother and sole next-of-kin of *C.D.*, of , deceased, who died on the day of , intestate, and to have as such a grant of administration to the personal estate of the said intestate. This writ is issued against you because you have entered a caveat, and have alleged that you are the sole next-of-kin of the deceased [*or, as the case may be*].

THE FOURTH SCHEDULE—*continued.*

F.—MISCELLANEOUS.

No. 116

Section 58 of the Code of Civil Procedure

COURT of the of holden at

REGISTER OF CIVIL SUITS in the year 18 .

Date of presentation of plaint	No of Suit.	PLAINTIFF.			DEFENDANT.			CLAIM			APPEARANCE			JUDGMENT.			APPEAL.		EXECUTION.					RETURN OF EXECUTION.		
		Name.	Description.	Place of abode.	Name.	Description	Place of abode.	Particulars.	Amount or value.	When the Cause of Action accrued.	Day for parties to appear	Plaintiff.	Defendant.	Date.	For whom	For what, or amount	Date of appeal.	Judgment in Appeal	Date of Application.	Date of Order.	Against whom.	For what, and amount if money	Amount of costs.	Amount paid into Court.	Arrested.	Minute of other Return than Payment or Arrest, and date of every Return.

THE FOURTH SCHEDULE—*continued.*

No. 117.

SUMMONS FOR DISPOSAL OF SUIT.

Sections 64 and 68 of the Code of Civil Procedure.

(*Title.*)

To

dwelling at

NOTICE—1. Should you apprehend your witnesses will not attend of their own accord, you can have summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call upon the witness to produce, on applying to the Court at any time before the trial, on your depositing their necessary subsistence-money.

2. If you admit the demand, you should pay the money into Court with the costs of the suit, to avoid the summary execution of the decree, which may be against your person or property, or both, if necessary.

WHEREAS has instituted a suit against you for you are hereby summoned to appear in this Court in person or by a duly authorized pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions on the day of 18 , at o'clock in the forenoon, to answer the above-named plaintiff; and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce all your witnesses on that day; and you are hereby required to take notice that, in default of your appearance on the day before-mentioned, the suit will be heard and determined in your absence; and you will bring with you, or send by your pleader , which the plaintiff desires to inspect, and any documents on which you intend to rely in support of your defence.

GIVEN under my hand and the seal of the Court this day of 18 .

L. S.

Judge.

NOTE.—*If written statements are required, say*—You are [*or such a party is, as the case may be*] required to put in a written statement by the day of .

No. 118.

SUMMONS FOR SETTLEMENT OF ISSUES.

Sections 64 and 68 of the Code of Civil Procedure.

(*Title.*)

To

dwelling at

NOTICE.—1. Should you apprehend your witnesses will not attend of their own accord, you can have summonses from this Court to compel the attendance of any witness, and the production of any document that you have a right to call on the witness to produce, on applying to the Court at any time before the trial, on your depositing their necessary subsistence-money.

2. If you admit the demand, you should pay the money into Court with the costs of the suit, to avoid the summary execution of the decree, which may be against your person or property, or both, if necessary.

WHEREAS has instituted a suit against you for you are hereby summoned to appear in this Court in person or by a duly authorized pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions, on the day of 18 , at o'clock in the forenoon, to answer the above-named plaintiff; and you are hereby required to take notice that, in default of your appearance on the day before mentioned, the issues will be settled in your absence; and you will bring with you, or send by your pleader , which the plaintiff desires to inspect, and any document on which you intend to rely in support of your defence.

GIVEN under my hand and the seal of the Court this day of 18 .

L. S.

Judge.

NOTE.—*If written statements are required, say*—You are [*or such a party is, as the case may be*] required to put in a written statement by the day of .

No. 119.

SUMMONS TO APPEAR.

Section 68 of the Code of Civil Procedure.

No. of Suit.

IN THE COURT OF AT

Plaintiff.
Defendant.

To

(*Name, description and address.*)

WHEREAS [*here enter the name, description and address of the plaintiff*] has instituted a suit in this Court against you [*here state the particulars of the claim as in the register*]: you are hereby summoned to appear in this Court in person on the day of at in the forenoon [*If not specially required to appear in person, state*—"in person or by a pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able

THE FOURTH SCHEDULE—*continued.*

to answer all such questions"] to answer the above-named plaintiff. [*If the summons be for the final disposal of the suit, this further direction shall be added here;* "and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce all your witnesses on that day"]; and you are hereby required to take notice that, in default of your appearance on the day before-mentioned, the suit will be heard and determined in your absence; and you will bring with you (or send by your agent) [*here mention any document the production of which may be required by the plaintiff*], which the plaintiff desires to inspect, and any document on which you intend to rely in support of your defence.

GIVEN under my hand and the seal of the Court this day of 18

L. S.

Judge.

No. 120.

ORDER FOR TRANSMISSION OF SUMMONS FOR SERVICE IN THE JURISDICTION OF ANOTHER COURT.

Section 85 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

The day of 18

WHEREAS it is stated in the plaint that the defendant in the above suit is at present residing in , but that the right to sue accrued within the jurisdiction of this Court: it is ordered that a summons returnable on the day of 18 be forwarded for service on the said defendant, to the Court of with a duplicate of this proceeding.

L. S.

Judge.

No. 121.

TO ACCOMPANY RETURN OF SUMMONS OF ANOTHER COURT.

Section 85 of the Code of Civil Procedure

IN THE COURT OF AT

Civil Suit, No. of 18

The day of 18

A. B. of

against

C. D. of

Read proceeding from the forwarding for service on in civil No. of that Court.

Read bailiff's endorsement on the back of the process stating that the and proof of the above having been duly taken by me on the [oath *or*] affirmation of and it is ordered that the be returned to the with a copy of this proceeding.

L. S.

Judge.

NOTE.—This form will be applicable to process other than summons, the service of which may have to be effected in the same manner

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No. 122.

DEFENDANT'S STATEMENT.

Section 110 of the Code of Civil Procedure.

(*Title.*)

I, the undersigned defendant [*or* one of the defendants], disclaim all interest under the will of the said *E. F.* in the plaint, named [*or*, as heir-at-law, *or*, as next-of-kin, *or* one of the next-of-kin, of *E. F.*, deceased, in the said plaint named].

Or, I, the undersigned defendant, state that I admit [*or* deny] [*here repeat in the language of the plaint the statements admitted or denied*].

Or, I, the undersigned defendant, submit that, upon the facts stated in the plaint, it does not appear that there is any agreement which can be legally enforced [*or*, that it appears upon the said plaint that I am jointly liable with one *E. F.*, who is not a party to the suit, and not severally liable as by the plaint appears, *or*, that it appears by the said plaint that *G. H.* should have been a joint-plaintiff with the said *A. B.* in the said suit, *or, as the case may be*].

THE FOURTH SCHEDULE—*continued.*

Or, that the plaintiff has conveyed his interest in the said mortgage [*or* right to redeem] to one *I. J.* [*or*, that I have conveyed or assigned to *H. L.* by way of further charge for securing the sum of Rs. , the right to redeem in the property sought by the suit to be foreclosed].

Or, that since the dissolution of the partnership the plaintiff has executed an instrument, whereby the plaintiff covenants to discharge all debts and liabilities of the partnership, and generally to release me from all claims and liabilities either by or to himself and others in respect of the said partnership-trading [*or, as the case may be*].

(*Signed*) *C. D.*,
Defendant.

No. 123.

INTERROGATORIES.

Section 121 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .

A. B.

against

C. D., E. F. and *G. H.*

Interrogatories on behalf of the above-named *A. B.* [*or C. D.*] for the examination of the above-named [*E. F.* and *G. H.*, *or A. B.*]

1. Did not, &c.
2. Has not, &c.

The defendant *E. F.* is required to answer the interrogatories numbered
The defendant *G. H.* is required to answer the interrogatories numbered

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No. 124.

FORM OF NOTICE TO PRODUCE DOCUMENTS.

Section 131 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .

A. B.

against

C. D.

Take notice that the plaintiff [*or* defendant] requires you to produce for his inspection the following documents referred to in your plaint [*or* written statement, *or* affidavit], dated the day of 18 .

Describe documents required.

X. Y., Pleader for the plaintiff [*or* the defendant].

To *Z.*,
Pleader for the defendant [*or* plaintiff].

No. 125.

SUMMONS TO ATTEND AND GIVE EVIDENCE.

Sections 159 and 163 of the Code of Civil Procedure.

(Title.)

To

WHEREAS your attendance is required to on behalf of the in the above cause, you are hereby required [personally to appear before this Court] on the day of 18 , at the hour of A.M. [and] to bring with you or to send to this Court .

A sum of Rs. , being your travelling and other expenses and subsistence-allowance for one day, is herewith sent. If you do not comply with this order, you will be subject to the consequence of non-attendance laid down in the Code of Civil Procedure, section 170.

Notice—(1). If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

(2). If you are to be detained beyond the day aforesaid, a sum of Rs. will be tendered to you for each day's attendance beyond the day specified.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 126.

Another Form.

No. of Suit.

IN THE COURT OF AT

Plaintiff.

Defendant.

To

[*Name, description and address.*]

YOU are hereby summoned to appear in this Court in person on the day of at in the forenoon, to give evidence on behalf of the plaintiff [*or* the defendant] in the

THE FOURTH SCHEDULE—*continued.*

above-mentioned suit, and to produce [*here describe with convenient certainty any document the production of which may be required. If the summons be only to give evidence, or if it be only to produce a document, it must be expressed accordingly*], and you are not to depart thence until you have been examined [*or* have produced the document] and the Court has risen, or unless you have obtained the leave of the Court.

FORMS OF DECREES.

No. 127.

SIMPLE MONEY-DECREE.

(*Title.*)

Claim for

THIS cause coming on for final disposal before in the presence of , on the part of the plaintiff, and on the part of the defendant, it is ordered that the do pay to the the sum of Rs. , with interest thereon at the rate of per cent. per from to the date of realization of the said sum, and do also pay to the the costs of this suit as taxed by the officer of the Court, with interest thereon at the rate aforesaid from the date of taxation to the date of realization.

Costs of suit.

PLAINTIFF.	Rs.	A.	P.	DEFENDANT.	Rs.	A.	P.
1. Stamp for plaint				Stamp for power			
2. Do. for power				Do. petition			
3. Do. exhibits				Pleader's fee			
4. Pleader's fees on Rs.				Subsistence for witnesses			
5. Translation-fee				Service of process			
6. Subsistence for witness for attendance				Translation-fee			
7. Commissioner's fee				Commissioner's fee			
8. Service of process							
9. &c.							
TOTAL ...				TOTAL ...			

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 128.

DECREE FOR SALE IN A SUIT BY A MORTGAGEE OR PERSON ENTITLED TO A LIEN.

(*Title.*)

It is ordered that it be referred to the Registrar [*or* Taxing Officer] to take an account of what is due to the plaintiff for principal and interest on the mortgage [*or* lien] mentioned in the plaint, and to tax the plaintiff's costs of this suit, and that the Registrar [*or* Taxing Officer] do declare in court on the day of what he shall find to be due for principal and interest as aforesaid, and for costs; And upon the defendant paying into court what shall be certified to be due to the plaintiff for principal and interest as aforesaid, together with the said costs, within six months from the date of declaring in court the amount so due; it is ordered that the plaintiff do reconvey the said mortgaged premises free and clear from all incumbrances done by him, or any claiming by, from, or under, him, and do deliver up to the defendant or to such person as he appoints all documents in his custody or power relating thereto, and that upon such reconveyance being made, and documents being delivered up, the Registrar [*or* Taxing Officer] shall pay out to the plaintiff the said sum so paid in as aforesaid for principal, interest and costs; but in default of the defendant paying into court such principal, interest and costs as aforesaid by the time aforesaid, then it is ordered that the said mortgaged premises [*or* the premises subject to the said lien] be sold with the approbation of the Registrar [*or* Taxing Officer]. And it is ordered that the proceeds of such sale (after defraying thereout the expenses of the sale) be paid into court, to the end that the same may be duly applied in payment of what shall be found due to the plaintiff for principal, interest and costs as aforesaid, and that the balance (if any) shall be paid to the defendant or other person entitled to receive the same.

No. 129.

FINAL DECREE FOR FORECLOSURE.

(*Title.*)

WHEREAS it appears to the Court that the defendant has not paid into court the sum which was on the day of last declared in court to be due to the plaintiff for principal and interest upon the mortgage in the plaint mentioned, and for costs, pursuant to the order made in

THE FOURTH SCHEDULE—*continued.*

this suit on the day of last, and that the period of six months has elapsed since the said day of

It is ordered that the defendant do stand absolutely debarred of all right to redeem the said mortgaged premises.

No. 130.

PRELIMINARY ORDER—ADMINISTRATION-SUIT.

Section 213 of the Code of Civil Procedure.

(*Title.*)

It is ordered that the following accounts and inquiries be taken and made; that is to say:—

In creditor's suit—

1. That an account be taken of what is due to the plaintiff and all other the creditors of the deceased.

In suits by legatees—

2. An account be taken of the legacies given by the testator's will.

In suits by next-of-kin—

An inquiry be made and account taken of what, or of what share, if any, the plaintiff is entitled to as next-of-kin [*or* one of the next-of-kin] of the intestate.

[*After the first paragraph, the Order will, where necessary, order, in a creditor's suit, inquiry and accounts for legatees, heirs-at-law and next-of-kin. In suits by claimants other than creditors, after the first paragraph, in all cases, an order to inquire and take an account of creditors will follow the first paragraph, and such of the others as may be necessary will follow, omitting the first formal words. The form is continued as in a creditor's suit.*]

3. An account of the funeral and testamentary expenses.

4. An account of the moveable property of the deceased come to the hands of the defendant, or to the hands of any other person by his order or for his use.

5. An inquiry what part (if any) of the moveable property of the deceased is outstanding and undisposed of.

6. And it is further ordered, that the defendant do, on or before the day of next, pay into court all sums of money which shall be found to have come to his hands, or to the hands of any person by his order or to his use.

7. And that if the *Registrar* shall find it necessary for carrying out the objects of the suit to sell any part of the moveable property of the deceased, that the same be sold accordingly, and the proceeds paid into court.

8. And that Mr. *E. F.* be Receiver in the suit [*or* proceeding], and receive and get in all outstanding debts and outstanding moveable property of the deceased, and pay the same into the hands of the Registrar [and shall give security by bond for the due performance of his duties to the amount of rupees].

9. And it is further ordered, that if the moveable property of the deceased be found insufficient for carrying out the objects of the suit, then the following further inquiries be made, and accounts taken, that is to say,—

(*a*) an inquiry what immoveable property the deceased was seized of or entitled to at the time of his death;

(*b*) an inquiry what are the incumbrances (if any) affecting the immoveable property of the deceased, or any part thereof;

(*c*) an account, so far as possible, of what is due to the several incumbrancers, and to include a statement of the priorities of such of the incumbrancers as shall consent to the sale hereinafter directed.

10. And that the immoveable property of the deceased, or so much thereof as shall be necessary to make up the fund in court sufficient to carry out the object of the suit, be sold with the approbation of the Judge, free from incumbrances (if any) of such incumbrancers as shall consent to the sale, and subject to the incumbrances of such of them as shall not consent.

11. And it is ordered, that *G. H.* shall have the conduct of the sale of the immoveable property, and shall prepare the conditions and contracts of sale subject to the approval of the Registrar, and that in case any doubt or difficulty shall arise the papers shall be submitted to the Judge to settle.

12. And it is further ordered, that for the purpose of the inquiries hereinbefore directed, the Registrar shall advertise in the newspapers according to the practice of the Court, or shall make such inquiries in any other way which shall appear to the Registrar to give the most useful publicity to such inquiries.

13. And it is ordered, that the above inquiries and accounts be made and taken, and that all other acts ordered to be done be completed, before the day of and that the Registrar do certify the result of the inquiries, and the accounts, and that all other acts ordered are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of

14. And, lastly, it is ordered, that this suit [*or* matter] stand adjourned for making final decree to the day of

[*Such part only of this order is to be used as is applicable to the particular case.*]

No. 131.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE.

Section 213 of the Code of Civil Procedure.

1. IT is ordered that the defendant do on or before the day of pay into court the sum of Rs. , the balance by the said certificate found to be due from the said defendant on account of the estate of , the testator, and also the sum of Rs. for interest, at the rate of Rs. per centum per annum, from the day of to the day of amounting together to the sum of Rs.

2. Let the Registrar [*or* Taxing officer] of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said costs, when so taxed, be paid out of the said sum of Rs. ordered to be paid into court as aforesaid, as follows:—

(*a*).—The costs of the plaintiff to Mr. , his attorney [*or* pleader], and the costs of the defendant to Mr. , his attorney [*or* pleader].

THE FOURTH SCHEDULE—*continued.*

(*b*).—And (*if any debts are due*) with the residue of the said sum of Rs. , after payment of the plaintiff's and defendant's costs as aforesaid, let the sums found to be owing to the several creditors mentioned in the schedule to the Registrar's certificate, together with subsequent interest on such of the debts as bear interest, be paid; and after making such payments, let the amount coming to the several legatees mentioned in the schedule, together with subsequent interest (to be verified as aforesaid), be paid to them.

3. And if there should then be any residue, let the same be paid to the residuary legatee.

DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE, WHERE AN EXECUTOR IS HELD PERSONALLY LIABLE FOR THE PAYMENT OF LEGACIES.

Section 213 of the Code of Civil Procedure.

1. Declare that the defendant is personally liable to pay the legacy of Rs. bequeathed to the plaintiff;

2. And it is ordered, that an account be taken of what is due for principal and interest on the said legacy;

3. And it is also ordered, that the defendant do within weeks after the date of the Registrar's certificate, pay to the plaintiff the amount of what the Registrar shall certify to be due for principal and interest;

4. And it is ordered, that the defendant do pay the plaintiff his costs of suit, the same to be taxed in case the parties differ.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY NEXT-OF-KIN.

Section 213 of the Code of Civil Procedure.

1. Let the Registrar of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said plaintiff's costs, when so taxed, be paid by the defendant to the plaintiff out of the sum of Rs. , the balance by the said certificate found to be due from the said defendant on account of the personal estate of *E. F.*, the intestate, within one week after the taxation of the said costs by the said Registrar, and let the defendant retain for her own use out of such sum her costs, when taxed.

2. And it is ordered, that the residue of the said sum of Rs. , after payment of the plaintiff's and defendant's costs as aforesaid, be paid and applied by defendant as follows:—

(*a*).—Let the defendant, within one week after the taxation of the said costs by the Registrar as aforesaid, pay one-third share of the said residue to the plaintiffs, *A. B.*, and *C.*, his wife, in her right, as the sister and one of the next-of-kin of the said *E. F.*, the intestate.

(*b*).—Let the defendant retain for her own use one other third share of the said residue, as the mother, and one other of the next-of-kin of the said *E. F.*, the intestate.

(*c*).—And let the defendant, within one week after the taxation of the said costs by the Registrar as aforesaid, pay the remaining one-third share of the said residue to *G. H.*, as the brother and the other next-of-kin of the said *E. F.*, the intestate.

No. 132.

ORDER—DISSOLUTION OF PARTNERSHIP.

Section 215 of the Code of Civil Procedure.

(*Title.*)

IT is declared that the partnership in the plaint mentioned between the plaintiff and defendant ought to stand dissolved as from the day of , and it is ordered that the dissolution thereof as from that day be advertised in the *Gazette, &c.*

And it is ordered that be the Receiver of the partnership-estate and effects in this suit, and do get in all the outstanding book-debts and claims of the partnership.

And it is ordered that the following accounts be taken:—

1. An account of the credits, property and effects now belonging to the said partnership;

2. An account of the debts and liabilities of the said partnership;

3. An account of all dealings and transactions between the plaintiff and defendant, from the foot of the settled account exhibited in this suit and marked (A), and not disturbing any subsequent settled accounts.

And it is ordered that the goodwill of the business heretofore carried on by the plaintiff and defendant as in the plaint mentioned, and the stock-in-trade, be sold on the premises, and that the Registrar may, on the application of any of the parties, fix a reserved bidding for all or any of the lots at such sale, and that either of the parties is to be at liberty to bid at the sale.

And it is ordered that the above accounts be taken and all the other acts required to be done be completed before the day of , and that the Registrar do certify the result of the accounts, and that all other acts are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of

And, lastly, it is ordered that this suit stand adjourned for making a final decree to the day of .

No. 133.

PARTNERSHIP—FINAL DECREE.

Section 215 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No.

A. B. of

against

C. D. of

IT is ordered that the fund now in court, amounting to the sum of Rs. be applied as follows:—

1. In payment of the debts due by the partnership set forth in the Registrar's certificate, amounting in the whole to Rs.

THE FOURTH SCHEDULE—*continued.*

2. In payment of the costs of all parties in this suit, amounting to Rs. [*These costs must be ascertained before the decree is drawn up*].

3. In payment of the sum of Rs. to the plaintiff as his share of the partnership-assets, of the sum of Rs. , being the residue of the said sum of Rs. now in court, to the defendant as his share of the partnership-assets.

[*Or*, And that the remainder of the said sum of Rs. be paid to the said plaintiff [*or* defendant] in part payment of the sum of Rs. certified to be due to him in respect of the partnership-accounts.]

And that the defendant [*or* plaintiff] do on or before the day of pay to the plaintiff [*or* defendant] the sum of Rs. being the balance of the said sum of Rs. due to him, which will then remain due.

No. 134.

CERTIFICATE OF NON-SATISFACTION OF DECREE.

Section 224 of the Code of Civil Procedure.

IN THE COURT OF . AT .

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

CERTIFIED that no [*or* partial, *as the case may be, and if partial, state to what extent*] satisfaction of the decree of this Court, in Civil Suit No. of 18 , a copy of which is hereunto attached, has been obtained by execution within the jurisdiction of this Court.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 135.

NOTICE TO SHOW CAUSE WHY EXECUTION SHOULD NOT ISSUE.

Section 248 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .

Miscellaneous, No. of 18 .

A. B. of

against

C. D. of

To

WHEREAS has made application to this Court for execution of decree in Civil Suit No. 18 this is to give you notice that you are to appear before this Court on the day of 18 , either in person, or by a pleader of this Court, or agent duly authorized and instructed, to show cause, if any, why execution should not be granted.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 136.

WARRANT OF ATTACHMENT OF MOVEABLE PROPERTY IN DEFENDANT'S POSSESSION IN EXECUTION OF A DECREE FOR MONEY.

Section 254 of the Code of Civil Procedure.

(*Title.*)

TO THE BAILIFF OF THE COURT.

WHEREAS was ordered, by decree of this Court, passed on the day of 18 , in Suit No. of 18 , to pay to the plaintiff the sum of Rs. as noted in the margin; and whereas the said sum of Rs. has not been paid

DECREE.			
Principal			
Interest			
Costs			
Costs of decree . . .			
Interest thereon . .			
Total of attachment . .			
TOTAL .			

THESE ARE TO COMMAND YOU to attach the moveable property of the said as set forth in the list hereunto annexed, or which shall be pointed out to you by the said , and unless the said shall pay to you the said sum of Rs. together with Rs. , the costs of this attachment, to hold the same until further orders from this Court.

YOU ARE FURTHER COMMANDED to return this Warrant on or before the day of

THE FOURTH SCHEDULE—*continued.*

18 , with an endorsement certifying the date and manner in which it has been executed, or why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 18

Schedule.

L. S.

Judge.

No. 137.

WARRANT TO THE BAILIFF TO GIVE POSSESSION OF LAND, &C.

Section 263 of the Code of Civil Procedure.

(*Title.*)

TO THE BAILIFF OF THE COURT.

WHEREAS in the occupancy of has been decreed to , the plaintiff in this suit: you are hereby directed to put the said in possession of the same, and you are hereby authorized to remove any person who may refuse to vacate the same.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 138.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY TO BE ATTACHED CONSISTS OF MOVEABLE PROPERTY, TO WHICH THE DEFENDANT IS ENTITLED SUBJECT TO A LIEN OR RIGHT OF SOME OTHER PERSON TO THE IMMEDIATE POSSESSION THEREOF.

Section 268 of the Code of Civil Procedure.

(*Title.*)

To

WHEREAS has failed to satisfy a decree passed against on the day of 18 in favour of for Rs. : it is ordered that the defendant be, and is hereby, prohibited and restrained, until the further order of this Court, from receiving from the following property in the possession of the said that is to say, to which the defendant is entitled, subject to any claim of the said , and the said is hereby prohibited and restrained, until the further order of this Court, from delivering the said property to any person or persons whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 139.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF DEBTS NOT SECURED BY NEGOTIABLE INSTRUMENTS.

Section 268 of the Code of Civil Procedure.

(*Title.*)

To

WHEREAS has failed to satisfy a decree passed against on the day of 18 , in Civil Suit, No. of 18 , in favour of for Rs. : it is ordered that the defendant be, and hereby, prohibited and restrained, until the further order of this Court, from receiving from you a certain debt alleged now to be due from you to the said defendant, namely, and that you, the said , be, and you are hereby, prohibited and restrained, until the further order of this Court, from making payment of the said debt, or any part thereof, to any person whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 140.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF SHARES IN A PUBLIC COMPANY, &c.

Section 268 of the Code of Civil Procedure.

(*Title.*)

To

Defendant, and to Manager of Company.

WHEREAS has failed to satisfy a decree passed against on the day of 18 , in Civil Suit, No. of 18 in favour of for Rs. : it is ordered that you, the defendant, be, and you are hereby, prohibited and restrained, until the further order of this Court, from making any transfer of shares in the aforesaid Company, namely, or from receiving payment of any dividends thereof; and you , the Manager of the said Company, are hereby prohibited and restrained from permitting any such transfer or making any such payment.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 141.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF IMMOVEABLE PROPERTY.

Section 274 of the Code of Civil Procedure.

(*Title.*)

To

Defendant.

WHEREAS you have failed to satisfy a decree passed against you on the day of 18 , in Civil Suit, No. of 18 , in favour of for Rs. : it is ordered that you, the said , be, and you are hereby, prohibited and restrained, until the further order of this Court, from alienating the property specified in the schedule hereunto annexed, by sale, gift, or otherwise, and that all persons be, and that they are hereby, prohibited from receiving the same by purchase, gift, or otherwise.

GIVEN under my hand and the seal of the Court, this day of 18 .

Schedule.

L. S.

Judge.

No. 142.

ATTACHMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF MONEY OR OF ANY SECURITY IN THE HANDS OF A COURT OF JUSTICE OR OFFICER OF GOVERNMENT.

Sections 272 and 486 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To

SIR,

THE plaintiff having applied, under section of the Code of Civil Procedure, for an attachment of certain money now in your hands (*here state how the money is supposed to be in the hands of the person addressed, on what account, &c.*), I request that you will hold the said money subject to the further order of this Court.

I have the honour to be,

SIR,

Your most obedient Servant,

L. S.

Judge.

Dated the day of 18 .

THE FOURTH SCHEDULE—*continued.*

No. 143.

ORDER FOR PAYMENT TO THE PLAINTIFF, &c., OF MONEY, &c., IN THE HANDS OF A THIRD PARTY.

Section 277 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .
Miscellaneous, No. of 18 .

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT AND TO

WHEREAS the following property has been attached in execution of a decree in Civil Suit, No. of 18 , passed on the day of 18 , in favour of for Rs. : it is ordered that the property so attached, consisting of Rs. in money, and Rs. in Currency notes, or a sufficient part thereof to satisfy the said decree, shall be paid over by you the said , to , and that the said property, so far as may be necessary for the satisfaction of the said decree, shall be sold by you, the Bailiff of the Court, by public auction in the manner prescribed for sale in execution of decrees, and that the money which may be realized by such sale, or a sufficient part thereof to satisfy the said decree, shall be paid over to the said and the remainder if any, shall be paid to you, the said

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 144.

NOTICE TO ATTACHING CREDITOR.

Section 278 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .
Miscellaneous, No. of 18 .

A. B. of

against

C. D. of

To

WHEREAS has made application to this Court for the removal of attachment on placed at your instance in execution of the decree in Civil Suit, No. of 18 , this is to give you notice to appear before this Court on , the day of , 18 , either in person or by a pleader of the Court duly instructed, to support your claim, as attaching creditor.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 145.

WARRANT OF SALE OF PROPERTY IN EXECUTION OF A DECREE FOR MONEY.

Section 287 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .
Miscellaneous, No. of 18 .

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT.

THESE ARE TO COMMAND YOU to sell by auction, after giving days' previous notice, by affixing the same in this court-house, and after making due proclamation,* the property attached under a warrant from this Court dated the day of 18 , in execution of a decree in favour of in suit No. of 18 , or so much of the said property as shall realize the sum of Rs. , being the of the said decree and costs still remaining unsatisfied.

YOU ARE FURTHER COMMANDED to return this warrant on or before the day of 18 , with an endorsement certifying the manner in which it has been executed, or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

* This proclamation shall specify the time, the place of sale, the property to be sold, the revenue assessed, should the property consist of land paying revenue to Government, and the amount for the recovery of which the sale is ordered, and as fairly and accurately as possible the other particulars required by section 287 to be specified.

THE FOURTH SCHEDULE—*continued.*

No. 146.

NOTICE TO PERSON IN POSSESSION OF MOVEABLE PROPERTY SOLD IN EXECUTION.

Section 300 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

To

WHEREAS has been the purchaser at a sale by auction in execution of the decree in the above suit of now in your possession, you are hereby prohibited from delivering possession of the said to any person except the said

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 147.

PROHIBITORY ORDER AGAINST PAYMENT OF DEBTS SOLD IN EXECUTION TO ANY OTHER THAN THE PURCHASER.

Section 301 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

To

and to

WHEREAS has become the purchaser at a public sale in execution of the decree in the above suit of certain debt due from you to you , that is to say , it is ordered that you be, and you are hereby, prohibited from receiving, and you from making payment of, the said debt to any person or persons except the said

GIVEN under my hand and the seal of the Court, this day of

L. S.

Judge.

No. 148.

PROHIBITORY ORDER AGAINST THE TRANSFER OF SHARES SOLD IN EXECUTION.

Section 301 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

To

and Manager of Company.

WHEREAS has become the purchaser at a public sale in execution of the decree, in the above suit of certain shares in the above Company, that is to say, of standing in the name of you , it is ordered that you be, and you are hereby, prohibited from making any transfer of the said shares to any person except the said the purchaser aforesaid, or from receiving any dividends thereon; and you , Manager of the said Company, from permitting any such transfer or making any such payment to any person except the said , the purchaser aforesaid.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 149.

ORDER CONFIRMING SALE OF LAND, &c.

Section 312 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

WHEREAS the following land [*or* immoveable property] was on the day of 18 sold by the Bailiff of this Court in execution of the decree in this suit; and whereas days have elapsed and no application has been made [*or* objection allowed] to the said sale, it is ordered that the said sale be, and the said sale is hereby, confirmed.

GIVEN under my hand and the seal of the Court, this day of 18

Schedule.

L. S.

Judge.

No. 150.

CERTIFICATE OF SALE OF LAND.

Section 316 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

THIS is to certify that has been declared the purchaser at sale by public auction on the day of 18 of in execution of decree in this suit, and that the said sale has been duly confirmed by the Court.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 151.

ORDER FOR DELIVERY TO CERTIFIED PURCHASER OF LAND AT A SALE IN EXECUTION.

Section 318 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS has become the certified purchaser of at a sale in execution of the decree in Civil Suit No. of 18 ; and whereas such land is in the possession of , you are hereby ordered to put the said , the certified purchaser, as aforesaid, into possession of the said and if need be, to remove any person who may refuse to vacate the same.

GIVEN under my hand and the seal of the Court, this day of

L. S.

Judge.

No. 152.

AUTHORITY TO THE COLLECTOR TO STAY PUBLIC SALE OF LAND.

Section 326 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To

Collector of

SIR,

In answer to your communication No. , dated , representing that the sale in execution of the decree in this suit of and, lying within your district,

THE FOURTH SCHEDULE—*continued.*

paying revenue to Government, is objectionable, I have the honour to inform you that you are authorized to make provision for the satisfaction of the said decree in the manner recommended by you instead of proceeding to a public sale of

I have the honour to be,
SIR,
Your obedient Servant,

L. S.

Judge.

No. 153.

ORDER FOR COMMITTAL FOR RESISTING, &c., EXECUTION OF DECREE FOR LAND.

Section 329 of the Code of Civil Procedure.

(*Title.*)

To

WHEREAS it appears to the Court that has without just cause resisted [*or* obstructed] the execution of the decree of the Court passed against on the day of 18 , in Civil Suit, No. of 18 , whereby certain land or immoveable property was adjudged to , it is ordered that the said be committed to custody for a period of days.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 154.

WARRANT OF ARREST IN EXECUTION.

Section 337 of the Code of Civil Procedure.

IN THE COURT OF AT
Civil Suit, No. of 18 .
Miscellaneous, No. of 18 .

A. B. of
against
C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS was adjudged by a decree of the Court, in No. of 18 , dated 18 , to pay to the plaintiff the sum of Rs. as noted in the margin, and whereas the said sum of Rs. has not been paid to the said plaintiff in satisfaction of the said decree, these are to command you to arrest the said defendant, and unless the said defendant shall pay to you the said sum of Rs. , together with Rs. for the costs of executing this process, to bring the said defendant before the Court with all convenient speed. You are further commanded to return this warrant on or before the day of 18 , with an endorsement certifying the day and manner in which it has been executed, or the reason why it has not been executed.

Principal			
Interest			
Costs			
Execution			
TOTAL .			

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 155.

NOTICE OF PAYMENT INTO COURT.

Section 377 of the Code of Civil Procedure.

IN THE COURT OF 18 .
B. No.

A. B. v. *C. D.*

TAKE notice that the defendant has paid into Court Rs. , and says that that sum is enough to satisfy the plaintiff's claim [*or* the plaintiff's claim for, *&c.*]

To Mr. *X. Z.*,
the Plaintiff's Pleader,
Z.,
Defendant's Pleader.

THE FOURTH SCHEDULE—*continued.*

No. 156.

COMMISSION TO EXAMINE ABSENT WITNESSES.

Section 386 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

To

WHEREAS the evidence of is required by the in the above suit; and whereas you are requested to take the examination on interrogatories [*or* vivâ voce] of such witnesses and you are hereby appointed a Commissioner for that purpose, and you are further requested to make return of such examination so soon as it may be taken [process to require the attendance of the witness will be issued by this Court on your application].*

GIVEN under my hand and the seal of the Court, this day of

L. S.

Judge.

* Not necessary where the commission goes to another Court.

No. 157.

COMMISSION FOR A LOCAL INVESTIGATION, OR TO EXAMINE ACCOUNTS.

Sections 392 and 394 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To

WHEREAS it is deemed requisite, for the purposes of this suit, that a commission for should be issued; you are hereby appointed Commissioner for the purpose of [process to compel the attendance before you of any witnesses, or for the production of any documents which you may desire to examine or inspect, will be issued by this Court on your application.]*

A sum of Rs. , being your fee in the above, is herewith forwarded.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

* Not necessary where the commission goes to another Court.

No. 158.

WARRANT OF ARREST BEFORE JUDGMENT.

Section 478 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS , the plaintiff in the above suit, has proved to the satisfaction of the Court that there is probable cause for believing that the defendant is about to , these are to command you to take the said into custody, and to bring before the Court, in order that he may show cause why he should not furnish security to the amount of rupees for personal appearance before the Court, until such time as the said suit shall be fully and finally disposed of, and until execution or satisfaction of any decree that may be passed against in the suit.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 159.

ORDER FOR COMMITTAL.

Section 481 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .

A. B. of
against
C. D. of

To

WHEREAS , plaintiff in this suit, has made application to the Court that security be taken for the appearance of the defendant to answer any judgment that may be passed against in the suit; and whereas the Court has called upon the defendant to furnish such security, or to offer a sufficient deposit in lieu of security, which has failed to do; it is ordered that the said defendant be committed to custody until the decision of the suit; or if judgment be given against , until the execution of the decree.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 160.

ATTACHMENT BEFORE JUDGMENT, WITH ORDER TO CALL FOR SECURITY FOR FULFILMENT OF DECREE.

Section 484 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .

A. B. of
against
C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS has proved to the satisfaction of the Court that the defendant in the above suit these are to command you to call upon the said defendant on or before the day of either to furnish security for the sum of rupees to produce and place at the disposal of this Court when required or the value thereof, or such portion of the value as may be sufficient to fulfil any decree that may be passed against , or to appear and show cause why should not furnish security; and you are further ordered to attach the said and keep the same under safe and secure custody until the further order of the Court, and in what manner you shall have executed this warrant make appear to the Court immediately after the execution hereof, and have you here then this warrant.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 161.

ATTACHMENT BEFORE JUDGMENT, ON PROOF OF FAILURE TO FURNISH SECURITY.

Section 485 of the Code of Civil Procedure.

IN THE COURT OF AT .

CIVIL SUIT, No. of 18 .

A. B. of
against
C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS , the plaintiff in this suit, has applied to the Court to call upon , the defendant, to furnish security to fulfil any decree that may be passed against in the suit, and whereas the Court has called upon the said to furnish such security which has failed to do ; these are to command you to attach the property of the said and keep the same under safe and secure custody until the further order of the Court, and in what manner you shall have executed this warrant make appear to this Court immediately after the execution hereof, and have you here then this warrant.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 162.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY TO BE ATTACHED CONSISTS OF MOVEABLE PROPERTY, TO WHICH THE DEFENDANT IS ENTITLED, SUBJECT TO A LIEN OR RIGHT OF SOME OTHER PERSONS TO THE IMMEDIATE POSSESSION THEREOF.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18
A. B. of
against
C. D. of

To

Defendant.

It is ordered that you the said be, and you are hereby, prohibited and restrained until the further order of this Court from receiving from the following property in the possession of the said that is to say to which the defendant is entitled, subject to any claim of the said and the said is hereby prohibited and restrained, until the further order of this Court, from delivering the said property to any persons whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 163.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF IMMOVEABLE PROPERTY.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18
A. B. of
against
C. D. of

To

Defendant.

It is ordered that you the said be, and you are hereby, prohibited and restrained, until the further order of this Court, from alienating the property specified in the schedule hereunto annexed, by sale, gift or otherwise, and that all persons be, and that they are hereby, prohibited from receiving the same by purchase, gift or otherwise.

GIVEN under my hand and the seal of the Court, this day of 18

Schedule.

L. S.

Judge.

No. 164.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF MONEY IN THE HANDS OF OTHER PERSONS, OR OF DEBTS NOT BEING NEGOTIABLE INSTRUMENTS.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18
A. B. of
against
C. D. of

It is ordered that the defendant be, and he is hereby, prohibited and restrained, until the further order of this Court, from receiving from the [money now in hands belonging to the said defendant *or* debts, *as the case may be, describing them*] and that the said be, and hereby prohibited and restrained, until the further order of this Court, from making payment of the said [money, &c.], or any part thereof, to any person whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 165.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF SHARES IN A PUBLIC COMPANY, &c.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

Defendant and to

To Manager of Company.

It is ordered that , the defendant, be, and hereby, prohibited and restrained, until the further order of the Court, from making any transfer of shares being in the aforesaid Company, or from receiving payment of any dividends thereof, and you Manager of the said Company, are hereby prohibited and restrained from permitting any such transfer, or making any such payment.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 166.

TEMPORARY INJUNCTIONS.

Section 492 of the Code of Civil Procedure.

Upon motion made unto this Court by , Pleader of [*or* Counsel for] the plaintiff, *A. B.*, and upon reading the petition of the said plaintiff in this matter filed [this day] [*or* the plaint filed in this cause on the day of , *or* the written statement of the said plaintiff filed on the day of] and upon hearing the evidence of and in support thereof, [*if after notice and defendant not appearing: add,* and also the evidence of as to service of notice of this motion upon the defendant, *C. D.*] This Court doth order that an injunction be awarded to restrain the defendant, *C. D.*, his servants, workmen and agents from pulling down, or suffering to be pulled down, the house in the plaint in the said suit of the plaintiff mentioned [*or* in the written statement, *or* petition, of the plaintiff and evidence at the hearing of this motion mentioned] being No. 9, Oilmongers Street, Hindúpur, in the Taluq of and from selling the materials whereof the said house is composed, until the hearing of this cause or until the further order of this Court.

Dated this day of 18 .

Civil Judge.

[*Where the injunction is sought to restrain the negotiation of a note or bill, the ordering part of the order may run thus:—*] to restrain the defendants and from parting with out of the custody of them or any of them or endorsing, assigning or negotiating the promissory note [*or* bill of exchange] in question, dated on or about the , *&c.*, mentioned in the plaintiff's plaint [*or* petition] and the evidence heard at this motion until the hearing of this cause, or until the further order of this Court.

[*In Copyright cases*] to restrain the defendant, *C. D.*, his servants, agents or workmen from printing, publishing, or vending a book, called , or any part thereof, until the, *&c.*

[*Where part only of a book is to be restrained*] to restrain the defendant, *C. D.*, his servants, agents or workmen from printing, publishing, selling, or otherwise disposing of such parts of the book in the plaint [*or* petition and evidence, *&c.*,] mentioned to have been published by the defendant as hereinafter specified, namely, that part of the said book which is entitled and also that part which is entitled [*or* which is contained in page to page both inclusive] until the , *&c.*

[*In Patent cases*] to restrain the defendant, *C. D*, his agents, servants and workmen, from making or vending any perforated bricks (*or as the case may be*) upon the principle of the inventions in the plaintiff's plaint [*or* petition, *&c.*, *or* written statement, *&c.*,] mentioned, belonging to the plaintiffs, or either of them, during the remainder of the respective terms of the patents in the plaintiff's plaint [*or as the case may be*] mentioned, and from counterfeiting, imitating or resembling the same inventions, or either of them, or making any addition thereto, or subtraction therefrom, until the hearing, &c.

[*In cases of Trademarks*] to restrain the defendant, *C. D.*, his servants, agents or workmen, from selling, or exposing for sale, or procuring to be sold, any composition or blacking [*or, as the case may be*] described as or purporting to be blacking manufactured by the plaintiff, *A. B.*, in bottles having affixed thereto such labels as in the plaintiff's plaint [*or* petition, *&c.*] mentioned, or any other labels so contrived or expressed as, by colourable imitation or otherwise, to represent the composition or blacking sold by the defendant to be the same as the composition or blacking manufactured and sold by the plaintiff, *A. B.*, and from using trade-cards so contrived or expressed as to represent that any composition or blacking sold or proposed to be sold by the defendant is the same as the composition or blacking manufactured or sold by the plaintiff, *A. B.*, until the, &c.

THE FOURTH SCHEDULE—*continued.*

[*To restrain a partner from in any way interfering in the business*]

to restrain the defendant, *C. D.*, his agents and servants, from entering into any contract, and from accepting, drawing, endorsing or negotiating any bill of exchange, note or written security, in the name of the partnership-firm of *B. & D.*, and from contracting any debt, buying and selling any goods, and from making or entering into any verbal or written promise, agreement or undertaking, and from doing or causing to be done, any act, in the name or on the credit of the said partnership-firm of *B. & D.*, or whereby the said partnership-firm can or may in any manner become or be made liable to or for the payment of any sum of money, or for the performance of any contract, promise or undertaking, until the, &c.

No. 167.

NOTICE OF APPLICATION FOR INJUNCTION.

Section 494 of the Code of Civil Procedure.

IN THE COURT OF AT

A. B. of

against

C. D. of

TAKE notice that I, *A. B.*, intend to apply at the sitting of the Court at aforesaid, on the day of for an injunction to restrain *C. D.* from further prosecuting a suit which he has commenced against me in , to recover damages for the breach of the contract for the specific performance of which this suit was commenced [*or* to restrain him from receiving and giving discharges for any of the debts due to the partnership in the matter of the partnership between us for the winding-up of which the suit was commenced, *or* from digging the turf from the land which was agreed to be sold by him to me by the agreement, the specific performance of which this suit is commenced to enforce *or, as the case may be*].

Dated this day of 18

To C. D.

A. B.

[*N. B.—Where the injunction is to be applied for against a party whose name and address do not appear upon any proceeding already filed in the suit, such name and address must be stated in full to enable the proper officer to serve the notice.*]

No. 168.

APPOINTMENT OF A RECEIVER.

Section 503 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To

WHEREAS has been attached in execution of a decree passed in the above suit on the day of 18 , in favour of : you are hereby (subject to your giving security to the satisfaction of the *Registrar*) appointed Receiver of the said property under section 503 of the Code of Civil Procedure, with full powers under the provisions of that section.

YOU are required to render a due and proper account of your receipts and disbursements in respect of the said property on . You will be entitled to remuneration at the rate of per cent. upon your receipts under the authority of this appointment.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 169.

BOND TO BE GIVEN BY RECEIVER.

Section 503 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of

A. B. of

against

C. D. of

KNOW all men by these presents, that we, *I. J.* of, &c., and *K. L.* of, &c., and *M. N.* of, &c., are jointly and severally bound to *G. H., Registrar* of the Court of in Rs. , to be paid to the said *G. H.* or his attorney, executors, administrators or assigns. For which payment to be made we bind ourselves, and each of us, in the whole, our and each of our heirs, executors and administrators, jointly and severally, by these presents.

Dated this day of 18 .

And whereas a plaint has been filed in this Court by *A. B.* against *C. D.* for the purpose of [*here insert object of suit*].

THE FOURTH SCHEDULE—*continued.*

And whereas the said *I. J.* has been appointed, by order of the above-mentioned Court, to receive the rents and profits of the immoveable property, and to get in the outstanding moveable property of *O. P.*, the testator in the said plaint named.

Now the condition of this obligation is such, that if the above-bounden *I. J.* shall duly account for all and every the sum and sums of money which he shall so receive on account of the rents and profits of the immoveable property, and in respect of the moveable property of the said *O. P.* [*or, as may be*] at such periods as the said Court shall appoint, and shall duly pay the balances which shall from time to time be certified to be due from him as the said Court hath directed or shall hereafter direct, then this obligation shall be void, otherwise it shall remain in full force.

I. J.
K. L.
M. N.

Signed and delivered by the above-bounden in the presence of

NOTE.—*If deposit of money be made, the memorandum thereof should follow the terms of the condition of the bond.*

No. 170.

ORDER OF REFERENCE TO ARBITRATION UNDER AGREEMENT OF PARTIES.

Section 508 of the Code of Civil Procedure.

(*Title.*)

To

WHEREAS the above-mentioned plaintiff and defendant have agreed to refer the matters in difference between them in the above suit to your arbitration and award, you are hereby appointed accordingly to determine all the said matters in difference between the parties, and with power, by consent of the parties, to determine which party shall pay the costs of this reference.

You are required to deliver your award in writing to this Court on or before the day of 18 , or such other day as this Court may further fix.

Process to compel the attendance before you of any witnesses, or for the production of any documents which you may desire to examine or inspect, will be issued by this Court on your application, and you are empowered to administer to such witnesses oath or affirmation.

A sum of Rs. , being your fee in the above suit, is herewith forwarded.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 171.

ORDER OF REFERENCE TO ARBITRATION BY COURT, WITH CONSENT.

Section 508 of the Code of Civil Procedure.

(*Title.*)

Upon reading a petition of the plaintiff, filed this day, and on the consent of for the defendant, and upon hearing for the plaintiff and for the defendant, it is ordered, by and with the consent of all the parties, that all matters in difference in this suit, including all dealings and transactions between all parties, be referred to the final determination of , who is to make his award in writing and submit the same to this Court, together with all proceedings, depositions and exhibits in this suit, within one month from the date hereof. And it is ordered further, by and with the like consent, that the said arbitrator is to be at liberty to examine the parties and their witnesses upon oath or affirmation, which he is empowered to administer, and that the said arbitrators shall have all such powers or authorities as are vested in arbitrators under the Code of Civil Procedure, including therein power to call for all books of account that he may consider necessary. And it is further ordered, by and with the like consent, that the costs of this suit, together with the costs of reference to arbitration, up to and including the award of the said arbitrator, and the enforcement thereof, do abide the result of the finding of the said arbitrator. And it is further ordered, by and with the like consent, that the said arbitrator be at liberty to appoint a competent accountant to assist him in the investigation of the several matters referred to him as aforesaid, and that the remuneration of such accountant and other charges attending thereto be in the discretion of the said arbitrator.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 172.

SUMMONS IN SUMMARY SUIT ON NEGOTIABLE INSTRUMENT.

Section 532 of the Code of Civil Procedure.

No. OF SUIT.

IN THE COURT OF AT

Plaintiff.

To Defendant.

[*Here enter the defendant's name, description and address.*]

WHEREAS [*here enter the plaintiff's name, description and address*] has instituted a suit in this Court against you under Chapter XXXIX of the Code of Civil Procedure for Rs. principal and interest [*or* Rs. balance of principal and interest] due to him as the payee [*or* endorsee] of a bill of exchange [*or* hundi *or* promissory note], of which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court within ten days from the service hereof, inclusive of the day of such service, to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled at any time after the expiration of such ten days to obtain a decree for any sum not exceeding the sum of Rs. [*here state the sum claimed*] and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits, or that it is reasonable that you should be allowed to appear in the suit.

[*Here copy the bill of exchange, hundi or promissory note, and all endorsements upon it.*]

No. 173.

MEMORANDUM OF APPEAL.

Section 541 of the Code of Civil Procedure.

MEMORANDUM OF APPEAL.

(*Name, &c., as in Register.*) Plaintiff—Appellant.

(*Name, &c., as in Register.*) Defendant—Respondent.

[*Name of Appellant*] [plaintiff *or* defendant] above-named appeals to the High Court at [*or* District Court at , *as the case may be*] against the decree of in the above suit dated the day of , for the following reasons, namely, [*here state the grounds of objection.*]

THE FOURTH SCHEDULE—*continued.*

No. 174.

REGISTER OF APPEALS.

Section 548 of the Code of Civil Procedure.

COURT (*OR* HIGH COURT) AT

REGISTER OF APPEALS FROM DECREES in the year 18 .

Date of Memorandum.	No. of Appeal.	APPELLANT.			RESPONDENT.			DECREE APPEALED FROM.				APPEARANCE.			JUDGMENT.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed or altered.	For what or Amount.

THE FOURTH SCHEDULE—*continued.*

No. 175.

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE APPEAL.

Section 553 of the Code of Civil Procedure.

IN THE COURT OF AT

, *Appellant*, v. , *Respondent.*

APPEAL from the of the Court of dated the day of 18 .

Respondent.

To

TAKE notice that an appeal from the decree of in this case has been presented by and registered in this Court, and that the day of 18 has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself, your pleader, or by some one by law authorized to act for you in this appeal, it will be heard and decided *ex parte* in your absence.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

[NOTE.—*If a stay of execution has been ordered, intimation should be given of the fact on this notice.*]

No. 176.

DECREE ON APPEAL.

Section 579 of the Code of Civil Procedure.

IN THE COURT OF AT .

, *Appellant*, v. , *Respondent.*

APPEAL from the of the Court of dated the day of 18 .

Memorandum of Appeal.

, *Plaintiff.*
, *Defendant.*

Plaintiff [*or* defendant] above-named appeals to the Court at against the decree of in the above suit, dated the day of 18 , for the following reasons, namely;

[*here state the reasons*]

This appeal coming on for hearing on the day of 18 before , in the presence of for the Appellant, and of for the Respondent, it is ordered—

[*here state the relief granted*]

The costs of this appeal, amounting to , are to be paid by The costs of the original suit are to be paid by .

GIVEN under my hand, this day of 18 . .

L. S

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 177.

REGISTER OF APPEALS FROM APPELLATE DECREES.

Section 587 of the Code of Civil Procedure.

HIGH COURT AT

REGISTER OF APPEALS FROM APPELLATE DECREES.

Date of Memorandum.	No. of Appeal.	APPELLANT.			RESPONDENT.			DECREE APPEALED FROM.				APPEARANCE.			JUDGMENT.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suit and of Appeal.	Particulars.	Amount or Value.	Day for parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed or altered.	For what or Amount.

THE FOURTH SCHEDULE—*concluded.*

No. 178.

NOTICE TO SHOW CAUSE WHY A REVIEW SHOULD NOT BE GRANTED.

Section 626 of the Code of Civil Procedure.

IN THE COURT OF AT

, *Plaintiff*, v. , *Defendant.*

To

TAKE notice that has applied to this Court for a review of its judgment passed on the day of 18 in the above case. The day of 18 is fixed for you to show cause why the Court should not grant a review of its judgment in this case.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 179.

NOTICE OF CHANGE OF PLEADER.

IN THE COURT OF AT

A. B. of

against

C. D. of

TO THE REGISTRAR OF THE COURT.

TAKE notice that I, *A. B.* [*or C. D.*], have hitherto employed as my pleader *G. H.* of in the above-mentioned cause, but that I have ceased to employ him, and that my present pleader is *J. K.* of

A. B. [*or C. D.*]

No. 180.

MEMORANDUM TO BE PLACED AT FOOT OF EVERY SUMMONS, NOTICE, DECREE OR ORDER OF COURT, OR ANY OTHER PROCESS OF THE COURT.

Hours of attendance at the office of the Registrar [*place of office*] from *ten* till *four*, except on [*here insert the day on which the office will be closed*], when the office will be closed at *one.*

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 17th March, 1882, and is hereby promulgated for general information :—

ACT No. XV OF 1882.

THE PRESIDENCY SMALL CAUSE COURTS ACT, 1882.

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An Act to consolidate and amend the law relating to the Courts of Small Causes established in the Presidency towns.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts of Small Causes established in the towns of Calcutta, Madras and Bombay; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Commencement.

1. This Act may be called "The Presidency Small Cause Courts Act, 1882"; and it shall come into force on the first day of July, 1882.

But nothing herein contained shall affect the provisions of the Army Act, 1881, section 151, or the rights or liabilities of any person under any decree passed before that day.

Repeal of enactments.

2. On and from the said day the enactments specified in the first schedule hereto annexed shall be repealed to the extent mentioned therein.

But all Courts constituted, appointments made and securities given under any of the said enactments shall, so far as may be, be deemed to have been respectively constituted, made and given under this Act.

References in previous Acts.

All references to any enactment hereby repealed made in Acts passed prior to the said day shall be read, so far as may be practicable, as if made to this Act or the corresponding provisions hereof.

Amendment of Acts.

3. In Act No. XXIII of 1850 *(for securing the Land-revenue of Calcutta)*, section 3, for the word and figures "Act VII. 1847," the words and figures "The Presidency Small Cause Courts Act, 1882, Chapter VIII," shall be substituted; the words "as provided by the said Act" shall be repealed; and for each of the expressions "a Commissioner of the Court for recovery of small debts referred to in the said Act," and "the said Commissioners" the words "the Judges of the Court of Small Causes at Calcutta," shall be substituted.

In the Code of Civil Procedure, section 8, after the word and figures "chapter XXXIX" the words and figures "and by the Presidency Small Cause Courts Act, 1882," shall be inserted.

"Small Cause Court" defined.

4. In this Act, "the Small Cause Court" means the Court of Small Causes constituted under this Act in the town of Calcutta, Madras or Bombay, as the case may be.

CHAPTER II.

CONSTITUTION AND OFFICERS OF THE COURT.

Courts of Small Causes established.

5. There shall be in each of the towns of Calcutta, Madras and Bombay a Court, to be called the Court of Small Causes of Calcutta, Madras or Bombay, as the case may be.

Court to be deemed under superintendence, &c., of High Court.

6. The Small Cause Court shall be deemed to be a Court subject to the superintendence of the High Court of Judicature at Fort William, Madras or Bombay, as the case may be, within the meaning of the Letters Patent, respectively dated the 28th day of December, 1865, for such High Courts and within the meaning of the Code of Civil Procedure; and the High Court shall have, in respect of the Small Cause Court, the same powers as it has under the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, in respect of Courts subject to its appellate jurisdiction.

Appointment, suspension and removal of Judges.

7. Subject to the control of the Governor General in Council, the Local Government may, from time to time, by notification in the official Gazette, appoint a person to be Chief Judge, and so many other persons as it thinks fit to be Judges, of the Small Cause Court: Provided that not less than one-third of the persons so appointed, including the Chief Judge, shall be advocates of one of the said High Courts.

The Local Government may, by a like notification, suspend and, with the previous sanction of the Governor General in Council, remove any Judge so appointed.

All barristers who when this Act comes into force are, or are acting as, Judges of the Small Cause Court shall, for the purposes of this section, be deemed to be advocates of a High Court.

Rank and precedence of Judges.

8. The Chief Judge shall be the first of the Judges in rank and precedence.

The other Judges shall have rank and precedence as the Local Government may, from time to time, direct.

Power to make rules.

9. Except as otherwise provided by this or any other law for the time being in force, the Small Cause Court may, with the previous sanction of the High Court, make rules to provide, in such manner as it thinks fit, for all matters not specially provided for by this Act, and for the exercise by one or more of its Judges of any powers conferred on the Small Cause Court by this Act or by any other law for the time being in force.

Chief Judge to distribute business of Court.

10. Subject to such rules, the Chief Judge may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof.

Procedure in case of difference of opinion.

11. Save as hereinafter otherwise provided, when two or more of the Judges sitting together differ on any question, the opinion of the majority shall prevail; and if the Court is equally divided, the Chief Judge, if he is one of the Judges so differing, or in his absence the Judge first in rank and precedence of the Judges so differing, shall have the casting voice.

Seal to be used.

12. The Small Cause Court shall use a seal of such form and dimensions as are for the time being prescribed by the Local Government.

Appointment of Registrar and ministerial officers.

13. The Local Government may, from time to time, appoint an officer to be called the Registrar of the Court, and to be the chief ministerial officer of the Court;

and the Chief Judge may, from time to time, subject to the control of the Local Government, appoint as many clerks, bailiffs and other ministerial officers as may be necessary for the administration of justice by the Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force.

Powers and duties of such officers.

The Registrar and other officers so appointed shall exercise such powers, and discharge such duties, of a ministerial nature as the Chief Judge may, from time to time, by rule, direct.

The Chief Judge may suspend or remove any Registrar or other officer so appointed; but the removal of any Registrar or officer drawing a monthly salary of one hundred rupees or upwards shall be subject to the orders of the Local Government.

Registrar may be invested with powers of a Judge in suits not exceeding twenty rupees.

14. The Local Government may invest the Registrar with the powers of a Judge under this Act for the trial of suits in which the amount or value of the subject-matter does not exceed twenty rupees. And, subject to the orders of the Chief Judge, any Judge of the Small Cause Court may, whenever he thinks fit, transfer from his own file to the file of the Registrar any suit which the latter is competent to try.

Judge or other officer not to practise or trade.

15. No Judge or other officer appointed under this Act shall, during his continuance as such Judge or officer, either by himself or as a partner of any other person, practise or act, either directly or indirectly, as an advocate, attorney, vakil or other legal practitioner, or be concerned, either on his own account or for any other person, or as the partner of any other person, in any trade or profession.

Any such Judge or officer so practising, acting or concerned shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

Nothing herein contained shall be deemed to prohibit any such Judge or officer from being a member of any company incorporated or registered under Royal Charter, Letters Patent, Act of Parliament or Act of any British Indian legislature.

CHAPTER III.

LAW ADMINISTERED BY THE COURT.

Questions arising in suits, &c., under Act to be decided according to law administered by High Court.

16. All questions, other than questions relating to procedure or practice, which arise in suits or other proceedings under this Act in the Small Cause Court shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

CHAPTER IV.

JURISDICTION IN RESPECT OF SUITS.

Local limits of jurisdiction of Court.

17. The local limits of the jurisdiction of each of the Small Cause Courts shall be the local limits for the time being of the ordinary original civil jurisdiction of the High Court.

Suits in which Court has jurisdiction.

18. Subject to the exceptions in section nineteen, the Small Cause Court shall have jurisdiction to try all suits of a civil nature—

when the amount or value of the subject-matter does not exceed two thousand rupees: and

(*a*) the cause of action has arisen, either wholly or in part, within the local limits of the jurisdiction of the Small Cause Court, and the leave of the Court has, for reasons to be recorded by it in writing, been given before the institution of the suit; or

(*b*) all the defendants, at the time of the institution of the suit, actually and voluntarily reside, or carry on business, or personally work for gain, within such local limits; or

(*c*) any of the defendants, at the time of the institution of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, within such local limits, and either the leave of the Court has been given before the institution of the suit, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution.

Explanation I.—When in any suit the sum claimed is, by a set-off admitted by both parties, reduced to a balance not exceeding two thousand rupees, the Small Cause Court shall have jurisdiction to try such suit.

Explanation II.—Where a person has a permanent dwelling at one place and also a lodging at another place for a temporary purpose only, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary lodging.

Explanation III.—A Corporation or Company shall be deemed to carry on business at its sole or principal office in British India, or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

Suits in which Court has no jurisdiction.

19. The Small Cause Court shall have no jurisdiction in—

(*a*) suits concerning the assessment or collection of the revenue;

(*b*) suits concerning any act ordered or done by the Governor General in Council or the Local Government, or by the Governor General or a Governor, or by any Member of the Council of the Governor General or of the Governor of Madras or Bombay, in his official capacity, or by any person by order of the Governor General in Council or the Local Government;

(*c*) suits concerning any act ordered or done by any Judge or judicial officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court or any such Judge or judicial officer;

(*d*) suits for the recovery of immoveable property;

(*e*) suits for the partition of immoveable property;

(*f*) suits for the foreclosure or redemption of a mortgage of immoveable property;

(*g*) suits for the determination of any other right to or interest in immoveable property;

(*h*) suits for the specific performance or rescission of contracts;

(*i*) suits to obtain an injunction;

(*j*) suits for the cancellation or rectification of instruments;

(*k*) suits to enforce a trust;

(*l*) suits for a general average loss and suits on policies of insurance on sea-going vessels;

(*m*) suits for compensation in respect of collisions on the high seas;

(*n*) suits for compensation for the infringement of a patent, copyright or trademark;

(*o*) suits for a dissolution of partnership or for an account of partnership-transactions;

(*p*) suits for an account of property and its due administration under the decree of the Court;

(*q*) suits for compensation for libel, slander, malicious prosecution, adultery or breach of promise of marriage;

(*r*) suits for the restitution of conjugal rights, for the recovery of a wife, or for a divorce;

(*s*) suits for declaratory decrees;

(*t*) suits for possession of a hereditary office;

(*u*) suits against Sovereign Princes or Ruling Chiefs, or against Ambassadors or Envoys of Foreign States;

(*v*) suits on any judgment of a High Court;

(*w*) suits the cognizance whereof by the Small Cause Court is barred by any law for the time being in force.

Court may by consent try suits beyond pecuniary limits of jurisdiction.

20. When the parties to a suit which, if the amount or value of the subject-matter thereof did not exceed two thousand rupees, would be cognizable by the Small Cause Court, have entered into an agreement in writing that the Small Cause Court shall have jurisdiction to try such suit, the Court shall have jurisdiction to try the same, although the amount or value of the subject-matter thereof may exceed two thousand rupees.

Every such agreement shall be filed in the Small Cause Court, and, when so filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by its decision in such suit.

Suits by and against officers of Court.

21. All suits to which an officer of the Small Cause Court is, as such, a party, except suits in respect of property taken in execution of its process, or the proceeds or value thereof, may be instituted in the High Court at the election of the plaintiff as if this Act had not been passed.

Costs when plaintiff sues in High Court in other cases cognizable by Small Cause Court.

22. If any suit cognizable by the Small Cause Court, other than a suit to which section twenty-one applies, is instituted in the High Court, and if in such suit the plaintiff obtains, in the case of a suit founded on contract, a decree for any matter of an amount or value less than two thousand rupees, and in the case of any other suit a decree for any matter of an amount or value of less than three hundred rupees, no costs shall be allowed to the plaintiff;

and if in any such suit the plaintiff does not obtain a decree, the defendant shall be entitled to his costs as between attorney and client.

The foregoing rules shall not apply to any suit in which the Judge who tries the same certifies that it was one fit to be brought in the High Court.

CHAPTER V.

PROCEDURE IN SUITS.

Portions of Civil Procedure Code extending to the Court.

23. The portions of the Code of Civil Procedure specified in the second schedule hereto annexed shall extend, and shall,

so far as the same may, in the judgment of the Court, be applicable, be applied, to the Small Cause Court; and the procedure prescribed thereby shall be the procedure followed in the Court in all suits cognizable by it, except where such procedure is inconsistent with the procedure prescribed by any specific provisions of this Act:

Provided that the Court may, subject to the control of the Local Government, from time to time, by notification in the official Gazette, declare that any of the said portions of the said Code shall not extend and be applied to the Small Cause Court, or that any of such portions shall so extend and be applied with such modifications as the Court, subject to the control aforesaid, may think fit.

No written statement except in cases of set-off.

24. Except in cases of set-off under the Code of Civil Procedure, section 111, no written statement shall be received unless required by the Court.

Return of documents admitted in evidence.

25. When a period of eight days from the decision of a suit has expired without any application for a new trial or re-hearing of such suit having been made, or when any such application has been made within such period and such application has been refused, or the new trial or re-hearing (as the case may be) has ended, any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on the record, shall, unless the document is impounded under section 143 of the Code of Civil Procedure, be entitled to receive back the same:

Provided that a document may be returned at any time before any of such events on such terms as the Court may direct: Provided also that no document shall be returned which by force of the decree has become void or useless.

On the return of a document which has been admitted in evidence, a receipt shall be given, by the party receiving it, in a receipt-book to be kept for the purpose.

Compensation payable by plaintiff to defendant in certain cases.

26. In any suit in which the defendant appears and does not admit the claim, and the plaintiff does not obtain a decree for the full amount of his claim, the Small Cause Court may in its discretion order the plaintiff to pay to the defendant, by way of satisfaction for his trouble and attendance, such sum as it thinks fit.

When any claim preferred, or objection made, under section 278 of the Code of Civil Procedure is disallowed, the Small Cause Court may in its discretion order the person preferring or making such claim or objection to pay to the decree-holder, or to the judgment-debtor, or to both, by way of satisfaction as aforesaid, such sum or sums as it thinks fit.

And when any claim or objection is allowed the Court may award such compensation by way of damages to the claimant or objector as it thinks fit; and the order of the Court awarding or refusing such compensation shall bar any suit in respect of injury caused by the attachment.

Any order under this section may, in default of payment of the amount payable thereunder, be enforced by the person in whose favour it is made against the person against whom it is made as if it were a decree of the Court.

Decree-holder to accompany officer executing warrant.

27. Whenever the Small Cause Court issues a warrant for the arrest of a judgment-debtor or the attachment of his property, the decree-holder, or some other person on his behalf, shall accompany the officer of the Court entrusted with the execution of such warrant, and shall point out to such officer the judgment-debtor or the property to be attached, as the case may be.

Things attached to immoveable property and removeable by tenant to be deemed moveable in execution.

28. When the judgment-debtor under any decree of the Small Cause Court is a tenant of immoveable property, anything attached to such property, and which he might before the termination of his tenancy lawfully remove without the permission of his landlord, shall, for the purpose of the execution of such decree, be deemed to be moveable property, and may, if sold in such execution, be severed by the purchaser, but shall not be removed by him from the property until he has done to the property whatever the judgment-debtor would have been bound to do to it if he had removed such thing.

Discharge of judgment-debtor on sufficient security.

29. Whenever any judgment-debtor, who has been arrested or whose property has been seized in execution of a decree of the Small Cause Court, offers security to the satisfaction of such Court for payment of the amount which he has been ordered to pay and the costs, the Court may order him to be discharged or the property to be released.

Court may in certain cases suspend execution of decree.

30. Whenever it appears to the Small Cause Court that any judgment-debtor under its decree is unable, from sickness, poverty or other sufficient cause, to pay the amount of the decree, or, if such Court has ordered the same to be paid in instalments, the amount of any instalment thereof, it may, from time to time, for such time and upon such terms as it thinks fit, suspend the execution of such decree and discharge the debtor, or make such order as it thinks fit.

Execution of decree of Small Cause Court by other Courts.

31. If the judgment-debtor under any decree of the Small Cause Court has not, within the local limits of its jurisdiction, moveable property sufficient to satisfy the decree, the Court

may, on the application of the decree-holder, send the decree for execution—

(*a*) in the case of execution against immoveable property situate within such local limits—to the High Court;

(*b*) in all other cases—to any Civil Court within the local limits of whose jurisdiction such judgment-debtor, or any moveable or immoveable property of such judgment-debtor, may be found.

Procedure when decree transferred.

The procedure prescribed by the Code of Civil Procedure for the execution of decrees by Courts other than those which made them shall be the procedure followed in such cases.

Minors may sue in certain cases as if of full age.

32. Notwithstanding anything contained in the Code of Civil Procedure as applied by this Act, any minor may institute a suit for any sum of money, not exceeding five hundred rupees, which may be due to him under section 70 of the Indian Contract Act, 1872, for wages or piece-work or for work as a servant, in the same manner as if he were of full age.

Power to delegate non-judicial duties.

33. Any non-judicial or quasi-judicial act which the Code of Civil Procedure as applied by this Act requires to be done by a Judge, and any act which may be done by a Commissioner appointed to examine and adjust accounts under section 394 of that Code as so applied, may be done by the Registrar of the Small Cause Court or by such other officer of that Court as that Court may, from time to time, appoint in this behalf.

The High Court may, from time to time, by rule declare what shall be deemed to be non-judicial and quasi-judicial acts within the meaning of this section.

Registrar to hear and determine suits like a Judge.

34. The suits cognizable by the Registrar under section fourteen shall be heard and determined by him in like manner in all respects as a Judge of the Court might hear and determine the same:

Proviso.

Provided that, subject to the control of the Chief Judge, any Judge of the Court may, whenever he thinks fit, transfer to his own file any suit on the file of the Registrar.

Registrar may execute all decrees with the same powers as a Judge.

35. The Registrar may receive applications for the execution of decrees of any value passed by the Court, and may commit and discharge judgment-debtors, and make any order in respect thereof which a Judge of the Court might make under this Act.

Decrees and orders of Registrar to be subject to new trial as if made by a Judge.

36. Every decree and order made by the Registrar in any suit or proceeding shall be subject to the same provisions in regard to new trial as if made by a Judge of the Court.

CHAPTER VI.

NEW TRIALS AND RE-HEARING.

Judgments and orders of Court final.

37. Save as is herein specially provided, every decree and order of the Small Cause Court in a suit shall be final and conclusive;

Power to order new trial in Small Cause Court.

but the Court may, on application of either party, made within eight days from the date of the decree or order in any suit (not being a decree passed under section 522 of the Code of Civil Procedure), order a new trial to be held, or alter, set aside or reverse the decree or order, upon such terms as it thinks reasonable, and may, in the meantime, stay the proceedings.

Application for re-hearing in High Court.

38. Any party may, within eight days after the judgment in any suit in the Small Cause Court in which the amount or value of the subject-matter exceeds one thousand rupees, apply to the High Court for an order that such suit may be re-heard in the High Court.

Such application shall be supported by affidavits, and, in case the applicant has appeared in the Small Cause Court by advocate, vakil, attorney or pleader, by a certificate from such advocate, vakil, attorney or pleader that in his opinion there are good grounds for re-hearing the suit, and if, on hearing such application, the High Court is of opinion that there has been a miscarriage or failure of justice, or that there are other good grounds for such re-hearing, the Court shall make an order *ex parte*, on such terms as it thinks fit, for such re-hearing, and fix a day for the same, whereof notice shall be given to the opposite party.

The rules contained in sections 545, 546 and 547 of the Code of Civil Procedure, relating to staying and executing decrees under appeal, shall apply in the case of applications under this section as if such applications were appeals from the decisions of the Small Cause Court.

Procedure at re-hearing.

39. On the day fixed under section thirty-eight or on any other day to which the re-hearing may be adjourned, the High Court, or some Judge thereof, shall proceed to re-hear and determine the case as if the same were a suit brought in such High Court in its ordinary original civil jurisdiction, in which the plaintiff in the Small Cause Court was plaintiff, and the defendant in such Court was defendant, and in which written statements had not been ordered to be filed; and, except as herein otherwise provided, all the practice and procedure of such High Court in respect of suits brought in its ordinary original civil jurisdiction shall be followed in suits re-heard under this section: Provided that there shall not be any appeal from any judgment, decree or order under this section.

Execution of decree of High Court.

40. Every decree or order made by any High Court upon any such re-hearing may either be executed by such High Court in the same manner as other decrees or orders of such Court or may, in the

discretion of the High Court, be remitted to the Small Cause Court for execution.

CHAPTER VII.

RECOVERY OF POSSESSION OF IMMOVEABLE PROPERTY.

Summons against person occupying property without leave.

41. When any person has had possession of any immoveable property situate within the local limits of the Small Cause Court's jurisdiction and of which the annual value at a rack-rent does not exceed one thousand rupees, as the tenant, or by permission, of another person, or of some person through whom such other person claims,

and such tenancy or permission has determined or been withdrawn,

and such tenant or occupier or any person holding under or by assignment from him (hereinafter called the occupant) refuses to deliver up such property in compliance with a request made to him in this behalf by such other person,

such other person (hereinafter called the applicant) may apply to the Small Cause Court for a summons against the occupant, calling upon him to show cause, on a day therein appointed, why he should not be compelled to deliver up the property.

Service of summons.

42. The summons shall be served on the occupant in the manner provided by the Code of Civil Procedure for the service of a summons on a defendant.

Order for possession.

43. If the occupant does not appear at the time appointed and show cause to the contrary, the applicant shall, if the Small Cause Court is satisfied that he is entitled to apply under section forty-one, be entitled to an order addressed to a bailiff of the Court directing him to give possession of the property to the applicant on such day as the Court thinks fit to name in such order.

Explanation.—If the occupant proves that the tenancy was created or permission granted by virtue of a title which determined previous to the date of the application, he shall be deemed to have shown cause within the meaning of this section.

Such order to justify bailiff entering on property and giving possession.

44. Any such order shall justify the bailiff to whom it is addressed in entering after the hour of six in the morning and before the hour of six in the afternoon upon the property named therein, with such assistants as he thinks necessary, and giving possession of such property to the applicant : and no suit or prosecution shall be maintainable against any Judge or officer of the Small Cause Court by whom any such order as aforesaid was issued, or against any bailiff or other person by whom the same was executed, or by whom any such summons as aforesaid was served, for the issue, execution or service of any such order or summons, by reason only that the applicant was not entitled to the possession of the property.

Bar to proceedings against Judge or officer for issuing, &c., order or summons.

Applicant, if entitled to possession, not to be deemed trespasser for any error in proceedings.

45. When the applicant, at the time of applying for any such order as aforesaid, was entitled to the possession of such property, neither he nor any person acting in his behalf shall be deemed, on account of any error, defect or irregularity in the mode of proceeding to obtain possession thereunder, to be a trespasser ; but any person aggrieved may bring a suit for the recovery of compensation for any damage which he has sustained by reason of such error, defect or irregularity :

Occupant may sue for compensation.

when no such damage is proved, the suit shall be dismissed; and when such damage is proved but the amount of the compensation assessed by the Court does not exceed ten rupees, the Court shall award to the plaintiff no more costs than compensation, unless the Judge who tries the case certifies that in his opinion full costs should be awarded to the plaintiff.

Liability of applicant obtaining order when not entitled.

46. Nothing herein contained shall be deemed to protect any applicant obtaining possession of any property under this chapter from a suit by any person deeming himself aggrieved thereby, when such applicant was not at the time of applying for such order as aforesaid entitled to the possession of such property.

Application for order in such case an act of trespass.

And when the applicant was not, at the time of applying for any such order as aforesaid, entitled to the possession of such property, the application for such order, though no possession is taken thereunder, shall be deemed to be an act of trespass committed by the applicant against the occupant.

Stay of proceedings on occupant giving security to bring a suit against the applicant.

47. Whenever on an application being made under section forty-one the occupant binds himself, with two sureties, in a bond for such amount as the Small Cause Court thinks reasonable, having regard to the value of the property and the probable costs of the suit next hereinafter mentioned, to institute without delay a suit in the High Court against the applicant for compensation for trespass and to pay all the costs of such suit in case he does not prosecute the same or in case judgment therein is given for the applicant, the Small Cause Court shall stay the proceedings on such application until such suit is disposed of.

If the occupant obtains a decree in any such suit against the applicant, such decree shall supersede the order (if any) made under section forty-three.

Nothing contained in section twenty-two shall apply to suits under this section.

Proceedings to be regulated by the Code of Civil Procedure.

48. In all proceedings under this chapter, the Small Cause Court shall, as far as may be and except as herein otherwise provided, follow the procedure prescribed for a Court of first instance by the Code of Civil Procedure.

Recovery of possession no bar to suit to try title.

49. Recovery of the possession of any immoveable property under this chapter shall be no bar to the institution of a suit in the High Court for trying the title thereto.

CHAPTER VIII.

DISTRESSES.

Local extent of chapter.

50. This chapter extends to every place within the local limits of the ordinary original civil jurisdictions of the High Courts of judicature at Fort William, Madras and Bombay. But nothing contained in this chapter applies—

Saving of certain rents.

(*a*) to any rent due to Government;

(*b*) to any rent which has been due for more than twelve months before the application mentioned in section fifty-three.

Appointment of bailiffs and appraisers.

51. The Judges of the Small Cause Court may appoint four or more persons to be bailiffs and appraisers for the purpose of this chapter, and may from time to time, with the previous sanction of the Local Government, fix such remuneration for the services of such officers as the said Judges think fit, and may suspend or remove them.

Security to be given by appointees.

52. The persons so appointed shall give security, to be approved by the said Judges, faithfully to discharge the duties of their office, and they shall be deemed to be public servants within the meaning of the Indian Penal Code.

Application for distress-warrant.

53. Any person claiming to be entitled to arrears of rent of any house or premises to which this chapter extends, or his duly constituted attorney, may apply to any Judge of the Small Cause Court, or to the Registrar of the Small Cause Court, for such warrant as is hereinafter mentioned.

The application shall be supported by an affidavit or affirmation to the effect of the form (marked A) in the third schedule hereto annexed.

Issue of distress-warrant.

54. The Judge or Registrar may thereupon issue a warrant under his hand and seal and returnable within six days, to the effect of the form (marked B), contained in the same schedule addressed to any one of such bailiffs.

The Judge or Registrar may at his discretion, upon personal examination of the person applying for such warrant, decline to issue the same.

Time for distress.

55. Every distress under this chapter shall be made after sunrise and before sunset, and not at any other time.

What places bailiff may force open.

56. The bailiff directed to make the distress may force open any stable, outhouse or other building, and may also enter any dwelling-house the outer door of which may be open, and may break open the door of any room in such dwelling-house for the purpose of seizing property liable to be seized under this chapter:

Provided that he shall not enter or break open the door of any room appropriated for the zanáná or residence of women, which by the usage of the country is considered private.

Property which may be seized.

57. In pursuance of the warrant aforesaid the bailiff shall seize the moveable property found in or upon the house or premises mentioned in the warrant and belonging to the person from whom the rent is claimed (hereinafter called the debtor), or such part thereof as may in the bailiff's judgment be sufficient to cover the amount of the said rent, together with the costs of the said distress:

Provided that the bailiff shall not seize—

(*a*) things in actual use; or

(*b*) tools and implements not in use, where there is other moveable property in or upon the house or premises sufficient to cover such amount and costs; or

(*c*) the debtor's necessary wearing apparel; or

(*d*) goods in the custody of the law.

Impounding distress.

58. The bailiff may impound or otherwise secure the property so seized in or on the house or premises chargeable with the rent.

Inventory.

Notice of intended appraisement and sale.

59. On seizing any property under section fifty-seven the bailiff shall make an inventory of such property, and shall give a notice in writing to the effect of the form (marked C) in the third schedule hereto annexed to the debtor, or to any other person upon his behalf in or upon the said house or premises.

Copies of inventory and notice to be filed.

The bailiff shall, as soon as may be, file in the Small Cause Court copies of the said inventory and notice.

Application to discharge or suspend warrant.

60. The debtor, or any other person alleging himself to be the owner of any property seized under this chapter, or the duly constituted attorney of such debtor or other person, may, at any time within five days from such

seizure, apply to any Judge of the said Court to discharge or suspend the warrant, or to release a distrained article, and such Judge may discharge or suspend such warrant or release such article accordingly, upon such terms as he thinks just,

and any of the Judges of the said Court may in his discretion give reasonable time to the debtor to pay the rent due from him.

Upon any such application, the costs attending it and attending the issue and execution of the warrant shall be in the discretion of the Judge, and shall be paid as he directs.

Claim to goods distrained made by a stranger.

61. If any claim is made to, or in respect of, any property seized under this chapter, or in respect of the proceeds or value thereof, by any person not being the debtor, the Registrar of the Small Cause Court, upon the application of the bailiff who seized the property, may issue a summons calling before the Court the claimant and the person who obtained the warrant.

And thereupon any suit which may have been brought in the High Court in respect of such claim shall be stayed, and any Judge of the High Court, on proof of the issue of such summons and that the property was so distrained, may order the plaintiff to pay the costs of all proceedings in such suit after the issue of such summons.

And a Judge of the Small Cause Court shall adjudicate upon such claim and make such order between the parties in respect thereof and of the costs of the proceedings as he thinks fit;

and such order shall be enforced as if it were an order made in a suit brought in such Court.

The procedure in Small Cause Courts in cases under this section shall conform, as far as may be, to the procedure in an ordinary suit in such Courts.

Power to award compensation to debtor or claimant.

62. In any case under section sixty or section sixty-one the Judge by whom the case is heard may award such compensation by way of damages to the applicant or claimant (as the case may be) as the Judge thinks fit,

and may for that purpose make any enquiry he thinks necessary;

and the order of the Judge awarding or refusing such compensation shall bar any suit for the recovery of compensation for any damage caused by the distress.

Power to transfer to High Court cases involving more than Rs. 1,000.

63. In any case under section sixty or section sixty-one, if the value of the subject-matter in dispute exceeds one thousand rupees, the applicant or claimant may apply to the High Court to transfer the case to itself, and the High Court, on being satisfied that it is expedient that the case should be disposed of by itself, may direct the case to be transferred accordingly, and may thereupon alter or set aside any order passed in the case by a Judge of the Small Cause Court, and may make such order therein as the High Court thinks fit.

Every application under this section shall be made within seven days from the date of the seizure of the subject-matter in dispute.

In granting applications under this section, the High Court may impose such terms as to payment of, or giving security for, costs or otherwise as it thinks fit.

The procedure in cases transferred under this section shall conform, as far as may be, to the procedure in suits before the High Court in the exercise of its ordinary original civil jurisdiction; and orders made under this section may be executed as if they were made in the exercise of such jurisdiction; and every such order awarding or refusing compensation shall bar any suit for the recovery of compensation for any damage caused by the distress which gave rise to the case wherein such order was made.

Appraisement.

Notice of sale.

64. In default of any order to the contrary by a Judge of the Small Cause Court or by the High Court, any two of the said bailiffs may, at the expiration of five days from a seizure of property under this chapter, appraise the property so seized, and give the debtor notice in writing to the effect of the form (marked D) in the third schedule hereto annexed.

The bailiffs shall file in the Small Cause Court a copy of every notice given under this section.

Sale.

Application of proceeds.

65. In default of any such order to the contrary, the distrained property shall be sold on the day mentioned in such notice, and the said bailiffs shall on realizing the proceeds pay over the amount thereof to the Registrar of the Small Cause Court; and such amount shall be applied first in payment of the costs of the said distress and then in satisfaction of the debt; and the surplus, if any, shall be returned to the debtor:

Provided that the debtor may direct that the sale shall take place in any other manner, first giving security for any extra costs thereby occasioned.

Costs of distresses.

66. No costs of any distress under this chapter shall be taken or demanded except those mentioned in the part (marked E) of the third schedule hereto annexed.

The Judges of the Small Cause Court may apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said bailiffs, as appears to the said Judges expedient.

Account of costs and proceeds.

67. The Registrar of the Small Cause Court shall keep a book in which all sums received as costs upon distresses made under this chapter, and all sums paid as remuneration to the said bailiffs, and all contingent charges incurred in respect of such distresses, shall be duly entered.

He shall also enter in the said book all sums realized by sale of the property distrained and paid over to landlords under the provisions of this chapter.

Bar of distresses except under this chapter.

68. No distress shall be levied for arrears of rent, except under the provisions of this chapter;

Penalty for making illegal distresses.

And any person, except a bailiff appointed under section fifty-one, levying or attempting to levy any such distress shall, on conviction before a Presidency Magistrate, be liable to be punished with fine which may extend to five hundred rupees and with imprisonment for a term which may extend to three months, in addition to any other liability he may have incurred by his proceedings.

CHAPTER IX.

REFERENCES TO HIGH COURT.

Reference when compulsory.

69. If two or more Judges of the Small Cause Court sit together in any suit, or in any proceeding under Chapter VII of this Act, and differ in their opinion as to any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits,

or if in any suit or any such proceeding, in which the amount or value of the subject-matter exceeds five hundred rupees, any such question arises, and either party so requires,

the Small Cause Court shall draw up a statement of the facts of the case, and refer such statement, under section 617 of the Code of Civil Procedure, for the opinion of the High Court, and shall either reserve judgment or give judgment contingent upon such opinion.

Security to be furnished on such reference by party against whom contingent judgment given.

70. When judgment is given under section sixty-nine contingent upon the opinion of the High Court, the party against whom such judgment is given shall at once furnish security, to be approved by the Small Cause Court, for the costs of the reference to the High Court and for the amount of such judgment:

Provided that no security for the amount of such judgment shall be required in any case in which the Judge who tried the case has ordered such amount to be paid into Court, and the same has been paid accordingly.

If no such security given, party to be deemed to have submitted to judgment.

Unless such security as aforesaid is at once furnished, the party against whom such contingent judgment has been given shall be deemed to have submitted to the same.

CHAPTER X.

FEES AND COSTS.

Institution-fee.

71. A fee not exceeding—

(*a*) when the amount or value of the subject-matter does not exceed five hundred rupees—the sum of two annas in the rupee on such amount or value,

(*b*) when the amount or value of the subject-matter exceeds five hundred rupees—the sum of sixty-two rupees eight annas, and one anna in the rupee on the excess of such amount or value, over five hundred rupees,

shall be paid on the plaint in every suit, and every application under section thirty-eight or section forty-one; and no such plaint or application shall be received until such fee has been paid.

An additional fee of ten rupees shall be paid on the filing of every agreement under section twenty.

Fees for processes.

72. The fees specified in the third and fourth columns of the fourth Schedule hereto annexed shall be paid previous to the issue in any suit or in any proceeding under Chapter VII of this Act of the processes, to which the said columns respectively relate, by the persons on whose behalf such processes are issued, when the amount or value of the subject-matter exceeds the sum specified in the first column, but does not exceed the sum specified in the second column of the said Schedule.

Repayment of half fees on settlement before hearing.

73. Whenever any such suit or proceeding is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the Small Cause Court to the parties by whom the same have been respectively paid.

Fees and costs of poor persons.

74. The Small Cause Court may, whenever it thinks fit, receive and register suits instituted, and applications under section forty-one made, by poor persons, and may issue processes on behalf of such persons, without payment or on a part-payment of the fees mentioned in sections seventy-one and seventy-two.

Power to vary fees.

75. The Local Government may, from time to time, by notification in the official Gazette, vary the amount of the fees payable under sections seventy-one and seventy-two:

Provided that the amount of such fees shall in no case exceed the amount prescribed by the said sections.

Expense of employing legal practitioners.

76. The expense of employing an advocate, vakil, attorney or other legal practitioner incurred by any party shall not be allowed as costs in any suit or in any proceeding under Chapter VII of this Act, in the Small Cause Court, in which suit or pro-

ceeding the amount or value of the subject-matter does not exceed twenty rupees, unless the Court is of opinion that the employment of such practitioner was under the circumstances reasonable.

Sections 3, 5 and 25 of Court Fees Act, 1870, saved.

77. Nothing contained in this chapter shall affect the provisions of sections 3, 5 and 25 of the Court Fees Act, 1870.

CHAPTER XI.

MISCONDUCT OF INFERIOR MINISTERIAL OFFICERS.

Power to fine officers.

78. The Chief Judge may, by order, fine, in an amount not exceeding one month's salary, any clerk, bailiff or other inferior ministerial officer of the Court who is guilty of misconduct or neglect in the performance of the duties of his office, and such fine may be deducted from his salary.

Default of bailiff or other officer in execution of order or warrant.

79. If any clerk, bailiff or other inferior ministerial officer of the Small Cause Court who is employed as such in the execution of any order or warrant, loses, by neglect, connivance or omission, an opportunity of executing such order or warrant, he shall be liable, by order of the Chief Judge, on the application of the person injured by such neglect, connivance or omission, to pay such sum, not exceeding in any case the sum for which the said order or warrant was issued, as, in the opinion of the Chief Judge, represents the amount of the damage sustained by such person thereby.

Extortion or default of officers.

80. If any clerk, bailiff or other inferior ministerial officer of the Small Cause Court is charged with extortion or misconduct while acting under colour of its process, or with not duly paying or accounting for any money levied by him under its authority, the Court may inquire into such charge, and may make such order for the repayment or payment of any money so extorted, or of any money so levied as aforesaid, and of damages and costs, by such officer, as it thinks fit.

Court empowered to summon witnesses, &c.

81. For the purposes of any inquiry under this chapter, the Small Cause Court shall have all the powers of summoning and enforcing the attendance of witnesses and compelling the production of documents which it possesses in suits under this Act.

Enforcement of order.

82. Any order under this chapter for the payment or repayment of money may, in default of payment of the amount payable thereunder, be enforced by the person to whom such amount is payable as if the same were a decree of the Small Cause Court in his favour.

CHAPTER XII.

CONTEMPT OF COURT.

Procedure of Court in certain cases of contempt.

83. When any such offence as is described in section 175, 178, 179, 180 or 228 of the Indian Penal Code is committed in the view or presence of the Small Cause Court, the Court may cause the offender to be detained in custody; and, at any time before the rising of the Court on the same day, may, if it thinks fit, take cognizance of the offence, and punish the offender with fine which may extend to two hundred rupees, and in default of payment of such fine with imprisonment in the civil jail for a term which may extend to one month unless such fine is sooner paid.

Record in such cases.

84. In every such case the Court shall record the facts constituting the offence, the statement (if any) made by the offender, and the finding and sentence.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court when interrupted or insulted was sitting, and the nature of the interruption or insult offered.

Procedure where Court considers that the case should not be dealt with under section 83.

85. If the Court considers that a person accused of any offence referred to in section eighty-three and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or if the Court is for any other reason of opinion that the case should not be disposed of under section eighty-three, the Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Presidency Magistrate, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, may forward him under custody to such Magistrate.

Such Magistrate shall deal with the accused person in the manner provided by the Presidency Magistrates Act, 1877; and may sentence the offender to punishment as provided in the section of the Indian Penal Code under which he is charged.

Discharge of offender on submission or apology.

86. When the Court has, under section eighty-three or section eighty-five, punished an offender, or forwarded him to a Presidency Magistrate for trial, for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of the Court, or on apology being made to its satisfaction.

87. If any witness before the Small Cause Court refuses to answer such questions as are put to him, or to produce any document in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, the Court may sentence him to simple imprisonment, or commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to answer such questions or to produce such document, as the case may be, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section eighty-three or section eighty-five.

Imprisonment or committal of person refusing to answer or produce document.

88. Any person deeming himself aggrieved by an order under section eighty-three or section eighty-seven may appeal to the High Court, and the provisions of the Presidency Magistrates Act, 1877, relating to appeals shall, so far as may be, apply to appeals under this section.

Appeal from orders under sections 83 and 87.

CHAPTER XIII.

MISCELLANEOUS.

89. Notices to produce documents, summonses to witnesses, and all other processes issued in the exercise of any jurisdiction conferred on the Small Cause Court by this Act, except summonses to defendants and writs of execution, may, if the Court by general or special order so directs, be served by such persons as the Court, from time to time, appoints in this behalf.

Persons by whom process may be served.

90. The Small Cause Court shall keep such registers, books and accounts, and submit to the High Court such statements and returns, as may, subject to the approval of the Local Government, be prescribed by the High Court.

Registers and returns.

91. The Small Cause Court shall comply with such requisitions as may from time to time be made by the Local Government or High Court for records, returns and statements in such form and manner as such Government or Court, as the case may be, thinks fit.

Court to furnish records, &c., called for by Local Government or High Court.

92. The Small Cause Court shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the Court, and shall submit the same for the approval of the Local Government.

Holidays and vacations.

Such list, when it has received such approval, shall be published in the local official Gazette, and the said holidays and vacations shall be observed accordingly.

93. The Governor General and Members of his Council, the Governors of Fort St. George and Bombay and the Members of their respective Councils, the Lieutenant-Governor of Bengal, and the Chief Justices and Judges of the High Courts established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, shall not be liable to arrest by order of the Small Cause Court.

Certain persons exempt from arrest by Court.

94. No suit shall lie on any decree of the Small Cause Court.

No suit to lie upon decree of Court.

95. Any person ordered by the Small Cause Court to be imprisoned may be imprisoned in such place as the Local Government, from time to time, appoints in this behalf.

Place of imprisonment.

96. If any person against whom any suit is brought for anything purporting to be done by him under this Act has, before the institution of the suit, tendered sufficient amends to the plaintiff, the plaintiff shall not recover.

Tender in suit for anything done under Act.

97. All prosecutions for anything purporting to be done under this Act must be commenced within three months after the offence was committed.

Limitation of prosecutions.

THE FIRST SCHEDULE.

(*See section 2.*)

ENACTMENTS REPEALED.

A.—Charters of the Supreme Courts.

Date.		Extent of repeal.
26th March, 1774	Charter of the Supreme Court at Fort William.	Clause 21.
26th December, 1800.	Charter of the Supreme Court at Madras.	Clause 47.
8th December, 1823.	Charter of the Supreme Court at Bombay.	Clause 59.

B.—Acts of the Governor General in Council.

Number and year.	Subject or short title.	Extent of repeal.
IX of 1850 ...	For the more easy recovery of small debts and demands in Calcutta, Madras and Bombay.	So much as has not been repealed.
XX of 1857 ...	To amend Act IX of 1850.	The whole.
XXVI of 1864	To extend the jurisdiction of the Courts of Small Causes at Calcutta, Madras and Bombay, and to provide for the appointment of an increased number of Judges of these Courts.	So much as has not been repealed.
I of 1875 ...	To regulate Distresses for Rents in the Presidency-towns.	The whole.
X of 1877 ...	The Code of Civil Procedure.	Section eight, para. 2.

C.—Act of the Governor of Bombay in Council.

Number and year.	Subject.	Extent of repeal.
VI of 1864 ...	For the better regulation of the diet-money of persons imprisoned by the Bombay Court of Small Causes.	So much as has not been repealed.

THE SECOND SCHEDULE.

(*See section 23.*)

PORTIONS OF CIVIL PROCEDURE CODE EXTENDING TO COURT.

PRELIMINARY: Section 2, Interpretation-clause.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11.

CHAPTER II.—Of the Place of suing, except sections 15 to 19 (both inclusive), section 20, paragraph 4, sections 22, 23 and 24 and section 25, paragraphs 2 and 3.

CHAPTER III.—Of Parties and their Appearances, Applications and Acts, except section 37, clause (*b*), and the last paragraph.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.

CHAPTER V.—Of the Institution of Suits, except section 53, clause (*e*), section 55, section 57, clause (*b*), and sections 58 and 62.

CHAPTER VI.—Of the Issue and Service of Summons, except, in section 64, the words "and the copies or concise statements required by section 58 have been filed," and sections 65, 66 and 86.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Of Written Statements and Set-off, except sections 110, 112 and 113.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Sending for Records and Production, &c., of Documents, sections 137 (except paragraph 2), 138, 140 (except the proviso and the last six words), 141 (except the third sentence), 142, 143 and 145.

CHAPTER XI.—Settlement of issues, sections 150 and 151.

CHAPTER XII.—Disposal of the Suit at the first hearing, except sections 154 and 155.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses, except sections 168, 169, 170 and 175.

CHAPTER XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 191 (both inclusive).

CHAPTER XVI.—Of Affidavits.

THE SECOND SCHEDULE—*contd.*

CHAPTER XVII.—Of Judgment and Decree, except sections 200, 201, 202, 204, 207 and 211 to 215 (both inclusive).

CHAPTER XVIII.—Of Costs.

CHAPTER XIX.—Of the Execution of Decrees, section 230, first two clauses, sections 231 to 236 (both inclusive), 243 to 259 (both inclusive), 266 (so far as relates to the attachment of moveable property or decrees therefor), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 303 (both inclusive), 328 to 333 (both inclusive), 336 (except the last three clauses), and 337 to 343 (both inclusive).

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of Requiring Security for Costs.

CHAPTER XXV.—Of Commissions, except section 396.

CHAPTER XXVII.—Suits by or against Government, or public officers.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers, except section 433.

CHAPTER XXIX.—Suits by and against Corporations and Companies.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by and against Minors and Persons of Unsound Mind.

CHAPTER XXXII.—Suits by and against Military Men.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards the attachment of immoveable property.

CHAPTER XXXV.—Interlocutory orders, sections 498, 499, 500 and 502.

CHAPTER XXXVI.—Appointment of Receivers, section 503.

CHAPTER XXXVII.—Reference to Arbitration, except the provisions of section 522 as to appeals.

CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties, except so much of section 527, clause *b*, as relates to immoveable property.

CHAPTER XLVI.—Of Reference to and Revision by High Court.

CHAPTER XLIX.—Miscellaneous, sections 640 to 651 (both inclusive).

THE THIRD SCHEDULE.

FORMS.

A.

[*See section 53.*]

In the Small Cause Court for

*A. B.*_____ (Plaintiff),

versus

*C. D.*_____ (Defendant).

A. B. of _____, in the town of _____, maketh oath [*or affirms*] and saith that *C. D.*_____, of _____, is justly indebted to _____ in the sum of Rs._____ for arrears of rent of the house and premises No._____, situated at _____, in the town of _____, due for _____ months, to wit from _____ to _____, at the rate of Rs._____ per mensem.

Sworn [*or affirmed*] before me the _____ day of _____ 188 .

Judge [or *Registrar.*]

B.

[*See section 54.*]

In the Small Cause Court for

FORM OF WARRANT.

I hereby direct you to distrain the moveable property of *C. D.*, on the house and premises situate at No._____, in the town of _____, for the sum of _____ Rs. and the costs of the distress, according to the provisions of Chapter VIII of the Presidency Small Cause Courts Act, 1882. Dated day of

(*Signed and sealed*).

To *E. F., Bailiff and Appraiser.*

C.

[*See section 59.*]

In the Small Cause Court for

FORM OF INVENTORY AND NOTICE.

(*State particulars of property seized*).

Take notice that I have this day seized the moveable property contained in the above inventory for the sum of _____ Rs., being the amount of _____ months' rent due to *A. B.* at _____ last, and that unless you pay the amount thereof, together with the costs of this distress, within five days from the date hereof, or obtain an order from one of the Judges or the Registrar of the Small Cause Court to the contrary, the same will be appraised and sold pursuant to the provisions of Chapter VIII of the Presidency Small Cause Courts Act, 1882. Dated the day of 188 .

(Signed) *E. F.,*
Bailiff and Appraiser.

To *C. D.*

D.

[*See section 64.*]

In the Small Cause Court for

Take notice that we have appraised the moveable property seized on the _____ day of _____, under the provisions of Chapter VIII of the Presidency Small Cause Courts Act, 1882, of which seizure and property a notice and inventory were duly served upon you [*or* upon _____ on your behalf, *as the case may be*] under date the _____, and that the said property will be sold on the _____ [*two clear days at least after the date of the notice*] at _____ pursuant to the provisions of the said Act. Dated this _____ day of _____ 188—.

(Signed) *E. F.,*
G. H.,
Bailiffs and Appraisers.

To *C. D.*

E.

[*See section 66.*]

In the Small Cause Court for

SCALE OF FEES TO BE LEVIED IN DISTRAINTS FOR HOUSE-RENT.

Sums sued for.				Affidavit and warrant to distrain.			Order to sell.			Commission.			Total.		
Rs.		Rs.		Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1	and under	5	...	0	4	0	0	8	0	0	8	0	1	4	0
5	"	10	...	0	8	0	0	8	0	1	0	0	2	0	0
10	"	15	...	0	8	0	0	8	0	1	8	0	2	8	0
15	"	20	...	0	8	0	1	0	0	2	0	0	3	8	0
20	"	25	...	0	12	0	1	0	0	2	8	0	4	4	0
25	"	30	...	1	0	0	1	0	0	3	0	0	5	0	0
30	"	35	...	1	0	0	1	0	0	3	8	0	5	8	0
35	"	40	...	1	0	0	1	8	0	4	0	0	6	8	0
40	"	45	...	1	4	0	2	0	0	4	8	0	7	12	0
45	"	50	...	1	8	0	2	0	0	5	0	0	8	8	0
50	"	60	...	2	0	0	2	0	0	6	0	0	10	0	0
60	"	80	...	2	8	0	2	8	0	6	8	0	11	8	0
80	to	100	...	3	0	0	3	0	0	7	0	0	13	0	0
Upwards of 100			...	3	0	0	3	0	0	7 per centum			...		

The above scale includes all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpœnaed, in which case each subpœna for sums under Rs. 40 must be paid for at four annas each, and twelve annas above that amount; and also where peons are kept in charge of property distrained, four annas per day must be paid per man.

THE FOURTH SCHEDULE.

(*See section 72.*)

FEES FOR SUMMONSES AND OTHER PROCESSES.

When the amount or value of the subject-matter exceeds	But does not exceed	Fee for summons.			Fee for other processes.		
Rs.	Rs.	Rs.	A.	P.	Rs.	A.	P.
0	10	0	2	0	0	2	0
10	20	0	4	0	0	4	0
20	50	0	8	0	0	8	0
50	100	1	0	0	1	0	0
100	200	1	4	0	2	0	0
200	300	1	8	0	3	0	0
300	400	1	12	0	4	0	0
400	500	2	0	0	5	0	0
500	600	2	4	0	6	0	0
600	700	2	8	0	7	0	0
700	800	2	12	0	8	0	0
800	900	3	0	0	9	0	0
900	1,000	3	4	0	10	0	0
1,000	1,100	3	6	0	10	8	0
1,100	1,200	3	8	0	11	0	0
1,200	1,300	3	10	0	11	8	0
1,300	1,400	3	12	0	12	0	0
1,400	1,500	3	14	0	12	8	0
1,500	1,600	4	0	0	13	0	0
1,600	1,700	4	2	0	13	8	0
1,700	1,800	4	4	0	14	0	0
1,800	1,900	4	6	0	14	8	0
1,900	2,000	4	8	0	15	0	0

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 18, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following further Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th March, 1882 :—

WE, the undersigned members of the Select Committee to which the Bill to provide for the Relief of Encumbered Estates in the Jhánsí Division of the North-Western Provinces was referred, have considered the Bill and the papers noted in the margin, and have the honour to present this further report.

From Officiating Secretary to Government, North-Western Provinces and Oudh, No. 629, dated 25th April, 1881, and enclosures [Papers No 2].
Officiating Secretary to Government, North-Western Provinces and Oudh, No. 799, dated 19th May, 1881, and enclosures [Papers No. 3].

The Bill, as amended by us, was laid before the Council, with our report dated 4th February, 1881, and was sent to the Local Government for opinion.

The Government of the North-Western Provinces replied in their Secretary's letter, No. 629, dated 25th April, 1881. In that letter, the Lieutenant-Governor suggested an entirely new plan for dealing with the Jhánsí question, and forwarded a memorandum prepared by Mr. Bazett Colvin, and the rough draft of a new Bill.

It is this new Bill which we have now had under consideration.

The chief points of the present scheme, as laid down by Mr. Colvin, are as follows :—

(1). The indebted zamíndár, or an officer appointed for the purpose by the Local Government, may apply to the Commissioner of the Division, stating the debts and liabilities of such zamíndár.

(2). The Commissioner may refer the application to an officer styled "the Special Judge", who is to be appointed for this purpose, and who may, if the Local Government pleases, be one of the District staff.

(3). On the receipt of an application by the Special Judge, all claims against the indebted zamíndár are to be called in.

(4). In dealing with the claims, the Special Judge is to have powers similar to those conferred on the Courts by the Dekkhan Agriculturists' Relief Act, No. XVII of 1879.

(5). All proceedings, of whatever kind, taken in other Courts against the indebted zamíndár, are to be for ever stayed ; and he is to be disabled from contracting fresh liabilities, until certain conditions have been fulfilled.

(6). The Special Judge will determine the amount of the debts and liabilities of the zamíndár, and will ascertain the nature and amount of property possessed by him, other than his proprietary rights in land.

(7). If the value of such property, other than as aforesaid, is sufficient to pay the debts, the Special Judge will give the creditors decrees, which they may execute through the ordinary Civil Courts.

(8). If such value is not so sufficient, the Special Judge will submit to the Commissioner a report showing the amount of the debts due by the zamíndár, and detailing the property, other than proprietary rights in land, belonging to such zamíndár.

(9). An arbitrary value is then to be put on the zamíndár's proprietary rights in land; (1), for the purpose of a loan from Government, a sum equal to eight times the nett annual profits derived from such rights; (2), for the purchase of such rights by Government, a sum equal to sixteen times and two-thirds such nett annual profits.

(10). If the debts certified by the Special Judge can be met by the proceeds of such other property as the indebted zamíndár possesses, together with a sum equal to the loan value of his proprietary rights in land, the zamíndár is to be asked if he will accept a loan from Government. If he accepts, the money is to be advanced from the public treasury, and the debts are to be paid. If he declines, the Commissioner may sell his proprietary rights by auction, to the extent necessary to meet the claims certified by the Special Judge.

(11). When the zamíndár accepts a loan, the Government will have a lien on his land. If he fails to repay the loan within the time laid down for that purpose by the Commissioner, his proprietary rights, or such part of them as may be necessary to cover the unpaid portion of the loan, shall vest in the Secretary of State for India in Council.

(12). When the debts certified by the Special Judge, exceed in amount the aggregate value of the zamíndár's other property and of his proprietary rights in land as estimated for the purpose of a loan, the zamíndár is to be declared to be insolvent, and his proprietary rights in land are to be sold by auction.

(13). Such rights will be put up for sale at the upset price of sixteen times and two-thirds the nett annual profits, and sold to the highest bidder above that sum. If there is no bid, the Commissioner will pay to the insolvent's estate a sum equal to sixteen times and two-thirds the nett annual profits. The debts will be paid off, so far as may be practicable, and the insolvent's propietary rights in land will vest in the Secretary of State for India in Council.

(14). In all cases in which the proprietary rights shall vest in the Secretary of State for India in Council, the zamíndár will continue to hold his sír-land as an ex-proprietary tenant. And the same consequence ensues, as a matter of course, when his rights are sold on his refusal to accept a loan.

(15). On the final completion of any of these proceedings, that is to say, when the zamíndár's proprietary rights have been sold, or when they have vested in the Secretary of State for India in Council, or when the loan has been re-paid, the Commissioner will declare the disabilities imposed on the zamíndár to be removed.

The zamíndár then will be in this position. If he has taken a loan, he will be liable for the repayment of the loan, by instalments, with interest. He will have to pay these sums in addition to his land-revenue, but they will probably be less than the sums extracted from him by his creditors. He will have his sír-land to live upon, together with whatever remains to him out of his rental, after the payments of instalments of the loan, interest thereon, land-revenue and rates. He will be freed from all other liabilities and encumbrances, and, after the loan is re-paid, will be restored to the full enjoyment of his rights.

If he refuses the loan, he will lose his proprietary rights, in whole or in part, but he will be completely freed from debt, and will continue to hold his sír-land as an ex-proprietary tenant.

Such also will be his position if he is declared an insolvent.

We have made the following material alterations in the Bill, as drafted by Mr. Bazett Colvin:—

Firstly, Mr. Colvin provided that, if the debts, as found by the Special Judge, could be met by the proceeds of the sale of the zamíndár's property, other than his proprietary rights in land, the Special Judge should give the creditors decrees and leave them to get satisfaction in ordinary course of law. He provided also that, in such case, the zamíndár's disabilities were to cease.

It appears to us that the result of this proceeding would be to start the zamíndár on a fresh career, with decrees hanging over him, to meet which he would probably raise fresh loans.

We have provided, therefore, that in these cases also the Special Judge shall send a report to the Commissioner, who will cause the property enumerated in the Special Judge's report, or a portion of it, to be sold. If the proceeds are sufficient to pay the debts as determined by the Special Judge, the Commissioner will pay such debts, and the zamíndár will thereupon be discharged from all liabilities.

If the proceeds are not so sufficient, the Commissioner will cause the valuation of the zamíndár's proprietary rights to be made, and the case will go on as contemplated by Mr. Colvin.

Secondly, we think that the value proposed to be put upon the zamíndár's interest in the land is too high. It is probably three times as much as property of the kind in Jhánsí would fetch at public auction. We assent to the principle that the zamíndár's creditors, whose contracts we propose to override, should be generously dealt with; but we do not think it is safe to advance more than six times the nett annual profits of the property as a loan, or to give more than ten times such profits for the purchase of such property.

The interest chargeable on loans advanced by Government under the Bill has been fixed at five per cent. simple interest, with the assent of the Financial Department. The Bill has been amended accordingly.

Thirdly, we think that, when the debts of the zamíndár can be met with a loan, it is unnecessary to provide that his proprietary rights in land shall, on his failure to repay the loan, vest in the Secretary of State for India in Council.

The necessary corollary of this provision is that, when part of the loan has been re-paid, part only of the proprietary rights shall be forfeited. The result will be, that small parts of villages or shares in villages will belong to Government and much trouble will be given to the administration.

It seems to us better to provide that, on the occurrence of a default in the payment of any instalment of principal or interest, the whole sum due shall be deemed to be an arrear of land-revenue, and shall be recoverable as such.

This provision will give the Deputy Commissioner ample power to take possession of the defaulter's land, and, if necessary, will enable Government to sell the defaulter's proprietary rights under the land-revenue law.

The objection taken to this amendment is, that it will compel the district-officer to manage the land. But in any case, whether he assumes possession for a term of years as we propose, or whether the proprietary rights of the defaulter are vested in the Secretary of State for India in Council, some arrangement will have to be made for the management of the land and the collection of the rents. There will be no more difficulty in the one case than in the other.

The Bill appears to us now to be put in as simple a shape as is practicable.

We recommend that the Bill, as now amended, be published in the *Gazette of India* and in the local official Gazette.

C. H. T. CROSTHWAITE.
WHITLEY STOKES.
RIVERS THOMPSON.
E. BARING.
W. C PLOWDEN.

The 16th March, 1882.

No. III.

THE JHÁNSÍ ENCUMBERED ESTATES BILL, 1882.

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No. III.

A Bill to provide for the relief of Encumbered Estates in the Jhánsí Division of the North-Western Provinces.

Preamble.

WHEREAS many zamíndárs in the Jhánsí Division of the North-Western Provinces are in debt, and their immoveable property is subject to encumbrances, and it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Jhánsí Encumbered Estates Act, 1882":

Commencement.

and it shall come into force on the passing thereof.

Interpretation-clause.

2. In this Act—

"zamíndár":

"zamíndár" means a proprietor of land or of any share in land assessed to revenue, and includes an ubáridár:

"sír-land":

and "sír-land" means—

(*a*) land recorded as sír at the last settlement or revision of settlement of the district in which it is situate, and continuously so recorded since;

(*b*) land continuously cultivated for twelve years by the proprietor himself with his own stock or by his servants, or by hired labour;

(*c*) land recognized by village-custom as the special holding of a co-sharer, or treated as such in the distribution of profits or charges among the co-sharers.

CHAPTER II.

APPOINTMENT OF OFFICERS.

Power to appoint a special Judge.

3. The Local Government may, from time to time, by notification in the official Gazette, appoint, for any local area in the Jhánsí Division, a special Judge, who shall exercise the powers conferred, and perform the duties imposed, by this Act on such officer.

Power to suspend or remove special Judge.

The Local Government may, at any time, by a like notification, suspend or remove any special Judge so appointed.

CHAPTER III.

OF THE APPLICATION AND PRELIMINARY INQUIRY.

Application for the benefit of this Act.

4. At any time within twelve months after a special Judge is appointed for any local area, any zamíndár owning land in such area, or such officer as the Local Government may, from time to time, appoint in this behalf, may apply, in writing, to the Commissioner of the Jhánsí Division, stating that such zamíndár is subject to debts or liabilities other than debts due, or liabilities incurred, to Government, or that his immoveable property is encumbered with debts and liabilities other than as aforesaid, and requesting that the provisions of this Act be applied to him:

Provided that, when such zamíndár is a disqualified proprietor within the meaning of section 194 of the North-Western Provinces Land-revenue Act, 1873, such application shall be made—

(*a*) when his property is under the superintendence of the Court of Wards, by the manager of his property, with the consent of that Court; and

(*b*) when his property is not under such superintendence, by the Deputy Commissioner of the district in which such property is situate.

Power to extend time for making applications.

The Local Government may, from time to time, by notification in the official Gazette, extend the time prescribed for making applications under this section.

Order to inquire.

5. When any such application is made in the case of any zamíndár, the Commissioner shall direct an inquiry to be made by the special Judge—

(*a*) into the nature and amount of such debts and liabilities other than debts due, and liabilities incurred to, Government; and

(*b*) into the sufficiency of such zamíndár's property, whether moveable or immoveable, (exclusive of the property mentioned in the first proviso to section 266 of the Code of Civil Procedure), to discharge such debts and liabilities other than as aforesaid.

Verified statement to be submitted.

6. When an inquiry has been directed under section five, the applicant shall, within a period to be fixed by the Commissioner, submit to the special Judge a statement duly verified by the said applicant, or by some other competent person, in the manner required by law for the verification of plaints.

Contents of statement.

Such statement shall contain, so far as may be practicable,—

(*a*) such particulars as the special Judge may require respecting the debts and liabilities, other than as aforesaid, to which the zamíndár is subject, or with which his immoveable property or any part thereof is encumbered;

(*b*) the nature and value of the zamíndár's property (exclusive of his proprietary rights in land and the property mentioned in the first proviso to section 266 of the Code of Civil Procedure); and

(*c*) the names and residences of his creditors, so far as they are known to, or can be ascertained by, such zamíndár.

False averments in statement.

If any such statement contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, he shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code:

Provided that, when the application is made by an officer appointed under section four, or by the Deputy Commissioner, it shall not be necessary to verify such statement; but the zamíndár shall, so far as may be practicable, within a period to be fixed by the special Judge, furnish such information regarding the matters mentioned in section six, clauses (*a*), (*b*) and (*c*), as such Judge may require.

Proviso.

CHAPTER IV.

PROOF OF DEBTS AND PROCEDURE OF SPECIAL JUDGE.

7. When the duly verified statement or the information referred to in section six has been submitted or furnished, the special Judge shall publish in the official Gazette, a notice in the vernacular language of the district, calling upon all persons having claims against the person or the property of the zamíndár, by, or with respect to, whom the application was made, under section four, to present to the special Judge, within two months from the date of such publication, a written statement of such claims.

Notice to claimants against zamíndár.

Provided that, when the claimant satisfies the special Judge that he had sufficient cause for not presenting such statement within such period, the special Judge may receive such statement within a further period of two months from the expiration of the original period.

Provision for admission of claims within further period of two months.

The special Judge shall also cause copies of such notice to be exhibited at his own office, at the offices of the Commissioner of the Jhánsí Division and the Deputy Commissioner of the district in which the land of such zamíndár is situate, and at some conspicuous place in the village where such zamíndár resides.

Copies of notice to be exhibited.

8. After the publication of such notice, the following consequences shall ensue (namely) :—

Consequences of notice.

(*a*) all proceedings then pending in any civil or revenue Court in British India, in respect of all debts and liabilities, other than as aforesaid, to which the zamíndár is subject, or with which his immoveable property is encumbered, shall be for ever stayed; and all processes, executions and attachments issued by any such Court, and then in force, in respect of any such debt or liability, shall become null and void;

(*b*) in respect of such debts and liabilities, no fresh proceedings, processes, executions or attachments shall, except as hereinafter provided, be instituted in, or issued by, any civil or revenue Court in British India;

(*c*) until the Commissioner has declared, as hereinafter provided, that the zamíndár has ceased to be subject to the disabilities mentioned in this clause, such zamíndár shall be incompetent to sell, mortgage, exchange, give or, without the consent of the Commissioner, lease, his proprietary rights in land or any part thereof.

9. Every claimant referred to in section seven shall, in the written statement of his claim, present full particulars thereof.

Claim to contain full particulars.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the special Judge along with such written statement.

Documents to be given up.

If the document be an entry in any book, the claimant shall produce the book to the special Judge together with a copy of the entry on which he relies. The special Judge shall mark the book, for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Entries in books.

If any document in the possession, or under the control, of the claimant is not delivered or produced by him, as required by this section, the special Judge may refuse to receive such document in evidence on the claimant's behalf, at the investigation of the case.

Exclusion of documents not produced.

10. Every such claim (other than claims of the Government), not made within the time and in the manner hereby required, shall be deemed, for all purposes, and on all occasions, to have been duly discharged.

Claim not duly notified to be deemed duly discharged.

11. The special Judge shall hear the zamíndár, or, when the application has been made on behalf of a disqualified proprietor, shall hear the manager of his property, or the Deputy Commissioner, as the case may be, in answer to each claim so made; and, if the amount of any such claim (other than a claim decreed by a competent Court) is disputed, shall inquire into the history and merits thereof from the commencement of the transactions between the parties, and shall, as hereinafter provided, determine the amount (if any) justly due to the claimant.

History of transactions with zamíndár to be investigated.

12. When the special Judge inquires, under section eleven, into the history and merits of a claim, he shall—

Mode of taking account.

notwithstanding any agreement between the zamíndár and the claimant, or the persons (if any) through whom they claim, as to allowing compound interest, or as to setting off the profits of mortgaged property in lieu of interest without an account, or otherwise determining the manner of taking the account, and

notwithstanding any statement or settlement of account, or any contract purporting to close previous dealings and create a new obligation,

open the account from the commencement of the transactions between the parties, and take that account according to the following rules (that is to say) :—

(*a*) separate accounts of principal and interest shall be taken ;

(*b*) in the account of principal, there shall be debited to the zamíndár such money as may, from time to time, have been actually received by him, or on his account, from the claimant, and the price of goods (if any) sold to him by the claimant, as part of the transactions between them ;

(*c*) in the account of principal, there shall not be debited to the zamíndár any money which he may have agreed to pay in contravention of section 257A of the Code of Civil Procedure ;

(*d*) in the account of principal, there shall not be debited to the zamíndár any accumulated interest which has been converted into principal at any statement or settlement of account, or by any contract made in the course of the transactions, unless the special Judge, for reasons to be recorded by him in writing, deems such debit to be reasonable ;

(*e*) in the account of interest, there shall be debited to the zamíndár monthly simple interest on the balance of principal for the time being outstanding, at the rate allowed by the special Judge as hereinafter provided ;

(*f*) all money paid by, or on account of, the zamíndár to the claimant or on his account, and all profits, service, or other advantages of every description received by the claimant in the course of the transactions, shall be credited first in the account of interest ; and, when any payment is more than sufficient to discharge the balance of interest due at the time it is made, the residue of such payment shall be credited to the zamíndár in the account of principal :

Explanation—The advantages mentioned in this clause shall be estimated, if necessary, at such money-value as the special Judge may determine in his discretion, or with the aid of arbitrators appointed by him ;

(*g*) the accounts of principal and interest shall be made up to the date of making the claim ; and the aggregate of the balances (if any) appearing due on both such accounts against the zamíndár at that date, shall be deemed to be the amount due at that date, except when the balance appearing due on the account of interest exceeds that appearing due on the account of principal, in which case double the latter balance shall be deemed to be the amount then due.

Interest to be allowed.

13. The interest to be awarded in taking an account, according to the rules set forth in section twelve, shall be—

(*a*) the rate (if any) agreed upon between the zamíndár and the claimant, or the persons (if any) through whom they respectively claim, unless such rate is deemed by the special Judge to be unreasonable ; or

(*b*) if such rate is deemed by the special Judge unreasonable, or if no rate was agreed upon, or, when any agreement to set off profits in lieu of interest without an account, entered into between the zamíndár and the claimant, or the persons (if any) through whom they respectively claim, has been set aside by the special Judge, such rate as the special Judge deems reasonable.

Power to rank debts and fix future interest.

14. If the amount so determined to be due cannot, in the opinion of the special Judge, be paid at once, he shall then proceed to rank the claims according to the order in which they shall be paid or discharged, and to fix the interest (if any) to be paid on the amounts thereof respectively from the date of the final decision thereon to the date of the payment and discharge thereof.

Report to be submitted by special Judge.

15. When the amount of the claims has been finally determined in the manner hereinbefore prescribed, the special Judge shall submit a report to the Commissioner, showing the nature and amount of the claims so determined, and also the nature and amount of all the zamíndár's property (exclusive of his proprietary rights in land and the property mentioned in the first proviso to section 266 of the Code of Civil Procedure), which may be available for the payment or discharge of the same.

CHAPTER V.

PROCEDURE OF COMMISSIONER AND MODE OF LIQUIDATION.

On report of special Judge, Commissioner to sell property reported by special Judge and, if necessary, to direct valuation of proprietary rights.

16. On receiving such report, the Commissioner shall direct that the property reported by the special Judge, as available for the discharge of the claims determined by him, or any specified portion of such property, be sold by public auction, and, from the proceeds thereof, shall pay or discharge, so far as practicable, the amount of the said claims.

If such proceeds are not sufficient to pay or discharge in full such amount, the Commissioner shall direct the value of the zamíndár's proprietary rights in land, to be ascertained in the manner following :—

For the purposes of a loan, the value of such rights shall be estimated to be a sum amounting to six times the nett annual profits of such zamíndár.

For the purposes of purchase by Government, the value of such rights shall be estimated to be a sum amounting to ten times such nett annual profits.

"Nett annual profits."

Explanation—The expression "nett annual profits" means the aggregate amount—

(a) of the rents which a zamíndár is entitled to receive as such annually from his tenants;

(b) of all profits received by him as zamíndár, and of the rent which he would have to pay for his sír-land (if any), if he were an exproprietary tenant thereof,

after deducting, from such aggregate amount, the Government revenue and all rates payable by him, under the North-Western Provinces Local Rates Act, 1878, or any other Act for the time being in force.

Proceedings in liquidation.

17. When the value of the zamíndár's proprietary rights has been ascertained as directed in section sixteen, the Commissioner shall proceed as follows:—

(a) If the sum at which the zamíndár's proprietary rights in land have been valued for the purposes of a loan, is sufficient to pay or discharge the balance of the said claims, the Commissioner may, with the consent of the zamíndár, direct such sum as may be necessary, not being more than the amount of such valuation, to be advanced from the public treasury as a loan to the zamíndár, and shall, from the sum so advanced, pay or discharge in full the balance of the said debts and liabilities.

(b) If the zamíndár does not consent to accept such loan, the Commissioner may direct that any portion, or, if necessary, the whole, of such rights, shall be sold in the manner hereinafter prescribed, in order to discharge such balance. Out of the proceeds of such sale, the Commissioner shall, so far as practicable, discharge such balance.

(c) If the sum at which the zamíndár's proprietary rights in land have been valued, for the purposes of a loan, is not sufficient to discharge the balance of the said debts and liabilities, the Commissioner may order his proprietary rights in land to be sold, in the manner hereinafter prescribed.

The purchaser, under this section, of the zamíndár's proprietary rights shall take the same free of all encumbrances created by such zamíndár, or the person through whom he claims.

Attachment of proprietary rights.

18. When an order for the sale of the proprietary rights of any zamíndár has been made hereunder, the Commissioner may order such rights to be attached and taken under the management of the Deputy Commissioner, who shall have, for this purpose, the same powers as are conferred, for the management of a mahál, on a Collector by the North-Western Provinces Land-revenue Act, 1873, section one hundred and fifty-five.

Such management shall continue until such rights are sold hereunder.

Mode of selling proprietary rights.

19. All sales, under this Act, of proprietary rights in land, shall be made by public auction in the manner prescribed by the said North-Western Provinces Land-revenue Act, 1873, for the sale of immoveable property for arrears of land-revenue. If, at the public auction of any zamíndár's proprietary rights in land, any bid be made for such rights above the sum at which they have been valued for the purposes of purchase by Government, such rights shall be sold to the highest bidder; and the proceeds of such sale shall be paid to the Deputy Commissioner or such officer as the Commissioner may direct. If no such bid be made, the Commissioner shall direct a sum of money equal to the amount of such valuation to be paid from the public treasury to the Deputy Commissioner or such officer.

Duty of Deputy Commissioner.

20. The Deputy Commissioner or such officer, as the case may be, shall thereupon, subject to the control of the Commissioner,—

firstly—pay, from the money which he has received under section nineteen, the debts, fines and liabilities (if any) due or incurred by the zamíndár to the Government;

secondly—pay all costs awarded against the zamíndár by the special Judge or Commissioner;

thirdly—out of the balance of such money, pay or discharge, so far as may be practicable, the claims against the zamíndár determined by the special Judge in the order in which they are ranked under section fourteen by such Judge;

fourthly—pay the surplus (if any) to the zamíndár.

Consequences of loan.

21. When a sum of money has been lent, under section seventeen, to a zamíndár, and applied in payment or discharge of the claims against him the following consequences shall ensue (namely):—

(a) his proprietary rights in land shall be deemed to be mortgaged to the Secretary of State for India in Council, until such loan shall have been fully paid off;

(b) he shall be bound to repay the amount of such loan, with interest thereon at the rate of five per cent. per annum, by yearly instalments, within such term, not exceeding ten years, as the Commissioner may prescribe;

(c) in the event of his failing to pay any such instalment of principal or interest on the day fixed for the payment thereof, the whole sum remaining due on account of principal or interest, or both, shall be recoverable as an arrear of land-revenue due by him.

Conditions of purchase by the Government.

22. When a sum of money has been paid from the public treasury, as provided in section nineteen, and applied towards paying or discharging the claims against

a zamíndár, the following consequences shall ensue (namely) :—

(*a*) his proprietary rights in land shall vest in the said Secretary of State in Council;

(*b*) in respect of his sír-land, the proprietary rights in which are, under this section, vested in the said Secretary of State in Council, the zamíndár shall be deemed to be an ex-proprietary tenant holding such land directly under the Government.

Power to declare that zamíndár has ceased to be subject to disabilities.

23. In each of the following cases (namely) :—

(*a*) when the amount lent, under section seventeen, to a zamíndár has been repaid, together with the interest due thereon, or

(*b*) when such amount has been recovered from him as an arrear of land-revenue or has been remitted, in whole or in part, by the Local Government, or

(*c*) when the whole, or, where it is necessary to sell only a portion, such portion, of his proprietary rights in land has been sold under this Act to the highest bidder, or such rights have vested in the said Secretary of State in Council, under section twenty-two;

the Commissioner shall declare that such zamíndár has ceased to be subject to the disabilities mentioned in section eight, clause (*c*) :

Provided that in cases coming under clause (*b*) of this section, no such declaration shall be made without the previous sanction of the Local Government.

CHAPTER VI.

OF APPEAL AND REVISION.

Appeals.

24. An appeal against any decision or order, under this Act, of the special Judge shall lie to the Commissioner, if preferred within one month from the date of such decision or order :

Provided that when the Appellant satisfies the Commissioner that he had sufficient cause for not presenting the appeal within such period, such appeal may be admitted after the period prescribed by this section.

Subject to the power of revision next hereinafter provided, the decision of the Commissioner on an appeal, under this section, shall be final.

Power to call for proceedings and pass order thereon.

25. The Board of Revenue or the Commissioner may, of its or his own motion, or on the application of any person concerned, call for the proceedings in any case under this Act, and pass such order thereon, consistent with the provisions herein contained, as it or he thinks fit :

Provided that nothing in this section shall empower the Commissioner to pass any order reversing or modifying an order previously passed by the Board of Revenue.

CHAPTER VII.

MISCELLANEOUS.

Power to make rules.

26. The Local Government may, from time to time, make rules consistent with this Act—

(*a*) to regulate the procedure in all cases under this Act ;

(*b*) to declare what shall, for the purposes of this Act, be deemed to be the vernacular language of any specified district; and

(*c*) generally to carry out the provisions of this Act.

Such rules shall be published in the official Gazette, and, when so published, shall have the force of law.

Investigation to be deemed a judicial proceeding.

27. Every investigation conducted by the special Judge, with reference to any claim made to him under this Act, or to any matter connected with such claim, shall be deemed to be a judicial proceeding within the meaning of the Indian Penal Code ;

Special Judge deemed public servant within meaning of Indian Penal Code.

and the special Judge shall be deemed to be a public servant within the meaning of the said Code.

Power to summon witnesses and compel production of documents.

28. For the purposes of compelling the attendance of witnesses and the production of documents the special Judge shall have the powers conferred on a Civil Court by the Code of Civil Procedure.

Bar of suits.

29. No suit or other proceeding shall be maintained against any person in respect of anything done by him in good faith pursuant to this Act.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Report of a Select Committee, together with the Bill, as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th March, 1882:—

WE, the undersigned Members of the Select Committee to which the Bill to consolidate and amend the law relating to Agricultural Tenancies in the Central Provinces was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

Preliminary Note by the Commissioner, Jabalpur Division, Central Provinces, dated 1st September, 1873 [Paper No. 1].
Note by Officiating Commissioner, Nágpur Division [Paper No. 2].
Commentary by Officiating Commissioner, Nágpur Division [Paper No. 3].
Note by Officiating Judicial Commissioner, Central Provinces, dated 15th October, 1879 [Paper No. 4].
From Settlement-officer, Sirsá, dated 25th August, 1880, and enclosure [Papers No. 5].
" Commissioner, Haidarábád Assigned Districts, No. 4640, dated 18th September, 1880 [Paper No. 6].
" Gopal Narayan Ghatate and other málguzárs, Nágpur Division, dated 25th December, 1880, and enclosure [Papers No. 7].
" Lakshmí Narayana Pandit, Pleader, High Court, North-Western Provinces, dated 2nd March, 1881, and enclosure [Papers No. 8].
" Officiating Assistant Secretary to Chief Commissioner, Central Provinces, No. 2283-112, dated 23rd January, 1881, and enclosures [Papers No. 9].
" Officiating Assistant Secretary to Chief Commissioner, Central Provinces, No. 353-23, dated 1st February, 1881, and enclosures [Papers No. 10].
" Officiating Secretary to Chief Commissioner, Central Provinces, No. 3799-208, dated 19th October, 1881, and enclosures [Papers No. 11].

2. The Bill introduced on the 6th August, 1880, met with much criticism in the Central Provinces. In May, 1881, the Chief Commissioner referred the Bill to a Committee composed of officers* belonging to the Central Provinces, whose report has been now under consideration. The amendments recommended by this Committee have received the unqualified support of the Chief Commissioner. They are of such a nature as to render it necessary to re-draft the Bill.

*Mr. C. H. T. Crosthwaite, Judicial Commissioner.
" J. W. Neill, Commissioner, Nágpur.
" J. W. Chisholm, Officiating Commissioner, Narbada.

3. We have, accordingly, amended and re-cast the Bill, but the majority of us desire to reserve our opinion as to the expediency of making these amendments until the Bill has been republished in its present shape, and subjected to further criticism. The most important amendments, and those to which we desire to attract particular attention, are as follows:—

(1.)—The Bill, as introduced, withdrew the power of making a distraint for rent, and practically compelled the landlord to sue a tenant on the produce of whose holding he wished to retain a lien for arrears of rent.

The Bill, as now amended, gives no right to distrain, but it maintains the landlord's lien on the produce for rent, and directs a Court executing a decree, other than for rent, by attachment and sale of the produce of a tenant's holding, to pay to the landlord, out of the proceeds of the sale, and before satisfying the decree-holder, any arrear of rent that may be due by the tenant, and likewise the instalment of rent falling due next after the usual date of harvesting the produce attached and sold.

It also allows a landlord, when an arrear is due to him, to prohibit the tenant, for a period of twenty-eight days, from removing the produce of the holding on which the rent is due. It is intended by this provision to give the landlord time to institute a suit and apply to the Court for an order to attach the produce. These provisions do not apply to rent due for a longer period than one year.

(2.)—The Bill, as introduced, took away the right conferred at the settlement on those tenants who are known as absolute occupancy-tenants, of transferring their holdings.

The amended Bill maintains this class of tenants exactly in the position given to it at settlement.

(3.)—The amended Bill stops the future growth of occupancy-right by operation of the twelve-year rule, but maintains in the enjoyment of that right those tenants who, at the passing of the Act, have acquired it.

(4.)—The Bill, as introduced, established a class of protected tenants, the condition of protection being, *inter alia*, residence and cultivation of land in the village for five years. Tenants, who had not so qualified, it left to the landlord's discretion.

The amended Bill protects all ordinary tenants (*i. e.*, all tenants who have not absolute occupancy or occupancy-rights and are not sub-tenants) from capricious eviction.

(5.)—The Bill, as introduced, provided for the determination of the rent of occupancy-tenants primarily on the basis of the settlement-rates and the customary rates paid by tenants of the same class; and fixed the rents so determined for the term of settlement, subject to enhancement or abatement on account of change in the value of the produce or in the productive power of the land.

It left the rent of protected tenants to be determined, in case of dispute, by the Courts, with reference to the rent paid by ordinary tenants. A rent so determined was only fixed from year to year.

The amended Bill adopts, for the determination of the rent of ordinary tenants, the principle of compensation for disturbance, giving the tenant from whom an increase of rent is demanded the option of agreeing to the enhancement, in which case his rent will be fixed for seven years, or of leaving the land, taking, as compensation, ten times the sum demanded as enhancement.

It provides that the rents of absolute occupancy-tenants shall not be raised during settlement.

It provides that the rents of occupancy-tenants, *i.e.*, those who have acquired rights under the twelve-year rule, shall be fixed at twenty-five per cent. below the rent paid by ordinary tenants for like land, and that, when the rent of such tenants has been fixed, it shall not be enhanced till after the expiry of a period of ten years.

In the case of all classes of tenants, the landlord is, at any time, entitled to an increase of rent if the productive power of the land has been increased by improvements made by such landlord, or if the area of the holding has been added to.

4. We recommend that the Bill, as now amended, be re-published in the *Gazette of India* and sent to the Local Government for publication in the local Gazette and translation into the vernacular languages; and that its re-consideration be postponed for a period of two months.

C. H. T. CROSTHWAITE.
WHITLEY STOKES.
W. W. HUNTER.
H. J. REYNOLDS.

The 16th March, 1882.

No. II.

THE CENTRAL PROVINCES TENANCY BILL, 1882.

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No. II.

A Bill to Consolidate and amend the law relating to Agricultural Tenancies in the Central Provinces.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to agricultural tenancies in the Central Provinces; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Central Provinces Tenancy Act, 1882":

Local extent.

It extends to all the territories for the time being administered by the Chief Commissioner of the Central Provinces, except those specified in the Scheduled Districts Act, 1874, Schedule I, Part VI;

Commencement.

and it shall come into force on such day as the said Chief Commissioner, with the previous sanction of the Governor General in Council, may by notification in the local official Gazette direct.

Bill, s. 2.

Acts repealed.

2. On and from such day the Acts mentioned in the schedule hereto annexed, shall be repealed so far as they relate to the territories to which this Act extends.

Bill, ss. 12, 78, 79, 82, 92.

Saving of certain settlement conditions in the Chánda, Nimár and Sambalpúr districts.

But nothing contained in this Act, or in any Act hereby repealed, shall affect the rights or liabilities of tenants or landlords in the districts of Nimár, Chánda and Sambalpúr, so far as such rights or liabilities have been determined by any order of the Governor General in Council made at the settlement of any such district.

Pending suits and applications.

All suits or applications instituted or made under any Act hereby repealed, and which, when this Act comes into force, are pending before any officer, before whom they would have been instituted or made, if this Act had been in force, shall, so far as may be, be deemed to have been respectively instituted or made hereunder.

Bill, s. 3.

Interpretation-clause.

3. In this Act, unless there is something repugnant in the subject or context,—

"land":

(1) "land" means land which is let or occupied for agricultural purposes or for purposes subservient to agriculture, and includes the sites of buildings appurtenant to such land:

"tenant":

(2) "tenant" means a person who holds land of another person, and is, or, in the absence of a contract to the contrary, would be, liable to pay rent for such land to such other person. But it does not include a mortgagee or a person who takes a lease of unoccupied land for the purpose of sub-letting it, or of land already in the occupation of cultivators.

Where such person, at the time of taking a lease of such land, is a tenant of any land included therein, he does not by reason only of such lease cease to be a tenant of the land so included:

"landlord":

(3) "landlord" means the person of whom a tenant holds land, and to whom such tenant is, or, in the absence of a contract to the contrary, would be, liable to pay rent therefor; but when the right to receive rent or any other right which a landlord is entitled as such to exercise, is, for the time being, vested in a person other than the person of whom the land is held, such other person shall be deemed to be the landlord in respect of the right so vested:

"rent":

(4) "rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant on account of the use or occupation of land let to him:

"pay" and "payable":

(5) "pay" and "payable" used with reference to rent, include "deliver" and "deliverable":

"arrear":

(6) "arrear" means an instalment of rent which is not paid on or before the date on which it is payable:

"holding":

(7) "holding" means a parcel of land held by a tenant of a landlord under one lease or agreement:

"improvement":

(8) "improvement" means, with reference to a holding, any work which adds to the letting-value of such holding, without diminishing the value of any other part of the estate of the landlord of whom such holding is held; which is suitable to such holding and consistent with the purpose for which it was let; and which, if not executed on the holding, is either executed directly for its benefit or is, after execution, made directly beneficial to it:

It includes the reclaiming, enclosing or clearing of lands for agricultural purposes; but it does not include such embankments, temporary wells, and water-channels as are ordinarily made by tenants.

Explanation.—A work which benefits several holdings may be deemed to be, with respect to each of them, an improvement:

"Revenue-officer":

(9) "Revenue-officer" means any Revenue-officer appointed under the Central Provinces Land-revenue Act, 1881, not being below the rank of Tahsildár, and includes also a Settlement-officer:

(10) "agricultural year" means the year commencing on the first day of June, or on such other date as the Chief Commissioner may, in the case of any specified District or Districts, from time to time, appoint:

"agricultural year":

(11) "sír-land" means (*a*) land recorded as "sír" in the papers of the last preceding settlement of the local area in which such land is situate; and (*b*) land not so recorded, but which has been cultivated by the proprietor or one of the proprietors thereof for a period of not less than twelve consecutive years; and (*c*) waste land which has been broken up by the proprietor or one of the proprietors thereof and cultivated by him for a period of not less than six consecutive years; and (*d*) in Sambalpúr, includes also "bhogra" land.

"sír-land":

Explanation.—Land which has, after the date of such settlement, or the expiry of such period of twelve years, or six years (as the case may be), been for a period of six consecutive years unoccupied by such proprietor is not sír-land. Land is not unoccupied by the proprietor when it is leased out by him with an express reservation of his sír-rights.

(12) "mahál" means any local area held under a separate engagement for the payment of the land-revenue direct to Government, and includes also any local area declared, under the provisions of the Central Provinces Land-revenue Act, 1881, to be a mahál:

"mahál":

(13) "village" includes any tract of land which, at the last settlement of such land, has been recognized as a village, or which the Chief Commissioner declares to be a village for the purposes of the Central Provinces Land-revenue Act, 1881:

"village":

(14) "lambardár" means a person appointed under the Central Provinces Land-revenue Act, 1881, to represent the proprietary body of a mahál in its relations with the Government:

"lambardár":

(15) "record-of-rights" includes the supplementary administration-paper prepared at or after the time of making a settlement before the Central Provinces Land-revenue Act, 1881, came into force.

"record-of-rights".

CHAPTER II.

OF THE CLASSES OF TENANTS, AND THEIR ORDINARY RIGHTS AND LIABILITIES.

Classes of tenants.

4. There shall be four classes of tenants:—

(1)—Absolute occupancy-tenants:

(2)—Occupancy-tenants:

(3)—Ordinary tenants:

(4)—Sub-tenants.

A.—Rights and Liabilities common to all Classes of Tenants.

Presumptions as to rents payable.

5. In all suits and proceedings between landlord and tenant, the rent payable for any year by a tenant, in respect of his holding, shall be deemed to be the rent payable, in respect of such holding, in the year immediately preceding such year, unless a different rent has been agreed upon, in writing, by the landlord and the tenant, or has been fixed by an order under this Act. Bill, ss. 4, 66.

Date from which orders fixing rents operate.

6. When the rent of a holding is fixed by any order under this Act, such order shall take effect from the commencement of the agricultural year next following the date of the application upon which such order is made. Provided that, if such application is made on the ground of an increase, or diminution, of the area of a holding, the order shall take effect from such date as the officer making it may direct. Bill, s. 5.

Rents when payable.

7. Rents shall be payable in such instalments and on such dates as the Chief Commissioner may, from time to time, by rule prescribe, and in the absence of such rule, according to local usage. Bill, 6.

Lambardár to be deemed sole landlord in certain cases.

8. In the absence of any person duly appointed to act on behalf of several persons who are joint proprietors of a mahál, the lambardár shall be deemed to be, for the purpose of this Act, the sole person entitled to grant leases to tenants, or enter into agreements with tenants as such, of the land held jointly by such proprietors, or to give receipts for the rent of such land, or to issue any notice, make any application, or being any suit, under this Act, to, in respect of, or against, any tenant of such land. Bill, s. 46.

Rents payable to joint landlords.

9. When two or more persons are the joint landlords of any tenant, such tenant, subject to any rule which the Chief Commissioner may, from time to time, make in this behalf, shall not be compelled to pay part of the rent of his holding to one of such persons and part to another or others; and such persons shall, if the tenant so desires, appoint one of their number, or some other person, to receive the rent of such holding. Bill, s. 47.

Tenant may in certain cases deposit rent with Revenue-officer.

10. When any landlord refuses to accept any instalment of rent payable in money when tendered to him by a tenant, and Bill, s. 7.

when any tenant, in the case mentioned in section nine, desires the appointment of a person to receive rent payable in money and no such appointment is made within a reasonable time, and

when any tenant in any other case is doubtful as to the person entitled to receive such rent from him,

such tenant may apply to a Revenue-officer for permission to deposit in his Court the amount of

rent which he believes to be due; and such officer shall receive such deposit, if it appears to him, after examining the applicant, that he had reasonable grounds for making the application and that it was made in good faith.

Bill s. 8.

Deposit to be deemed a payment to the landlord.

11. When any deposit has been so received, it shall be deemed to be a payment made by the tenant to his landlord on account of rent due.

Revenue-officer how to deal with deposit.

The officer receiving such deposit may pay the amount thereof to any person appearing to him to be entitled to receive the same, or may, if he thinks fit, retain the deposit pending the decision of a Civil Court as to the person so entitled.

No suit or other proceeding shall be instituted against the Secretary of State for India in Council, or against any officer of the Government, in respect of anything done by a Revenue-officer under this section; but nothing herein contained shall prevent any person entitled to receive the amount of any such deposit from recovering the same from a person to whom it has been paid by a Revenue-officer.

Bill, s. 9.

Penalty for exaction by landlord.

12. Every tenant, from whom any sum is levied by his landlord in excess of the rent specified in his lease, or payable under the provisions of this Act, shall be entitled to recover from such landlord a sum not exceeding double the amount so levied.

Bill, s. 9.

For not giving receipt.

13. When any landlord refuses a receipt for rent paid by a tenant, or grants such receipt but refuses or neglects to specify therein the period or crop in respect of which the payment is made, such tenant shall be entitled to recover from such landlord a sum not exceeding double the amount of the rent so paid.

Bill, s. 89, cl. (b).

Enhancement allowed when productive power of holding has been increased by landlord.

14. Notwithstanding anything contained in this Act, or in the conditions of settlement, the rent of any tenant may, on the application of the landlord, be enhanced on the ground that the productive power of the tenant's holding has been increased through the agency or at the expense of the landlord. Such enhancement shall bear the same proportion to such rent as the increase so effected in the productive power of the holding bears to the productive power of the holding as it was immediately before such increase was effected.

The rent of an absolute-occupancy tenant shall not be enhanced under this section when the productive power of the holding has been increased by an improvement made by a landlord in contravention of any rule made hereunder.

Bill, s. 89, cl. (c).

Power to fix rent when area of holding is altered.

15. When the area of a holding is increased or diminished by encroachment, fluvial action or otherwise, a Revenue-officer may, by order, on the application of the landlord or of the tenant, fix the rent payable in respect of such holding with reference to such increase or diminution:

Provided that such order shall not bar the landlord's claim to enhance the rent of such holding on other grounds allowed by this Act.

Bill, s. 54.

Agreement fixing rent on revenue-paying lands beyond term of settlement, voidable.

16. The rent of land assessed to land-revenue shall not be fixed for a term exceeding the period of the settlement of the land.

All agreements made in contravention of this section shall, as regards the amount of rent, be voidable at the will of either party.

Bill, s. 94.

Rents payable in kind may be commuted.

17. In all cases in which a tenant has paid rent in kind, or on the estimated value of a portion of the crop, or by rates varying with the crop, or partly in one of such ways and partly in another or others, the landlord or tenant may apply to commute such rent to a fixed money rent. Such application shall be made,

while the settlement of the district in which such tenant's holding is situate is in progress, to a Settlement-officer; and,

at any other time, to any revenue-officer specially empowered by the Chief Commissioner in this behalf.

On the receipt of such application, such officer shall determine the sum to be paid as money rent and shall order that the tenant shall pay, in lieu of paying his rent in kind or as aforesaid, the sum so determined. If the application is opposed, such officer may, for reasons to be recorded by him in writing, refuse to grant the same.

Bill, ss. 23, 24, 25, 26.

Surrender of holdings.

18. Any tenant not holding under a lease for a fixed period may, at the end of any agricultural year, surrender his holding, or, with the consent of his landlord, any part thereof. But notwithstanding such surrender he shall continue to be liable for the year next following the date of such surrender for the rent of the holding or part surrendered, unless—

(a) he gives to his landlord, at least thirty days before the end of such agricultural year, notice in writing of such surrender; or

(b) he takes a new holding in the same village from the same landlord; or

(c) he ceases, at least thirty days before the end of such year, to reside in the village in which the surrendered holding is situate; or

(d) the landlord himself cultivates such holding or lets it to another tenant.

Bill, ss. 17—22, altered.

Hypothecation of produce for rent.

19. The produce of a holding in the occupation of a tenant shall be hypothecated for the rent payable in respect thereof, and, if such produce is attached and sold in execution of a decree,

the Court executing the decree shall apply the nett proceeds of the sale in the first instance to satisfy the landlord's claim (if any) for sums due to him in respect of the rent of such holding for the year immediately preceding the attachment, and for the instalment of rent which falls due next after the usual period of harvesting the produce attached.

Landlord may, by notice, prohibit removal of produce.

20. Where an arrear is due from any tenant in respect of his holding, the landlord may, by notice to the tenant, prohibit the removal of the produce of such holding.

Act XII, 1881, s. 58.

No such prohibition shall be made in respect of any sum claimed in excess of the rent payable by the tenant for such holding in the preceding year, unless the rent has been enhanced in accordance with the provisions of this Act, nor in respect of an arrear which has been due for a longer period than one year.

No such prohibition shall be made more than once in respect of the same produce.

Procedure in delivering notice.

21. Every notice under section twenty, shall be in writing, and shall specify the amount of the arrear claimed, the period for which, and the holding in respect of which, it is said to be due, and, when a sum in excess of the rent payable by the tenant in the last preceding year is claimed, the decree, order or agreement, as the case may be, for the payment of such sum.

The notice shall be served on the tenant, or other person who may be in charge of the produce on his behalf, and shall remain in force until the rent specified in such notice is paid, or, if such rent is not paid, until the expiry of twenty-eight days after such notice is so given.

Tenant to retain charge of the produce.

22. Notwithstanding such notice, the tenant may reap, gather or store the produce of his holding, and do all other such acts as may be necessary for the due preservation of the same.

Penalty for tenant removing produce, removal of which has been prohibited.

23. Any tenant on whom a notice in respect of the produce of his holding has been served under section twenty, and who, except for any of the purposes mentioned in section twenty-two, while such notice is in force, removes, attempts to remove, or abets the removal of, such produce from the place where it was standing, deposited or stored when such notice was served, and

Illegal distraint.

any landlord who distrains or attempts to distrain the produce of any holding, or prevents, or attempts to prevent, otherwise than in accordance with this Act, the removal of any produce of a holding by the tenant thereof,

shall be punished with fine which may extend to five hundred rupees.

Act XII, 1881, s. 43: Bill, s. 13.

Commission for dividing or estimating crops.

24. Whenever rent is taken by division of the produce, or by estimate or appraisement of the crop, if either the landlord or the tenant neglects to attend, either personally or by agent, at the proper time for making such division, estimate or appraisement, or if there is a dispute regarding the division of the said produce, or the quantity or value of the crop, a Revenue-officer may, on the application of either party, issue a commission to such person as such officer thinks fit, directing him to divide, estimate or appraise the crop.

Appointment of assessors.

25. When a Revenue-officer appoints a Commissioner for any of the purposes mentioned in section twenty-four, such officer may, in his discretion, direct such Commissioner to associate with himself any other persons as assessors, and may give him instructions regarding the number, qualifications and mode of selecting such assessors (if any), and the procedure to be followed in making such division, estimate or appraisement. Bill, s. 14.

The Commissioner so appointed shall make the division, estimate or appraisement, in accordance with such instructions.

Procedure where crop has been estimated or appraised.

26. When a crop has been estimated or appraised under the foregoing provisions, such estimate or appraisement shall be reduced to writing and signed by the Commissioner making the same, and shall be submitted to the Revenue-officer by whom the commission was issued. Such Revenue-officer shall consider the Commissioner's report, and after such hearing and enquiry (if any), as he may think necessary, shall pass order thereon either confirming or varying the estimate or appraisement, and the rent shall be payable in accordance with such order. Bill, ss. 15, 16.

Produce of a holding.

27. In sections nineteen to twenty-four (both inclusive) the produce of a holding means—

(a) crops and other products of the earth standing or ungathered on such holding;

(b) crops and other products of the earth which have been grown on the holding and have been reaped or gathered and are deposited on such holding or a threshing-ground, or stored in the homestead of the village in which such holding is situate, or in which the tenant, whose holding it is, resides.

B.—Of Absolute Occupancy-tenants.

"Absolute occupancy-tenants."

28. All tenants who, on the day when this Act comes into force, occupy any holding in respect of which they have been recorded in any record-of-rights made before such day as "absolute occupancy-raiyats," or in terms equivalent thereto, shall be deemed to be absolute occupancy-tenants of such holding.

Rents fixed for period of settlement.

29. The rent of the holding of every absolute occupancy-tenant shall be fixed by the Settlement-officer at the settlement of the district in which such hold- New.

ing is situate, and the rent so fixed, shall not be enhanced during the currency of such settlement, except under the provisions of section fourteen or section fifteen.

The rent payable in respect of his holding by any such tenant, when this Act comes into force, shall be deemed to have been fixed at the last preceding settlement of the district in which his holding is situate.

New: Bill, ss. 81, 82.

Right heritable and transferable after notice to landlord who may claim to purchase at fixed rate.

30. The right of an absolute occupancy-tenant in his holding shall devolve as if it were land, and shall be transferable by mortgage or sale or gift. Any mortgage of such right for a longer period than fourteen years made, after this Act comes into force, shall be deemed for the purposes of this Act to be a sale.

If an absolute occupancy-tenant intends to transfer his right in his holding by sale or gift, he shall give to his landlord a written notice of such intention, and the landlord may thereupon—

(*a*) within one month from the receipt of such notice, claim to purchase such right, at a price equal to five times the yearly rent payable in respect of the holding; or

(*b*) permit the sale or gift, in which case he shall be entitled to a sum equal to such rent for one year, and such sum shall be a charge on the holding sold.

Any transfer made in contravention of this section shall be void.

New.

Absolute occupancy-tenant not liable to ejectment.

31. An absolute occupancy-tenant shall not be liable to be ejected from his holding by his landlord as such for an arrear of rent or for any cause.

Right hypothecated or rent.

The right of such tenant in his holding shall be deemed to be hypothecated to the landlord for the rent thereof.

New.

Landlord's rights reserved in sales in execution of decree.

32. When the right of an absolute occupancy-tenant in his holding is sold by order of a Civil Court in execution of a decree other than a decree obtained by his landlord, the landlord shall, in respect of such holding, have the same rights as are reserved to him by section thirty in the case of a private sale.

C.—Of Occupancy-tenants.

Bill, s. 75.

Occupancy-tenants.

33. All tenants who, when this Act comes into force, have held the same land continuously for twelve years, otherwise than as absolute occupancy-tenants or sub-tenants, have a right of occupancy in, and shall be deemed to be occupancy-tenants of, such land; Provided that such land is not

(*a*) sír-land, or

(*b*) held in lieu of wages, or

(*c*) held under a written lease in which it is agreed that a right of occupancy in such land shall not be acquired, or that the tenant shall quit the land at the termination of such lease.

Explanation I.—The occupation of the person from whom the tenant inherited his holding shall, for the purposes of this section, be deemed to be the occupation of the tenant.

Explanation II.—When, by the custom of any village the holdings of tenants are, or have been, liable to periodical re-distribution, land which a tenant or any person under whom he claims has, in accordance with such custom, from time to time, received in exchange for land previously held by him shall, for the purpose of calculating, under this section, the period of twelve years, be deemed to be the same land as the land which he held prior to such exchange.

New.

Rents only liable to enhancement at intervals of ten years.

34. When the rent of the holding of an occupancy-tenant has been fixed by agreement or under this Act, or under any Act hereby repealed, such rent shall not be enhanced until the expiry of ten years from the day on which it was so fixed, except when the settlement of the district in which such holding is situate is in progress, or under the provisions of section fourteen or section fifteen.

Bill, s. 81, altered.

Descent of occupancy-right, and right of transfer.

35. When any occupancy-tenant dies, his right in his holding shall devolve as if it were land: Provided that no collateral relative of such tenant shall be entitled to inherit such right, unless at the death of such tenant he was a co-sharer in the holding.

No right of occupancy shall be transferable in execution of a decree or otherwise than by voluntary transfer between persons in favour of whom, as co-sharers, such right originally arose, or who have become, by succession, co-sharers therein.

New

Rent of occupancy-tenants.

36. Subject to the provisions of section thirty-four, the rent payable by an occupancy-tenant may be fixed on the application either of the tenant or his landlord,

(*a*) when the settlement of the district in which such holding is situate is in progress, to a Settlement-officer;

(*b*) during the currency of the settlement of such district, to a Revenue-officer.

On such application the Settlement or Revenue-officer, as the case may be, may fix the rent at a rate, not more than three-fourths of the rate usually paid by ordinary tenants of holdings situate in the same or adjoining tahsíls, for land of similar quality with like advantages.

When the land in respect of which an application is made under this section, has been improved in accordance with this Act by the agency or at the expense of the tenant of such land, the quality and advantages of such land shall, for the purposes of this section, be deemed to be the quality and advantages had and enjoyed by such land immediately before such improvements were made.

New; Bill, s. 39.

Grounds for ejectment.

37. No occupancy-tenant shall be ejected from his holding, except in execution of a decree of a Civil Court

(a) in a suit for arrears of rent; or,

(b) in a suit for compensation for diverting the land to non-agricultural purposes or for some other act or omission which by custom or contract not inconsistent with this Act or with any other law for the time being in force renders him liable to be ejected.

Bill, s. 76.

Case of lands re-distributed in accordance with village custom.

38. A tenant having a right of occupancy in land situate in a village in which the holdings of tenants are by custom liable to periodical re-distribution, and exchanging such land in accordance with such custom for other land situate in the same village, shall be deemed to have a right of occupancy in the land so taken in exchange.

Bill, s. 77.

Tenant changing land in other cases.

39. If a tenant having a right of occupancy in any land ceases to hold such land, and thereupon commences to hold other land of the same landlord, under circumstances from which it may be inferred that such tenant has accepted such other land in lieu of, and on the same conditions as, the land which he has ceased to hold, he shall, in the absence of a written agreement to the contrary, be deemed to have a right of occupancy in the land which he so commences to hold.

D.—Of Sub-tenants.

New.

Sub-tenants.

40. A tenant who holds land from another tenant, is a sub-tenant of such land.

New.

Hold according to agreement.

41. A sub-tenant shall hold on such terms as may be agreed upon between him and his landlord.

New.

Right ceases with landlord's possession.

42. No sub-tenant shall be entitled to retain his holding after the determination of his landlord's interest in the land comprised therein; nor shall he have any claim, for compensation or otherwise, against any one but his own landlord on account of any loss arising to him from such determination.

E.—Of Ordinary Tenants.

Bill, s. 55.

Ordinary tenants.

43. All tenants who are not absolute occupancy-tenants or occupancy-tenants or sub-tenants, are ordinary tenants.

Bill, s. 66.

Rents regulated by agreement, but only liable to enhancement once in seven years.

44. An ordinary tenant shall pay such rent as may, from time to time, be fixed by agreement between him and his landlord:

New.

Provided that, after the rent has been so fixed, it shall not be liable to be changed, except under the provisions of section fourteen or section fifteen, or until the expiry of seven years from the date when it was so fixed.

Grounds on which an ordinary tenant may be ejected.

45. An ordinary tenant shall not be ejected from his holding, except under a decree of a Civil Court, on one or other of the following grounds:

(a) that he has refused to agree to an enhancement of rent demanded by his landlord, in accordance with the provisions of this Act;

(b) that the land is needed for the execution of some work of permanent and general benefit to the village in which such land is situate or to the residents thereof;

(c) any ground mentioned in section thirty-seven clause (a) or clause (b).

New.

Compensation for disturbance.

46. An ordinary tenant who is ejected, under clause (a) or clause (b) of section forty-five from his holding shall be entitled to receive from his landlord compensation for disturbance.

Such compensation shall be in addition to any compensation due to him hereunder on account of improvements, and shall amount,

(a) if the tenant is ejected under clause (a) of section forty-five, to a sum equal to ten times the yearly increase of rent demanded from him;

(b) if the tenant is ejected under clause (b) of section forty-five, to a sum calculated at the rate of one year's rent of the land from which he is ejected, for every year during which he has occupied such land, subject to a maximum limit of five years' rent.

New.

Tenancy not transferable, and, except when jointly cultivated by members of the same family, to lapse at death.

47. The right of an ordinary tenant in his holding shall not be transferable, except with his landlord's consent, and, where it has not been transferred, shall cease to exist at the death of such tenant: Provided as follows:—

(a) the representative (if any) of a deceased ordinary tenant shall be entitled to occupy the holding of such tenant until the end of the agricultural year in which he died:

(b) if such representative be ejected, he shall be entitled to such compensation for improvements as such tenant would have been entitled to, had he been ejected;

(c) when two or more persons have jointly cultivated the same holding as ordinary tenants, the right shall not cease to exist until the death of the last survivor of such persons.

CHAPTER III.

OF IMPROVEMENTS AND COMPENSATION THEREFOR.

Bill, s. 39.

Right to make improvements.

48. On the holding of an absolute occupancy-tenant, the tenant, and on the holding of any other tenant, the landlord of such tenant, shall be entitled to make improvements.

If a landlord or tenant, not being so entitled, desires to make improvements on a holding, he shall proceed in such manner as the Chief Commissioner may, from time to time, by rule direct.

Bill, s. 40; Cf. 33 & 34 Vic., c. 46, s. 4.

Compensation for improvements payable to tenants on ejectment.

49. Every tenant who is ejected from his holding shall be entitled to compensation for improvements made by him or the persons under whom he claims, and for which compensation has not already been made.

Whenever a Court makes a decree or order for the ejectment of a tenant, it shall determine the amount of compensation due under this section to such tenant for improvements, and shall make the order of ejectment conditional on the payment of such amount to the tenant.

No compensation under this section for an improvement, shall be claimable in any of the following cases, namely:—

(*a*) where the tenant has made the improvement in contravention of any rule made under section forty-eight and for the time being in force;

(*b*) where the tenant, having contracted not to make such improvement without giving the landlord reasonable notice to make it, has made it without giving such notice.

Improvements made by a tenant before this Act comes into force, in lands other than sír-land, shall be deemed to have been made in accordance with rules made under section forty-eight, unless it is shown that the landlord forbade the tenant to make the improvement, and was ready to make it himself.

Bill, s. 41.

Principle on which compensation to be assessed.

50. In estimating the compensation to be awarded under section forty-nine for an improvement, the Court shall have regard—

(*a*) to the labour and capital expended by the tenant in making such improvement:

(*b*) to the amount by which the letting value, or the produce of the holding or the value of such produce is increased by such improvement:

(*c*) to the amount for which the improvement could have been made by the landlord; and

(*d*) to any reduction or remission of rent made by the landlord to the tenant in consideration of such improvement.

Bill, s. 42.

Manner in which compensation may be given.

51. Compensation for improvements may be made in such manner as may be agreed upon by the landlord and the tenant, or may be paid in money by such instalments (if any) as the Court thinks fit.

CHAPTER IV.

JURISDICTION AND PROCEDURE.

Bill, s. 98.

Revenue-officers to have cognizance of certain applications.

52. No Court other than the Court of a Revenue-officer shall take cognizance of any dispute or matter in which any application of the nature mentioned in this section might be made namely:—

(*a*) applications for the appointment of a receiver of rent (section nine);

(*b*) applications for permission to deposit rent in court (section ten);

(*c*) applications to enhance rent on account of improvements made by, or at the expense of, the landlord (section fourteen);

(*d*) applications to fix the rent of a holding the area of which has been increased or diminished (section fifteen);

(*e*) applications for the commutation of rents paid in kind (section seventeen);

(*f*) applications for a commission to divide, estimate or appraise a crop (section twenty-four);

(*g*) applications to fix the rent payable by an occupancy-tenant (section thirty-six);

(*h*) applications relating to such other matters as Revenue-officers are empowered to deal with under this Act.

On any such application being made to the Court of a Revenue-officer it may, subject to the provisions herein contained, grant such relief as the nature of the case requires.

Procedure on such applications.

53. In disposing of the matters referred to in section fifty-two, Revenue-officers shall, as nearly as may be practicable, exercise the same powers and follow the same procedure as they exercise and follow under the Central Provinces Land-revenue Act, 1881.

From every order passed by a Revenue-officer in respect of any such matter, an appeal shall lie as if such order had been passed by such officer under the said Land-revenue Act.

Limitations of applications.

54. Applications to fix the rent of an occupancy-tenant may be made, subject to the provisions of section thirty-four, at any time during the period of such tenant's occupation.

All other applications may be made at any time during the occupation of his holding by the tenant by or in respect of whom such applications are made.

Code of Civil Procedure to apply to suits.

55. In suits under this Act, the Code of Civil Procedure shall apply, as far as may be, to all proceedings for which no special procedure is herein provided.

Powers of Revenue-officers.

56. Deputy Commissioners shall, as such, exercise all the powers conferred on a Revenue-officer by this Act. Bill, s. 3, cl. (14)

The Chief Commissioner may, from time to time, confer upon any other Revenue-officer, either by name or by virtue of his office, all or any of such powers.

Bill, s. 100.

Jurisdiction of Civil Courts.

57. Except as provided in section fifty-two, the Civil Courts shall have jurisdiction in all suits or proceedings between landlord and tenant: Provided that—

(a) no Judge of a Civil Court of original jurisdiction shall, unless he is also a Revenue-officer, hear any suit between a landlord and a tenant regarding any matter dealt with by this Act; and

(b) such suits shall be heard and determined only in such Courts, competent to try the same, as the Chief Commissioner may, from time to time, direct.

Bill, s. 101.

Power of Chief Commissioner to direct that certain suits be entered in separate register.

58. The Chief Commissioner may, from time to time, direct, that all suits, or any specified class of suits, between landlord and tenant shall not be registered in the registers kept under the Code of Civil Procedure for the registration of civil suits, but in such other separate registers as he may prescribe.

Bill, s. 102.

Plaint in such suits.

59. In suits under this Act between landlord and tenant, the plaint shall, in addition to the matters mentioned in section fifty of the Code of Civil Procedure, specify the area of the land, and, where the fields, comprised in the holding to which the suit relates, have been numbered in a Government survey, the number of each such field; and, in the case of suits for an arrear, the amount of the yearly rent and the instalments in which such rent is payable; and, in suits for compensation for improvements, an accurate valuation and description of the improvements.

When the land to which the suit relates comprises parts of numbered fields, or has not been divided into numbered fields, an accurate and sufficient description of such land and its boundaries shall be given in the plaint.

Bill, s. 103.

Legal practitioners' fees not allowed, unless for special reasons.

60. In suits and applications under this Act, the fees of a legal practitioner shall not be allowed as costs, unless the Court considers, for reasons to be recorded by it in writing, that such fees ought to be allowed.

Bill, s. 107.

Set-off when allowed

61. No set-off shall be allowed in any suit under this Act, unless the amount claimed as a set-off has been determined by a decree or order of a competent Court.

Bill, s. 108.

Interest on arrears.

62. In suits under this Act, for arrears of rent, interest on such arrears may be allowed up to judgment, at such rate not exceeding twelve per cent. per annum as the Court thinks fit.

Bill, s. 110.

No appeal in certain arrear-cases.

63. When any such suit is decided, whether on appeal or otherwise, by a Judge of a Civil Court exercising powers not less than those of an Assistant Commissioner of the first class, as defined in the Central Provinces Courts' Act, 1865, the decision shall not be subject to appeal, unless—

(a) the amount or value of the subject-matter of the suit exceeds one hundred rupees; or

(b) a question relating to a title to land, or some interest in land, has been determined as between parties having conflicting claims thereto.

Bill, s.

Limitation of suits.

64. No suit for an arrear of rent shall be instituted after three years from the date when the arrear became due; and no other suit under this Act shall be instituted after one year from the date when the cause of action accrued.

No process of execution shall be issued on a decree under this Act after three years from the date of such decree, or, in the case of a decree for money, after three years from the date on which the money, to recover which execution is applied for, became payable under the decree.

Ejectment for non-payment of an arrear due under a decree.

65. If a decree for an arrear of rent is passed against a tenant other than an absolute occupancy-tenant, and remains unsatisfied at the end of the agricultural year in which such decree was passed, the landlord may apply to the Court, having authority to execute such decree, to eject such tenant; and the Court may thereupon cause a notice to be served on such tenant, informing him that if he does not pay the amount due under the decree within thirty days from the receipt of the notice, he will be ejected from his land.

If such amount be not so paid, the Court may, on proof of the service of such notice, eject such tenant from the land in respect of which the amount is due, or may allow the tenant such further period not exceeding thirty days as to it seems fit and may on the expiry of such further period, if such amount be not paid, eject him.

New.

Power of Court to deal with cases of drought or other calamity.

66. Where, in answer to a suit for an arrear of rent, the tenant admits that the arrear is due, but pleads that the produce of his holding during the period for which the arrear is claimed has been diminished or destroyed by drought, hail or other calamity beyond his control, the Court in its decree may make such deduction from the amount claimed by the landlord, and direct payment of the amount decreed in such instalments (if any), as it may think fit, and may order that such decree shall not be executed by ejectment of the tenant from his holding.

In making such decree the Court shall have regard to—

(a) the value of the produce of the holding for the whole agricultural year in which the arrear accrued;

(b) the proportion which the amount of rent payable for such year by the tenant bears to such value.

Bill, s. 10.

If in any such suit it appears that the land-revenue of the village in which such holding is situate has been suspended or remitted on account of drought or other calamity in respect of the period for which the arrear is claimed, the Court shall presume, until the contrary is shown, that, in the case of suspension, the produce of the holding has been diminished, and, in the case of remission, that such produce has been destroyed, by such calamity.

N.-W. P. Rent Act, s. 149.

Cases in which Court may order that decree for ejectment be not executed.

67. Whenever a decree is given for the ejectment of a tenant or the cancellation of his lease, on account of any act or omission by which the land in his occupation has been damaged, or which is inconsistent with the purpose for which the land has been let, the Court may, if it thinks fit, allow him to repair such damage within one month from the date of the decree, or order him to pay such compensation within such time, or may make such other order in the case, as the Court thinks fit. If such damage be so repaired or compensation so paid, or order obeyed, the decree shall not be executed.

New.

Notice of ejectment and enhancement to be served through Civil Court in case of ordinary tenant.

68. When a landlord wishes to eject, under section forty-five, clause (*b*), an ordinary tenant, or to enhance his rent without his consent, such landlord shall serve through the Civil Court a notice on such tenant, on or before the thirty-first day of December next preceding the agricultural year in which such landlord desires to take possession of the land, or in which the enhancement is to take effect.

New.

Decree of ejectment not to be executed till money payable to such tenant is deposited.

69. When a Civil Court passes under clause (*b*) of section forty-five a decree for the ejectment of an ordinary tenant, it shall in its decree state the amount payable to the tenant as compensation under section forty-six, and such decree shall not be executed until the sum so payable has been deposited in Court by the landlord.

New.

When ejected ordinary tenant may be restored to possession.

70. If an ordinary tenant has been ejected under clause (*b*) of section forty-five from his holding, and the landlord within one year from the date of such ejectment fails to use proper diligence in the execution of the work for which such holding was taken, the Court, on the application of such tenant and on his refunding the sum paid to him under section forty-six as compensation, or so much of it as the Court may direct, shall reinstate him in the holding.

New.

Procedure on refusal of ordinary tenant to pay enhanced rent.

71. When an ordinary tenant, on whom a notice of enhancement of rent has been served under section sixty-eight, refuses to agree to pay the enhanced rent, the landlord may institute a suit for ejectment in the Civil Court on or before the fifteenth day of March next after the date of such refusal.

Thereupon the Court shall fix a date for hearing the case, and shall issue a notice to the tenant, summoning him to appear on such date, and stating the yearly increase of rent asked by the landlord and the sum payable to the tenant as compensation under section forty-six, clause (*a*).

New.

Procedure of Court on appearance of parties.

72. On the appearance of the parties on the date fixed, the Court shall require the tenant to agree, or refuse to agree, to pay the enhanced rent.

If he agrees to pay such rent, his agreement shall thereupon be recorded, and he shall be liable to pay the enhanced rent from the commencement of the agricultural year next following the date of such agreement.

If he refuses, the Court shall pass a decree for his ejectment on condition that within fifteen days from the date of the decree the landlord deposits in Court the sum payable to the tenant as compensation under section forty-six, clause (*a*).

New.

Orders as to ejectment or otherwise.

73. If such sum is so deposited, the order of ejectment shall be made absolute and the sum deposited shall be paid to the tenant. If such sum is not so deposited, the decree shall become null and void, and the tenant shall remain in occupation of his holding at the rent previously paid by him.

Bill, s. 32.

Rights of ejected tenant in respect of crops and land prepared for sowing.

74. The following rules shall be applicable in the case of every tenant ejected from a holding in accordance with the provisions of this Act—

(*a*) when the tenant has, previous to the date of his ejectment, sown or planted crops in any land comprised in such holding he shall be entitled, at the option of the landlord, either to retain possession of such land and to use it for the purpose of tending and gathering in such crops; or to receive from the landlord the estimated value of the labour and capital expended by the tenant in preparing such land and sowing, planting and tending such crops;

(*b*) when the tenant has, previous to the date of his ejectment, prepared for sowing any land comprised in his holding, but has not sown or planted crops in such land, he shall be entitled to receive from the landlord the estimated value of the labour and capital expended by him in so preparing such land:

Provided that no tenant shall be entitled to retain possession of any land or receive any sum in respect thereof under this section when, after proceedings had been taken by the landlord for his ejectment, he has cultivated or prepared such land contrary to local usage.

Bill, s. 33.

Payment by tenant for occupation of land under section 73.

75. When a landlord elects, under section seventy-four, clause (*a*), to allow a tenant to retain possession of any land for the purpose specified in that clause, such tenant shall pay to such landlord, for the use and occupation of such land during the period for which he is allowed to retain possession of the same, such rent as the Court may deem reasonable.

Bill, s. 34.

Account to be taken generally between landlord and tenant.

76. Notwithstanding the provisions of section sixty-one, in all suits for ejectment, the Court shall inquire into and determine all claims under this Act, by the landlord against such tenant, or by such tenant against the landlord.

Bill, s. 35.

Procedure when, on ejectment, money has to be paid by the landlord to the tenant.

77. When it appears to a Court making such inquiry that the amount payable under this Act by the landlord to the tenant exceeds the amount so payable by the tenant to the landlord, it shall, unless the landlord and tenant come to an arrangement regarding the payment of such excess sum, fix a time within which it must be paid into Court.

If such payment is made within the time fixed, the Court shall eject the tenant;

and if such payment is not so made within such time, it shall refuse to eject the tenant.

Bill, s. 60.

Ejectment decrees to have effect from beginning of agricultural year.

78. All decrees for ejectment under this Act shall take effect from the beginning of the agricultural year next following the date of the order or decree, and shall be made subject to the conditions specified in sections forty-nine and seventy-four.

Bill, s. 53.

Applications to measure or ascertain condition of holdings.

79. If any landlord or tenant desires that the extent of any holding should be ascertained, or that evidence relating to any improvement made in respect thereof, or to the state of such holding at any specified time, should be recorded, he may apply to a Revenue-officer, and such officer shall thereupon make, or cause to be made, such inquiry as he thinks fit, with a view to ascertaining the extent of the holding, or shall record such evidence, as the case may be:

Provided that no action shall be taken by any Revenue-officer under this section if he considers that there are no reasonable grounds for making the application, or if the subject-matter thereof is under inquiry in a Civil Court.

CHAPTER V.

MISCELLANEOUS.

New: 44 & 45 Vic., cap. 49, s. 22.

Tenants may not contract out of the Act.

80. Every provision contained in any lease or contract of tenancy or other contract, which provision is inconsistent with any of the provisions of this Act, or whereby a tenant agrees not to make, or to be ejected if he makes, improvements on his holding, or to forego any claim to compensation to which he is entitled hereunder, shall be void:

Bill, s. 43.

Provided that nothing in this section shall affect any agreement or lease whereby—

(*a*) waste-land is let for the first time, in so far as such agreement or lease fixes the rent of such waste-land for any period not exceeding the term of the current settlement;

(*b*) any tenant is secured in the enjoyment of rights greater than those given to tenants of his class under this Act.

Certain entries in record-of-rights to be void.

81. All entries in the record-of-rights of any village providing— Bill, s. 44.

(*a*) that landlords shall be entitled to prevent tenants from making, or to eject them for making, improvements on their holdings, or to demand increased rent from them in respect of any such improvements; or

(*b*) that tenants ejected from their holdings shall not be entitled to compensation for improvements in cases in which they would, under this Act, be entitled to such compensation,

shall be void.

Cases in which ex-proprietors become occupancy-tenants of their sír.

82. Every person whose proprietary rights in land are, after this Act comes into force, transferred in any of the following cases:— Bill, s. 78.

(*a*) when he sells such rights without expressly agreeing to transfer his right to cultivate sír-land contained in the land;

(*b*) when such rights in land are sold for an arrear of land-revenue;

(*c*) when such rights are sold in execution of any decree which does not expressly convey his rights in the sír-land contained in the land,

shall have the rights of an occupancy-tenant in the land cultivated by him as sír at the date of such transfer.

Rules by Chief Commissioner.

83. The Chief Commissioner may, from time to time, make rules, consistent with the provisions of this Act, for the guidance of all persons in matters connected with the enforcement thereof.

SCHEDULE.

(See section 2.)

ACTS REPEALED.

Number and year of Act.	Short title.
Act X of 1859 ...	To amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.
Act XIV of 1863 ..	To amend Act X of 1859.
Act XXII of 1872 ...	To explain and amend Act X of 1859.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th March, 1882, and was referred to a Select Committee:—

No. 6 OF 1882.

A Bill to provide for the grant of licenses to Pilots in British Burma and for investigating certain charges against them.

Preamble.

WHEREAS it is expedient to provide for the grant of licenses to pilots in British Burma, and for investigating certain charges against them; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The British Burma Pilots Act, 1882":

Local extent.

It extends to the territories for the time being administered by the Chief Commissioner of British Burma;

Commencement.

and it shall come into force at once.

Interpretation-clause.

2. In this Act—

"Port":

"Port" means any port, or any port of a navigable river or channel, in which the Indian Ports Act, 1875, is for the time being in force.

Licensing of Pilots.

Act VII of 1880, s. 68.

Local Government to appoint examiners.

3. The Chief Commissioner may, from time to time, appoint competent persons for the purpose of examining the qualifications of persons desirous of acting as pilots at any port,

and to make rules for the licensing of pilots.

and make rules—

(a) for the conduct of such examinations and for the qualifications to be required;

(b) for the grant to qualified persons of licenses to act as pilots; and

(c) for the fees to be paid for such examinations and licenses.

Draft s. 2: Cf. Act VII of 1880, s. 69.

No person to act as pilot without license.

4. No person shall act as a pilot at any port, unless he holds a license granted under section three, authorizing him to act as a pilot at such port.

Cf. Act VII of 1880, s. 70.

Penalty for acting without license as pilot.

5. Any person acting as a pilot in contravention of the provisions of section four shall be punished, for every time he so acts, with fine which may extend to two hundred rupees.

Investigations into charges against Pilots.

Draft s. 22, para. 2.

Chief Commissioner may make rules to regulate conduct of pilots.

6. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, by notification in the *British Burma Gazette*, make rules to regulate the conduct of pilots licensed hereunder in all matters connected with the performance of their duties as such pilots.

Any such rule may contain a provision that a pilot committing a breach of such rule shall be punished with the suspension or cancellation of his license, or with the change of his license from a higher to a lower grade.

Draft s. 5 Cf. I. M. Bill (No. III), s. 141.

Chief Commissioner may direct investigation, by Court, into charges against pilots.

7. If the Chief Commissioner has reason to believe that there are grounds for charging any pilot licensed hereunder with incompetency or misconduct in the discharge of his duties as such pilot, or with any act or omission in breach of a rule made under section six, he may direct a Court to be constituted, under this Act, at a port at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and shall then transmit a statement of such grounds to such Court and direct such Court to make an investigation into such charge.

Draft s. 8.

Delegation of power by Chief Commissioner.

The Chief Commissioner may, from time to time, by notification in the *British Burma Gazette*, delegate the powers conferred on him by this section to any person at any port.

All proceedings of any person in exercise of the powers so delegated shall be subject to the confirmation of the Chief Commissioner.

Draft s. 9: Cf. Act VII of 1880, s. 13.

Constitution of Court.

8. Every Court constituted under this Act shall consist of a President sitting with three assessors.

Draft s. 7: Cf. Act VII of 1880, s. 14.

President to be appointed by Chief Commissioner.

9. The President shall be such person as the Chief Commissioner, by notification in the *British Burma Gazette*, appoints in this behalf, either generally or for any specified case.

Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Draft s. 9.

Assessors.

10. One of the said assessors shall be a master of a sea-going vessel lying in the port at which the investigation is to be made: another shall be a merchant residing at such port: and the third shall be a pilot of not less than five years' service.

Draft s. 12: Cf. Act VII of 1880, s. 15.

Appointment of assessors.

11. The assessor who is the master of a sea-going vessel shall be appointed in each case by the Chief Commissioner, and shall be summoned by the President.

The other assessors shall be summoned by the President in such manner as may be prescribed by rule, out of two lists, one of merchants, the other of pilots, to be, from time to time, prepared for the purpose and published by the Chief Commissioner in the *British Burma Gazette*. If there are no such lists, or if it is impracticable to procure the attendance of two persons, one of whom is named in such list of merchants, and the other in such

list of pilots, such other assessors or assessor, as the case may be, shall be appointed and summoned by the President.

Draft s. 13.

Fee to be paid to assessors.

12. The assessors shall receive such fees as the Chief Commissioner may, from time to time, by rule prescribe.

Draft s. 20: Cf. I. M. S. Bill No. 111), s. 141, para. 2.

Copy of charge or report to be furnished to pilot accused or concerned.

13. Before commencing any investigation under this Act the Court shall cause the pilot charged to be furnished with a copy of the statement transmitted, under section seven, to such Court by the Chief Commissioner.

New: Cf. I. M. S. Bill (No. 111), s. 142.

Person charged to be heard.

14. For the purpose of an investigation under this Act the Court may summon such pilot to appear before it and shall give him full opportunity of making a defence, either in person or otherwise.

Draft s. 18: Cf. I. M. S. Bill (No. 111), s. 143.

Powers of the Court as to evidence and regulating proceedings.

15. For the purpose of any investigation under this Act the Court shall, so far as relates to compelling the attendance, and to the examination, of witnesses, the production of documents, and the regulation of the proceedings, have the same powers as are exercisable by the principal Court of original criminal jurisdiction for the place at which the investigation is made.

Draft s. 21.

Decision of Court.

16. Upon the completion of the investigation the Court shall give its decision. Such decision shall be according to the opinion of the majority of the members of the Court, or, if the Court is equally divided, according to the opinion of the President and the member with whom he concurs. In the latter case, any member who does not concur in the decision of the Court may separately record his opinion.

Draft s. 22.

Sentence of Court, if the accused be found guilty.

17. If, by such decision, the pilot is found guilty of the charge, or of any one or more of the charges, made against him, the President shall sentence him,

(*a*) if the act or omission of which the pilot has been found guilty is an act or omission in breach of a rule made under section six, to such penalty as may be prescribed by such rule, or

(*b*) if the act or omission of which the pilot has been found guilty is any other act or omission, to such penalty, by way of suspension or cancellation of license, or by way of change of license from a higher to a lower grade, as the President thinks fit.

Draft s. 23.

Acquittal.

18. If, by such decision as aforesaid, the pilot is found not guilty of the charge or charges made against him, the President shall declare him acquitted of the same.

Draft s. 24.

No sentence to be final till confirmed by the Chief Commissioner.

19. Every sentence passed, under section seventeen, by the President shall be subject to the confirmation by the Chief Commissioner, to whom the proceedings of the Court shall be submitted by the President.

Draft s. 25.

The Chief Commissioner may remit sentence or mitigate punishment.

20. The Chief Commissioner may, in his discretion, remit the whole or any part of such sentence, or direct the substitution of any mitigated punishment in lieu of the punishment awarded by the said Court.

Draft s. 26.

If decision of members be manifestly contrary to evidence or investigation be otherwise insufficient.

21. If the President is of opinion that the decision of the majority of the members of the Court is manifestly contrary to the evidence, or that the investigation is otherwise insufficient, the President, instead of passing sentence on the pilot charged, or declaring him acquitted, as the case may be, may certify such opinion to the Chief Commissioner, and the Chief Commissioner may thereupon either order a new investigation before other assessors, or acquit the said pilot, as he thinks fit.

Draft s. 27.

Power of Chief Commissioner to pass orders on charge without holding investigation.

22. Notwithstanding the provisions herein contained, when a charge of misconduct or incompetency is made against any pilot licensed hereunder, the Chief Commissioner may, without holding an investigation under this Act into such charge, pass such orders thereon as he thinks proper, and may sentence such pilot to such penalty as he might be sentenced to under section seventeen.

Draft s. 3.

Power of Chief Commissioner to make rules.

23. The Chief Commissioner may, from time to time, make rules to carry into effect the provisions of this Act, with respect to the Court for making investigations into charges against pilots, and in particular with respect to—

(*a*) the mode in which the President shall, under section eleven, summon the assessors;

(*b*) the amount of the fees to be paid to the assessors; and

(*c*) the procedure of the said Court.

Publication of rules.

All such rules shall be published in the *British Burma Gazette*, and shall thereupon have the force of law.

STATEMENT OF OBJECTS AND REASONS.

THE Pilot Rules at present in force at the ports of British Burma have not the force of law. So far as they relate merely to the appointment and duties of pilots, the want of legal sanction does not appear to be of importance, as these matters can be arranged for executively. The rules, however, provide also for the holding of courts for the trial and punishment of pilots guilty of misconduct in the performance of their duties, and in so far as they relate to such matters require something more than the authority of mere executive orders for their due enforcement. At Calcutta, where the subject of the appointment and duties of pilots has, as in Burma, been provided for executively, the subject of the trial and punishment of pilots has been dealt with by the Legislature, in a special Act (XII of 1859). It seems desirable that in Burma, also, this subject should be similarly dealt with.

The present Bill has, therefore, been prepared. It provides for the holding of investigations into charges of misconduct on the part of pilots. The constitution of the Courts of Enquiry, and the manner of selecting the members, are duly provided for, and power is given to the Chief Commissioner to make rules for conducting the proceedings. The authority of the Courts, and the confirmation required for their findings and orders, are also suitably defined. The Bill also prohibits any person from acting as a pilot in any port in British Burma, or in any navigable river or channel leading to any such port, unless he holds a license to act as a pilot granted by the Chief Commissioner. This seems desirable, as under the present law there is nothing to prevent a person from acting as a pilot without a license, except in ports to which section 38 of the Indian Ports Act, 1875, has been specially extended.

CALCUTTA;
The 9th February, 1882.

WHITLEY STOKES.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

SUPPLEMENT TO

The Gazette of India.

№ 11.} CALCUTTA, SATURDAY, MARCH 18, 1882.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

GOVERNMENT OF INDIA.

FOREIGN DEPARTMENT.

CASE OF MUHAMMAD HYAT KHAN.

No. 38E.P., dated Fort William, the 20th January, 1881.

From—A. C. LYALL, Esq., C.B., Secy. to the Govt. of India, Foreign Department,

To—W. M. YOUNG, Esq., Secretary to the Government of the Punjab.

His Excellency the Governor-General in Council has requested His Honor the Lieutenant-Governor, by my telegram of the 7th January 1881, to be pleased to suspend Muhammad Hyat Khan, C.S.I., Judicial Assistant in the Punjab, from all official functions and emoluments pending the receipt of further orders. I am now to enclose the papers referred to in this telegram, and to communicate the following instructions.

2. His Honour the Lieutenant-Governor will observe that the papers herewith forwarded consist mainly of statements made at Kabul (in the absence of Muhammad Hyat Khan) by certain persons, natives of Afghanistan, to our officers there, and taken down at the time by Mr. Cunningham, who was then at Kabul in political employ. These statements, which are not unsupported by complaints and information from other quarters, set forth the gravest charges of extortion and corrupt practices by Muhammad Hyat Khan in his capacity as an officer on political duty; and the Government of India desire to institute a general inquiry into the truth of these allegations, and to give the accused person an opportunity of explanation and defence. For this purpose it is unnecessary, at present, to hold a formal and public trial, especially as some of the witnesses may be no longer in India, and others unable to attend; while all of those whose names appear in these depositions are men entirely unaccustomed to the forms of our legal procedure. It is the immediate object of the Government to ascertain whether there are substantial grounds for concluding that Muhammad Hyat Khan was guilty of serious misconduct while in political employ in Afghanistan; and for this purpose to make the investigation as speedy and summary as is compatible with a full examination of evidence and a fair hearing of the accused.

3. It is for various reasons advisable that the inquiry should be held in the Punjab, as Muhammad Hyat Khan is under the orders of the Punjab Government, and as he and most of the witnesses are residing within that Pro-

vince. I am, therefore, to ask that His Honour the Lieutenant-Governor will have the goodness to nominate, for the conduct of this inquiry, an officer of rank under your Government, who should be assisted by one or more English officers of subordinate standing, well acquainted with the language of the witnesses. The presiding officer will use his discretion in summoning any witnesses other than those mentioned in these papers, as to whom he may have reason to believe that they can give material evidence on the subject of the investigation. The proceedings should not be public, and the result of the inquiry should be embodied in a confidential report to be submitted, with some record of the deposition taken, and with any other documents received in evidence, to the Government of India in the Foreign Department.

No. 24C., dated 29th January, 1881 (Confidential).

From—W. M. YOUNG, Esq., Secretary to the Government of the Punjab,

To—A. C. LYALL, Esq., C.B., Secretary to the Government of India, Foreign Department.

With reference to your letter No. 98E.P. of the 20th instant, I am desired to submit, for the information of the Government of India, in the Foreign Department, copy of the letters marginally noted, conveying the instructions of the Hon'ble the Lieutenant-Governor for the investigation of certain charges preferred against Muhammad Hyat Khan, C.S.I., Judicial Assistant Commissioner, Jhelum, now under suspension.

Punjab Government No. 21C., dated 29th January 1881, to D. G. Barkley, Esq., C.S.
Punjab Government No. 22C., dated 29th January 1881, to the Commissioner of Peshawur.
Punjab Government No. 23C., dated 29th January 1881, to the Commissioner, Rawal Pindi.

No. 21C., dated 29th January, 1881.

From—W. M. YOUNG, Esq., Secretary to the Government of the Punjab,

To—D. G. BARKLEY, Esq., C.S., Judge, Chief Court, Punjab.

I am desired to forward herewith copy of a letter No. 98E.P., dated 20th January, from the Secretary to the Government of India, Foreign Department, relating to certain charges brought against Muhammad Hyat Khan, C.S.I., Judicial Assistant Commissioner, now under suspension, together with its enclosures as per list annexed, and further enclosures from the records of this office relating to the same subject, which it is considered desirable to append to the case.

2. You will observe that the orders of the Government of India are to the effect that an officer of rank should be nominated by His Honour the Lieutenant-Governor for the conduct of the enquiry into these charges, and that such officer should be assisted by one or more officers of subordinate standing, well acquainted with the language of the witnesses. Sir Robert Egerton has accordingly been pleased to appoint you to discharge the duties of the presiding officer on this enquiry, which His Honour desires should take place at Peshawur, whither you will shortly proceed as Sessions Judge, on the return from furlough of Mr. J. W. Smyth, and the Lieutenant-Governor thinks that you can undertake the duty now imposed upon you in addition to your duties as such.

3. His Honour is further pleased to nominate Mr. H. C. T. Robinson, Assistant Commissioner, Mardan, and Mr. J. G. Silcock, Assistant Commissioner, Gujranwala, to assist you in the investigation.

4. You will observe that this enquiry is not to be public, and as it is departmental in its nature, Muhammad Hyat Khan will not be represented by counsel. The proceedings must be considered confidential.

5. A copy of this letter will be forwarded to the Commissioner of Peshawur for his information and guidance; and Messrs. Robinson and Silcock will be instructed to present themselves at Peshawur on such date as you may fix. Muhammad Hyat Khan has been informed through the Commissioner of the Rawal Pindi Division that he is to present himself at Peshawur to reply to the charges brought against him on such date as you may fix. It is desired by His Honour the Lieutenant-Governor that the proceedings should be instituted with the least possible delay, and the report required by the Government of India submitted at as early a date as shall be practicable consistently with a full and searching enquiry.

No. 793, dated Lahore, 16th April, 1881 (Confidential)

From—W. M. YOUNG, Esq., Secretary to the Government of the Punjab,

To—A. C. LYALL, Esq., C.B., Secretary to the Government of India, Foreign Department.

Your letter No. 98 E.P., dated 20th January last, conveyed the orders of His Excellency the Governor General in Council for an enquiry into the truth of certain allegations, made for the most part by natives of Afghanistan, regarding the conduct of Muhammad Hyat Khan, C.S.I., Officiating Judicial Assistant in the Punjab, while he was employed on political duty in Kabul.

2. The orders issued by His Honour the Lieutenant-Governor in pursuance of these instructions, regarding the mode in which the enquiry should be conducted, were duly reported to the Government of India, and received formal sanction in your No. 301 E.P., dated 18th February last.

3. I am now desired to submit the report furnished by Mr. D. G. Barkley, the officer selected by the Lieutenant-Governor for the purpose, on the result of this enquiry. Sir Robert Egerton apprehends that an expression of his opinion on the case, which has been sifted, so far as occasion permitted, by an officer of great experience and judicial acumen, is hardly required. From a perusal of Mr. Barkley's report His Honour much regrets to find that the character of Muhammad Hyat Khan has not been cleared; that officer was placed under suspension in regard to all official functions and emoluments, under instructions received from you by telegraph, on the 7th January 1881, and these orders will be maintained until further instructions are communicated.

4. I have only to add that several petitions were presented to His Honour the Lieutenant-Governor, some anonymous, and some evidently pseudonymous, purporting to give information regarding valuables brought by Muhammad Hyat Khan from Kabul, and concealed by him, or by his friends, in Maler Kotla, Amritsar, and in the Hazara District. It was stated that Khan Bahadur Inayat Ali Khan, brother of the Nawab of Maler Kotla, had disposed of a large amount of property on Muhammad Hyat Khan's account in Kotla, and Mr. J. W. Macnabb, Commissioner of Ambala, proceeded thither for the purpose of interviewing the Khan, and testing the truth of these representations. He failed to discover proof that they were well founded, although some of the circumstances were not altogether free from suspicion. The Lieutenant-Governor ordered no enquiry in Amritsar, as the circumstances did not appear to warrant it. In Hazara the Deputy Commissioner made such enquiries as were necessary, but the amount of the property discovered was found to be insignificant, and the subject was not pursued further. Mr. Barkley, however, was kept informed of these proceedings.

5. The officers selected to assist Mr. Barkley in the first instance were Mr. H. C. T. Robinson, Assistant Commissioner, Mardan, and Mr. J. G. Silcock, Assistant Commissioner, Gujranwala; of whom the former has passed the examination in Pashtu, and the latter the examination by the high proficiency standard in Persian, but some inconvenience being anticipated from Mr. Robinson's absence from Mardan, Mr. H. A. Anderson, Officiating Judicial Assistant in Peshawur, who has also passed the examination in Pashtu, was substituted for him.

6. The proceedings have not been made public, in accordance with the instructions received in your letter under reply, but Muhammad Hyat Khan has been allowed to take notes during the enquiry, and copies of the statements made, and of petitions presented in Kabul or at Peshawur, have been furnished to him, subject to a discretion which it seemed advisable to allow Mr. Barkley under the Lieutenant-Governor's orders.

Dated Peshawur, 9th April, 1881 (Confidential).

From—D. G. BARKLEY, Esq.,

To—W. M. YOUNG, Esq., Secretary to the Government of the Punjab.

With reference to your confidential No. 21C., dated 29th January last, I have the honour to submit the enclosed report on the result of the enquiry into the charges of extortion and corrupt practices against Muhammad Hyat Khan, C.S.I., when on political duty at Kabul, together with the evidence re-

corded, and the documents received in evidence, or referred to in the depositions, a list (A) of which is annexed.

2. The papers mentioned in the list accompanying the Government of India letter No. 98 E.P., dated 20th January last, to your address, were duly received, but it was found that what was supposed to be the Persian original of the list of articles plundered from Sikandar Khan on the 19th June 1880, the last of the documents mentioned in the list, was really the Persian original of the statement furnished by Sirdar Wali Muhammad Khan of property said to have been improperly received by Muhammad Hyat Khan, a translation of which is the first paper mentioned in the list. When this correction is made, it will be found that all the enclosures referred to in your letter are herewith returned. A separate list (B) accompanies of those in regard to which no enquiry has been made, either because no evidence relating to them was obtainable, or because they referred only to Sikandar Khan, who remained at Kabul for over two months after his brother, Muhammad Hyat Khan, returned to India.

3. The enquiry began on the 21st February last, and was only concluded on the 7th instant. This is, no doubt, a long period, but owing to the number of the charges in regard to which some evidence was available, and the time necessarily occupied in ascertaining what evidence was forthcoming in India, and procuring the attendance of the witnesses, it was impossible to bring the enquiry to an end in shorter time. In the case of one witness, Mirza Ibrahim, who was in Government service at Kandahar, and whom Muhammad Hyat Khan desired to call, as he was mentioned in several of the cases as his agent in extorting money or property, it was necessary to enquire by telegram from the Resident at Kandahar whether he could be spared, and on receipt of a reply in the affirmative, to request that he might be sent. Colonel St. John reported his departure on the 5th March, and he did not reach Peshawur until the 5th instant, and was examined on the 6th.

4. Muhammad Hyat Khan was also anxious to examine General Sir F. Roberts, General Baker, and Major Hastings, who were absent from India, by commission, chiefly as to his general conduct while at Kabul, though in some cases particular facts were supposed to be within their knowledge. He was, however, told that it was quite impossible for officers conducting an enquiry like the present to make arrangements for taking evidence by commission in England, while it was open to Government, if it thought necessary, to ask for any information officers serving under it may be in a position to supply.

5. He also wished to examine General Sir C. Macgregor, and I had agreed to issue a commission to take his evidence, but the questions which Muhammad Hyat Khan wished to put were not received until fully ten days after the date on which he had originally promised to submit them, and five days after what I had fixed as the latest date on which the commission could be issued, and as there was then no hope of being able to get General Macgregor's replies by the time when the enquiry was expected to conclude, I declined to issue the questions. They are submitted, herewith, to show the nature of the points on which Muhammad Hyat Khan wished to examine General Macgregor, though, had the commission been issued, it would have been necessary to make some alterations in order to put them into proper shape.

6. Sirdar Wali Muhammad Khan and the three Sirdars summoned from Amritsar were not required to take any form of oath or affirmation, as there was reason to fear that, had this been required, they would either have refused to be examined, or have consented with the greatest reluctance, while it was extremely important to obtain their evidence, if possible, and the absence of a form of solemn affirmation would not materially affect its value. Muhammad Hyat Khan made no objection at the time, though after they had all been examined, and the Amritsar Sirdars had left Peshawur, he presented a petition urging the omission as an objection to their evidence. All other witnesses examined were sworn or put on solemn affirmation before their evidence was recorded.

7. Mr. Silcock and Mr. Anderson, who have rendered me valuable assistance throughout the enquiry, have attached their own opinions to the report now submitted. This seemed to be desirable, as they have had the same oppor-

tunity of judging of the value of the evidence as I have had, while they are necessarily more familiar with the peculiar features Pathan evidence sometimes presents.

Confidential Report on the enquiry into charges of extortion and corrupt practices against Muhammad Hyat Khan, C.S.I., held at Peshawur in February, March, and April 1881.

Before proceeding to consider in detail the various charges into which enquiry has been made, it will be convenient to specify the charges enquired into, and to state, so far as is known, when, how and by whom, they were originally preferred. For this purpose they may be arranged in the order of the dates on which they were received.

(1.) The first was contained in an English letter, dated 29th April 1880, from the Mustaufi Habibulla to Major Hastings, and which appears to have been taken by the Mustaufi's son, Abdul Ghafur Khan, to Major Hastings, and to have been sent by him to Mr. Griffin, before whom it was acknowledged by the Mustaufi. It bears a note by Mr. Cunningham "presented by the Mustaufi's son," but whether the Mustaufi's son himself brought it to Mr. Griffin or not, is not quite clear. Abdul Ghafur Khan, the Mustaufi's son, deposes that this English letter was translated from a Persian petition drawn up by his father, which was afterwards torn up. It charged Muhammad Hyat Khan with having extorted Rupees 16,000 from the Mustaufi's friends, as a bribe for his release.

(2.) The second was contained in two petitions, one of which is without date, but was translated on the 18th May 1880, and was apparently presented to Major Hastings, and the second bears date 19th May, and was either put by Naib Lal Muhammad on Mr. Cunningham's table on the 20th May (the 9th Jamad-us-Sani), or found in the Mustaufi's possession on that date. See evidence of Naib Lal Muhammad Khan and of the Mustaufi Habibulla. These petitions accuse Muhammad Hyat Khan with having extorted Bokhara gold coin (tillas) from Naib Lal Muhammad Khan, and with having also received from him certain other articles as presents.

(3.) The third was contained in a petition from Khan Agha, Jamshidi, without date, but translated on the 28th May, complaining that Muhammad Hyat Khan had taken from him a valuable Turkoman horse without payment.

(4.) The fourth charge is contained in a deposition made by General Saifuddin Khan on the 13th June 1880, when it was recorded by Mr. Cunningham. There is no petition from him, and Mr. Cunningham does not remember whether he came forward of his own accord, or was sent for. He charged Muhammad Hyat Khan with having extorted from him a valuable Turkoman horse, and having also taken 500 Kabuli rupees, for his release, from his brother, Khairuddin Khan.

This horse was, it appears, taken from Sikandar Khan, Muhammad Hyat Khan's brother, by Mr. Griffin's order, and returned to General Saifuddin Khan.

(5.) The fifth charge is also contained in a deposition by Sirdar Muhammad Alam Khan, recorded by Mr. Cunningham on the 24th June 1880. This deposition Mr. Cunningham believes to have been taken in consequence of a statement made by the Sirdar to Mr. Griffin. The charge made in this deposition is that Muhammad Hyat Khan accepted from the Sirdar a fine mare given as a present to secure his favour, but at the same time took from him a receipt for Rupees 300 on account of the price of the mare.

(6.) The sixth charge relates to property taken from the family of the late Amir Yakub Khan, and from the family of Sirdar Yusaf Khan, brother of the Amir's wife, and son of Sirdar Yahiya Khan, by Muhammad Hyat Khan. It is contained in two depositions made by the Sirdar, one on the 6th July 1880, recorded by Ghulam Muhaiuddin Khan, Tahsildar, and the other on the 15th July, taken down from Mr. Cunningham's dictation. The Sirdar had been sent for in order to make enquiry from him on the subject, but appears to have been on his way to Kabul when the order reached him. It does not appear why it was determined to send for him, beyond the fact that it had become known that there were general reports that such property had been taken. See Mr. Cunningham's evidence.

(7.) The seventh charge, and the last into which any enquiry has been made, is one of the cases mentioned in a statement of money and property said to have been taken by Muhammad Hyat Khan, which appears to have been drawn up by the Kotwal and Naib Kotwals of Kabul employed under Sirdar Wali Muhammad Khan. It appears from Mr. Cunningham's evidence that Sirdar Wali Muhammad Khan volunteered to furnish this statement. The Sirdar's seal is attached after an attestation to the following effect:—

"Several items in this list have come to my knowledge, and have, on enquiry, been found by me to be true, and others I have often heard of from others, but have not obtained full knowledge of, but it is true that bribes have been taken."

This list has, of course, not been treated as of any probative value, but Saiyad Sarwar, the Kotwal, was called in order to ascertain, if possible, how and when it was prepared, and what enquiry was made, in order to verify the items contained in it. Sirdar Wali Muhammad Khan was also examined at his own residence, but in Muhammad Hyat Khan's presence on the same subject, and in consequence of Saiyad Sarwar having made statements implying that it was not prepared by him, or under his orders, but was brought to him by Ghulam Muhaiuddin Khan, Tahsildar, and sealed by him merely because he was asked to do so. Ghulam Muhaiuddin Khan, who is now an Officiating Extra Assistant Commissioner at Peshawur, and Mr. Cunningham were also examined on the subject. The result is that it was prepared by the Kotwal's officials, but merely represents the rumours current in the city, and that the Sirdars from whom money or property was said to have been taken were not in any case examined as to the correctness of the entries made in it. Sirdar Wali Muhammad Khan's enquiry would seem to have been confined to one item, which he had himself passed in the accounts of Mir Ahmad Shah, his mint-master, and this item he made Mir Ahmad Shah attest by attaching his seal.

As the first entry in the list related to property said to have been taken from Sirdar Muhammad Ibrahim Khan, the ex-Amir's brother, who is now at Peshawur, and as it did not appear that any deposition of his had been recorded, we visited him to enquire whether it was true that anything had been taken, and whether he would consent to be examined on the subject. He said that presents had been received from him, but that these were neither given as bribes, nor extorted in any way. The details agreed with some of the items entered in the list, but others, including the largest item, he stated to be erroneous. He, however, was unwilling to give evidence, as he had never made any complaint, though he said he had, when asked, made the same statement to Mr. Griffin, and it was not considered desirable to press him to come forward. He has therefore not been examined in the presence of Muhammad Hyat Khan, and no statement of his will be found with the record. But he referred to one Nasrat Jang, now a Government pensioner, in receipt of Rupees 100 per mensem at Bannu, as having been present when the presents were given, and the Deputy Commissioner of Bannu was telegraphed to, to send Nasrat Jang, and his evidence was taken on the 26th February, the day on which he reached Peshawur. The presents mentioned by him were two out of three which Sirdar Muhammad Ibrahim had acknowledged having given.

Any other cases referred to in the present proceedings, such as the petition of Bahadur Khan of Baraki, are cases into which no enquiry was made at Kabul, and in which no evidence is now forthcoming. Muhammad Hyat Khan has not been called upon to make any answer to the charges contained in such petitions, though that of Bahadur Khan was referred to on his mentioning him as one of the men from whom he had made purchases, but who had made no complaint against him. It appears that Bahadur Khan sent the petition through relatives, and did not himself come to Kabul. See Sirdar Wali Muhammad's evidence.

We now proceed to consider the evidence forthcoming in each of the seven cases enquired into, taking them in the order in which the charges were made.

I.—THE CASE OF THE MUSTAUFI HABIBULLA.

It will be observed that, in the Mustaufi's letter of 29th April 1880, he referred to the bribe of Rupees 16,000 as having been given by his friends, without his knowledge, and he mentioned no witnesses in support of the charge. He was not examined at Kabul, partly, it would appear from Mr. Cunningham's evidence, because, after acknowledging the letter before Mr. Griffin, he was told to present a Persian petition bearing his seal, and stating what evidence he could adduce, and partly because he was arrested on the 20th May, and deported to India on the 21st May, when his son, Abdul Ghafur Khan, was sent with him. Before summoning him, it was therefore thought necessary to enquire from him whether he himself knew anything of the payments alleged to have been made, and whether any evidence on the subject was now forthcoming in India. He sent a vernacular statement, from which it appeared that he professed to know much more of the matter than he had been willing to acknowledge in Kabul, and he referred to a friend of his, named Yar Muhammad, who was with him and was acquainted with the facts. He was therefore summoned along with Yar Muhammad, and their evidence was taken, as well as that of Abdul Ghafur Khan, the Mustaufi's son, on the 4th of March.

According to his statement, his friends negotiated with Mirza Ibrahim, who was then employed under Muhammad Hyat Khan for his release, and after he had been released from confinement, on Rupees 50,000 security, but while he was still under surveillance, they arranged, with his approval, that Rupees 16,000 should be paid, and this was paid, Rupees 10,000 in Bokhara tillas at Rupees eight each, by Mulla Abubakr, to whom he afterwards mortgaged land for the amount, and Rupees 6,000 Kabuli rupees by the Mustaufi himself after his complete release when the security was increased to Rupees 70,000 and about twenty days before he was allowed to leave Kabul. The dates given are approximate only, but seem to refer to the month of January, and Mirza Ibrahim is said to have himself come for the money paid by the Mustaufi, but Yar Muhammad, through whom these payments are said to have been made, knows nothing of Mirza Ibrahim and calls the man who came, Ghulam Nabi. Abdul Ghafur Khan was not at Kabul at the time, and only knows about the Mustaufi's petition in English, which was presented by him.

It is peculiar that the Mustaufi, with his statement of the facts he could prove, sent copy of a letter he had sent to Muhammad Hyat Khan in January last, after his suspension, asking him to repay the money he had taken, as it would be more for the credit of both parties that it should not become known. Muhammad Hyat Khan admits having received this letter on or about the 23rd January, but it is only worthy of note as showing that whatever reason the Mustaufi may have had for his charges, he had no objection to keep back the evidence, if Muhammad Hyat Khan would satisfy his claim.

Yar Muhammad was admittedly a servant of the Mustaufi, though the latter was unwilling to say so, and considering the way in which the Mustaufi at first pretended that he was no party to the bribe being given, and his subsequent conduct in writing to Muhammad Hyat Khan asking him to settle the matter with him, it is impossible to treat the evidence in this case, which is mainly that of the Mustaufi himself, as satisfactorily establishing the charge made by him.

It remains to consider whether the Mustaufi can be shown to have had any motive likely to have been sufficient to induce him to bring a false charge. The motive attributed to him by Muhammad Hyat Khan in his defence is that a commission of which Muhammad Hyat Khan was a member, enquired into his conduct on the occasion of the murder of Sir L. Cavagnari, and that this commission recommended his deportation to India. The Mustaufi, when questioned on the subject, said that he was examined before that commission merely as a witness, and never knew that he was regarded as an accused person. At the time he made this statement, we saw no reason to doubt that Muhammad Hyat Khan's statement on this point was correct, and that the Mustaufi must have known that he was examined as an accused person. Dr. Bellew has since been examined on this point at Muhammad Hyat Khan's instance, and from his evidence it appears that the Mustaufi was examined first as a witness, and

ultimately as an accused person. But we cannot doubt that when he was examined as an accused person, he was aware that this was the case, though he is unwilling to admit this.

It is quite possible also that he had reason to believe that the members of the commission entertained an unfavourable opinion of his case, but there is nothing to show that he knew what report the commission made. The report was of course a confidential document, and though the Mustaufi was not immediately released, he was on his release employed in a confidential capacity, and had no reason to believe that he was about to be deported until his arrest on the 20th May.

Muhammad Hyat Khan has produced a letter from Mirza Ibrahim, dated 17th April 1880, in which the latter informed him that Nawab Ghulam Hassan Khan had tried to suborn him to give false evidence, and that the Mustaufi's son offered him Rupees 2,000 to do so. This letter was not produced until long after the Nawab had been summoned and examined in consequence of remarks by Muhammad Hyat Khan during the examination of Naib Lal Muhammad Khan, indicating that he intended to charge the Nawab with getting up the cases against him. When the Nawab was examined, Muhammad Hyat Khan did not refer to this letter, or ask any questions on the subject, and, having regard to the high character the Nawab always bore, it is impossible to believe that he countenanced any attempt to suborn evidence. Mirza Ibrahim has himself been examined on the subject, and his account of the matter is utterly incredible. All that can safely be inferred from the letter is that the charges the Mustaufi had not actually made at the time had already begun to be talked about, and that Mirza Ibrahim wished to satisfy Muhammad Hyat Khan that he was a faithful adherent of his interests.

In his written answer filed on the 6th instant, Muhammad Hyat Khan comments on Mulla Abubakr not having been produced. This is easily explained. So far as could be ascertained, Mulla Abubakr was at Kabul, and no attempt was made to summon witnesses from Kabul, as there was no reason to expect that such an attempt would be attended with any success.

Sirdar Wali Muhammad's evidence is also referred to as showing that Mulla Abubakr gave a different account of when the Rupees 16,000 was paid, according to which it could not have been paid before March. Sirdar Wali Muhammad's evidence on this point is, of course, merely hearsay, but it does not imply more than that Abubakr claimed credit for Rupees 16,000 paid to Muhammad Hyat Khan against a sum of Rupees 80,000 demanded from him. It is not clear on what authority this demand was made, and if Abubakr knew that Rupees 16,000 had been paid to Muhammad Hyat Khan, he might claim credit for it, without implying that it was paid after receipt of the Rupees 80,000.

No evidence to contradict the Mustaufi's statement but that of Mirza Ibrahim is available, and Mirza Ibrahim's evidence is, we consider, worthless.

It is therefore not shown either that the Mustaufi's charge is absolutely false, or that he had any adequate motive to induce him to bring a false charge. It is, however, denied by Muhammad Hyat Khan, and it is to be regretted that, in consequence of the enquiry not having been made at Kabul, where evidence either to prove or to disprove the charge should have been forthcoming, it is impossible to arrive at a decided opinion as to whether it has any foundation in fact or not.

II.—NAIB LAL MUHAMMAD KHAN'S CASE.

This case originated from the two petitions already referred to, the second of which is dated 19th May. The evidence of Naib Lal Muhammad Khan, of his brother, Taj Muhammad, of a merchant named Saiyad Jan, and of several other witnesses were recorded at Kabul by Mr. Cunningham on the 24th and 26th May last, and Naib Lal Muhammad and Taj Muhammad have been re-examined here in addition to a witness, named Miyan Muhammad, a native of Peshawur, who does not support Lal Muhammad's statements, and other witnesses on minor points. Two Sirdars' sons of the Kohat District, who were at Kabul with Muhammad Amin Khan of Hangu (now deceased), and one of whom Lal Muhammad identifies as amongst the men who came to bring him

from his house to the camp, have been called to contradict his evidence, and it is also contradicted by Mirza Ibrahim. This case is therefore the most complete, as regards the means which exist of testing the evidence on both sides. There is no doubt that the signatures attached to both the petitions are those of Lal Muhammad Khan, nor can any doubt be entertained that the Mustaufi did use his influence to induce Naib Lal Muhammad Khan to come forward and complain against Muhammad Hyat Khan, and the second petition was made over to him by Naib Lal Muhammad Khan before it was presented, whether it remained with him until after his arrest, or was returned by him to Naib Lal Muhammad, and sent in by him to be placed on Mr. Cunningham's table, as he states.

Apart from the evidence of Naib Lal Muhammad and his brother, Taj Muhammad, the principal evidence in support of the charge of extortion is that given at Kabul by Mir Saiyad Jan and Dada Sher, both of whom are leading merchants there, corroborated by the other evidence of purchase of tillas at the time for Naib Lal Muhammad. Mr. Cunningham, I observe, in his note on the case, dated 26th May 1880, states that, so far as he knew, Mir Saiyad Jan had "no interest, one way or other," in the case.

We find, however, that, in a vernacular letter written by Muhammad Hyat Khan to Mr. Griffin from Palampur on the 31st May 1880, in consequence of the receipt of private letters, informing him that the Mustaufi and other enemies of his had accused him of taking bribes and presents, he refers to the assistance rendered by him to the military commission in tracing the persons concerned in the attack on the Embassy, and mentions among the influential men who were convicted and sentenced to death owing to his exertions, Khwajà Nasir, a cousin of Saiyad Jan, merchant. From the evidence it appears that this Khwaja Nasir was head of a religious institution in which the merchants of the same tribe with himself were specially interested; that Saiyad Jan was understood to be his cousin; and that Khwaja Nasir's execution created considerable sensation, and it is quite likely that Muhammad Hyat Khan, as a Muhammadan, and as having taken an active part in collecting and bringing forward evidence, though not himself a member of the military commission, incurred a good deal of odium in consequence. There is evidence that all Mussulmans in the British service at the time were disliked by the people of Kabul, and the more active the part they took in retributive measures, the greater of course would be the dislike felt for them. Whether Saiyad Jan was a man likely to seek his revenge against Muhammad Hyat Khan by fabricating evidence against him we have no means of judging as, being in Kabul, his evidence was not procurable. Dada Sher is known to be a great friend of Saiyad Jan's, but he is also still in Kabul, though a brother of his is said to have been recently in India, making purchases for the present Amir. But there is no trace on the record of Naib Lal Muhammad having been induced to come forward by Saiyad Jan, and as Lal Muhammad stated without hesitation that he was persuaded by a Kabul official, named Ishar Das, to complain to Nawab Ghulam Hassan Khan, and by the Mustaufi to present a regular petition, he would have been likely enough to mention Saiyad Jan, had the latter exercised much influence over him. The complaint to Nawab Ghulam Hassan was made orally, but though Afzal Khan, now Probationary Assistant Commissioner, is said by him to have written down his statement, it does not appear that the matter was reported either by the Nawab or by Afzal Khan, and it is probable that, as the Nawab has stated, any enquiry they made was intended merely to satisfy themselves as to the truth or falsehood of the reports which were current.

There are certainly remarkable discrepancies in the statements made both by Lal Muhammad Khan and by his brother, Taj Muhammad, at Kabul and here. Those very discrepancies, however, to whatever cause they are due, show that neither of them is capable of getting up a false case and tutoring others to support it. The only possible explanations are either that they were themselves tutored to tell a false story, many of the details of which they have forgotten since they were examined at Kabul, or that their evidence is in the main true, but that, after the time that has elapsed, they are unable to tell their story with any great accuracy as regards the details. In Lal Muham-

mad's case the numerous corrections made in his statement, as originally given while it was being explained to him, were specially remarkable.

Notwithstanding the variations in their statements at Kabul and here, the more important features in the story told by both are the same on both occasions. It was according to both Taj Muhammad who settled with Mirza Ibrahim the sum to be paid, and who procured Saiyad Jan's bond by giving him the bond of himself and his brother for the larger part of the amount. Lal Muhammad, however, appears not to have known either at Kabul or here that the bond given to Saiyad Jan was for a smaller amount than that to be paid for his release. He stated the amount at Rupees 6,000, while the bond is really for Rupees 5,000. This, however, was explained by Taj Muhammad, Saiyad Jan, and Mustafa Shah, Saiyad Jan's writer at Kabul, all of them stating that Taj Muhammad paid Rupees 1,000 in cash. When examined here Taj Muhammad had just returned from a pilgrimage to Mecca, and remembered that a cash payment had been made, but no longer remembered the exact sum, though he was aware that he had been able to state it when examined before. Taj Muhammad, on his part, had nothing to do with the purchase of the gold coins paid to Muhammad Hyat Khan, and both at Kabul and here he has referred to his brother on this point. But both agree that it was at night that Naib Lal Muhammad was arrested by a party of irregular troops accompanied by Mirza Ibrahim; that in the morning Taj Muhammad found him at Mirza Ibrahim's tent; and that he was released after Saiyad Jan's bond was brought, being first taken to General Roberts, who made some enquiries from him, and who, as Naib Lal Muhammad Khan states, took security in the sum of Rupees 10,000 from him that he should not leave Kabul. It is possible that this security bond may be amongst the records brought from Kabul; and if so, its date should admit of comparison with that of the bond given to Saiyad Jan, which corresponds with the 28th October 1879. That bond, it may be observed, does not refer to any transaction with Muhammad Hyat Khan as it might be expected to do, if concocted to bolster up a false charge.

On the whole, the evidence of Naib Lal Muhammad Khan and of his brother seemed to have been given in good faith, and neither showed themselves eager witnesses. Whatever hopes Lal Muhammad Khan may have had at Kabul of Muhammad Hyat Khan being ordered to refund, there was no appearance of his entertaining any such expectation now.

Lal Muhammad mentioned that Mian Muhammad, Peshawuri, named in his petition, had gone to Mecca, but was on his way back. Orders were therefore given to the Inspector of Police in the city to send Mian Muhammad on his return. Mian Muhammad admitted having given a Russian tea service and a postin to Sikandar Khan for Muhammad Hyat Khan, but said that these were afterwards returned. He denied having suggested these things being given as Naib Lal Muhammad had stated, but as he admitted that he was employed in the matter as being a countryman of Muhammad Hyat Khan's, and therefore likely to have influence with him, it is by no means unlikely that he made the suggestion. His evidence of course does not show that the articles mentioned ever reached Muhammad Hyat Khan. But neither can it be considered as proving their return to Naib Lal Muhammad Khan. If they were returned, it is quite possible that the witness kept them.

Saiyad Jan and the other witnesses examined at Kabul have, of course, not been confronted with Muhammad Hyat Khan, and he has had no opportunity of cross-examining them, but there is nothing in the nature of the evidence given to suggest fabrication, and the tests applied appear to have been as complete as the circumstances admitted of.

Muhammad Hyat Khan was unfortunately not examined as to what he knew of Naib Lal Muhammad Khan's arrest. In this, as in all other cases after the first day of the enquiry, he was anxious to make no statement until he could prepare a written answer with reference to all the charges, but in other cases his answers were obtained to questions, and it was intended to question him in this case also, but when the evidence in support of the charge was complete, there were witnesses in other cases waiting to be examined, and when on the 12th March I took his answers in the cases of Sirdar Yusaf Khan, I did not remember Lal Muhammad's case, and said that I believed we

had now got his answers in all the cases. He said nothing to remove this impression.

When he gave his list of witnesses he was asked to state the general nature of the evidence he expected them to be able to give. Some witnesses from Kohat were mentioned as able to prove the falsity of Naib Lal Muhammad Khan's statement, but no hint was given as to the particular respect in which they could show it to be false, and it therefore escaped attention that Muhammad Hyat Khan's own version of the facts was not known. Only two of the witnesses named appeared, but these two were the most important, the son of Sir Khwaja Muhammad Khan, Khattak, of Tiri, and the son of one of the Khans of Hangu. The latter was recognized by Naib Lal Muhammad Khan as one of the party who arrested him. Both said that it was not at night but in the morning that he was arrested; that he was taken not to Mirza Ibrahim's tent, but to the tent of Sirdar Muhammad Amin Khan (now deceased) of Hangu; and that after he went to the General, they went away, and on their return in the evening found that he had been allowed to go. They also denied that either Mirza Ibrahim or Jalal-ud-din Khan, both mentioned as of the party, went with them, and said they were guided by a Kábuli, who, when they reached the door, went away.

These men were undoubtedly men of good position, and if their evidence be true, there can be no doubt that the evidence against Muhammad Hyat Khan in this case is entirely false. But the way in which they gave their evidence did not impress us favourably, and unless Government records exist to show that Muhammad Amin Khan of Hangu was instructed to bring Naib Lal Muhammad Khan, and that he could not have been brought till the morning, we should hesitate to believe these witnesses. At the same time other witnesses mentioned by Naib Lal Muhammad Khan as knowing that he was imprisoned in Mirza Ibrahim's tent gave evidence obviously worthless.

Mirza Ibrahim, of course, contradicts all that is said of him in this as in the other cases.

Subject of course to any further test to which it may be possible to submit it by comparison with records of what took place at Kabul, we are of opinion that the evidence against Muhammad Hyat Khan in this case is in its main features true, and that it proves extortion of 6,000 Kabuli rupees or 742 Bokhara tillas, Mirza Ibrahim having acted as Muhammad Hyat Khan's agent in intimidating Naib Lal Muhammad and his brother, but Muhammad Hyat Khan accepting first Saiyad Jan's bond for Rupees 6,000, and afterwards 742 tillas, on receipt of which he tore up the bond.

There are, however, elements of doubt in the case, and if the records brought from Kabul afford any means of applying further tests to the evidence, we think it desirable that such tests should be applied before a final decision is come to. Muhammad Hyat Khan, we observe, alleges in his written defence that the arrest and release of Lal Muhammad Khan took place some ten days before the date of the bond given to Saiyad Jan. If Government records corroborate this, the whole case must certainly fall to the ground, and if it did, it would be highly probable that the Mustaufi's case was also entirely false.

In Muhammad Hyat Khan's written defence it is, we find, contended that Taj Muhammad Khan's statement before us that he knew nothing of the payments on account of the bond, as his brother made all the arrangements after his release, is opposed to his statement before Mr. Cunningham. It may be well to point out that this is not the case. The payments of which he knew nothing were his brother's payments to Muhammad Hyat Khan, which he has never professed to know the particulars of. He adhered to his former statement that he gave a bond and cash to Saiyad Jan in exchange for the bond given by him.

III.—THE CASE OF THE HORSE TAKEN FROM KHAN AGHA, JAMSHIDI, OF HERAT.

The charge in this case is that shortly after the arrival of the British troops at Kabul the Mir of Maimana claimed the restoration of a valuable Turkoman horse which had been taken from him by the Amir's officers, and was then in the possession of Khan Agha, Jamshidi, and that this horse was taken by Muhammad Hyat Khan from the Khan Agha without payment. The evidence

in support of this charge was all taken in Kabul, and Muhammad Hyat Khan has therefore had no opportunity of cross-examination. The horse had been sent back by his orders to Kabul, and after being recognized by the Mir of Maimana, was purchased from him by Mr. Griffin, as General Macpherson who was consulted about it pronounced it the finest specimen of a Turkoman horse he had seen, and worth purchasing for the stud. It was ultimately given by Mr. Griffin to the 11th B. L., and is now with that regiment at Naushahra. Colonel Prinsep describes it as apparently about twelve years old, 15½ hands high, and says that when he received it in August, though it was a skeleton, and very weak, he would have given Rupees 500 for it on the chance of its recovery. About the identity of the horse there is no dispute, and as its value is necessarily matter of opinion, and would depend to some extent on the purposes for which it was proposed to use it, it was not thought necessary to summon Colonel Prinsep in order to examine him formally, especially as he was not in a position to express an opinion as to what the horse would have been worth in Kabul about October 1879.

Both the Khan Agha who originally made the charge and the Mir of Maimana set an extremely high value on the horse, but the evidence of Mr. Cunningham and of Ghulam Muhaiuddin, Extra Assistant Commissioner, shows that when it was received back at Kabul in the beginning of July 1880, it was not supposed to be worth so much as what Colonel Prinsep says he would have given for it in August. A much higher price was paid to the Mir of Maimana, but this appears to have been done for political reasons, and not because the horse was then thought to be actually worth Rupees 1,000. Khan Agha Jamshidi's claim to it was not considered, apparently because he was not then in the neighbourhood of Kabul. The horse has recovered condition since Colonel Prinsep got it, but Bahauddin Khan, Ressaidar of his regiment, who was called for the defence on another point, was apparently not disposed to value it at over Rupees 250. He, however, spoke of its value for native cavalry purposes, and he spoke with reference to present prices, which he said were exceptionally low. He seemed also to be inclined to make his evidence as favourable to Muhammad Hyat Khan as possible, and he evidently understood that Muhammad Hyat Khan was interested in a low estimate of the value being given.

Soon after the receipt of the Khan Agha's petition, Mr. Griffin telegraphed to Muhammad Hyat Khan about the horse, in what terms does not appear, but it is evident from Muhammad Hyat Khan's reply by registered letter, dated 5th June, from Palampur (posted 6th June), and telegram, dated 7th June (the date of despatch from Amritsar), that the telegram informed him of the nature of the charge and threatened to report him to the Punjab Government. He therefore instructed his brother, Gulab Khan, to re-purchase the horse which he stated to have been sold to the Postal Department for Rupees 140, and send it up to Kabul. He also said that he had bought it from the Khan Agha for baggage purposes for Rupees 100, and that he held his receipt.

The telegram reached Kabul on the 7th June, and Mr. Griffin endorsed an instruction to Mr. Cunningham to make some further enquiry into the matter. The Khan Agha, Jamshidi, was then at a village a few miles from Kabul, but was said to be ill, and Rajah Jahandad Khan was sent out to take his evidence, which he did on the 8th June. It is said, I observe, that we have only a translation of this by Mr. Cunningham, but the original was put into Muhammad Hyat Khan's hands when the translation, made in Mr. Cunningham's office, was read, and a copy of that original was in Muhammad Hyat Khan's possession when his written answer was drawn up. A similar remark applies to the evidence of the Mir of Maimana, afterwards taken by Rajah Jahandad Khan on the 22nd June, and in this case we have also an independent record of the Mir's evidence, taken by Mr. Cunningham, on the 25th June.

Sikandar Khan, Muhammad Hyat Khan's brother, was examined before Mr. Griffin in June, probably about the 13th of the month, as it was at the same time when he was called upon for explanations about General Saifuddin's horse, and Mr. Cunningham recorded a note of his statement with reference to the present case. He said he believed his brother had paid for the Khan Agha's horse; that it may have been worth Rupees 300 or thereabouts, but he

did not know the value; and that it was for baggage purposes Hyat Khan had taken it, but it was also a saddle horse.

When the deposition of the Khan Agha Mahdi Kuli was taken on the 8th June, it was not known that Muhammad Hyat Khan held a receipt given by the Khan Agha for Rupees 100, the price of a horse, and the Khan Agha was not questioned on this point, nor did he himself mention it. The receipt was not mentioned in Muhammad Hyat Khan's letter to Mr. Griffin, but has been produced by him in the present enquiry. It bears date the 3rd Zikkad, which corresponds to the 19th October 1879, and the seal of Mahdi Kuli attached to it is identical with the seal attached to his deposition of 8th June 1880. The receipt is therefore undeniably a genuine document, and it would have added much to the value of the Khan Agha's evidence had he himself mentioned it, and explained how it came to be given. If it relates to this horse, it must be assumed that it represents an actual payment, for if an absolutely fictitious receipt had been taken for the price of a valuable horse, a full price would naturally have been entered. The receipt also describes Mirza Ibrahim, through whom the money was paid, as a dependant of the Khan Sahib's, and had it been forged after the enquiry about the horse commenced, there would have been every reason for keeping back Mirza Ibrahim's name, and he would certainly not have been so described, if mentioned.

The questions then arise whether the receipt relates to this horse, and whether the Khan Agha voluntarily sold it for Rupees 100. The statements of the Khan Agha and the Mir of Maimana afford no clue to the time when the horse was taken, except that the former says it was before the siege of Sherpur, but in his petition the Khan Agha states that when Muhammad Hyat Khan sent for the horse, he sent it to him at Sherpur. If this be accurate, it must have been some time after the date of the receipt. The Khan Agha says nothing about any other horses taken from him or sold by him, but Muhammad Hyat Khan himself says that a servant of the Khan Agha brought him two or three horses for sale, this being the first, and that when he proposed to buy it for himself, it was taken away and brought back two or three days afterwards and sold to him for Rupees 100. The other ponies brought he sent to the Commissariat Officer, whom he was assisting to procure ponies at the time.

Jalal Khan and Mirza Ibrahim both say that the Khan Agha himself brought the horse, along with two others, which was sent on to the Commissariat Officer, that when told to fix a cash price, he valued the horse at Rupees 150, but some Sirdars, who were consulted, fixed the price at Rupees 100, and this sum was paid two or three days later, apparently because the Khan Agha did not at first make up his mind whether he would accept the price. Mirza Ibrahim, however, says that the horse was left at Muhammad Hyat Khan's stables, and Jalal Khan does not remember whether this was the case or not.

That the Khan Agha did not bring the horse in person seems probable both from Muhammad Hyat Khan's examination and from his letter to Mr. Griffin, and it is quite possible that he did sell a horse to Muhammad Hyat Khan at Siah Sang, but that this was not the horse to which the present charge relates. It is at the same time equally possible that the Khan Agha made a mistake in stating in his petition that he sent the horse to Sherpur, and if Muhammad Hyat Khan got it while he was at Siah Sang, it is most natural to refer the receipt of 19th October to this horse.

The evidence of Muhammad Sarwar Khan and Muhammad Azim Khan, the witnesses already mentioned in Lal Muhammad's case with which their depositions are put up, relates to the payment of the Rupees 100. This took place at Siah Sang, but they did not hear the name of the owner of the horse mentioned. Both said that Muhammad Hyat Khan pointed out the horse at the time, but they never saw it again. One said it was standing near, while the other said it was at some distance off. One said the man was asked for a receipt and gave one which he had apparently brought with him. The other said he saw the Mirza write the receipt for him, but when re-examined, said he might have been mistaken as to this. Mirza Ibrahim himself says the man had not a receipt with him, and that he kept the money, and sent him back for a receipt which he brought 2 or 2½ hours afterwards. On the whole, it is very doubtful whether Muhammad Sarwar Khan and Muhammad Azim Khan

saw either the payment made on the 19th October, or the horse for which it was made.

But assuming, as in a doubtful case it is necessary to do, that the payment of 19th October was for this horse, it remains to consider whether it is credible that the Khan Agha voluntarily sold it for Rupees 100. It was evidently a valuable horse, and no mere baggage animal, though it may occasionally have been used to carry bedding or the flies of tents. It is not shown that the Khan Agha had any pressing necessity to induce him to sell a valuable horse at a time when the breaking up of the Amir's cavalry had lowered the market for such animals, and it is clear that he was fully aware of the value of the horse and of its previous reputation. When examined at his village on the 8th June, he named the Mir of Maimana as the man who had informed Muhammad Hyat Khan of his having a valuable horse. This was confirmed by the Mir of Maimana when examined on the 22nd and 25th June. On the former date he said he had presented a petition to General Roberts for the restoration of the horse, and this had been made over to Muhammad Hyat Khan. On the 25th June, he did not allude to this petition, but said he had told Muhammad Hyat Khan about the horse. In both depositions he said Muhammad Hyat Khan told him he had taken back the horse, and the General had given it to him, and he was glad that it should not remain in Khan Agha Jamshidi's possession. This was after the receipt of Muhammad Hyat Khan's letter, and he said that such an animal, which was fit to be ridden by a prince, would never have been bought as a baggage animal.

There is no room to suspect collusion between the Mir of Maimana, a deposed prince of Afghan Turkistan, and Khan Agha, Jamshidi, a Herati Chief, whom Muhammad Hyat Khan states to have been a political detenu of the late Amir's, and no motive is shown why either should bring or come forward to support a false charge against Muhammad Hyat Khan. The latter does not himself attribute the complaint to the animosity of the Sirdars and people of Kabul, but to Rajah Jahandad Khan's instigation of the Khan Agha. He says that the Rajah kept the Khan Agha three days with him, but there is no evidence of this, and the Rajah could not have known that, after the petition was presented, he would be selected to examine the Khan Agha and the Mir of Maimana, nor does it appear how he could have influenced either. And Muhammad Hyat Khan's great proof of the Rajah's enmity is that in a case at Jullundur, in which the Rajah had no concern whatever, Muhammad Hyat Khan thought proper in a deposition to speak disparagingly of the Rajah's sister.

We think, therefore, that it is extremely unlikely that Khan Agha, Jamshidi, would have voluntarily parted with this horse for Rupees 100, and if he did so, it was probably under pressure brought to bear in connection with the fact that the Mir of Maimana claimed the restoration of the horse.

There is, however, evidence that after the horse was brought down to India, Muhammad Hyat Khan's brother, Gulab Khan, did sell it to a contractor in the Government Dâk from Rawal Pindi to Attock for Rupees 140, and that when it was taken back, Gulab Khan gave another horse valued at the same amount, in exchange. There is reason to believe that it was driven in the Government vans, as one of a pair, though it was hardly broken in at all. But the evidence forthcoming affords no clue to the date of its being made over to the Dâk.

Muhammad Khan, a cousin of Muhammad Hyat Khan, alleges that it was never sold, but was merely made over to the contractor for a time as a blind, but Muhammad Khan is well known to be intensely hostile to Muhammad Hyat Khan, and it is impossible to trust his evidence on a matter of this sort.

Muhammad Hyat Khan refers to the evidence of Mr. Hastings and Mr. Buckner as to the value of the horse. Mr. Hastings saw it being ridden back to Kabul, but he was himself riding at the time, and evidently merely glanced at it while he stopped to ask the man whose it was. His evidence is therefore no indication of its value. Mr. Buckner was not examined in the case at all,

but came in one day to answer some enquiries made by letter addressed to Ambala, as to whether he remembered the horse, and whether the postal records would furnish any clue to its having been bought for the Dâk. From what he said it appeared probable that he had seen the horse, and that though he could not give any clue to the date when it was taken on for postal purposes, he could trace the date when the contractor, Nadir, took over the chauki. As he had returned to duty at Peshawur, he also promised to look at the horse at Naushahra, but we have not heard from him since, though this happened on the 29th March. His remark as to the value of the horse he had seen was that he would not have given Rupees 50 for it, but this was evidently based on his having seen it lie down when in the shafts, as an unbroken horse might naturally enough do, and there is no reason to suppose that he thought of its value for any other than postal purposes. The man who says he drove it for a few days to break it in, states that its breast was galled while this was being done, and if this were the case, it might naturally behave in such a way when in harness as to lead a man who did not know the circumstance to think it a brute.

Giving due weight to the circumstances in Muhammad Hyat Khan's favour, *viz.*, the existence of the receipt, the sale of the horse to a postal contractor for Rupees 140, and the re-purchase of the horse in order to send it up to Mr. Griffin when he could have said that he had sold it, we still think that Muhammad Hyat Khan's explanation of this transaction is far from satisfactory. But if the result of the other cases were in his favour, this charge is hardly strong enough to stand alone, in the absence of any explanation by the Khan Agha of his receipt.

IV.—SIRDAR MUHAMMAD ALAM KHAN'S CASE.

This case also relates to a horse, but Sirdar Muhammad Alam Khan has always admitted that he gave a receipt for the price. At Kabul he described it as given as a present to secure Muhammad Hyat Khan's favor. In his statement here he says that five days after he was examined at Sherpur about some letters received by him from Amir Yakub Khan, he was sent for and kept for some time at Mirza Ibrahim's tent, and Mirza Ibrahim told him that a council was considering whether he should be hanged, and induced him to give the mare to secure Muhammad Hyat Khan's influence in his favour. His receipt was produced by Muhammad Hyat, though not until the evening of the second day after he was examined, and when shown to him was acknowledged by him. It was dated 17th Zilhijji, corresponding to 2nd December 1879, which seems hardly in accordance with his statements as to the time, but when questioned afterwards on this point, he could not be persuaded that our object was to get the means of verifying his statement if possible, and not to prove him a liar, and the only information that could be got from him was that the receipt was given on the same day he gave the mare. I therefore enquired in a letter to the Secretary to the Punjab Government, dated 1st March last, on what date the Sirdar was summoned to Siah Sang or Sherpur, in order to enquire from him about the letters, and on what date his house was searched for them, as these dates would show whether he could have given the mare under the circumstances he states, so late as the 2nd December, I have not been able to get this information, and without it Muhammad Alam Khan's statement must be considered not to be proved.

Mr. Barkley's requisition was forwarded to Government of India, Foreign Department, with Punjab Government No. 439, dated 4th March, and reply received in Secretary's No. 626, dated 4th April, which was forwarded to Mr. Barkley with Punjab Government No. 699, dated 7th April. The further information promised has not been received. W. M. Y.

It appears that Sirdar Zakaria Khan at one time offered Rupees 400, Kabuli rupees, and another large horse, the value of which is not stated, for this mare, but Sirdar Muhammad Alam Khan refused the offer. The mare, however, when sold, had a white spot in one eye, which did not impair its vision at the time. This seems to have become worse since, and the Deputy Commissioner of Jhelum, Colonel Parsons, to whom Muhammad Hyat Khan was requested to send it for inspection, after examining it with Colonel McNair and Major Birch, both cavalry officers, pronounces it wall-eyed, and not

worth more than Rupees 200 now. The description given of the mare produced appears to agree with that given by Muhammad Alam Khan of his mare.

Muhammad Hyat Khan has called two witnesses, besides his nephew, Jalal Khan, to prove payment for this mare. To neither of these witnesses are we able to give any credit. Jalal Khan tells us that one of them, Baboo Jaikishen, often wrote his accounts for him, and Muhammad Hyat Khan has produced an account-book in which all the entries from 23rd January until Muhammad Hyat Khan left Kabul are said to be by Baboo Jaikishen. This was not alluded to when he was called to give evidence, but if there were no evidence whatever for the defence, we should feel ourselves obliged to pronounce this case, as it at present stands, not proved, though it is just possible that Government records exist, which would show that Sirdar Muhammad Alam was really examined a few days before the 2nd December, and led to suppose that he was regarded with suspicion.

V.—GENERAL SAIFUDDIN'S CASE.

This is also a case about a horse which Saifuddin says was brought from his village during his imprisonment at Sherpur, with his other horses and camels, by Nasrat Jang, formerly in the employment of the British Government, and kept by Muhammad Hyat Khan as the only one of any value. This horse, he said, he would not have sold for Rupees 1,000, though it was about 12 years old. He also said that Muhammad Hyat Khan had taken in addition Rupees 500, Kabuli rupees, from his brother, Khairuddin, for his release.

Muhammad Hyat Khan says that he purchased this horse from Khairuddin on the 18th February for Rupees 300; and if this date be correct, it would be sufficient to show that the horse was not extorted from General Saifuddin in the manner stated by him. General Saifuddin Khan was, it appears, arrested on the 13th December 1879, and released on heavy security on the 2nd January 1880, with a view to utilize his services. He had therefore no reason to entertain any apprehension as to his safety in the middle of February.

Muhammad Hyat Khan has called two witnesses besides his nephew, Jalal Khan and Mirza Ibrahim, as to this transaction. Bahauddin, Ressaidar of the 18th B. C., says that the bargain was made before him, and his evidence implies that General Saifuddin and his brother were both at liberty at the time. The money, however, was not then paid, and as Muhammad Hyat Khan refused to take the horse until he had paid for it, it remained several days in Bahauddin's stable. When Khairuddin came again, Mirza Ibrahim was told to pay for the horse and take their receipt. After the money was brought, the witness had to leave while it was being counted over. Abdul Rahman, a Native Doctor, mentioned by Bahauddin as present at the payment, deposes to the payment, and says it occurred in February, but does not say how he fixes the date. Mirza Ibrahim says he told Jalal Khan to take a receipt, and himself went away after payment. Jalal Khan says he took a receipt. This, if forthcoming, would be valuable evidence of the date, but Muhammad Hyat Khan has never professed to have the receipt in his possession, and it has not been produced.

On the 21st February, however, when he was examined in this case, he undertook to produce his account-book on the 26th so as to fix the date. On the 26th he said he had sent for it, but it had not arrived. When afterwards asked about it he said it must be at Jhelum, as his wife had written to him that it was not at Wah. Though he was repeatedly asked for it, he did not produce it until the evening of the 7th instant after the evidence had closed. It contained an entry of Rupees 295 paid to Khairuddin for a horse, under date 18th February, but the only entries were details of expenditure from day to day, and it might easily have been written up with reference to the present case. After the 23rd January when Kazi Ghulam Hassan, who made the earlier entries, was said to have left Kabul with Jalal Khan, the entries were made by Baboo Jaikishen. Jalal Khan would probably be back before the 18th February. This book would have been of more value as evidence, had it been produced at an earlier stage. Had it been possible to refer to it in connection with the evidence of the witnesses, the entries in it

could have been compared at the time the witnesses were examined, and it might have suggested questions for examination. It would then have been possible to form an opinion whether the accounts contained in it were what they purported to be.

Nasrat Jang turned out to be the same person who had been summoned in Sirdar Muhammad Ibrahim Khan's case. He is referred to in Muhammad Hyat Khan's written defence as a hostile witness, but he seemed to give his evidence quite fairly. He says he was on one occasion sent on duty by Muhammad Hyat Khan to General Saifuddin's residence, and brought Khairuddin back with him. He could not say whether General Saifuddin Khan was then in Sherpur or not, nor could he fix the date. He brought no horses or camels, but Khairuddin rode a horse from the village.

This, it will be seen, does not in any way support General Saifuddin's statement, but Saifuddin could not know who was sent to his village and brought the horse. Hearing that Nasrat Jang had been there on one occasion, he might suppose that he had gone for that purpose. As it has, however, proved impossible to get any evidence corroborating Saifuddin's statement in any way, and he, being at Kabul, could not be examined, this charge cannot be considered as proved.

It does not appear that he had any motive to induce him to bring forward a false charge, and in his written defence, Muhammad Hyat Khan says, he probably never would have done so of his own accord, and that the charge was most likely instigated by some of the enemies of Muhammad Hyat Khan.

Muhammad Hyat Khan also represents the Ressaidar Bahauddin as having purchased the horse for him. This is not supported by Bahauddin's own evidence, or by any other evidence in the case.

It also deserves notice that when the complaint was made, the horse was in Sikandar Khan's possession, and Mr. Griffin called upon him for an explanation. His statement appears not to have been recorded, but Mr. Cunningham, who was present when it was made, describes it as amounting to no more than that he was not responsible for the horse, that he believed his brother had brought it, and that he had received it from his brother. If he had stated that he could prove this, he would, no doubt, have been given an opportunity of doing so, but the result was that General Saifuddin's statement was accepted as true, and the horse was ordered to be returned to him. Sikandar Khan was sent away from Kabul shortly after.

As Sikandar Khan was in Kabul when the charge was made, and might have been expected to have the means of proving the purchase, if it was really purchased by his brother from Khairuddin Khan, it is not correct to say that Saifuddin showed any disposition to avoid being confronted with Muhammad Hyat Khan's witnesses.

Whether it was desirable to return the horse without calling upon Muhammad Hyat Khan for his defence is another question, and it deserves notice that Sirdar Wali Muhammad Khan attributed Bahadur Khan's petition to this having been done.

The conclusion I come to in this case, therefore, is that the charge is not proved, but that it is not conclusively shown to be without foundation.

VI.—PROPERTY TAKEN FROM THE AMIR'S FAMILY, AND FROM THAT OF SIRDAR MUHAMMAD YUSAF KHAN.

In this case the amount of evidence obtained is greater than we could at first have expected, but the only portion of the property said to have been taken by Muhammad Hyat Khan, in regard to which the evidence of more than a single witness is forthcoming, is the piebald pony said to have been given by Sirdars Muhammad Asaf Khan and Muhammad Yusaf Khan. In other cases witnesses mentioned as in a position to give corroborative evidence have, when examined, failed to do so, and in regard to some portions of the property which formed the subject of enquiry, there is reason to believe that it never came into Muhammad Hyat Khan's hands at all. This was the case with reference to the sword of the Amir Dost Muhammad Khan, afterwards given by Amir Sher Ali to Abdulla Jan. The jewelled sword slings had been cut in pieces

for the purpose of facility in concealment. These were returned through Muhammad Hyat Khan to the Amir's family, and are mentioned in Mr. Holmes' demi-official to the Foreign Secretary, dated 14th September last, as being now in the Amir's possession. It seems to have been supposed that Muhammad Hyat Khan had appropriated the sword, but the evidence showed that the sword was taken charge of by European officers, and there is nothing to show that it was made over to Muhammad Hyat Khan to be returned to the family. Muhammad Hyat Khan was also in a position to state that he had been informed that the sword had been sent by General Roberts to Lord Lytton as a trophy of the war, and this appeared a probable explanation of what had become of it, which is now confirmed by a letter from General Massy to Muhammad Hyat Khan. Again the chogas which were taken at the same time with the clothes which the Amir's family were allowed to take back from the confiscated property at Kabul, are not shown to have been taken by Muhammad Hyat Khan, and may have been taken, as stated, by Major Hastings' order to be sent to Sirdar Wali Muhammad Khan for use as khillats.

As regards the book Bedil the only evidence is that of Muhammad Sharif Khan, who appears to have stated at Dehra that he was informed on matters which he did not mention here. Dur Muhammad, who, according to his account, ought to be able to corroborate his statement, failed to do so, and Sirdar Muhammad Yusaf Khan denies the correctness of the statement on this point recorded as made by him before Ghulam Muhaiuddin Khan on the 5th July 1880. While there is no doubt that the book was a valuable copy, it is therefore not shown to have come into Muhammad Hyat Khan's possession at all. As regards other articles said to have been taken at the same time, no evidence is forthcoming.

With reference to the gold head ornament said to have been sent to Muhammad Hyat Khan by Sirdar Yusaf Khan's mother during his confinement, Sirdar Yusaf Khan's statement is merely hearsay, and there is no direct evidence whatever.

The remaining property is said to have been given by Sirdar Muhammad Yusaf Khan himself to Muhammad Hyat Khan. When the most valuable articles are said to have been given, the gold horse trappings, the pistol, and the Khunkhwar sword, Muhammad Yusaf Khan says he was alone, and no corroboration as to these is possible. Mr. Cunningham had, indeed, been under the impression that Captain Burton had seen some of these in Muhammad Hyat Khan's possession, but Captain Burton does not confirm this. The Khunkhwar sword was supposed to have been seen with Sikandar Khan when on the way down from Kabul by Captain Burton, but this is not proved, nor does it appear what means Captain Burton could have had of knowing it. As to the gold said to have been brought back by a slave girl who fled with it concealed on her person, no corroboration is possible of Sirdar Muhammad Yusaf Khan's statement that he gave it to Muhammad Hyat Khan. It is not, indeed, as suggested, absurd to suppose that he could have carried 300 miskals of gold, worth Rupees 7 or 8 a miskal, without being observed, but some of the other witnesses were likely to have known of the flight of the slave girl with the gold and her return. This is one of the cases in which Moulvi Sharif Khan is said to have professed to have information when at Dehra, while he carefully kept this back when examined here. Dur Muhammad only mentions the return of the slave girl, but knew nothing of her having taken any property or brought any back.

The watches were first mentioned by Muhammad Yusaf Khan on his examination here, the question which elicited the information being put owing to the mention of them in a demi-official letter from Mr. Holmes. Here again all that appears from Mir Ali's evidence is that Sirdar Muhammad Yusaf Khan did take one of these watches from his wife.

In Sirdar Muhammad Yusaf Khan's case, there might be more room for suspecting a desire to injure Muhammad Hyat Khan than in the case of the other Sirdars. His father had been deported to India apparently in consequence of the report of a commission of which Muhammad Hyat Khan was a member, and he himself appears to have thought, not without some reason, that he had

been harshly treated. On the other hand, he has not repeated statements, merely because he had made them before, and he has never shown any eagerness in the case, nor did he come forward as a complainant at Kabul until he was sent for to be examined; but while he has not displayed any particular *animus* in the matter, I do not think it safe to accept his uncorroborated statements as proving the charges made, especially as in the matters in which corroboration was possible, that has wholly failed. At the same time I am not prepared to impute any wilfully false accusations to him, and I attach no importance to Sherin Beg's contradiction of the charges. Sherin Beg was an absconded slave, of whose whereabouts, since he left him he knew nothing, and who has given a very improbable account of himself since he left his master. Notwithstanding this he mentioned Sherin Beg as one of his informants about events during his confinement, and it was only at a late stage of the enquiry that Muhammad Hyat Khan, after previously stating that he hoped to be able to find Sherin Beg, said that he had succeeded in tracing him, and that he was now in Peshawur. He was then sent for, as being one of the witnesses whom Sirdar Muhammad Yusaf Khan had named, but there was every reason to suppose that it had been ascertained that his evidence would be favourable to the defence.

Passing to the case of the piebald horse, Muhammad Asaf Khan, as well as Muhammad Yusaf, deposed to this being given, and though the former, when first called in and asked if he had any personal knowledge of property taken from the Amir's family, explained that he was not at Kabul when the property was said to have been taken, and was therefore not examined, it being supposed that he knew nothing of the case, yet when Sirdar Muhammad Yusaf Khan brought it to our notice that he was present when the horse was taken, he told a story, evidently unpremeditated and in all respects agreeing with that of Sirdar Yusaf Khan.

Sirdar Yusaf Khan had been allowed to go out before his evidence was explained to him, as he was taking medicine, and his brother was then sent for without any enquiry from Sirdar Yusaf Khan as to what he could testify to. When it was found that the latter seemed to know nothing of the case, he was allowed to go, and Sirdar Muhammad Yusaf Khan was again sent for to have his statement explained. When this was done, Sirdar Muhammad Asaf Khan was again called in owing to what he had said. It was quite impossible that the latter could have been tutored in the meantime as to what he was to say, and it was natural that Sirdar Muhammad Yusaf Khan, on finding his brother return so soon, should have asked how it happened, and ascertained that he had not mentioned the horse.

Muhammad Asaf Khan's evidence fixed the 26th January as the date when the piebald was given, and describes it as a quick-paced pony, dark bay and white, given to his father by Saiyad Thora, son of the Amir of Bokhara. He also mentioned circumstances from which he inferred that Muhammad Hyat Khan still had it.

Muhammad Hyat Khan when examined denied having ever received this piebald pony, saying that the only piebald he had was in his possession before, and was taken up by him to Kabul as a baggage pony, and had died a few months ago at Wah. This pony, he said, had been ridden by his son before he took it up and after his return, but was not up to his own weight, though he had occasionally ridden it. He described the spots as bright bay.

Further enquiry elicited that Sirdar Jalal-ud-din Khan, though he had heard of this pony from Sirdar Yusaf Khan, and had made enquiries about it, had not seen it, and enquiries were made through the Inspector-General's Office to ascertain when the pony was last seen, and whether Muhammad Hyat Khan ever had such a pony before. The result was that the Deputy Inspector of Hasan Abdal was summoned, and told to bring any witnesses possessed of direct knowledge of the facts reported by him to his own department, and Muhammad Hyat Khan, who had produced no evidence relating to this horse, except Sherin Beg's, was told that evidence that it was previously in his possession, that he took it up to Kabul, and of its death, would be necessary. He says in his written reply that he had previously been told that no

evidence on these subjects would be necessary, though he was prepared to prove that he had the horse with him in the previous campaign, when it was seen by many European officers. No evidence of this, however, had ever been offered, and I do not know of anything which could have given him the impression that it would be superfluous.

Much of the evidence subsequently produced on both sides is unfortunately of little value. Sawan, whose mules went up with Muhammad Hyat Khan's baggage, had been summoned for a previous date, but had not then appeared. Nawab, who says he went up to Kabul in Muhammad Hyat Khan's service, and came down with the piebald horse, was, no doubt, at Kabul, as Jalal Khan admits; but his account of the stages on the way up makes some of them impossibly long for horses travelling with baggage animals. Whether he went up as Muhammad Hyat Khan's servant or not, much of his evidence appears to have been given under the influence of Muhammad Hyat Khan's enemies at Wah. The evidence of Muhammad Khan himself, the leading man of the opposite party, was evidently quite untrustworthy, and the other witnesses from Wah appeared to be under his influence. The Deputy Inspector Hashmat Ali Khan himself, however, appeared to be careful not to state more than he knew. He saw the piebald pony coming down as a led horse, and his evidence on this point is uncontradicted. He also described it as a strong and quick-paced animal, not by any means a little pony. The description given by him agrees better with that of Sirdar Asaf Khan than with that of Muhammad Hyat Khan and his witnesses. He had seen no piebald in Muhammad Hyat Khan's possession before he went up to Kabul. Muhammad Hyat Khan's evidence of his previous possession of the piebald pony was very weak, and none of his witnesses had apparently seen it during the earlier part of his stay in Kabul. Nor were there any witnesses who had seen it in the Kurram Valley. He brought up a letter written at Lahore by Inayat Ali Khan, brother of the Nawab of Maler Kotla, saying he had seen the horse in Kurram, but the Khan Sahib did not himself come up with him, and had already been charged with assisting him to make away with valuables, though it had not been possible to prove this. His evidence of its death was utterly unsatisfactory. We telegraphed yesterday to Kohat to enquire if Shahzada Sultan Jan, Extra Assistant Commissioner, previously stationed at Kurram, had seen Muhammad Hyat Khan's horses and baggage animals then on their way up, and whether any was a piebald. He replied that he had seen them, and did not remember a piebald. It is just possible, though not very likely, that he might not have been struck with the colour sufficiently to remember it.

If the case stood alone, it would be difficult to arrive at any decided conclusion in the matter, though the preponderance of evidence would still be in favour of the charge, as even if Muhammad Hyat Khan possessed a good riding pony, of this colour, before, he would scarcely have been likely to send it up to Kabul as the baggage animal, and the evidence of his having possessed such a pony is extremely unsatisfactory. The piebald he had after he came down was with him at Jhelum, and had, he says, been sent back to Wah for his brother's son, just before its death. If this were the case, better evidence of its return to Wah and of its death there ought to have been forthcoming.

Sirdar Muhammad Asaf Khan's statement so strongly confirms that of Muhammad Yusaf Khan, and the description of the pony brought down from Kabul agrees so well with that given by him, that there is reason to believe that it was his pony, and has been sent away for the purposes of the enquiry. And when the other cases are taken into consideration, those especially of Naib Lal Muhammad Khan and Khan Agha, Jamshidi, the probability becomes the greater that the pony was given, because it would have been bad policy to refuse it, when asked for by a man in the position of Muhammad Hyat Khan.

VII.—SIRDAR MUHAMMAD IBRAHIM KHAN'S CASE.

This case depends entirely on Nasrat Jang's evidence, which appeared to have been fairly given. According to that evidence no pressure was put on the Sirdar to induce him to make presents, and it does not appear that the Sirdar himself ever alleged this, or made any complaint. Muhammad

Hyat Khan is said to have refused the presents on both occasions, but they were not removed, and the money was ultimately handed to a servant of Muhammad Hyat Khan, when he was standing near. Muhammad Khan produced six servants to give Nasrat Jang an opportunity of identifying the man. It now appears from Jalal Khan's evidence that other servants from Wah were with him at Kabul, and Jalal Khan himself was not brought forward to be confronted with Nasrat Jang. In his written defence Muhammad Hyat Khan refers to Nasrat Jang's evidence as showing that he behaved with the utmost propriety in the matter. This view can hardly be accepted. He should have insisted on presents which he had refused to accept being taken away, or shown his disapproval so strongly that they would not be again offered to his servants. At the same time it is evident that Nasrat Jang should have known better than to countenance the Sirdar in offering presents which British officials would not be allowed to accept.

Muhammad Hyat Khan goes on to attribute this charge to his having reported against Sirdar Muhammad Ibrahim Khan being made Amir of Afghanistan. But not only has the Sirdar never made any complaint, but it is extremely unlikely that he ever supposed he had the least chance of being selected to succeed his brother. Under his father he had been employed as governor of the city of Kabul, but the hesitation in his speech, and the evident absence of force of character, would have prevented his nomination for a more responsible position.

So far as can be judged, this is a true case, though the evidence stops short of showing that Muhammad Hyat Khan permitted the presents to be received.

In conclusion, taking all the charges, in regard to which evidence is forthcoming, into consideration, I am of opinion that none of them is shown to be without foundation, but that, on the evidence as it now stands, it would be unsafe to accept the charges of the Mustaufi, Sirdar Muhammad Alam Khan, and General Saifuddin Khan as proved.

In the case of Muhammad Alam Khan, who not only made no complaint, but said from the first that he did not want his mare back, it might have been possible to arrive at a different conclusion. had he been willing to give the information which would have explained the date of his receipt, and how he was induced to give the mare so late as the 2nd of December.

The charges in the cases of Naib Lal Muhammad Khan, Khan Agha, Jamshidi, and Sirdar Muhammad Ibrahim Khan, and so far as the piebald pony is concerned, that of Asaf Khan and Yusaf Khan, the sons of Sirdar Yahiya Khan, appear to be established, though it is still desirable to subject the case of Naib Lal Muhammad Khan to the further test of comparing the date when he was brought before General Roberts, and put on security not to leave Kabul, with the date of the bond given to Saiyad Jan. This is the more necessary, as the charge in this case is much graver than in any of the others of which there is apparently satisfactory evidence, and as we have had no means of applying the test now suggested.

In addition to the evidence and documents bearing upon the several charges, Muhammad Hyat Khan's written argument in his defence, and a printed copy of his certificates are submitted. He had proposed to call a number of witnesses to previous character, but we were of opinion that his certificates would serve the purpose equally well. In some cases the certificates are incorrectly printed, but in other respects the copy produced corresponds with the originals, a number of the most valuable of which were shown to us when it was put in.

PESHAWUR, D. G. BARKLEY.
The 9th April 1881.

In my opinion, with regard to Muhammad Hyat Khan, I go much further than Mr. Barkley. In addition to agreeing with him, that the charges connected with Naib Lal Muhammad, Khan Agha, Jamshidi, Sirdar Ibrahim Khan, and Sirdar Yusaf Khan are proved, I am fully satisfied that the other charges inquired into, *i. e.*, those of the Mustaufi Habibulla, Sirdar Alam Khan, General Saifuddin, are true, and that, therefore, in all the cases into which we have been

able to enquire there are the most "substantial grounds for concluding that Muhammad Hyat Khan was guilty of serious misconduct while in political employ in Afghanistan." Considering the extreme improbability of men of high standing and character, as Sirdar Alam Khan, Khan Agha, the Mir of Maimana, and others, uniting in bringing false charges against Muhammad Hyat Khan, and against him and his brother only, without any adequate motive; and considering that in all the cases the defence has broken down, and that all the witnesses produced by Muhammad Hyat Khan are, in our opinion, worthless, I am unable to come to any other conclusion notwithstanding the slight deficiencies in evidence remarked on by Mr. Barkley.

J. G. SILCOCK,
Assistant Commr.

I concur with Mr. Barkley in considering that the charges in the case of Naib Lal Muhammad Khan appears to be proved. I consider that the charges in the cases of Khan Agha, Jamshidi, of Sirdar Muhammad Ibrahim Khan, and of Sirdars Asaf Khan and Yusaf Khan, so far as the piebald pony is concerned, are proved. I think there are very strong grounds for believing in the truth of the charges in the cases of the Mustaufi, Muhammad Alam Khan, and General Saifuddin Khan. The opinion which I have formed on the evidence adduced in each of these cases, is that the charge in each case is true.

H. A. ANDERSON,
Assistant Commr.

I.—THE CASE OF THE MUSTAUFI HABIBULLA.

ENGLISH PETITION PRESENTED BY MUSTAUFI HABIBULLA TO MAJOR HASTINGS, DATED 29TH APRIL 1880.

In the time that I was prisoner in Sherpur my friends and relatives that were seeking for a remedy went to Deputy Muhammad Hayat Khan and solicited for my release. Deputy Hayat Khan first told them that his liberty is impossible, the Government will kill him or will make him eternal prisoner of India. So a long time he frightened them every day. At last he said them—"If you can give one lack rupees I will make some arrangement for his release. They told him that we are unable of paying so great a sum; if by some little sum it be accomplished we will be much obliged. At end the discourse concluded by Rs. 16,000. They paid him this sum by means of some famous men that are present in the city. As we had not the sum in home, it is lent from some merchants.

When I released from prison in first times they not mentioned about it. At last when I became acquainted, I told them that I am released by favour and grace of the Government, not by the cause of the bribe, why you gave him the sum. When the sum was gone and out of hand, I wished to inform you and manifest it to the Government. Meanwhile I became sick, and afterwards the journey of Ghazni happened. When I returned from Ghazni the Deputy was gone to India. Now when the debtors asks for their money, I am unable to pay them the sum. Therefore I hope from Her Majesty's liberal Government to take the sum from the Deputy Hyat Khan and deliver it to the petitioner to restore it to my debtors; else I am destitute to sell my land and fields to pay them.

This sum is without cause taken from me and it is without other losses and damages that I have suffered; therefore I complained of it.

EVIDENCE BEFORE MR. BARKLEY.

Mustaufi Habibulla, on solemn affirmation states.—I presented an English petition to Major Hastings at Kabul, with reference to money taken from me by Muhammad Hyat Khan. The amount was Rs. 16,000. It was taken whilst I was confined, subsequent to the relief of Sherpur, either about the end of Muharram, or about the beginning of Safar. Rs. 10,000 was represented by 1,250 Bukhara tillas at Rs. 8 each, and Rs. 6,000 were Kabuli rupees. It was paid in three instalments, first Rs. 2,000, then Rs. 2,300, and again Rs. 1,700. The tillas

had been paid previous to the silver. The tillas were paid through Mulla Abubakr, a merchant, and the silver on all three occasions was sent through Yar Muhammad. Yar Muhammad was a connection of mine (*ham Kawer*) and was accompanied by Abdul Husain. Kizzilbash, brother of Mirza Muhammad Zaher, and also by Mirza Ibrahim, who came to me from Muhammad Hyat Khan. The three occasions on which the silver was paid were all after my release, and it was also after my release that the tillas were paid. For the tillas I mortgaged my land to Abubakr, and he made all the arrangements for payment. I paid this money because Muhammad Hyat Khan had told me that the General was angry with me, and threatened either to kill me, or to deport me, or keep me in confinement. I had been in two different kinds of confinement, first under a guard in the camp at Sherpur for about two months, and afterwards for about one month in the residence (*derah*) of Muhammad Hyat Khan, not under any guard, but under surveillance (*nazar band*). During the first period Muhammad Hyat Khan had told my friends that I would not be released. My friends, Abubakr, Mirza Abdul Rashid Hakim, and Mirza Muhammad Tahir, had told me this when they came to see me. They told me he wanted one lakh. I told them that everything was in their hands, but that I had not such a sum. They afterwards told me that he would take Rs. 16,000. This was after I had been released from imprisonment under a guard, and was placed under surveillance. When the lakh was asked for, I was in confinement under a guard. Mulla Abubakr told me he could not raise such a sum, and that I must arrange for it. He told me he could arrange for Rs. 10,000. I promised that I would give my land in mortgage for this sum. This was 15 or 20 days before my complete release. It was just before my release from under the guard. When released from under the guard, I had given the General security for Rs. 50,000, and when released from surveillance, I had to give security for Rs. 20,000 more, making Rs. 70,000 in all. After I came to Muhammad Hyat Khan's residence, Muhammad Hyat Khan one night told me the General was very angry with me, because I had done nothing. I replied that I could do nothing while imprisoned, but if the General would take security and set me free, I could do a good deal. This was done to frighten me. He did not himself speak to me about the money, nor I to him. The arrangements were all made between Mirza Ibrahim and the friends already named. They became security for the payment of the Rs. 16,000 while I was under surveillance. I was told by them that they had given a writing, but I have no personal knowledge of this. The tillas were paid 2 or 3 days after I was completely released and went to the city, and the money about 10 or 15 days afterwards, before I left for Ghazni. I left about 20 days after my complete release, and all the money had then been paid. For the Rs. 10,000 I gave a mortgage deed to Mulla Abubakr after my release, and the rest of the money I gave myself, procuring it in various ways. I had not to sell property or borrow to raise it. I had the money myself. Mirza Ibrahim I considered Muhammad Hyat Khan's servant. I do not know whether he was a Government servant or a private servant, but he always lived with him, and was his trusted man (muatabar) and kept the keys of his boxes. Yar Muhammad carried the money for me to Muhammad Hyat Khan, going with Mirza Ibrahim. After I was deported to India, Yar Muhammad came to Amritsar and, my servants having left, he is now with me. He is not a paid servant, but lives with me, and lives with me on the allowance made for my support by Government. His uncle was my servant at Kabul, and kept my money and accounts, and Yar Muhammad at that time lived with his uncle. He was not himself my servant.

I had the letter to Major Hastings written with a view to recover the money. I do not know whether Muhammad Hyat Khan was then in Kabul or not. I cannot explain the statement in the letter that I did not become aware of the payment until after my release. I do not know what was written in English. I first drew up a petition in Persian, and my son Abdul Ghafur got one Abdul Karim to write in English, and presented it to Major Hastings. Major Hastings said he would speak to Mr. Griffin about it. My son afterwards went to Mr. Griffin, who said he would speak to Mr. Cunningham about it. Just about this time I was arrested and deported to India. I had not been examined on the subject before I left. It was 5 or 6 days after the letter was written that I left. No one advised me to make a complaint about the money.

I know about the petition presented by Naib Lal Muhammad. He came to me and told me that he had a petition to present, and as I saw Mr. Griffin almost every day, he asked me to present it. I was going that day to the camp, and Naib Lal Muhammad went with me, but remained outside. I went to Mr. Griffin, but he was unable to see me and sent me to Mr. Cunningham. I saw him and sat with him. In the evening Mr. Cunningham having gone to Mr. Griffin, I was sent for. There were several Sirdars there, and Mr. Griffin told me he would speak to me next morning. I was taken to a room, and a guard was placed over it. I put Lal Muhammad's petition on a mantelpiece in the room. Mr. Christie came to see me, and Ghulam Muhaiuddin spent the night with me in the room. In the morning I was sent away to India.

Naib Lal Muhammad brought the petition to me. It was not written in my presence. Of the petitions shown me, that marked B (in Lal Muhammad's case) is in the writing of Diwan Narayan, a writer of Naib Lal Muhammad's. I do not know in whose writing that marked A is, but both are signed by Naib Lal Muhammad. I recognize the signature. A is not written by any Mirza of mine. It was on the 9th Jamadi-us-sani that I received the petition from Naib Lal Muhammad, and on the 10th that I was sent away from Kabul. This was 10, 15 or perhaps 20 days after I had presented my petition. I had no petition of my own written on the day. I received that of Naib Lal Muhammad, and brought none with me. I sent no man to Naib Lal Muhammad at Chardeh to call him. When I presented my letter to Major Hastings, I then told Naib Lal Muhammad on his asking me, that I had given Rs. 16,000. This had then become well known in Kabul. I then asked Naib Lal Muhammad if he had given anything. He said he had given Rs. 7,000. I did not advise him to complain, and it was not until afterwards that he brought me the petition. I never sent for him to tell him to present a petition. He often came to me, and I often sent for him on business, but I never gave him any order to present a petition. I may have enquired in conversation why he had not done so. It is not true that my Mirza wrote a petition for Lal Muhammad, and another for me at the same time. The day he brought the petition to me, Mr. Griffin had sent a man with a paper, asking me, Sirdar Wali Muhammad Khan, and many other Sirdars to come to him.

To Muhammad Hyat Khan.—When I was under guard, except the men who brought me food, others who came to me, such as Muhammad Tahir, got a man from the Commissioner to accompany him to the guard, and were then allowed to come in. Mulla Abubakr often brought fruit and tea, and no one came with him, as people bringing me food and clothes were allowed free admission. I did not mention the Rs. 16,000 to Muhammad Hyat Khan after my release. For the first 3 days I was under surveillance. I lived with the Nawab, and I then went to Muhammad Hyat Khan. It was by the Commissioner's order that I went first to the Nawab, and by his order I afterwards went to Muhammad Hyat Khan. The Nawab lived outside the camp at a short distance. When I was sent to Muhammad Hyat Khan's, the Nawab did not come with me. It was afternoon, and the Nawab followed in the evening, and Muhammad Hyat Khan was away with General Baker in the Logar direction, and returned in the morning. Except Yar Muhammad, there is no one else now in India acquainted with the fact of my complaint; all the others are in Kabul. It was on account of the rising of the Ghazis that I was sent to Muhammad Hyat Khan's place, and that the Nawab and others came there. When living with Muhammad Hyat Khan I did not speak to him about the money, because he was threatening me on the one hand, and the men were asking me to raise the money on the other. I did not mention it afterwards, as I considered that I had lost the money, and could not recover it in Kabul. When I thought I might perhaps get it back, I gave the petition. The sureties for the Rs. 70,000 were Sirdar Wali Muhammad Khan, Sirdar Muhammad Hashim Khan, Mulla Abubakr, Muhammad Azim, also a merchant, Ghulam Nakhshband, Sirdar Bahadur, a pensioner, and Nawab Ghulam Hassan Khan. Sirdar Wali Muhammad Khan was not one of the sureties for the first Rs. 50,000, but became a surety when the further security was demanded. There was enquiry made from me thrice about everything connected with the murder of the envoy, first by Colonel Macgregor and Muhammad Hyat Khan, next by Colonel Mac-

gregor, Dr. Bellew and Muhammad Hyat Khan, and the third time by Dr. Bellew alone. The enquiry was general, not with reference to my own conduct. They enquired what the Amir did, &c., and they also asked what I had done. I did not understand that there was any charge against myself in the matter. I was confined at the time, but considered that I was examined as a witness only. No other witnesses were examined in my presence. (*This is in answer to a question whether any evidence was taken against him in his presence.*) I do not remember what Sir L. Cavagnari said the last time I had a conversation with him before he was killed.

When I was sent to Ghazni I got money for the expenses of making arrangements there. I think it was not so much as Rs. 80,000. I brought men to Maidan, and also to Kabul. I do not know who recommended the money to be made over to me. It was the General's order. The money was not taken back from me. It was spent. I was not told to refund it. I do not know that Mulla Abubakr was imprisoned about this money by Sirdar Wali Muhammad Khan. I was sent to Hindustan, and do not know what occurred afterwards. I do not know that Abubakr was tried for the murder of Sir L. Cavagnari, and for being in the fight at Charasiah, nor do I know that he was arrested. I know Mirza Buland. He was confined separately from me. I had no conversation with him.

I was first arrested in the month of Shawal, perhaps on the 20th or 21st, but I am not sure. It was the day General Roberts went to the Bala Hissar with Musa Khan. Many others were arrested on the same day. I was imprisoned by Amir Sher Ali. Rs. 48,000 were taken from me before my release. This was months before the first war. I was sixteen or seventeen days imprisoned. Money was taken from many others in the same way. I had to borrow some money from Sirdar Wali Muhammad at that time. I do not remember how much, but I mortgaged no land then.

Yar Muhammad and I are both Wardaks, and both Mazár Khel, but belong to different sub-sections of the tribe.

I had frequent interviews with the Commissioner (Major Hastings), and a few with the General. Dr. Bellew I saw only once. I had mentioned the money being taken from me to the Commissioner before I presented the petition, probably about one day before, and he then told me to give a petition. I mentioned it. Major Hastings had not asked me if anything had been taken from me. I never mentioned it to the General or to Dr. Bellew.

I do not remember the hours at which I sent Muhammad Yar with the money. He did not take the tillas. Muhammad Yar does not at present cook for me. He acts as a general servant.

I had no conversation with Nawab Ghulam Hassan about the money taken from me until after I presented the petition to the Commissioner. It was not mentioned before.

I got the money partly before I went to Ghazni and partly afterwards. It was sent twice, once before I left, and after I left, a larger sum. It was not Rs. 80,000, nor was it Rs. 70,000. I offered no money to any Mirza or any one else about this case after Muhammad Hyat Khan left Kabul. I told no one at Kabul that Jalal-ud-din Tokhi had taken Rs. 3,000 from my man for Muhammad Hyat Khan: Jalal-ud-din is brother-in-law of the late Bakhtiyar Khan.

The above is explained to the witness in the Persian language in which it was given, and is acknowledged by him to be correct.

D. G. BARKLEY.

The 4th March 1881.

Re-examined.—I do not know who Ghulam Nabi is. It was Mirza Ibrahim who came. I do not know why my servant calls him Ghulam Nabi. Abdul Hussain was not my Mirza. His brother Muhammad Tahir was. He went on my part, as Muhammad Tahir was an old man. I do not know that the deportation of the Amir and of myself was proposed by a Commission.

D. G. BARKLEY.

The 4th March 1881.

Yar Muhammad on solemn affirmation.—I know of a payment of Rs. 6,000 to Muhammad Hyat Khan. I do not know how the money was collected, but I know that a servant of Muhammad Hyat Khan, named Ghulam Nabi, came to the Mustaufi and asked for the money. The Mustaufi told me to go to the store-room and give the money. I gave money three times,—first Rs. 1,000, second Rs. 2,300, and the third time Rs. 1,700. The first time there was only Rs. 2,000 in store, and I gave that sum. I went with him to assist in carrying it to Sherpur. Abdul Hussain, younger brother of Muhammad Tahir, was also with us. I carried half, and when we got near Sherpur, Muhammad Hyat Khan's man gave the money he had to the brother of Muhammad Tahir I went on with them to Muhammad Hyat Khan's house, and then Ghulam Nabi took the money and gave it to the Mirza who counted it. I do not know his name. I was then allowed to go. No receipt was given. Muhammad Hyat Khan was sitting by and told me to give the Mustaufi his salám. The same man, Ghulam Nabi, came to the Mustaufi the second time, and the Mustaufi told me to give what money there was. There was Rs. 2,300 in the store-room at the time I gave it. On that occasion Ghulam Nabi and Abdul Hussain themselves took away the money. I did not go on that occasion. Abdul Hussain worked in the Mustaufi's office, being his Mirza. On the third occasion the Mustaufi told me to give Rs. 1,700, after enquiring how much I had already given. He did not tell me the amounts, but only to give the money. I knew the sum to be given was Rs. 6,000. The Mustaufi had told me when he came home on his release. It was Ghulam Nabi who took the Rs. 1,700 away. I did not go with him. Abdul Hussain accompanied him on that occasion also; no one else. On all three occasions only Ghulam Nabi came from Muhammad Hyat Khan. I do not know whether Ghulam Nabi was Muhammad Hyat Khan's servant or not. I do not know who Muhammad Hyat Khan's Mirzas were. The Mustaufi called this man Ghulam Nabi when he came, and Abdul Hussain also called him by this name. I only went once, and on that occasion I saw Muhammad Hyat Khan. I was at the time acting as servant of the Mustaufi. I was paid Rs. 120 Kabuli per annum. I never received payment. I followed the Mustaufi to India. I did not come with him. I believe a letter came to my house asking for two men to be sent. I came down alone. No other relative of mine was in the Mustaufi's service. My uncle was in his service. He was named Pastak. He received the same pay that I did. We were on distinct salaries. He received his pay; I did not. He was eleven years in the service; I was only two years.

To Muhammad Hyat Khan.—When the money was paid to Muhammad Hyat Khan, the first time, there were only the Mirza who took the money, Abdul Hussain, Ghulam Nabi, and a fourth person present, and also a man standing at the door. I was inside. It was after breakfast hour. Ghulam Nabi was a Kabuli. I do not know about the Mirza. I am like the Mustaufi a Mazár but of a different *khel.*

The above is explained to the witness in Persian and is acknowledged by him to be correct.

D. G. BARKLEY.

The 4th March 1881.

Abdul Ghafur on solemn affirmation.—I am son of the Mustaufi. My father himself wrote a Persian petition, and I took it to Abdul Karim who translated it into English. I then took it to Major Hastings, who read it and told me to come tomorrow, and he would send me to Mr. Griffin. I went next day, and he told me he had spoken to Mr. Griffin, who said he had sent the petition to Mr. Cunningham, and told me to go to Mr. Cunningham. I went that day to Mr. Cunningham, who told me to come after two days. When the Mustaufi was sent for, the second day after, he thought it was with reference to this petition. I went with my father, and my father and I were both arrested. I know English very slightly. I recognise the petition, as it is signed by my father's name, and is in Abdul Karim's writing. I gave Abdul Karim no instructions what to write. He simply translated what my father had written and the Persian was then torn up.

I was not in Kabul when the money was given, and I only know of it from hearsay. I was at my father's house near Ghazni. I did not receive Rs. 80,000 from Colonel Tweedie for my father. I received Rs. 1,000 from Major Hastings when my father was at Ghazni. I did not buy tillas through Dada Sher, nor did the Nawab give me any tillas bought through Dada Sher.

The above is explained to the witness in the Persian language, and is acknowledged by him to be correct.

The 4th March 1881. D. G. BARKLEY.

Muhammad Hyat Khan, with reference to the Mustaufi's case, states.—What the Mustaufi has said is entirely false, and I deny everything. He was arrested on the 12th of October. I do not recollect the date of his release. When security was given for him by Nawab Ghulam Hassan Khan and others he went to live with Nawab Ghulam Hassan Khan, and when the Ghazis came Nawab Ghulam Hassan Khan and he came into Sherpur on that account. I do not know what orders Nawab Ghulam Hassan had about him. When I returned from Maidan with General Baker's column, I found Nawab Ghulam Hassan, the Mustaufi, Sirdar Hashim Khan and others at my place. The Mustaufi remained until the siege was raised, and afterwards went with Nawab Ghulam Hassan into the city. I do not know why the additional Rs. 20,000 security was taken, nor how long this was after he went to the city. The arrangement for taking further security was made by General Roberts, Major Hastings, and Nawab Ghulam Hassan. I never threatened him or told him that the General was angry with him. I may have told him that the General wanted service, and that he ought to do service. I received no tillas from him through Abubakr, and I never sent Mirza Ibrahim to him for money. I did not treat Mirza Ibrahim as a confidential agent. He was in Government service, and was given by Mr. A. Christie, C.S., to General Roberts when he went up to Kabul. He did not live with me, but, like other munshis, in a tent. He did not keep my keys. My nephew Jalal Khan kept them.

I had heard a rumour when I was at Kabul, and the Mustaufi at Ghazni, that he had charged Jalal-ud-din Tokhi with taking, in my name, Rs. 3,000 from his friends. I only heard that he had said this, not that he had made any complaint, and I mentioned this at the time to General Roberts. It was at the same time that I heard that it was rumoured that I had married the Amir's widow, or Bakhtiyar Khan's widow. Jalal-ud-din was employed as a political servant. He had been employed under Major Cavagnari, and had brought the first news to the Shutar Gurdan. When General Roberts' force went up, he joined us, and was employed under me. He had 4 sowars with Major Hastings, men of his own. I was a member of the Commission which enquired into the causes of the massacre. That Commission recommended that the Mustaufi, and Sirdar Yahiya Khan, and Wazir Shah Muhammad Khan, should be deported, as well as the Amir Yakub Khan. He was not deported at that time. He was brought to the tent of the Commission as a prisoner for the purpose of the enquiry, and examined as a prisoner. People called as witnesses were not brought under any guard. Some of the witnesses may have been examined in his presence and some in his absence. I do not recollect. He understood fully that we were enquiring into the conduct of the Amir, of Sirdar Yahiya Khan, Wazir Shah Muhammad Khan, and of himself. He must have known from the questions asked that the opinion of the Commission was against him. He was of course not informed what the Commission had reported. I do not know whether he could have inferred from his not being deported that our report was not unfavourable to him.

When Mirza Buland was released, which was long before the Mustaufi was released, I heard that the Mustaufi had told him to use his influence with Lal Muhammad and others who were friends of the Amir, to throw some blame on the Commission, and it would be thus set aside. I reported this at the time I heard it. They tried to kill me by poison, and by firing on me on my evening rides to the Deh-i-Afghanan. I was not fired on, but was told they had arranged to do so, and I therefore did not go, as before, without escort. The poison was to have been given me when on a visit. I was told of

this, and on visiting Sirdar Yusaf Khan, tea was offered to me. I proposed that he should drink it with me, but he said he had a cold. I then refused to drink, as I had had a cup of tea already. I reported this to General Roberts.

The Rs. 80,000 was given to the Mustaufi by Nawab Ghulam Hassan's advice. When I heard of it I told Major Hastings I thought it bad policy, as it would be looked on as black mail, and if a Wardak got such a sum, the other tribes would fight against us in order to get money likewise. Mr. Griffin then sent for me, and I told him the same thing. He asked me who had advised it being given. I said I did not know. Perhaps it was the Nawab. He then asked me to go to Major Hastings and ask him to write to the Nawab not to give the money to the Mustaufi's son. I went to Major Hastings, and I think Captain Ridgeway was then with him. Major Hastings asked me to write a letter for him, but I objected, as I was not on friendly terms with the Nawab, and if he saw my writing, he would say that I proposed to get the money back, and our enmity would increase. He then got my brother Sikandar Khan to write to the Nawab to stop payment. I do not know whether the money had been paid or not, but Nawab Ghulam Hassan Khan had got a cheque, and was arranging to purchase tillas for the Mustaufi's son. The Mustaufi was then at Ghazni. The Rs. 80,000, I believe, was in addition to any money he had taken with him. Colonel Tweedie's papers would show how much money was paid and on what date.

It was after I left the Mustaufi was deported. He wrote to me in January last, after I was suspended, asking me to return money which he alleged I had taken from him. I received the letter, I think, on the 23rd January last.

When he presented the petition in April last, or perhaps before it was presented, his sons offered Mirza Ibrahim Rs. 2,000 bribe to give false evidence against me. Mirza Ibrahim wrote to me at the time informing me of this. It was in consequence of this letter and of one received from my brother about the same time that I wrote to Mr. Griffin on the 31st May. I had received several letters on the subject.

Taken by me.

D. G. BARKLEY.

The 5th March 1881.

II.—NAIB LAL MUHAMMAD KHAN'S CASE.

No. 1.—Translation of a petition from Naib Lal Muhammad Khan (presented to Major Hastings).—When the army of the British Government first reached Kabul, we were ignorant of the ways of the Government. Muhammad Hyat Khan extorted from me the following:—

(1) Bokhara tillas worth Rs. 6,000.
(2) A fur cloak ("altai.")
(3) A box containing tea service.
(4) Pattu cloth, broadcloth.

Muhammad Mirza Ibrahim took—

(1) 79 Kabul rupees.
(2) 7 Bokhara tillas.

I hope the Government will enable me to recover what I was induced to pay in ignorance.

Translated.

F. CUNNINGHAM.

The 18th May 1880.

No. 2.—Petition presented by Naib Lal Muhammad Khan, dated 19th May 1880 (marked B).—Shortly after the British army arrived at Kabul, "Deputy" Hyat Khan sent for me and terrified me by saying I should be imprisoned for life, and deported or hanged, unless I gave him a bribe for which he would secure my release.

As he was in authority, and I was ignorant of the ways and rules of the British Government, I gave him 742 gold tillas, Bokhara, borrowed through Mir

Saiyad Jan. Abdul Hamid Khan and Haji Khudo Khan, Dada Sher, merchants, know about it.

Also Hyat Khan took from me an altai fur cloak, and a box of Russian china cups, &c., through Myan Muhammad, Peshawari.

Translated F. CUNNINGHAM.

The 19th May 1880.

Statement made by Naib Lal Muhammad before me.—I was in charge of the Octroi collections (chabutra) and of the toshakhana in the time of Amir Sher Ali Khan. A few days after the British army arrived and the Amir Yakub Khan had been put under surveillance, I was summoned by "Deputy" Hyat Khan, who sent some sowars to fetch me to Siah Sang, where the troops were encamped. I was taken to a tent near Hyat Khan's, and was told I was to be hanged. I asked what crime I had committed, but was only told I should be hanged. Shortly after Mirza Ibrahim, a servant of Hyat Khan's, came in and said "You are a wealthy man, pay some Rs. 10,000 or Rs. 20,000 and the Khan will cause you to be released." I was also taken before Hyat Khan himself and he told me I should be shot or killed. I pleaded poverty and made many excuses. I was kept all night in the Mirza's tent under guard. Next day my brother, Taj Muhammud Khan, came. I told him what was demanded. He had some conversation with Mirza Ibrahim and at last agreed to give Rs. 6,000 to release me. I was not present when he settled the manner of payment with Hyat Khan, but I know that Hyat Khan, as we had no ready cash, agreed to take Syad Jan merchant as bail or surety, and told Taj Muhammad to go and bring him Syad Jan's bond for Rs. 6,000. Taj Muhammad went to Syad Jan, arranged with him and brought back his bond for Rs. 6,000. They then told me the General wanted me. I was taken to him. He asked me for some information about the treasure of Muhammad Yakub Khan, which I gave him. I then went away.

Taj Muhammad and I gave a joint bond to Saiyad Jan, merchant, for Rs. 6,000.

Saiyad Jan and I both set to work to buy Bokhara tillas: Hyat Khan had told Taj Muhammad that he would not take silver. I bought about 300 from Abdul Majid, merchant, and others from a Hindu, whose name I forget now, but he is a partner with one Santu, a Hindu of Kabul. I made over all the tillas to Mir Saiyad Jan—600 tillas. He took them to Hyat Khan, who said, tillas were now cheap and he must have 142 tillas more.

I bought them and gave them to Saiyad Jan; recovered my bond from Saiyad Jan, who paid the money to Hyat Khan and recovered his own bond.

Hyat Khan also took from me an altai or posteen worth Rs. 150 and a box containing a set of Russian china, worth about Rs. 50.

Taken by me.

Dated 24th May 1880. F. CUNNINGHAM.

Statement of Taj Muhammad Khan.—I am brother of Naib Lal Muhammad. One evening Mirza Ibrahim, servant of Hyat Khan, came with some men, sowars or others, to our house, where Naib Lal Muhammad and I were sitting. The Mirza said Naib Lal Muhammad was wanted, and took him to Siah Sang in custody.

I stayed at home; and went next morning to see what had happened, and what they were going to do to my brother. I found him in the tent of Mirza Ibrahim, next to that of Hyat Khan. The Mirza was also present.

Mirza Ibrahim said, "Hyat Khan says you are to give Rs. 10,000 or Rs. 20,000 as your brother's ransom;" I said, "We have not so much cash; we have only horses, camels, &c., and must sell our property to realise any money at all." I offered Rs. 5,000 within 10 days; the Mirza refused. I then offered Rs. 6,000. He at last agreed and said, "Go and bring a bond signed by Mir Saiyad Jan, merchant, for Rs. 6,000." I had not then seen Hyat Khan. I left and went to the city to Saiyad Jan. I gave him Rs. 1,000 and a bond for Rs. 5,000 in my own handwriting, in my own name, and that of my brother. (Shown paper marked

B. B.) This is the bond written by me; it bears both our seals. Saiyad Jan gave me a bond for Rs. 6,000, in which he agreed to pay that sum to Hyat Khan. I took it to the tent of Mirza Ibrahim, who took it to Hyat Khan. I saw Hyat Khan take the paper. He said nothing. They then released Naib Lal Muhammad, and I returned.

I don't know about the purchase of the tillas. They were bought by my brother.

Taken by me.

Dated 24th May 1880. F. CUNNINGHAM.

Statement of Mir Sayad Jan (shown paper marked B. B.)—I recognise this paper. It is a bond for Rs 5,000 given to me by Taj Muhammad Khan, who wrote it with his own hand and sealed it. Lal Muhammad's seal was affixed later. It was given to me under the following circumstances:—Taj Muhammad came to my serai one day and said Lal Muhammad had been arrested, and that Hyat Khan, Deputy, wanted a bribe of Rs. 6,000 to release him, and that he would not let him out without my giving a bond guaranteeing payment. Taj Muhammad gave me Rs. 1,000 and this bond for Rs. 5,000, as he had no more cash, and I gave him a bond for Rs. 6,000 by which I became responsible to pay Rs. 6,000 to Hyat Khan. I saw Hyat Khan next day, and he asked me if the paper was all right. I said yes. I would pay him the sum, as Taj Muhammad had given me a bond and cash for the amount.

A few days later Naib Lal Muhammad brought 600 Bokhara tillas and gave them to me. Hyat Khan had then come to Sherpur. I took to him the 600 tillas. When I came to Sherpur both Hyat Khan and Sikandar Khan, his brother, were away. Dada Sher, another merchant, a friend of mine, came with me. After a short time Hyat Khan and Sikandar Khan came, sent for me, asked if I had brought the tillas. I said yes, 600. They said 600 is not enough. Tillas were then cheap. They demanded 150 tillas more. I said the tillas were bought when they were dear, that Lal Muhammad would suffer a heavy loss. They said that did not matter, they would take them at the rate of that day. I went away, having given the 600 tillas myself to Hyat Khan with my own hand. I saw him give them to Sikandar Khan who put them in a box. When I had left, Dada Sher asked if my bond had been returned to me. I said, no, because they want 150 tillas more. He said, have you entered 600 tillas on the back. I said no, I forgot; and I went back and asked them to give me back the bond; they refused. I said, then enter receipt of 600 tillas on the back. Hyat Khan agreed, and it was noted on the back by Sikandar Khan. Hyat Khan said, "Take care you bring the remaining tillas by tomorrow at latest".

Dada Sher and I then left and went to the city. I sent for Lal Muhammad, who came to my place. I told him, they, *i. e.*, Hyat Khan, would only take tillas at the rate of that day, and demanded 150 more. He left, and a day or two after he brought me 150 more tillas. I took them and came to Sherpur again with Dada Sher. That day I saw Hyat Khan alone. When I went into the tent he asked me if I had brought the tillas. I said, yes. He said, where are they? I said my servant has them outside. He was angry and said, why did you give them to your servant; go away now, and come back after an hour or so; I will not take them now. I left, said my prayers, &c. After a time Hyat Khan sent for me. I then went to him with the tillas. He took them from me. I had taken 8 away and left 142. He asked how many there were. I said, 142. He said, why are there eight short. I said Lal Muhammad could not get more. At last he accepted the 142 tillas. I then asked for my bond. He had it in his pocket. He said, I will not return it to you, but I will tear it up. I said, then let me see it and satisfy myself. He showed it to me. I saw my handwriting and seal and then he tore it up.

The bond was written by my Mirza, Khalifa Mustafa Shah. I cannot write, as my right arm has been hurt (apparently partially paralysed.) He must remember the transaction.

Witness has not his seal here and cannot write owing to injury to his right arm mentioned above.

F. CUNNINGHAM.

The 24th May 1880.

Statement of Dádá Sher.—I am a merchant and a friend of Mir Saiyad Jan. One day Mir Saiyad Jan told me Taj Muhammad Khan had asked him to become surety for Rs. 6,000 demanded for the ransom of Naib Lal Muhammad and asked my advice. I told him, under the circumstances, he should give a bond to save Lal Muhammad. I believe he gave the bond. Taj Muhammad was not with him, Saiyad Jan; when I was there he had been there and left.

I twice accompanied Mir Saiyad Jan to Hyat Khan Deputy's tent in Sherpur. I did not go inside with him and do not know what passed between them, but I know that on the first occasion Mir Saiyad Jan took 600 tillas into the tent and came out without them, and on the second day he went in with about 150 tillas and came away without them. It was at my suggestion on the first day that Mir Saiyad Jan went back and demanded that the bond should be returned or receipt of 600 tillas entered upon it.

I never saw the bond.

F. CUNNINGHAM.

The 24th May 1880.

Khalifa Mustafa Shah on solemn affirmation deposes.—I am Mirza or writer in the employ of Mir Saiyad Jan, merchant, and write all his letters, &c., for him, his arm being paralysed.

I was sitting one day with Mir Saiyad Jan in his serai, when Taj Muhammad Khan came and whispered something to him. He then called me and told me what Taj Muhammad Khan had said; he then asked me whether, under the circumstances, he should give Taj Muhammad Khan the bond he asked for. Having heard Taj Muhammad's story, I advised him to give the bond for Hyat Khan Deputy to save Naib Lal Muhammad's life. Taj Muhammad brought Rs. 1,000 and gave Mir Saiyad Jan a bond for Rs. 5,000. Thereon Mir Saiyad Jan told me to write a bond for Rs. 6,000 due to Hyat Khan.

I was present when Naib Lal Muhammad bought from one Kishan, Hindu, 600 Bokhara tillas. The sale was effected at Mir Saiyad Jan's serai. Naib Lal Muhammad gave the tillas to Mir Saiyad Jan. I was not present when Mir Saiyad Jan paid them to Hyat Khan, but I know he took the tillas from his serai and went to Sherpur to see Hyat Khan and returned without them.

Mir Saiyad Jan does not keep account of such transactions.

A day or two after Naib Lal Muhammad came and gave 150 tillas more to Mir Saiyad Jan, who took these also to Hyat Khan.

When he returned he brought back only 8 tillas, gave them to his servant, and told him to take them to Naib Lal Muhammad.

Mir Saiyad Jan is one of the first merchants of Kabul, trades with Russia, Bokhara, Hindustan, &c.

F. CUNNINGHAM.

The 26th May 1880.

Kishan states—I am a Sharraff (Shroff—money-changer). I remember about five months ago Naib Lal Muhammad came and asked me to buy for him 600 tillas. I went to Abdul Majid and bought from him 470 tillas. I gave 300 of them to Naib Lal Muhammad; kept 170 myself. I then bought others at various rates in the bazar and gave Naib Lal Muhammad 450 more, in all 750.

This transaction was entered in my account books, but they were destroyed when the insurgents (Ghazis) looted my house in the city. I am partner of another Hindu, Santu.

F. CUNNINGHAM.

The 26th May 1880.

Ghulam Muhammad on solemn affirmation.—I am gumashta or clerk of Abdul Majid and sit in his shop.

Santu and Kishan, Hindus, came to me one day and said they wanted tillas for Naib Lal Muhammad. We sold them 470 tillas for Rs. 3,836.

I produce my account book. This transaction is entered here (showing book). We sold these on 3 days, *viz.*, 17th, 18th and 20th Zi-kada.

Entries read from the ledger kept in usual course of business, and apparently in correct and ordinary form. Three entries as follows:—

17 Zi-kad	sold to Santu and Kishan, shrofls, for Naib Lal Muhammad	...	200 tillas.
18 „	ditto	...	200 „
20 „	ditto	...	70 „

Above entries compared by me with the daily account book (Roznamcha), and found to agree.

F. CUNNINGHAM.

Signed by witness.

MIRZA GHULAM MUHAMMAD.

Witness adds.—I saw Naib Lal Muhammad about the time of this transaction, and he told me Santu and Kishan were buying tillas for him.

F. CUNNINGHAM.

B. B.

Translation of a bond.

Naib Lal Muhammad Khan and Taj Muhammad Khan hereby acknowledge the sum of Rs. 5,000, Kabuli, to be due to Saiyad Mir Jan, and agree to pay it after ten days. Dated Wednesday, 12th Zi-kada 1296.

[Seals of Lal Muhammad and Taj Muhammad]

Charge brought by Naib Lal Muhammad Khan against Muhammad Hyat Khan, C.S.I., late Assistant Political Officer.

The record above contains the statements of the witnesses whom I have examined in the course of the enquiry into the charge of bribery brought against Muhammad Hyat Khan, late Assistant Political Officer, by Naib Lal Muhammad. From this investigation it appears that in October last, shortly after the occupation of Kabul by our troops, Muhammad Hyat Khan sent Mirza Ibrahim, a servant or subordinate of his, with some sowars to arrest Lal Muhammad, who was brought from his house in the city to Siah Sang, where the force was then encamped.

The Naib was taken to Mirza Ibrahim's tent adjoining that of Hyat Khan, and told he was to be shot or hanged. Mirza Ibrahim, however, informed him that Hyat Khan would procure his release if he paid a large sum as his ransom. He was taken before Hyat Khan himself, who repeated the threat that he would be hanged. He was kept under guard during that night in Mirza Ibrahim's tent, not in any regimental quarter guard.

Next morning Taj Muhammad, the Naib's brother, who was present at the time of his arrest, went to Siah Sang to enquire about his fate, and was told he could only hope for life by payment of a heavy bribe. After some bargaining Mirza Ibrahim agreed to accept Rs. 6,000 on behalf of Hyat Khan, but said that if they could not pay cash they must bring a bond signed by Mir Saiyad Jan, one of the leading merchants of Kabul. Taj Muhammad left to arrange this with Mir Saiyad Jan, raised Rs 1,000 cash, and gave that sum with his own bond (exhibit marked B. B.) for Rs. 5,000 to Mir Saiyad Jan, who in return gave him a bond written by his Mirza, Khalifa Mustafa Shah, in which he agreed to pay Rs. 6,000 to Hyat Khan.

Taj Muhammad took this paper back at once to Siah Sang, and gave it to Mirza Ibrahim, who, in the witnesses' presence, handed it o Hyat Khan. Naib Lal Muhammad was then released, and after a pretence of being sent to see General Sir F. Roberts was allowed to return to the city. The date of the bond given by Taj Muhammad to Mir Saiyad Jan fixes this day as 12th Zi-kad 1296 = 28th October 1879.

Hyat Khan having declared he would take payment in gold, Naib Lal Muhammad set about to purchase tillas. Finally he obtained 600 Bokhara tillas through one Kishan, a Hindu money-changer, and handed them over to Mir Saiyad Jan to deliver to Hyat Khan.

The payment to, and acceptance by, Hyat Khan and Sikandar Khan, his brother, are to my mind clearly proved in the statements of Mir Saiyad Jan, and Dada Sher, corroborated as they are by some facts which will be noted presently.

Hyat Khan however now demanded 150 tillas more as gold coins had fallen in value. Accordingly Lal Muhammad procured 150 more, and Mir Saiyad Jan as before took them to Sherpur whither the troops had now been moved from Siah Sang, and there gave 142 of them to Hyat Khan, saving eight tillas for his friend by some excuse. Hyat Khan refused to return to Mir Syad Jan the bond which he had received, but showed it to the merchant to satisfy him it was the paper in question, and then tore it up.

Naib Lal Muhammad, however, recovered from Mir Saiyad Jan the bond for Rs. 5,000 which Taj Muhammad his brother had given in part consideration for his standing surety, and this bond which is sworn to and identified by Lal Muhammad, Taj Muhammad and Mir Sayad Jan, is on the file in original.

The other bond, that given by Mir Saiyad Jan, in which the name of Hyat Khan appeared, was naturally destroyed by Hyat Khan as a measure of precaution, but its destruction having been proved (see deposition of Mir Sayad Jan), its existence and contents can be demonstrated by oral evidence, and are abundantly established by the statements of Mir Saiyad Jan himself, of Dada Sher whose advice he took before giving the bond, of Mirza Mustafa Shah, his clerk by whose hand it was written, and of Taj Muhammad who took the paper to Hyat Khan and secured his brother's release.

Mir Saiyad Jan is one of the first merchants of Kabul and a man of great respectability; as far as I know he has no interest one way or the other in this case. His statement appears to me trustworthy, and the details of the two interviews with Hyat Khan at which the money was paid are borne out by the evidence of Dada Sher, another respectable merchant who accompanied him to Sherpur, but was not admitted into Hyat Khan's tent.

Another point deserves notice as a test of the accuracy of the story—the date of Naib Lal Muhammad's release, and of his brother's interview with Hyat Khan described as having taken place at the camp at Siah Sang is fixed by the bond itself as 12 Zi-kad 1296 = 28th October 1879.

It will be noticed that Mir Saiyad Jan states the tillas were paid to Hyat Khan in Sherpur.

The account books of Abdul Majid, merchant, kept and attested by his Gumashta, Ghulam Muhammad, witness No. VII, show that Kishan, the Hindu money-changer, whom Naib Lal Muhammad employed to purchase the gold, bought from the shop of Abdul Majid 470 tillas between the 17th and 20th of Zikad, corresponding to the 2nd and 5th November 1879.

Up to the 31st October the troops were encamped on the Siah Sang heights and did not move into Sherpur till that day (see letter No. 34, dated 4th November 1879, from General Sir F. Roberts, to Secretary to Government of India, Foreign Department, paragraph 13), and this explains why the first interviews with Hyat Khan, 20th October, took place at Siah Sang, while Mir Saiyad Jan had to come to Sherpur to pay to him the tillas which had not been collected before the 5th November.

I have carefully examined the account books of Abdul Majid, day-book and ledger, and find the entries in both dated 17th, 18th and 20th Zi-kad accord with each other and show that within eight days after his arrest and release, *i.e.*, within the period mentioned in the bond, Naib Lal Muhammad was actually purchasing gold tillas. These account books were procured without any previous warning from the shop of Abdul Majid Khan; the entries are in the usual course of business and strongly corroborate the story developed in the statements of the witnesses.

Upon the whole, although the enquiry is open to the objection that it has been conducted in the absence of the accused, it is my deliberate conviction that the charge is a true one and amply proved by the evidence obtained.

It will be remembered that this affair took place at a time when a military commission was sitting for the trial of persons accused of political offences; that the circumstances of the time were peculiar, and encouraged a general fear which would amply explain why Naib Lal Muhammad, whether guilty of any offence or not, should willingly pay Rs. 6,000 to save his neck.

The statement of Mustaufi Habibulla, that it was notorious the Naib had bribed Hyat Khan, is of course not evidence in a strict sense, and has not been noted in the body of the record, but in an extra-judicial enquiry it is worthy of consideration.

F. CUNNINGHAM,
First Assistant.

KABUL,
The 26th May 1880.

Naib Lal Muhammad Khan on solemn affirmation.—The petition, marked A, shown to me is not mine. I did present a petition to Major Hastings, but it was on English paper. That marked B, now shown to me, is mine. I cannot write, but it bears my seal. The signature shown me (that attached to the deposition taken by Mr. Cunningham, 25th May 1880) is mine. It is not written by me, but by my Mirza, a Hindu, whose name I do not remember. The petition A bears the same signature, and is mine. I did not recognize the signature at first. (Then says he has not his spectacles.) I do not remember giving more than one petition, and I am not sure whether I wrote this signature. The signature to B I wrote with my own hand. I gave the petition because I had been imprisoned by the Deputy Sahib (Muhammad Hyat Khan), and I asked Mirza Ibrahim whether I would be killed. He told me no one would kill me, and to give him Rs. 3,000 or Rs. 4,000, and he would set me free. I said I had no money, but at last agreed to give him Rs. 4,000. He had at first asked me for Rs. 8,000. Afterwards my brother, Taj Muhammad, came to me where I was confined, that is, in the tent of Mirza Ibrahim, and spoke to me from outside. He afterwards went with Mirza Ibrahim to the Deputy Sahib, and he afterwards told me that he had agreed to give Saiyad Jan as security for Rs. 6,000 to procure my release. My brother got Saiyad Jan's bond for Rs. 6,000 in favour of Muhammad Hyat Khan, and gave Saiyad Jan his own and my bond for Rs. 6,000. He did not give any money. The seals attached to the bond now shown me are mine and my brother's. I cannot say which is mine and which is my brother's seal, as I have not my spectacles.

Question.—This bond is for Rs. 5,000 only? *Answer.*—I do not know. (*Note.*—This answer was obtained after great difficulty, and attempts to explain which were apparently conjectural merely.) *Question.*—What office did you hold at Kabul. *Answer.*—I was in charge of the Chabutra (Octroi) and of the Toshakhana, or treasury, *i. e.*, receipts and disbursements of money.

The tent in which I was confined was at Siah Sang. I was apprehended at my house in Kabul by Mirza Ibrahim, Samandar Khan, and sowars, of the Nawab's, *i. e.*, of Ghulam Hassan Khan. I was not told why I was apprehended, only that I was wanted. I was taken direct to Mirza Ibrahim's tent. I was not brought before any one, nor was I told what charge was against him. Mirza Ibrahim told me that as I was in charge of the treasury, the General wanted to know about the tillas. I was imprisoned one night and one day. It was dark when I arrived at the camp, at the time of the Khuftan prayers (about 8 P.M.), and I was brought before the General about noon the next day. The General asked me did I know what tillas and money there were in the house of Amir Yakub Khan. I said, yes, there were 80,000 coins, tillas, budkis, and ratiskas. General Roberts asked me for Rs. 10,000 security for my attendance, and I sent my brother, Taj Muhammad, to the merchants in the city, and he brought a security bond for Rs. 10,000 and gave it to Muhammad Hyat Khan, and on this I was released. The sureties were Saiyad Jan, Dada Sher, Abdul Majid, Rajab Ali and Haji Khudo. The bond for Rs. 6,000 given by Sayad Jan to Muhammad Hyat Khan was separate from this security.

On my release I procured tillas, and gave at first 600, and afterwards 142, to Saiyad Jan to pay to the Deputy Sahib on account of the bond taken by him for

my release. Saiyad Jan paid the money in Sherpur ten days after my release, and three days later the 142 tillas, because Muhammad Hyat Khan would not accept 600 as enough, the rate for tillas having fallen. I made the payment to Saiyad Jan at his shop in the city, and next morning I accompanied Sayad Jan and Dada Sher to Sherpur. I had collected the tillas during the interval, buying what I could get from day to day. Dada Sher and I remained outside, while Saiyad Jan went into Muhammad Hayat Khan's tent. We were ten or twelve paces off. When Sayad Jan came out he said Muhammad Hyat Khan required 150 tillas more, as they had got cheap, and refused to give back the bond.

When the 150 tillas were brought, I, Saiyad Jan, Dada Sher and four of my servants, Hassan (now in Peshawar), Ahmad Khan (gone to Hindustan), Sher Muhammad(here), and the fourth, a servant of Saiyad Jan's, went, and Saiyad Jan went in, we remaining outside. When he came out, he returned 8 tillas, saying he had made excuses and paid only 142 tillas, and he told us that Muhammad Hyat Khan had torn up the bond. We did not see the bond. When I returned to the city, I got back my bond from Saiyad Jan; I gave it to Mr. Cunningham when examined by him after I had presented my petition.

When the Mustaufi came back from Ghazni the Mustaufi sent a message to me at Chardeh, and I went to the Mustaufi, who told me that money has been taken from me and money has also been taken from you. Mr. Cunningham wishes to write a petition, informing him of all that took place. A petition was then written for me by the Mustaufi's Mirza, who was a Mussulman, another for the Mustaufi himself. A letter immediately after came from Mr. Griffin to the Mustaufi summoning him to Sherpur, and I went with the Mustaufi to Mr. Griffin. The Mustaufi had the petitions; the Mustaufi gave me back my petition on the road, and when we reached Sherpur, we went not to Mr. Griffin, but to Mr. Cunningham, and the Mustaufi went in, I remaining outside. After some time, Mr. Cunningham took the Mustaufi to Mr. Griffin. I remained outside, and gave my petition to a chaprassi who put it on Mr. Cunningham's table. The petition is that marked B. The complaint related to the tillas taken from me, but I also mentioned the other things he had taken from me, *viz.*, a postin, a box containing a set of Russian, China, and some cloth. Mirza Ibrahim had also taken from me 4 tumans, (80) Kabuli rupees, 7 tillas of Bukhara, but I do not remember whether I mentioned these in the petition.

I presented no petition to Major Hastings, but Nawab Ghulam Hassan Khan and Muhammad Afzal Khan had been making enquiries before Mr. Griffin's arrival at Kabul what the Deputy Sahib had taken from every one, and he had examined me at his own house. Sher Das, his Munshi, had already asked me if anything had been taken from me, telling me the Nawab was making enquiries. I replied nothing had been taken, and that I did not wish for any enquiry, but he persuaded me to go with him to the Nawab. I made my statement, and Muhammad Afzal Khan took it down, and the Nawab then told me he would require witnesses, I named Saiyad Jan, I and Dada Sher. The Nawab kept Muhammad Afzal's record of my statement, but I did not sign it or seal it. Muhammad Afzal was a friend of the Nawab, and was with him and General Hill. This statement was taken; it may be a month or it may be two before Mr. Griffin's arrival at Kabul; I do not remember exactly. Muhammad Hyat Khan was then in Kabul. It was before the fighting at Sherpur. Then says—I cannot be certain whether it was before or after.

Khwaja Nasir was hanged at Kabul shortly after General Roberts' army arrived there, but he was no relation of Saiyad Jan's, though he was of the same caste, as that of Khwaja.

The postin and China set I sent as a present to Muhammad Hyat Khan before my arrest, through a merchant of Peshawar, named Mian Muhammad. He has gone to Mecca, but is now on his way back from Bombay.

I was examined by Mr. Cunningham; I told him that on my arrest I was threatened that I would be hanged. It is true that I was so threatened; Mirza Ibrahim told me I would be hanged; I did not say that any one else told me so. I do not remember having said I was brought before Muhammad Hyat Khan. I was brought before him, and I told Mr. Cunningham so. Mirza Ibrahim brought me before the Khan when I was brought under arrest to

Shiah Sang, and Muhammad Hyat Khan told him to take me to his own tent and place a guard over me. This was all. In the morning I was taken before him for the purpose of being brought before the General. I had already gone before him that morning with the bond obtained from Sayad Jan. My brother was then with me, but remained outside. I do not remember whether Muhammad Hyat Khan threatened me in any way. Mirza Ibrahim certainly did. It was in the morning that my brother came. Siah Sang is half a *kos* distant from the city.

When the 600 tillas were paid only Ahmad Khan was with me, besides the Sayad Jan and Dada Sher. Hassan and Sher Muhammad were the men I sent to the city to buy the tillas.

The 23rd February 1881. D. G. BARKLEY.

The above deposition was given in the Persian language. On its being read to the witness in that language, he says (falsely) that he did not say the sum demanded from him was Rs. 3,000 or 4,000, but that it was Rs. 10,000, and he did not say that the sum he agreed to pay was Rs. 4,000, but that it was Rs. 5,000, and on its being pointed out that he at first said petition B was given to Major Hastings, and afterwards that it was put on Mr. Cunningham's table, he says that he gave no petition to Major Hastings, and does not know whether Nawab Ghulam Hassan gave any petition on his behalf to Major Hastings or not. He adds that he thinks the petition A was that written by the Mustaufi's Mirza, not the petition B, and that the latter was written by his own Mirza, and he does not know to whom it was presented. His Mirza remained in Kabul. It is merely on account of the paper, and of its bearing his signature that he thinks that the petition A was that he gave to the Mustaufi. He also says that the sum he gave to Mirza Ibrahim was Rs. 80, and 8 (not 7) tillas. He adds also that Sher Das told him the Nawab would get his money back, and he replied that he would not get his money again. Sher Das said, I will be surety for it. The cloth was not part of the present sent to the Deputy Sahib. It was taken by Mirza Ibrahim two or three months after in the Deputy Sahib's name. I asked him (the Mirza) for the price, Rs. 7 per yard, there being 5 yards, but he refused payment. In other respects, he admits the deposition to be correctly recorded.

D. G. BARKLEY.

In answer to Muhammad Hyat Khan, he says.—Nawab Ghulam Hassan made enquiries from others as well as from me, from Mir Ahmad Shah, from Sher Das, daftri of the Kabul Government Office, and from Narinjan, and from many others, whose names I do not remember. I know of this by hearsay from Sher Das. Sher Das, who was examined, was the same person who brought me to the Nawab. He was not the Nawab's Munshi, but a friend of his. I was not told why the Nawab was making these enquiries, and do not know.

Question.—Is the Mustaufi a friend (*dost*) of the Nawab's?

Answer.—No; he is an acquaintance. The Nawab gave security for him.

In answer to Court.—Mustafa Shah is Munshi of Saiyad Jan; Ghulam Muhammad is Mirza of Abdul Majid. Both are in Kabul. So are Saiyad Jan, Dada Sher, and Santu and Kishan, money-changers. It is not true that Dada Sher has come to India to make purchases. A brother of his came, but has returned.

D. G. BARKLEY.

The 23rd February 1881.

Add.—I gave the presents through Mian Muhammad, because he knew Hindustani and because he advised me to give them. I know that I gave them to Muhammad Hyat Khan, merely because Mian Muhammad told me.

D. G. BARKLEY.

The 23rd February 1881.

Taj Muhammad on solemn affirmation.—I am brother of Naib Lal Muhammad. One evening when General Roberts and the greater part of the troops were at Siah Sang, only a few troops being at Sherpur, Mirza Ibrahim with several soldiers, whether horse or foot, I do not know, but they were not regular soldiers, came to our house in the city, and apprehended Naib Lal Muhammad and took him to Siah Sang. No reason was given, Mirza Ibrahim merely saying that he was wanted. I was present, but was not arrested. Next morning I went to Siah Sang to see what was going to happen to him. I found my brother in Mirza Ibrahim's tent. In my presence Mirza Ibrahim demanded money, saying that as he was the Sandukdar of the Amir, the Deputy Sahib said that he must give a lakh or Rs. 50,000. The money was demanded from him personally, not from the Amir's treasury. I did not hear what would happen if he did not give the money, but there had been conversation on the subject before I came. Lal Muhammad said he had Rs. 4,000, but could not give more without selling his house. It was before I came that a lakh or Rs. 50,000 had been asked for. When I came, I said I would give Rs. 50,000, and he agreed to take this. He told me to bring Saiyad Jan's bond for the amount. I went to Saiyad Jan accompanied by Ahmad Khan, a servant of Naib Lal Muhammad's, who brought money with him which was paid to Saiyad Jan. I do not now remember the amount of the money paid, but I knew at the time. I gave my own and Naib Lal Muhammad's bond for the balance, written by myself. Saiyad Jan gave a bond, written by his Mirza, Mustafa Shah, in favour of Hyat Khan. I believe his bond was for Rs. 6,000, as my bond was for Rs. 5,000, and cash was given besides, I think Rs. 1,000. I do not now remember distinctly the amount of his bond, nor of the cash, but I do remember that my own bond was for Rs. 5,000. I stated the correct amount when examined by Mr. Cunningham, as I then remembered them.

The Mirza had not agreed to accept Rs. 5,000. I do not know whether what my brother had offered was Rs. 4,000 or 5,000, but I offered Rs. 1,000 more to settle the matter, and this was then agreed to. This was the reason why Saiyad Jan's bond was for more than Rs 5,000. Owing to the time which has since elapsed, I do not remember distinctly now. I had gone direct to Saiyad Jan without going home.

I did not see Hyat Khan at all about the matter. I brought Saiyad Jan's bond to my brother, and I remained sitting in the tent while Mirza Ibrahim and my brother went away with the bond. My brother was then released. It was in the afternoon when I brought the bond to my brother. Perhaps, half an hour or an hour had elapsed when my brother was released. We got home before evening. Siah Sang may be a mile or more from the city.

I do not know anything about the payment on account of the bond. My brother made all the arrangements after his release. I only know that he said the money had been paid. I had sealed the bond as, my brother being in confinement, Saiyad Jan required my seal as well as my brother's. I brought my brother's seal with me from Siah Sang. When my brother returned, he acknowledged the bond and arranged with Saiyad Jan for payment.

Ahmad Khan ran away after we came to Peshawar. He was a paid servant, but had come here with Naib Lal Muhammad.

I do not remember having told Mr. Cunningham I saw what my brother did with the bond, but whatever I told him is true. I do not remember whether I said what was done with it, but I remembered then.

The signature (to the deposition taken down by Mr. Cunningham on 24th May) now shown me is mine. The document shown me is in my writing. It is the bond I gave for the Rs. 5,000. My brother had produced it before Mr. Cunningham.

I knew nothing of my brother's having petitioned. This petition (A) now shown me bears my brother's signature. I do not recognize the writing. This petition (B) is also my brother's. I do not know the writing. Naringan, a Hindu, was my brother's Mirza, but I would not know his writing. He is the head Mirza. My brother had many Mirzas. I know Mian Muhammad, Peshawari. I do not know whether he took anything from my brother. He took nothing from me. He was not present the day Mr. Cunningham examined me when I attended. He may have come afterwards.

I knew Khwaja Nasir, who was killed. He was of the same caste with Saiyad Jan and was a member of his family. He was a cousin, but whether a full cousin or not I do not know. The word I have used means a father's brother's son, but I do not personally know the relationship. I know that he was called a cousin (using the same word).

I know Dada Sher. He is a great merchant. I do not remember whether Dada Sher was present when I asked for Saiyad Jan's bond. They are frequently together. Saiyad Jan spoke to his Mirza about it. I do not know that he consulted any one before giving his bond. Saiyad Jan was at his serai. This is the same as his shop.

The bond I gave was for Kabuli rupees, and it was Kabuli rupees which Ahmad Khan brought with him.

My brother cannot write, except only his name.

To Muhammad Hyat Khan.—He was taken to the General's tent by Muhammad Hyat Khan before his release. I saw him taken by Muhammad Hyat Khan to the General that day, but do not know whether before or after I brought Saiyad Jan's bond. Muhammad Hyat Khan himself went with him. *Then says.*—I was sitting far off and do not remember. I did not see my brother going to the General's tent, but I saw him coming away from the tent. I do not know whether any one was with him. When I first came to my brother at Mirza Ibrahim's tent, there was no guard of regular troops. Some of the men standing by may have been on duty. No one stopped me when going into the tent. I went to Mirza Ibrahim to enquire for my brother and found my brother sitting there. I do not remember how many others there were in the tent. There were men sitting outside and inside the tent.

I paid my share of a fine imposed by General Baker on my village of Indiki. I do not remember how much it was. The fine on the whole village was 100 kharwars of grain. I do not remember what my share was. My house in the village was searched by the soldiers and some things were broken, and some things taken away. I was not present at the time, but have been told that when the soldiers came the women went to the roof. Some bangles and two or three rings were taken from the Naib's house, but not from the persons of the women. The rings were of gold. During the siege of Sherpur, I was under the surveillance of Muhammad Hyat Khan. I never told him Mirza Ibrahim had taken anything. Nothing was taken from me. Since my return to Peshawar I have been living with my brother.

I did not see my brother give the bond to Hyat Khan. (When told that he said he did when examined by Mr. Cunningham, says) I do not remember.

The above is explained to the witness in the Persian language, and is acknowledged by him to be correct.

D. G. BARKLEY.

The 5th March 1881.

Mian Muhammad, son of Rahmat Khan, on solemn affirmation.—I returned to-day to Peshawar from Mecca. I have dealings at Kabul, and I am there known as Mian Muhammad, Peshawari. I know Naib Lal Muhammad Khan. I was at Kabul when General Roberts' army arrived there. I had been there before. I returned from Mecca in the same ship with Taj Muhammad Khan. He left me at Bombay to go to Amritsar. When the army came to Kabul, Naib Lal Muhammad told me to take a postin and a Russian tea-service to Muhammad Hyat Khan for him, and to speak in his favour with him. Everybody in Kabul was afraid of his life at the time, and he kept the Amir's treasury, and was afraid some charge might be brought against him. I gave both things to Sikandar Khan, Muhammad Hyat Khan not being present. He told me not to tell the *Bara* Khan Sahib (his brother), as he would be displeased. He kept the things, saying he would pay for them if they gave satisfaction. Two or three days afterwards, Sikandar Khan returned me the postin, saying it was not required, and I took it back to Naib Lal Muhammad's house, and returned it, whether to him, or to his son or one of his servants, I do not remember. I believe he also wished me to take back the China tea-service, but I had no men with me at the time, and was therefore unable to take it. He asked me to take it away again several times for

seven or eight days afterwards, but I did not take it back. I am under the impression that it was returned, but do not remember. It was not returned through me or in my presence; (at last says) the Naib once told me it had been returned.

I was once examined on this subject at Kabul by Ghulam Muhai-ud-din. I do not know whether he wrote down my statement. He asked me at the Serai at Kabul, and he once took me to Mr. Cunningham's, but after sitting waiting for half the day, I was not called in, and I went away. He said it was with reference to this matter that Mr. Cunningham wanted me.

Siah Sang is about as far from Kabul as the city is from here, about a mile or a little less. I did not advise Lal Muhammad to give the things, but he employed me as I spoke Hindustani, not because Muhammad Hyat Khan was not acquainted with Persian, but because I would have influence with him as a countryman of his. I told Lal Muhammad that I had left the things with Muhammad Hyat Khan's younger brother, and that he would be told afterwards if they were approved. Lal Muhammad afterwards complained to me that Muhammad Hyat Khan and his brother were not acting in a friendly way with him, and blamed me for not having brought them to terms. He said they were not good people.

To Muhammad Hyat Khan.—The people of Kabul found great fault with Muhammad Hyat Khan for the hangings, though they were carried out under General Roberts' orders, because he was a Mussalman, and could have prevented them, but he did not treat them well. When Muhammad Hyat Khan left Kabul, many people said he had got away scot-free, and it would have been better had he been killed. I cannot mention any one who said this. It was in the villages, and when I had business that I heard this. It was when grain was being sold at Sherpur. Both the villagers and the people of the city said so. He was regarded as General Roberts' mukhtar. Lal Muhammad also said that money had been taken from him, but I knew nothing of this. This was when an enquiry was taking place not when he said these were not good men.

I know Saiyad Jan. He was a friend of Lal Muhammad's, because Lal Muhammad was the hakim of the trading classes. Khwaja Nasir and Saiyad Jan are both khojas and live in the neighbourhood of the shrine known as Ashikan Arifan, and are connected to it. There are other khojas not connected with it. I considered them to be *hamkaum* and *hamkhwesh*, *i.e.*, of the same caste and connected by relationship or affinity. I do not know the degree of relationship. I never heard Saiyad Jan speak of Hyat Khan.

The above is explained to the witness in the Hindustani language in which the evidence was given, and is acknowledged to be correct.

The 26th February 1881. D. G. BARKLEY.

Muhammad Sarwar Khan on solemn affirmation.—I am son of Muhammad Muzaffar Khan, Khan of Hangu. I went to Kabul with General Roberts to render any service I could. I did not know Khan Agha, Jamshidi. I remained at Kabul for two or two-and-half months, leaving before the siege of Sherpur. I went one day with Muhammad Azim Khan and Muhammad Amin Khan of Hangu to Muhammad Hyat Khan's tent at Siah Sang. A Mirza and a servant of Muhammad Hyat Khan were at the time counting out money to a third man, a Kabuli. Muhammad Amin Khân asked what the money was for. Muhammad Hyat Khan said that it was in payment for a horse he had bought. The amount was Rs. 100 English money. I did not know the Kabuli, nor who was the owner of the horse. I did not hear the name of the owner mentioned. Muhammad Hyat Khan pointed out the horse, which was about 20 paces off with some others. Muhammad Amin Khan said it was a very good horse for carrying load. It was a white horse with spots on it, whether black or red I am not sure; they appeared to be black. It was a tall horse, but thin. I do not know the Mirza's name. He was a Kabuli apparently, but he came to Kabul with Muhammad Hyat Khan. I did not see the horse afterwards. I do not know if Muhammad Amin Khan had been asked to give his opinion about the horse before. We went to Muhammad Hyat Khan's tent merely to pay a visit, our work being over. A receipt was asked for by Muhammad Hyat Khan's

servant when the money was paid. The man gave a receipt. He apparently had it with him. I did not see it written, nor did I see any one sign it, or attach his seal. I did not see whether there was a seal on it or not.

Horses were cheap in Kabul at the time I bought a riding horse for Rs 100. Muhammad Amin Khan bought two horses, one for Rs. 30, and the other, I think, for Rs. 20. Horses were yaboos. They were called yaboos when used for carrying burdens.

Neither Muhammad Amin Khan nor I were ever employed by General Roberts in buying horses for him at Kabul. The horse I bought for Rs. 100 I would not now sell for less than Rs. 200 or 300.

I could not say whether the man to whom the money was paid was a villager or a merchant. He was not a Sirdar. I could not say if he was a servant.

I was sent with Muhammad Azim Khan by Muhammad Amin Khan to bring Lal Muhammad Khan to General Roberts at Siah Sang. I was told the General required him. This was about sunrise. We brought him to the tent occupied by me and Muhammad Amin Khan, and Muhammad Amin Khan then went with him to the General. He brought him back when we had finished our breakfast and were getting ready to go out. Muhammad Amin Khan told him the General had ordered him to furnish security. I went off to my work, leaving Naib Lal Muhammad with Muhammad Amin Khan. When I returned in the evening, Lal Muhammad Khan was not there. Muhammad Amin Khan was there. So far as I remember, this may have been about 12 or 13 days before the General moved into Sherpur. I cannot say how long the troops had then been at Siah Sang. The horse had been paid for before this happened.

I had reached home before I heard of the siege of Sherpur. I was about 15 days coming down from Kabul. I heard of it a day or two after my return. I did not see any other horses being purchased by Muhammad Hyat Khan. I do not know if Muhammad Hyat Khan took Muhammad Amin Khan's advice about any of the horses bought by him. I did not notice the breed of the horse. It was not clothed at the time.

When we went for Naib Lal Muhammad no Mirza went with us. When he was brought to our tent, the Mirza did not come there. I was once sent by General Hill to bring two men, nephews of Sirdar Abbas Khan, Wazirkhel, Extra Assistant Commissioner.

I did not notice if there was any defect in the Kabuli's eyes to whom the money was paid.

The above is explained to the witness; and is acknowledged by him to be correct.

The 25th March 1881 G. D. BARKLEY.

Re-examined.—In presence of Lal Muhammad Khan repeats that it was in the morning they went. Muhammad Amin Khan and two servants of witnesses having gone besides the sowars. Neither Jalal-ud-din nor Mirza Ibrahim was with him. He does not know either of them. The men who went inside were Muhammad Azim Khan and witness as far as the door to which a Kabuli who went as a guide accompanied them. The guide went away, and witness called to Naib Lal Muhammad who came out. They then went away. They told him in Persian to go with them; the General wanted him. He was taken to Muhammad Amin Khan's tent which was together with those of witness and Muhammad Sarwar Khan. The General's tent was about as far as the barrack opposite from here (about 250 yards). Muhammad Hyat Khan's tent lay between, about as far as that tree (about 100 yards) in the direction of the General's tent. There was a Mirza's tent near that of Muhammad Hyat Khan. No Mirza went from there with them to bring Naib Lal Muhammad. The sowars were two with witness and two with Muhammad Azim Khan, their own servants. There were no others. Lal Muhammad Khan himself answered our call. He came out alone, but one came out after him. Does not know Lal Muhammad's brother. The man came out after they started. He did not follow; Muhammad Amin Khan was alone when we came to his tent. I do not know where Muhammad Hyat Khan was then.

The 28th March 1881. D. G. BARKLEY.

Muhammad Azim on solemn affirmation.—I am son of Nawab Sir Khwaja Muhammad Khan of Teri. I went to Kabul with General Roberts to arrange for supplies and render any other service I could. I, Muhammad Amin Khan (the Khan of Hangu) and Muhammad Sarwar went one day at the time of afternoon prayers (about 2 P.M.) to Muhammad Hyat Khan's tent at Siah Sang. Muhammad Hyat Khan, the Mirza, who worked for him, whose name I don't know, and a third man, whom I don't know, were there. I saw Rs. 100 (Government rupees) paid to this third man, a servant of Muhammad Hyat Khan's giving the money to the Mirza who made it over to him. Muhammad Amin Khan asked Muhammad Hyat Khan what the payment was for. He replied that he had bought a horse as a baggage animal. He pointed out the horse which was standing at some distance. It was a white horse with small spots of another colour, I do not know what colour, over its body. It was a tall horse, but was thin. (Shows the height, which would be that of a tall horse). I am not aware that I ever saw the horse afterwards. I did not ask who the man was to whom the money was paid. The Mirza wrote a receipt and gave it to Muhammad Hyat Khan by the direction of the man receiving the money. I did not notice whether it was signed or sealed by him. I never saw the man again so far as I know. I did not know Khan Agha, Jamshidi. Except that the seller was a Kabuli, I do not know what class of man he was. I did not understand from anything said at the time that he was a servant of Khan Agha, Jamshidi, nor did I know that the horse belonged to Khan Agha. We went there accidentally.

Several horses were bought about that time, one at Khushki by me, and 2 or 3 at Kabul by Muhammad Amin Khan, and some by Muhammad Sarwar Khan. I bought a stout pony for Rs. 52. I do not know what sums the others paid. The horses we bought were called yaboos at Kabul, but we call them horses. A horse used for baggage, whether good or bad, is there called a yaboo, irrespective of height. Horses were mostly cheap there owing to the Amir's cavalry having been dispersed, but some were dear.

There were some other men present at the time in the tent: some of them Muhammad Hyat Khan's own and some of them Kabulis.

There was no bargaining about the price of the horse before me. I do not know whether Muhammad Amin Khan had been consulted before the purchase of the horse or not. I returned from Kabul shortly after the troops moved into Sherpur. The people of Kabul were hostile to Muhammad Hyat Khan as a Muhammadan, acting on behalf of the British Government; they disliked all of us who were Muhammadans, but looked upon him as the principal.

I know Lal Muhammad. I went with Sarwar Khan by Muhammad Amin Khan's orders and brought him from the city. I do not know for what purpose. He was brought to Siah Sang. We made him over to Muhammad Amin Khan who took him to the General. When he came back from the General's tent, Muhammad Amin Khan told him he must give security. I do not know what followed, as I went to General Hills. It was early in the morning, after morning prayer, that he was brought to Siah Sang. It was early in the morning, about sunrise, when we went to his house in the city to bring him. I don't remember how long it was before General Roberts went to Sherpur.

The Mirza did not go with us when we went to bring Naib Lal Muhammad. The Mirza did not come, nor was he there when we brought Naib Lal Muhammad to Muhammad Amin Khan. The Mirza I mentioned was the same who came from Kurram to Kabul. A brother of his remained behind as Mirza in the Kurram.

The above has been explained to the witness in Pakhtu in which it was given, and is acknowledged by him to be correct.

The 25th March 1881. D. G. BARKLEY.

I did not observe if there was any defect in the eyesight of the man to whom the money was paid. I saw the Mirza write the receipt. I saw him begin to write. I afterwards looked round, and again I saw the Mirza give a paper to Muhammad Hyat Khan. I do not know whether it was a receipt or not, but I supposed it was. It was a small piece of paper. I did not hear

the man give any instructions to the Mirza about it. I know nothing of any other horses bought by Muhammad Hyat Khan at Kabul or on the way up. I was at Tiri when he went up to Kurram. General Roberts sent for me to join him. I found him at Khushki, and Muhammad Hyat Khan was then at the Shutargardan. I saw him at Shutargardan, and on the way from there to Kabul.

Explained to the witness, and acknowledged by him to be correct.

D. G. BARKLEY.

The 25th March 1881.

Re-examined.—When we went for Naib Lal Muhammad two sowars of mine and two of Muhammad Sarwar Khan's went with us. We took a man with us to act as a guide from the gate of the city. There was no one else with us. I do not know Jalal-ud-din, son of Samandar Khan. No Mirza was there. The Mirza who usually went about with Muhammad Hyat Khan did not go. I do not know whether his tent is near that of Muhammad Hyat Khan or not. The Mirza I refer to was the same who came from Kurram with Muhammad Hyat Khan. It was in the morning, not at night. It was to Muhammad Amin Khan we brought him. Some of his own men may have been with Muhammad Amin Khan. (Then said) they were there (afterwards on Muhammad Hyat Khan interfering) they may have been there. Either Muhammad Sarwar Khan or another called to Lal Muhammad Khan that he was wanted. I do not remember who called. Lal Muhammad came out, with one man hidden behind a wall; I do not know Lal Muhammad's brother. It was probably Sarwar Khan who told him what he was wanted for. Muhammad Amin Khan's tent was as far as that notice board (about 100 yards) from Muhammad Hyat Khan's tent, and the General's tent was further away in the same direction. I do not know where Muhammad Hyat Khan was when Lal Muhammad Khan was taken to the General. I did not enter Muhammad Amin Khan's tent when we brought Naib Lal Muhammad Khan. We were at our own tents getting ready to go out when Naib Lal Muhammad Khan came back from General Roberts. The conversation about the security took place in an open space in the front of the tents. I did not notice whether Naib Lal Muhammad Khan was alone at the time, or whether any one else had come. I do not know the amount of the security asked, nor what it was for; I did not hear Naib Lal Muhammad Khan's answer. We started at the time when Muhammad Amin Khan told him security was required. When leaving the city, I did not observe whether any one followed Naib Lal Muhammad out of the house. When Sarwar Khan told Lal Muhammad Khan what was wanted, he stood inside the door, and I outside. I did not know what was said. He was not far from me, but I paid no attention.

When we went to General Hills, he was at the kotwali engaged in making arrangements about the city. He had no notice of our going for Naib Lal Muhammad.

D. G. BARKLEY.

The 28th March 1881.

Naib Lal Muhammad recognizes Muhammad Sarwar Khan as one of the men who came for him. He is not sure about Muhammad Azim Khan. As they were not regular, sowars, considered them to be men of the Nawab's, judging from their trappings. There was a Mirza with them, who was son of Samandar Khan, named Jalal-ud-din. They took him first to his tent, and he was kept there. It was 8 or 9 P.M. when he got there. The tent was next that of Muhammad Hyat Khan. It was the tent of Mirza Ibrahim to which he was brought. What he meant was that Jalal-ud-din was with Mirza Ibrahim. Jalal-ud-din is not called a Mirza. When the sowars came, it was the Mirza and Jalal-ud-din who came to his house, and brought him out. He had no conversation with Muhammad Sarwar Khan. He may have asked why he was arrested, but this was all. Does not know Muhammad Amin Khan of Hangu, and he was not mentioned to him. No one went with him to the General's tent. It was 60 paces from the Mirza's tent. Mirza Ibrahim told him the General wanted to

see him. Muhammad Hyat Khan was sitting with the General. None of the men who brought him from the city were with him. Sirdar Wali Muhammad's men, Sayad Sarwar, Hussain, Sher Muhammad, the Mir Akhor Barat Ali know I was taken to the Mirza's tent. Many others know it, but are at Kabul. This was stated in answer to what he was told about the witnesses stating that they took him to Muhammad Amin Khan's tent.

Eight or ten sowars came for me. I do not know the precise number. Mirza Ibrahim and Jalal-ud-din came in, and came up to me on the roof. A servant of mine opened the door, Mirza Ibrahim having first called to me from the street. I was on the roof at the time. There was some conversation on the roof. The men I have named know. I was at the Mirza's tent as they came in the morning, and saw him. Sirdar Wali Muhammad Khan's tent was there at the time at the bottom of the hill. While I was on the road from the city, I sent a man who followed me to inform Sirdar Wali Muhammad, and Sayad Sarwar came in the morning. The man I sent was Ahmad Khan, who has run away from me since.

D. G. BARKLEY.

The 28th March 1881.

Re-examined.—I rode from Siah Sang by the Lahori gate and thence past Sirdar Wali Muhammad's tent up to Upper Siah Sang. The other men with me were also on horseback. There are three or four roads to Siyah Sang. This was not the shortest road I had to go as I was taken. There may have been one or two on foot, but the majority were on horseback, and I was on horseback. I saw no one when passing Sirdar Wali Muhammad's tents. I sent a man there.

D. G. BARKLEY.

The 28th March 1881.

When told what Sayad Sarwar and Barat Ali say—states that he was on horseback, and the men with him were on horseback.

D. G. BARKLEY.

The 28th March 1881.

Sayad Sarwar on solemn affirmation.—I was sitting before my tent which was below Siah Sang, about khuftan (8 P.M.), when I saw Naib Lal Muhammad Khan taken up to Siyah Sang. He was on foot and five or six others with him, all on foot. It was dark, but not very dark. They passed as far off as the trees on the road side are from here. Some time after one of Naib Lal Muhammad Khan's servants, Ahmad Khan, came to me, and I asked where Naib Lal Muhammad had gone. He said, he had been imprisoned. I went in the morning, and saw him in a tent close to those of the Nawab and Muhammad Hyat Khan. Mirza Ibrahim and another Mirza occupied that tent. When I went only Naib Lal Muhammad was in the tent, but there was a guard over it. I had no conversation with him. I went to find out why he was imprisoned, but I didn't find out. The Mir Akhor had gone before I did, and returned. I went alone. I do not know whether any others went. I knew Muhammad Amin Khan, Khan of Hangu, but I do not know where he lived. He came to see Sirdar Wali Muhammad Khan. Sirdar Wali Muhammad Khan's tents were then under the hill. I saw no men, but the men on foot I have mentioned. I saw no horses. I told Sirdar Wali Muhammad Khan in the morning.

To Muhammad Hyat Khan.—The tents were distant from the road, but there were several ways by which people could come from the city. The straight road was past the tents of Amir Yakub Khan. Sidar Wali Muhammad Khan's camp was near the road from the Bala Hissar to Butkhak.

D. G. BARKLEY.

The 28th March 1881.

Barat Ali on solemn affirmation.—I am Mir Akhor to Sirdar Wali Muhammad Khan. Sirdar Wali Muhammad Khan's tent was beneath the hill and

the British camp above. Naib Lal Muhammad Khan passed by the road from the city to Siah Sang. There is only one way. Sayad Sarwar and two others were sitting by. It was about as far from Sirdar Wali Muhammad Khan's tent as the road is from here. There were four or five men on foot; Naib Lal Muhammad himself was on foot. If there were any sowars, they may have gone on before. It was before khuftan. It was not very dark. It was 7 or half past 7, in the dusk of the evening. That night a servant of the Naib's who came after him told us that he had been imprisoned. His name was Khan Muhammad. I went alone in the morning, and Sayad Sarwar came soon after. He was sitting at Mirza Ibrahim's tent near that of Muhammad Hyat Khan. I could not speak to him as there were men on guard, who would not allow me. I then went back. I went to enquire about Naib Lal Muhammad. I did not ask the Mirza or any one else. The Mirza was there, sitting outside the tents. I do not know of any one else going to enquire, except Sayad Sarwar and myself.

There is a road from the city past the Amir's camp. There are a number of roads from the city to Siah Sang. I did not know Muhammad Amin Khan of Hangu. I certainly saw him on foot.

D. G. BARKLEY.

The 28th March 1881.

III.—THE CASE OF THE HORSE TAKEN FROM KHAN AGHA, JAMSHIDI, OF HERAT.

Petition from Khan Agha, Jamshedi.

When Muhammad Alam Khan occupied Maimena, he sent a horse, which belonged to the Wali of Maimena, to the Amir, who made a present of him to me. Some one informed Hyat Khan that I had a very good Turkoman horse with me. He therefore sent for it, and I sent him to Sherpur. Hyat Khan then went away. I did not mention this to anybody, because I was under the impression that he would either send the price or a present to me from India. I have as yet received no news from him. As I am now very hard up for money, I therefore bring this to your notice. The horse was worth Rs. 1,500 in Herat itself.

The 29th May 1880.

Telegram, dated the 7th June 1880.

From—MUHAMMAD HYAT KHAN, Amritsur,

To—The Chief Political Officer, Kabul.

I bought Jamshedi's old horse for baggage. Was sold to Durga Pershad, Postal Department, at Pindee for hundred and forty. I wrote my brother to re-buy and send the yaboo soon to Kabul. More by post.

Dated Palanpur, the 8th June 1880.

Demi-official from—MUHAMMAD HYAT KHAN,

To—The Chief Political Officer, Kabul.

I have just replied your telegram. The Khan Agha's horse *is not* a valuable Turkoman; it is an old rotten-looking animal, which I bought for baggage as a yaboo in last October. I was in need of buying some yaboos; he knowing this sent one of his, and his man begged me that Khan Agha's wishes are that I will accept this as a friendship present. I refused this, and after looking to the yaboo I told his man that I will pay Rs. 100; if he accept, I will take the horse, otherwise he had to take the horse back. The man said he had no permission, so he took the horse back; in next day he brought him again and said that Khan Agha rather would not have the money, but some other friendship present, like watch or any Indian-made *Tufa*. I told him I have no watch or anything of the kind, and shall be glad if he will accept the price in money, and after some talk his man left the horse and took Rs. 100 with him. I never heard a word about not reaching money to Khan Agha, though he often came to see me. My private account book I left at Wah; if necessary, I can

give you the exact date of payment and name of the man, if his man denied to receive the Rs. 100. The same yaboo was sold by my brother Gulab Khan after bringing my baggage to Wah for Rs. 140 to Durga Pershad, Postal Rissaldar. I have written to my brother to-day to re-buy the Jamshidi's yaboo and send him to Kabul as soon possible. On reaching there if you thought it proper that after selling he has right to get it back, I have no objection to give it back, but Khan Agha or his servant must pay me back Rs. 100.

I may be excused in a private letter to an old kind patron to say that this is not the Khan Agha's doing, but he was persuaded by some of our own men to do this. I need not mention that some of native officials there are doing their utmost to injure the reputation of a faithful and devoted old servant of Government and a humble friend of yours.

P. S.—I am off to Umballa, where I have been ordered to officiate as a Judicial Assistant. I beg your pardon first, and say that I am very sorry indeed to read in your telegram the last paragraph that, "or I will report the matter to Punjab Government." I must say that I obey your orders most heartily than any other worldly orders, and for my closing public life your letter showing anger with me is quite enough.

Statement of Nur Muhammad Hosain Khan, Ex.-Mir of Maimena, dated 22nd June 1880.

The horse given by Khan Agha to Muhammad Hyat Khan was bought by a servant of mine for 200 tillas in the Akhal country. This horse was bought for this price, and the Urganj slaves released by the Russians made a present of it to me, and its price was set down at 400 tillas. I rode him for one year, but I *was robbed of it*, and it fell in the hands of Sirdar Abdulla Khan, Nasiri. When Amir Sher Ali Khan heard this, he sent for it, and tied it in his stable. When he was leaving for Turkistan, he gave it to Khan Agha. It is a very good horse, although it is a big horse, but it is very swift. It is a grey horse with red spots. It was 3 years old when it fell into my hands. It fell into the possession of Hyat Khan in the following manner :—

I petitioned the General that the horse given by Amir Sher Ali Khan might be returned to me. The General made the petition over to Hyat Khan for disposal. Hyat told my servant, Shah Muradi, that he would send for the horse. After two days Hyat told me that he had taken the horse from my enemy, and that the General was pleased to give it to him. I was very glad to hear that my property had been taken away from my enemy. I did not make further inquiries about it, nor did I speak to the General about it. If the General has not given this horse to Hyat Khan, it should be made over to me, as it is my property, and it was taken away from me by force. I will not take less than Rs. 2,000 for this horse.

Translation of statement of Khan Agha, Jamshidi, of Herat, dated 8th June 1880, taken down in his presence by Raja Jahandad Khan, Extra Assistant Commissioner.

The horse taken from me by Muhammad Hyat Khan was first with the Mir of Maimena, who had got him from Khiva. When Maimena was occupied by Naib Muhammad Alam Khan, this horse was plundered and sold to Abdulla Khan, Nasiri. As Amir Sher Ali Khan had heard a great deal of the qualities of this horse, he traced him and asked Abdulla Khan to send him to Kabul. He was one of the favourite horses of the Amir. When he was leaving for Turkistan he gave him to me.

Hyat Khan heard about this horse from the Mir of Maimena, and sent for him but returned him to me. He again sent one Mulla Mustafa to bring the horse. Although I said that this was the only horse fit for me and that I had no other horse, yet Hyat Khan said that, as he had asked for him, I ought to send him to Hyat Khan. I therefore sent the horse to him. This horse was taken from me before the siege of Sherpur. Once or twice I hinted about the price of this horse, but Hyat Khan said he knew it well, and he would pay me the price, however much it may be. He then gave nothing to me. All the Kabuli Sirdars know this. He was a very nice, strong and big horse, and there was not a single horse like him in Kabul. He was a good horse. His feet were very strong. Amir Yakub Khan asked me to give the horse to him, but I did not. His head was like the Arab horses, and was grey in colour and had spots too. The horse was with Hyat Khan, and he took him with him when he went away. Either he should give Rs. 1,500 as price of the horse, or return

him to me. He was a well known horse. I would prefer the horse to his price. He took no other horse from me except this one.

Statement of Muhammad Hussain Khan, Mir of Maimena.—I know the horse which Muhammad Hyat Khan took from Khan Agha, Jamshidi. It was once mine, and its history is this—When the Russians captured Urganj, they released all the slaves there in accordance with their practice. Many thousand slaves, chiefly Persians, were set free. Many of these slaves were wealthy. About 4,000 of them, men, women and children, went home *viâ* Maimena. I was then Mir, and they had to pay me about Rs. 4,000 as the "chabútra" dues which were levied at the rate of Rs. 7 per man. In payment of this sum, the slaves gave me nine horses, among them the horse in question, a slave girl and other things. This particular horse had been bought from the Akhal Turkomans for 200 gold tilas. It was a very fine animal, of great size, and spirit, and wonderfully fast.

When Maimena was taken by the Amir's troops, the horse, which was the best in my stable, fell into the hands of Abdulla Khan, Nasiri (who was afterwards appointed Hakim of Maimena), then with the Kabul army. Amir Sher Ali Khan heard of the horse and sent for it from Turkistan. Abdulla Khan had to give it up; it remained for some years in Sher Ali Khan's stable. There was no such horse in Afghanistan. It was worth quite 300 tilas (Rs. 2,000)

When Sher Ali Khan was going to Turkistan in the campaign of 1878-79, he gave this horse before he left to Khan Agha, Jamshidi.

I told Hyat Khan about the horse, and said that as the Amir, the enemy of Government, had taken it by force from me, it was really mine and should be restored.

He said he would see about it. Afterwards I heard he had taken it from Khan Agha, Jamshidi. I asked him, he said the General had told him to recover it from Khan Agha, and that General Roberts had then given it to him (Muhammad Hyat Khan). I said "very well," I could do no more, and was glad in any case that Khan Agha should not keep the horse which the Afghans had robbed from me.

No one would buy such a horse for baggage. It was worthy to be ridden by a prince. Turkoman horses are rarely of such a size and speed. It is about 11 years old, but was fully worth Rs. 2,000 when it left Kabul.

Seal of the Mir of Maimena affixed by him before me.

(Seal.)

F. CUNNINGHAM,

Taken by me in presence of Muhammad Hussain Khan, Mir of Maimena. Read over and acknowledged correct.

KABUL, F. CUNNINGHAM,

The 25th June 1880. *First Asst. to the Chief Political Officer.*

Sikandar Khan said.—I know Hyat Khan did take a horse from Khan Agha, Jamshidi. It was a grey, big horse, not a pony. As far as I know, Hyat Khan paid him for it. He took the horse for baggage; but it was also a saddle horse. I do not know anything about its breed, whether it was a Turkomani or not. It may have been worth Rs. 300 or thereabouts; I do not know.

Note of Sikandar Khan's statement recorded by me.

KABUL, F. CUNNINGHAM,

The June 1880. *1st Asst. to the Chief Political Officer.*

Petition from Gulab Khan, Rais of Wah, brother of Hyat Khan.

A grey horse, bought by Muhammad Hyat Khan for carriage at Kabul, was sold by me to Durga Pershad, Rissaldar of Dâk, for Rs. 140. Durga Pershad sold it to Fazulla, Sowar of the Dâk, for the same price. In compliance with the writing of my brother Muhammad Hyat Khan, I bought it back. I now send it to you by hand of my servant Muhammad Nazir. I pray that you may be pleased to send me a receipt for it, and also inform my brother of this.

The 4th June 1880.

Dated 13th July 1880.

Demi-official from—Major-General Sir H. T. MACPHERSON,

To—F. CUNNINGHAM, ESQ.

I am greatly obliged to Mr. Griffin for sending out the Turkoman horse; his age is about ten, and he is very well worth taking care of for the stud. I should like to keep him here to fatten, but find some difficulty in getting the ingredients that are necessary.

Muhammad Hyat Khan produces the receipt of the Khan Agha, Jamshidi, dated 3rd Zikkad 1296 H.,=19th October 1879, and states as follows:—

I was at Siah Sang when I bought this horse from the Khan Agha. His name is Mahdi Kuli. No complaint had been made to me, nor, so far as I know, to General Roberts, about this horse, nor had I heard anything of him before I bought him. The Mir of Maimena never spoke to me about him, nor, so far as I recollect, had I ever heard that he had belonged to the Mir. I was collecting ponies for the Commissariat, and also for my own use. A man of the Khan Agha's, whose name I forget, but who had only one eye, told me that his master had two or three horses to sell. He brought two or three horses to me, this being the first he brought. I said I would buy it for myself, and asked the price. He told me that the Khan Agha said if I wished to buy for myself, he would rather receive something to remember me by than cash. I told him that I had no watch or anything which I could give, and that if he wanted to sell, I would pay him cash. He took the horse away, saying he would ask the Khan Agha, and two or three days afterwards he brought it again, and agreed to sell it for Rs. 100. I told him to bring the receipt of the Khan Agha and get the money. He brought the receipt, and took the money from Mirza Ibrahim on my account. Mirza Ibrahim was not in my service, but in Government service. My man, Jalal Khan, could not speak Persian, and the money was therefore given by him through Mirza Ibrahim. The bargaining about the horse took place in public in my presence. I do not know whether more than Rs. 100 was asked, but the man said that the Khan Agha agreed to sell for Rs. 100. I am a judge of horses, but I did not consider the horse I was buying a very valuable one. He was very thin, and there was an old sore on his back nearly healed. I made no enquiries as to his character as a riding horse. What I wanted was a yaboo for my private baggage, and I told the men this. No one at the time would have said it was worth more than Rs. 100, and after I brought it to Rawalpindi it was sold for Rs. 140 to a dâk agent, as I telegraphed.

Mir Agha Jamshidi often came to see me, and never said he wanted the horse back, or that it was worth more than Rs. 100, or that he had not received the price. I reached Siah Sang on the 9th October. I cannot recollect whether he visited me before the 3rd Zikkad; but after I went to Sherpur, he often visited me. I do not remember having seen the Mir of Maimena at Siah Sang. I saw him when we were in tents at Sherpur. I do not recollect his having ever mentioned the horse to me, even after I had bought him. I never told him that General Roberts had given me this horse.

I left Afghanistan about the 29th March. Mr. Griffin telegraphed to me about this horse in the beginning of June. I probably received the telegram on the 3rd or 4th June. My letter in reply is dated 5th June; my telegram is dated 7th June, that being the date of despatch from Amritsar, to which place I sent it by post from Palampur.

I sent a letter to my brother Gulab Khan, who was at Wah, to buy back the horse, and to send it to Kabul as soon as he could. The petition, dated 22nd June, now shown me, is his, sending the horse to Kabul in the charge of Muhammad Nasir. Muhammad Nasir is not our servant, but was son of a Mallik of Shakardarra, employed in the Political Department. He had come with me to India, and was returning to Kabul at the time.

Question.—Khan Agha Jamshidi's petition is not dated, but the translation is dated 28th May. Can you account for his having presented such a petition if he sold the horse? *Answer.*—Yes; he was kept three days by Raja Jahandad Khan at the place where he lived, and must have been persuaded by him to make the complaint. The petition does not bear his seal.

Khan Agha Jamshidi was at Kabul as a political prisoner of Amir Sher Ali Khan's. After our victory at Charasiah, I believe, that he went out from the Bala Hissar to Deh-i-Afghanan, to live there. He was living there when he sold the horse. He was not under any restraint at the time.

The Mir of Maimena must also have been influenced by Raja Jahandad Khan, by whom his statement was first taken on the 22nd June.

My brother may have stated, when questioned by Mr. Griffin, that the horse was worth Rs. 300 or 400, but he is not a judge of horses, and had never ridden the horse. I never rode this horse, though we were accustomed to ride the baggage horses.

Yaboo does not mean a pony, but only a horse used for baggage. I have seen many yaboos over 14 hands in the Commissariat. I think this horse was 14 hands or a little over. I sent him down with baggage about the end of January or beginning of February. I think the latter month, *viâ* Jalalabad. My brother, Gulab Khan, now dead, sold him through Durga Parshad to a dâk agent; and when I got the telegram from Mr. Griffin, another brother, Ghulam Muhammad Khan, was with me at Palampur. I had only stopped two or three nights at Wah on my return from Kabul. I asked Ghulam Muhammad Khan what had become of the horse, and he told me of its sale, and I replied accordingly to Mr. Griffin, and sent the instructions to Gulab Khan which led to its being returned. Jalal Khan, my sister's son, came down with the horse, and some others, with baggage which I was sending down at the time. He afterwards came back to Kabul.

I sent Agha Jan's servant with the other two ponies he had brought to the Commissariat Office. We had used transport animals up to Kabul, and the General there had ordered such officers as could purchase horses to do so. In October I bought this horse, which appeared to me a strong one, though it was thin, and three ponies more. The horse I bought from General Saifuddin Khan was only brought in February.

On my way up from Kabul I bought two horses from Rahmatullah Khan of Khushi through Muhammad Amin of Hangu, and one from Bahadur Khan of Logar through the same. There are two Barakis in Logar. I paid Bahadur Khan Rs. 200 and Rahamatullah Khan Rs. 80 and 90. These were amongst the horses I sent down in February. Bahadur Khan's horse was a riding yaboo. I rode it to Maidan.

Taken 21st February 1881.

D. G. BARKLEY.

Doorga Parshad on solemn affirmation.—I am Rissaldar of the Government dâk. I had asked Muhammad Hyat Khan to get horses for the dâk when he started for Kabul in September, and I afterwards asked his brother Gulab Khan to remind him that he had promised to send horses. I received 13 in all, 7 in February and 6 in April. For one of those received in February, I paid Rs. 140, and the others were bought at Rs. 100 or less. The horse for which I paid Rs. 140 was returned in June. It was a grey flea-bitten horse with a long body, and there was a wound on the back, but this was healed, and marks on the sides caused by the rubbing of pack saddles. It was lean at the time, and the fore feet were marked by the shoes striking the inside of the legs (newar), owing to weakness. It was probably a little over 14 hands. I did not measure it. I do not think it was 15 hands high. In June, Gulab Khan asked me to return it as he had to send it to Kabul. I took a bay horse he had which he drove, in exchange for it, it being of the same value. Owing to the shoes striking, the first horse was less fit to be driven. The horses were supplied by contractors. Sobha Ram paid for the horse when I bought it, and Nadar Khan, who took over the chauki in the meantime, returned it in June. It was old, perhaps 13, 14 or 15. I do not know if it was more than 11. Horses were then difficult to get, and I did not examine its teeth. I do not know the breed of horses. I do not know whether I could recognize it now; perhaps I could. It was with Gulab Khan I made the bargain when the horses arrived. I may have seen the horse every 2nd or 3rd day while it was being driven in the dâk. It was on the line between Rawal Pindi and Attock at the Hatti chauki. Horses were dear then, being difficult to get. I bought four horses about that time from a merchant Ali Sher for Rs. 200 each. I did not usually pay so much. The ordinary price was about Rs. 100 or Rs. 125. Gulab Khan said he had paid Rs. 100 for this horse, and wanted Rs. 150. I persuaded him to take Rs. 140. The marks on the feet may have disappeared since, if the horse has been well shod and taken care of. I did not pay cash at the time; but I bought the horse and gave it to Sobha Ram, contractor, arranging to cut the amount from his allowance by monthly instalments. I do not know how much Gulab Khan had received when the horse was taken back. Four horses had been supplied to the Hatti chauki for Rs. 440, all bought from Gulab Khan, and I had told Devi Sahai Jemadar to make the deductions and pay Gulab Khan. Mr. Buck-

ner was Superintendent of the line at the time. No register of the horses at each chauki was kept. When returned the wound on the back was perfectly healed, but the hair had not come on it. The hair would come again.

The above is read to the witness in the Hindustani language, and is acknowledged by him to be correct.

The 26th February 1881. D. G. BARKLEY.

Witness adds.—Gulab Khan sent me a note by Purdil Khan, asking me to return the horse as he had to send it to Kabul, and he would repay the price.

The 26th February 1881. D. G. BARKLEY.

Re-examined.—I have seen the horse. I have no doubt that it is the same, but it has grown so fat that I couldn't recognize it. Its height and general appearance are the same, and it has still the mark on the back, the hair not having grown; but the mark on the foot has disappeared. What I told Colonel Prinsep was that it had got so fat that it could not be recognized. There are no marks now on its breast which would show that it had been driven. The horse driven with it was one of 14 hands. The large horse was driven between the shafts.

The above is explained to the witness, and is acknowledged to be correct.

The 3rd March 1881. D. G. BARKLEY.

Charles Hastings (Assistant Superintendent of Police, Peshawar) examined on oath, states.—One day in the hot weather, when I was on patrolling duty between Jallalabad and Rozabad, I met a man riding a horse in the Gundamak direction. I asked who he was and where he was going. He said he belonged to Muhammad Hyat Khan and was going to Kabul with a letter for the Commissioner, meaning, I believe, Major Hastings. It was a large horse, so far as I remember, a dark grey. I did not enquire the price of the horse, as I was told it was Muhammad Hyat Khan's, but I should say that, as horses went at the time, it was worth about Rs. 200. I saw the horse once afterwards at Gandamak. I believe it was in Mr. Griffin's camp. It was then lame, and I took no notice of it. I have not seen it in India.

Question.—When you first saw the horse, was there anything to show that it had been driven?

Answer.—When I met the man going up with the horse, I was riding myself, and I did not look at it particularly.

Question.—Does it correspond to the description of an old rotten-looking animal, bought for baggage as a yaboo?

Answer.—From the condition it was in when I saw it, it might have been used for anything.

Question.—In a letter from General Macpherson, dated the 13th July, he calls it "the finest specimen of the Turkoman horse that he had seen." Do you consider this an accurate description of the horse you saw?

Answer.—I did not know it was a Turkoman horse. I did not examine it as it was not for sale. It was in wretched condition and very thin. I estimate the price with reference to a thorough-bred Turkoman bought for Rs. 400 by General Gough at Kabul, for which I bid up to Rs. 350.

The above is read to the witness, and is acknowledged by him to be correct.

The 24th March 1881. D. G. BARKLEY.

Bisharat on solemn affirmation.—I am a driver in the Government Dâk. I have been employed in this line for eight or nine years, since Mr. Faichnie's time. There were 14 pairs of horses kept at the Hattian chauki last year. The contractor was at first Sobha Ram, then Nadir Khan. The latter got it eight or nine months ago. Sobha Ram's contract was withdrawn, as his horses were worn out, and he was complained of. Nadir Khan took over the best horses he had, but there were three or four which Mr. Buckner and the

Rissaldar would not allow to be taken. Three or four horses were bought by the Rissaldar to replace these. This was in the cold weather, earlier than the present season. The horses taken on were, a large grey horse, two bay and one chestnut. They were bought from Wah and were all said to be Kabuli horses. Gulab Khan was the seller. The grey was a very tall horse, too tall to go well in the dâk. There were many black spots over the body, which was otherwise of a grey colour. It was an old horse, neither young nor very old. When broken in, it was very lean, and its back galled, and one side of the breast got galled when it was being broken in. I broke it in; it was broken in for about four days, and then worked in the dâk for three and half or four months.

Gulab Khan sent a man after it had been driven about three months, a Pathan, to take it back, in order to send it back to Kabul. Mr. Buckner and the Rissaldar said that, as the work was then heavy, it could only be returned if another were given in its place. Another was accordingly given, and it was returned. This was the third or fourth day after the man came for it. I have not seen the horse since. I would be able to recognize it if I saw it. I remained seven or eight days in Hattian when I broke it in. I broke in two horses at the time, and another driver broke in two.

The horse was kept three, three-and-half or four months. It was returned in the hot weather. It was said to have been bought for Rs. 140. It was lean when taken on, but was a good-looking horse of good breed.

Mr. Buckner and Mr. Williams would know the horse. The latter will return here from Lahore about the 1st April.

I met the horse on the way back near Attock, where the drivers live, a few days after it was returned. The Pathan I had seen was with it.

The above is read to the witness, and is acknowledged by him to be correct.

The 25th March 1881. D. G. BARKLEY.

Fazldin on solemn affirmation.—I reside at Sarawan. I have land there. I was agent to the contractor for the horses at the Hattian station for the Government dâk for several years, until two months ago, when the station was removed. The contractor was Nadir Khan of my village. There were 15 pairs of horses kept there; I was in charge of all. In the hot weather last year, later in the year than this, Durga Parshad, the Rissaldar, procured four horses for us from Gulab Khan of Wah for Rs. 440. The station was then Sobha Ram's, and I was his servant. I was not his agent; Gopi Chand was. Sobha Ram objected to take them as they were very lean, and the price was high. There were then 12 pairs of horses kept there, and all were complete; but some of the old horses had got lean, and required to be replaced by others. When he refused to take them, the station was taken from him and transferred to Nadir Khan, who took over the best of his horses. Sobha Ram had objected to one only, as it was large and the price high, and he said it was not fit for the work. After this horse had worked in the dâk for four months, Purdil Khan came from Gulab Khan and said his master wanted the horse back. I objected, as horses were much required at the time, unless he gave another horse in exchange. He agreed to give another but smaller horse, valued at Rs. 140, the same price as that of the horse taken back. Devi Sahai, the Jemadar, was present when the exchange was effected. Horses were taken on by the Jemadar, and the price cut by the Jemadar. Rs. 100 per month were being cut for the price of the four horses; Rs. 70 per month was the sum allowed for each pair. It was after the rainy season had been going on for some time the horse was returned. I have not seen the horse since, but would be able to recognize it. It was a grey horse with small dark spots over the body. It was very tall. It went in the shafts, and the other horse driven with it outside the shafts. The latter was a hand and a half lower. I saw it being sent back towards Kabul. The man sent with was an Afridi.

To Muhammad Hyat Khan.—The wheat was young when the horse was taken on. The bajra was not sown when it was returned. I do not know whether the land was cultivated.

The above is acknowledged by the witness to be correct.

The 26th March 1881. D. G. BARKLEY.

Nadir Khan on solemn affirmation.—I am lambardar of Sanwar and Taja Baja, two villages. I took over the Hattian chauki in the Government Dâk from Sobha Ram in the cold weather, and held it for about a year. The station was broken up when the railway was opened. I took over the best of his horses, and some bought by Government, and made over to me through the jamadar and Rissaldar, the price being cut from me by instalments. There were about ten pairs, of which about seven pairs were bought through Government. I do not know the particulars very well. Fazldin acted for me at the chauki, and I only went occasionally. One of them was very tall. That horse was taken back four months after, Gulab Khan of Wah sending me a letter asking for it as it had to be returned to Kabul. I instructed my mukhtar to return it, provided that a good horse was given in its place. I do not preserve letters. It was one of the horses I received with the chauki, but I cannot fix the date very accurately; nor can I state how many months' pay I received for the chauki. No agreement was taken from me when I got the station, as it was only to continue until the railway should be opened. The large horse was a grey with spots of red and black hair mixed. It was a Wilayeti horse from the Kabul direction. I do not know the difference between Kabul and Turkistan horses. I do not know its age, as I did not examine its mouth. The price was Rs. 140 fixed by Fazldin and the Rissaldar.

The above is read over to the witness, and is acknowledged by him to be correct.

The 25th March 1881. D. G. BARKLEY.

Dated Peshawar, 23rd February 1882.

Demi-official from—D. G. BARKLEY, Esq., *Sessions Judge, Peshawar.*

To—LT.-COL. A. H. PRINSEP, *Commanding 11th Prince of Wale's Own Bengal Lancers.*

In connection with an enquiry now being held into the conduct of Muhammad Hyat Khan, C.S.I., when Assistant Political Officer at Kabul, I should be much obliged by the following information with reference to a Turkoman horse said to have belonged to the Mir of Maimena, and to have been presented to you by Mr. Griffin for the Probynábad stud:—

(1) Apparent age of the horse;
(2) His height and description;
(3) What you consider to have been his value at Kabul, and was he, in your opinion, likely to have been sold or purchased as a baggage pony;
(4) Anything you may know of the history of the horse, and how Mr. Griffin was led to purchase him for your regimental stud.

My object in making these enquiries is, of course, to complete my information, and correct it, if in any respect erroneous, in respect to a transaction in which Muhammad Hyat Khan is said to have been concerned.

I have also to request the favour of your returning this note with your reply.

No. 124C., dated Nowshera, 24th February, 1881.

From—LT.-COL. A. H. PRINSEP, *Commanding 11th Prince of Wale's Own Bengal Lancers.*

To—D. G. BARKLEY, Esq., *Sessions Judge, Peshawar.*

In reply to your demi-official of the 23rd February, requesting me to furnish you with information with regard to a Turkoman horse presented to the Regiment by Mr. Lepel Griffin, I have the honour to state:—

Firstly.—The horse is a flea-bitten grey with patches of roan.

Secondly.—He is, as far as I can judge, 12 years old, and stands 15 hands 2 inches in height.

Thirdly.—I can form no estimate of his value in Kabul, but when he came to me in August, though a skeleton and very weak, I would have given Rs. 500

for him on the chance of his recovery. It is in my opinion impossible for a horse of his height and appearance to have been sold as a baggage pony.

Fourthly.—Mr. Griffin told me that the horse had formerly belonged to the Amir, and had been given by him to the Khan of Maimena, and that he was considered to be the finest Turkoman horse in Afghanistan. Rissaldar Bhawaldin Khan of my Regiment and Sirdar Ibrahim Khan Laida both confirm this story.

On the return of the Embassy, Mr. Griffin told me he had this horse and gave him to my Regimental Stud, partly in exchange for a horse of Daffadar Muhammad Ahsoor Khan, who had died from exposure whilst on mission duty, and partly as a recognition of the services of Wizir Dada Muhammad Afzal and other men of the Regiment whilst in Kabul. The horse is here at Nowshera.

I shall be glad to furnish any further information you may require.

Rissaldar Bhawaldin Khan will present himself to you on Saturday morning.

IV.—SIRDAR MUHAMMAD ALAM KHAN'S CASE.

Statement made by Sirdar Muhammad Alam Khan, Governor of Ghazni, states—Shortly after Amir Muhammad Yakub Khan had gone to Khushi, he wrote to me to take measures to secure his family in case disturbances should arise in the city in his absence.

After the occupation of Kabul by the British troops, some one misrepresented the meaning of this letter to the authorities and led them to understand that the Amir had written to me to remove his family and make arrangements for opposing the force under General Roberts.

I was called on for an explanation, and fell under grave suspicion, which I feared at one time would result in my being hanged.

I understood that Colonel MacGregor, one of the members of the Commission of Enquiry, suspected me of hostility to the British Government. I succeeded in clearing myself, but was in some anxiety as to my safety if similar accusations were again brought against me.

Accordingly, I endeavoured to secure the favour of Muhammad Hyat Khan, and sent him a fine mare belonging to me, a chestnut ("surang") with white feet and white forehead; he accepted it as a present and agreed to see that I was not harmed. He made me give him, however, a receipt for Rs. 300. I gave the horse as a present and neither wanted nor received any money. I do not want the horse back.

Taken by me in presence of the Sirdar.

KABUL,
The 24th June 1880.

F. CUNNINGHAM,
First Asst. to Chief Political Officer.

Sirdar Muhammad Alam, examined, states as follows:—

I made a statement to Mr. Cunningham at Kabul. It was to this effect that Amir Yakub Khan sent me two papers, one from Khushi and the other from Charasiah, requesting me in the latter to take measures for the safety of his family, and to remain in Bala Hissar; and when General Roberts came to Kabul he wasn't to be afraid, as he and General Roberts were friends. Some days after General Roberts' arrival a messenger came to me, one of the Rissala, to say that the General wanted me. The General had marched from Siah Sang for Sherpur. It was Colonel MacGregor who wanted me. He was in Siah Sang. I went to Colonel MacGregor; he treated me very kindly, but told me he had heard the Amir Yakub Khan had sent me a paper, and that he wanted me to give up that paper; I said it was with my Mirza, and that I would bring it next day. He said I could not get leave, and he wrote to General Hills, and caused my house to be searched. As soon as this order had been given, Dr. Bellew and Muhammad Hyat Khan went to the Bala Hissar, taking me with them. They went back from Bala Hissar to the camp at Sherpur, the army having that day marched from Siah Sang to Sherpur, and when we got there, Hyat Khan told me to sit down in his tent. While I was there, the men sent to

search my house came back, not having found the letter from the Amir, but bringing my Mirza and all my account books. The Mirza was asked by Colonel MacGregor the contents of the letters and told him. He was then allowed to go, and came and told me, and a man of Hyat Khan's came and told me to go to my house in the city and to come back in the morning with the Amir's letters. I brought it, *i.e.*, the letter from Charasiah, in the morning and it was read to them, and they said, Hyat Khan translating to me, that this was not the letter wanted; it was another. I said this is the letter. They pressed me for it. I said they might send for the informer who mentioned the letter, and enquire from him. Syad Muhammad was sent for and I was sent outside, and after talking with Syad Muhammad inside, I was called in and told that Syad Muhammad said there was another paper, containing information which was not in the letter. I said I had only received two letters, one from Khushi and one from Charasiah; and if there was a third, they could send for the Amir's Mirza and ask him. They sent for Mirza Nabi, Amir Yakub Khan's writer, and asked him how many papers he had written to my address. He said he had written many letters to different people, but only two to me, and stated their contents exactly as I had done. I was then allowed to go to the city. As I was leaving, a messenger told me to come next morning; I do not know from what direction the messenger came, but he said the Khan had sent him. This was after the Khan had dismissed me at the door of the tent. The messenger appeared to be a private servant, and in the morning from Hyat Khan another messenger came for me to the city. In the morning I came, and Hyat Khan was not at home, but I was taken into the office tent where the clerks were, Mirza Taj Muhammad, Mirza Mustamand and others. I sat there from morning, before 7 A.M., till 3 P.M. Afterwards Mirza Ibrahim came to me and told me to sit in Hyat Khan's tent. He told me the Sahibs were in counsel, and there was an order that I should be hanged. He said Muhammad Hyat Khan was a Mussulman, and if I gave him something he would speak in my favour and get me released. I was not in custody at the time. I said I had nothing except a mare, which I could give. The Mirza said, give it, and I then was allowed to go home. Next day I sent the mare by Taghi, a servant of mine, now gone with my son to Kandahar, and I followed. Mirza Ibrahim came to me outside the door of the tent, and brought me a receipt for Rs. 300, and asked me to attach my seal. Before this I had seen the Khan on his way to the General and made my salam to him from a distance. I attached my seal to the receipt and was allowed to go home. When the Ghazis came to Sherpur and attacked it, I fled to Ghazni. After the siege was raised I was sent for and came back with Habibullah Mustaufi. Mr. Griffin had then arrived, and he treated me kindly and asked why I had gone away. I said I fled away from fear, and that I had been seized by the Ghazis when they came, and they wanted to make me their Chief and put me on the throne, and I therefore fled. I also said I had not received justice, and had not been treated with consideration, referring to the enquiry about the papers, and I was therefore afraid, and fled with the Ghazis to Ghazni.

The statement I made before Mr. Cunningham I made as he asked me one day—did I want the horse back from Muhammad Hyat Khan, I said I did not. I do not know how the matter had come to his knowledge. He then asked me for a statement of what had happened, and I told him that, except the mare, nothing else was taken from me.

Sirdar Zakariya Khan often wished me to sell the mare, but I refused. He offered a price but I will not state the price. I understood he wished it for the Maharaja of Jummoo, but he never said so. I merely heard that this was the case. The mare was originally obtained from the Darawat tract in Kandahar territory by me, when it was a year old. It would be about 6 now, or at least over 5.

To Muhammad Hyat Khan.—I never told Muhammad Hyat Khan that I had not received the price. I had given a receipt, and did not expect payment. I had not sold the mare, but given it. It was on the fourth day after the army had gone to Sherpur that the mare was given. Three days had elapsed when my house was searched; my family were there, but they were placed in a separate apartment, the house being constructed like a serai. I saw Muhammad Hyat

Khan frequently after I gave the horse, and also frequently saw the General. I never mentioned it to the General. I never had any conversation about it with Muhammad Hyat Khan. There is a white spot in one eye.

To the Court.—I am not willing to put any price on the mare. I would not have been willing to sell it. Zakariya Khan can tell what he offered.

The Sirdar here asks Muhammad Hyat Khan what became of his (the Sirdar's) office records which were brought to the camp when his house was searched, and states that—

Colonel MacGregor said they had been made over to Muhammad Hyat Khan, and that Mr. Griffin had them searched for, but they could not be found.

To Muhammad Hyat Khan.—Besides Mr. Cunningham, Mr. Griffin and Mr. Christie and others asked me about the mare. No one except Mr. Cunningham ever suggested to me to complain. I told no one in the Punjab that I had sold the mare. Mr. Christie at Amritsar told me I was required here. I asked for what, and Mr. Christie told me it was to make this statement.

The above is explained to the Sirdar in the Persian language, in which the evidence was given, and is corrected in accordance with his statements. It is a correct record of his examination.

The 24th February 1881. D. G. BARKLEY.

Re-examined.—The receipt shown me is mine. It was given the same day I gave the horse. The date it bears is 17th Zilhijj=2nd December 1879. I do not remember how long it was after the army went to Sherpur it was given. I only know that it was the fifth day after the day I was taken to the Bala Hissar and Sherpur it was given. I cannot say how long it was after the Amir Yakub Khan was taken to Sherpur, nor do I know whether the date is correct. I only know that this is the receipt to which I attached my seal. I know that Sherpur was besieged on the 29th Zilhijj=14th December 1879; but I will not say whether the date given in the receipt is correct. The army often went from Siah Sang to Sherpur. I know that on the day I was arrested, Colonel MacGregor left Siah Sang for Sherpur, and it was on the fifth day after I gave the mare, which was the day I was released.

The above is explained to the Sirdar, and is admitted by him to be correct. He is unwilling to commit himself from memory to an opinion as to the correctness of the date of the receipt, being apparently suspicious of the object with which the question is asked.

The 1st March 1881. D. G. BARKLEY.

In Sirdar Muhammad Alam Khan's case Muhammad Hyat Khan states.—I bought the mare about the beginning of December I believe, and paid the money. I do not recollect at present through whom it was paid, but can ascertain by enquiry from my men. Sirdar Muhammad Alam Khan was sent for to make enquiries about the letter received from the Amir, and General Hills was written to to search his house, but I do not recollect his being detained in Sherpur. He was not under any guard, and I do not remember his being told not to leave until he got permission. It was about the end of October that the Sirdar was sent for while we were at Siah Sang, and it was not until December that the horse was purchased from him. I do not know whose handwriting the receipt is in.

The above is read over to Muhammad Hyat Khan, and is admitted by him to be correct.

The 1st March 1881. D. G. BARKLEY.

Jaikishan of Bhawan, Tahsil Challawal, on solemn affirmation.—I am Record-keeper in the Commissioner's English office. I kept the accounts of political expenditure at Kabul in Major Hastings' and Muhammad Hyat Khan's Office. I saw a mare, which Muhammad Hyat Khan got from Sirdar Muhammad Alam Khan, being exercised before my tent about a day or two after, or perhaps a day or two before the Amir, was deported to India. I do not

remember the time very well. Being at leisure I went out and looked on. The Sirdar was there. Jalal Khan asked me to count the money as he was about to pay the price, and I did so, and as the Sirdar ordered the money to be paid to a man of his, it was paid in my presence to the Sirdar's servant. There were many others present—Sirdar Abdullah Khan, Abdul Samand Khan, in whose tent native visitors were received, and many others who were waiting at his tent. It was in the day-time, neither morning nor evening, but I can't state the time more accurately. The money paid was Rs. 300 English money. I do not know where Sirdar Muhammad Alam Khan was living at the time, whether in the City or at Sherpur, but he was then at the tent. I know it was about the time of the Amir's departure, as that was a well-known event. The tent in which he lived was near, and I remember seeing when the guard was removed. The Sirdar ordered a man with him to write a receipt, which was done. I did not see Mirza Ibrahim at the time.

This was before the siege of Sherpur. I do not know whether any Sirdars were then in detention in Sherpur. The siege may have taken place 15 or 20 days after, but I do not very well remember how long. There was no bargaining before me. Muhammad Hyat Khan was sitting in the tent for guests. The mare was "rakki" colour, with white feet and mouth, and one eye had white in it, but I cannot say how much of the eye was white.

Jalal Khan called me to count the money as I was a friend, and he saw me standing there. I was not asked to sign the receipt. The Sirdar was in the tent. The man the Sirdar told to write the receipt was a Kabuli—I also in the tent. I went to Kurram for employment, being sent for by a brother of mine who was in the Commissariat, and I became an umedwar with Mr. Christie, who sent me to the Shutargardan on a telegram coming for some one to be sent who knew English. I joined at Khushi, and served under both Muhammad Hyat Khan and Major Hastings at first.

To Muhammad Hyat Khan.—I often wrote to Muhammad Hyat Khan from Kabul. The three letters shown me are mine (letter dated 28th May 1880 (registered) read). I wrote this letter (letter dated 1st July to Sikandar Khan read). I wrote this letter. A servant of the Nawab's called me in the evening, and I wrote this letter the same night and dated it. I posted it next morning. I wrote it on the 1st. It must have been the morning of the 2nd when I posted it.

Question.—Do you recollect this perfectly ?

Answer (after repeating his previous answer)—I may have forgotten. When sent for, the Nawab in person told me to support the charges against Muhammad Hyat Khan. No particular charge was specified. I refused. Raja Jahandad Khan and Ghulam Muhai-ud-din Khan were present; no one else. About others, I only know from hearsay. The Nawab promised me promotion if I supported the charges, and the Raja and Ghulam Muhai-ud-din also promised this. I did not then know that any charges had been preferred, nor did they tell me that any charges were about to be preferred. They did not ask me if I knew anything, or what I knew. Their reason for calling me was that I had been some days with Muhammad Hyat Khan. They did not suppose me to be an enemy of Muhammad Hyat Khan.

I do not remember whether Muhammad Hyat Khan had promised me any employment in Hindustan. I wrote the petition bearing Major Hastings' order of 14th June and sent it to Muhammad Hyat Khan with a letter some time after, probably that now read.

The above is read to the witness, and is acknowledged by him to be correct.

The 28th March 1881. D. G. BARKLEY.

Muhammad Ismail Khan on solemn affirmation.—I belong to Jalalpur in Gujrat District. I went to Kabul in the Public Works Department as a Munshi in Lieutenant Cather's office. I saw a mare bought by Muhammad Hyat Khan from Sirdar Muhammad Alam Khan in Kabul near Muhammad Hyat Khan's tent, the godown being near. I went to the tent where Sirdars were received, and found Muhammad Hyat Khan there. Muhammad Hyat Khan ordered a servant of his to bring money, and Jalal Khan came with money and gave it to Babu Jaikishan, who was sitting in the tent,

who counted it and gave it to Muhammad Alam Khan. He brought it to Muhammad Alam Khan, who told him to give it to his servant. The amount was Rs. 300 English money. Jalal Khan asked for a receipt, and a Mirza, who was sitting with Muhammad Alam Khan, a Kabuli, wrote the receipt. I do not know Mirza Ibrahim. I do not know the time very well, but it was in the day-time and in office hours, perhaps about 10 or 11. I went to the tent as I was a friend of Jalal Khan, and in the habit of going to see him. I had known him from the time we were in the Kurram. I knew him here previously. It was in the month of December, some days after Yakub Khan had been sent down to India. His tent was near the godown, and was removed when he was sent off to India. Five or six days from the Eed had elapsed at the time. I mean the Bakr Id. My work was in the Cantonment. The tents were near our godown. I do not know where Sirdar Muhammad Alam Khan then lived. He was not in the Cantonment under surveillance. There were other Sirdars there including Sirdar Abdullah Khan, but none of them were under surveillance. There was no bargaining about the mare before me. Jaikishan was sitting in the tent before my arrival, doing nothing. I do not know whether Jalal Khan was there when I went in. I did not see him until he brought the money from outside. He was not inside.

Question.—Whom did you go there to see?

Answer.—I always went there. I went there after looking at the horse being exercised. I wanted to see Jalal Khan. It was not about any business.

I have long been in the Public Works Department. I was never turned out. I have now been for three years under one Sahib. I never absconded and fled across the frontier. I once asked for leave, when there was fighting in the Abazai country. I was under the same Sahib I am under now. The leave was refused. I was ill and went to the hospital and then home. There had been some deficiency in the accounts of the godown, but I was not blamed about it. When the Sahib went up to the Kurram he sent for me again from Thall. When the army went from Kabul to Kandahar, I was sent down. I am not now employed.

I arrived here on the 24th and have been stopping at Muhammad Shah, appeal writer's house. I came direct from home.

When I went away from hospital I went to Umarzai and Tangi, and went to a fakir at a village 1½ or 2 miles beyond the Frontier owing to illness.

The above is explained to the witness and is acknowledged by him to be correct.

The 28th March 1881. D. G. BARKLEY.

Report dated 5th March 1881.

We have examined carefully a mare of the following description:—Bright bay with blaze; off fore and near coronet white; both hind legs white.

Wall-eyed on the off; height about 14—3, said to belong to Muhammad Hyat Khan. We consider her age to be about seven years; she is lightly formed under the knee, indifferent feet and tendency to sand crack on near fore. Indifferent quarter. She appears to have been well cared for.

We consider her value to be about Rs. 200.

H. A. MCNAIR, *Lieut.-Colonel,*
12th Bengal Cavalry.

GRAHAM BIRCH, *Major,*
Late 1st Eur. Lt. Cavalry.

J. PARSONS, *Colonel,*
Deputy Commissioner.

V.—GENERAL SAIF-UD-DIN'S CASE.

Statement of Saif-ud-din. Khan of Shewaki, taken at Kabul on 13th June 1880, on solemn affirmation.—I was a General in the Amir's army, in command of a brigade of artillery. After the massacre of the Envoy in September, I was dismissed on account of services which I had rendered for

Sir L. Cavagnari. Muhammad Jan Wardak was promoted in my place. Soon after the British army arrived, I was arrested on a false charge of having been at Charasiah fighting against the British, and with having been concerned in the massacre. After a few days I was released. I was then asked to do service, and I and my brother Khair-ud-din gave such assistance as we could to the Commissariat. I collected bhusa, &c.

I was then living in Sherpur. On the day of the Kila Kazi fight, when Daud Shah was put in arrest, I too was made prisoner and confined in the same room as General Parvez Shah and his brother Sayad Jalal. A day or two after, Hyat Khan, the Political Officer, came into our room, which was close to his. Parvez Shah besought him to procure his release, and offered to pay heavily for it; he was afraid, because a brother or other relation of his had been fighting against Government. Hyat Khan said they must give something, or they and I would be host. Parvez Shah agreed to give 100 tillas, and his brother 100 ratiskas. I had not so much money. However, after we had been some days in prison or in arrest, after the final defeat of the Ghazis, Hyat Khan sent Nasrat Jung, who was formerly in the army of the British Government, and is now at Lataband, to my village, and brought away my horses and camels. One horse only was a good one; he kept that, and returned the others My brother, who has just died, paid 500 Cabuli rupees for my release, and I was then let out. That was after the defeat of the Ghazis.

My brother is dead; he gave the money to Musa Khan, who gave it to Mirza Taj Muhammad or to Mirza Ibrahim, dependents of Hyat Khan, who managed these transactions for him. Musa Khan can swear to this. My horse is now with Sikandar Khan; it is chestnut (surang), short-tailed, about 12 years old. It came from Turkistan. I would not have sold it for Rs. 1,000.

Hyat Khan also took another horse from me in this way. I had been told to help in doing various kinds of service. I was collecting arms, &c., and bringing them up. One day I brought several rifles and a horse which had belonged to the Amir, and which I took from the Bala Hissar when Yakub Khan went to Kushi. I brought the horse and the rifles together to Sherpur, intending to let the General know. Sikandar Khan saw the horse, and said "what have you brought it for"; I said "it was the Amir's and is now the property of the British Government". He said "give it to me", and took it away, saying he would take it before the General. I believe he bought this horse at auction afterwards. The other horse that he took from me was never paid for and was extorted as the price of my release.

F. CUNNINGHAM,

The 13th June 1880. *First Asst. to Chief Political Officer.*

Muhammad Hyat Khan, with reference to Saif-ud-din's statement, says.—That the horse mentioned by General Saif-ud-din was purchased from Khair-ud-din, his brother, by me, Muhammad Hyat Khan, for Rs. 300, and given by me to Sikandar Khan. The date will appear from Sikandar Khan's books. The payment will be in my own account books. Two or three months after Khair-ud-din's death, Saif-ud-din Khan was instigated by my enemies to make this charge. The horse was taken back from my brother, who was not paid for it. The statement that I took 500 kabuli rupees from Musa Khan, given by Khair-ud-din, is entirely false, and I do not know who Musa Khan is.

The price of the horse was fixed at Rs. 300, but the sum actually paid was Rs. 295, as the price included the bridle and horse-clothing, and he did not give the horse clothing (Jhuls). The Rs. 5 were deducted for these.

The 21st February 1881. D. G. BARKLEY.

The account books, and any witnesses bearing on this charge, can be in attendance on Saturday, the 26th instant.

D. G. BARKLEY.

The account books have not been produced. Muhammad Hyat Khan says, his wife, to whom he wrote for them, informs him they are at Jhelum. He gave the horse to his brother on or about the 28th March, which was the day before he left Kabul. "I bought it in February."

The 21st February 1881. D. G. BARKLEY.

Baha-ud-din Khan, Rassaidar, 11th Bengal Cavalry, on solemn affirmation deposes.—One day both brothers, General Saif-ud-din and Khair-ud-din, came to General Roberts at Sherpur, and while they were waiting, Muhammad Hyat Khan came and saw their horse standing. He asked whose it was. I said it belonged to General Saif-ud-din and Khair-ud-din. He said he would like to buy it. I referred him to them. I told Khair-ud-din Khan, the Deputy Saheb said he would wish to buy the horse. He said if Hyat Khan would take it, he would give it to him without charge. I told him he must settle with Hyat Khan about the price. Hyat Khan asked him the price of the horse. He said it was worth Rs. 500. They discussed the matter. Hyat Khan offered Rs. 200, and at last Rs. 300 was fixed. Khair-ud-din Khan then told Hyat Khan to take the horse to his tent. He said he would not take it until he had paid the price. They said they would leave it, and come to-morrow, but Hyat Khan refused to take it until he had paid for it, and the horse was therefore left five days with my horses. After five days Saif-ud-din Khan and Khair-ud-din Khan came and said they were ill and wished for medicine. I said their horse was with me, and I was feeding it as Hyat Khan would not take it, and told them to take it away. They then went to Hyat Khan's tent. I was in readiness to go out with the General. Hyat Khan called Mirza Ibrahim and told him to pay them, and take their receipt. He brought money in a handkerchief, and while they were counting it, a Gurkha orderly of General Roberts came and told me the General called me, and I rode off. At 7 P. M. I returned and found Khair-ud-din Khan at my tent. He said, when I asked how he was, that they had settled about the horse.

General Saif-ud-din was in confinement twice; first after the fight of Charasiah, I do not know how many days after, perhaps ten, and after a month or 20 days he was released by General Roberts' order, and again during the siege of Sherpur. I think the sale of the horse was after the siege of Sherpur had been raised, but I am not quite sure. He was released after the siege. At that time his brother Khair-ud-din was ill at his fort about 5 miles distant. General Parvez Shah and Syad Jalal were imprisoned during the siege in the same rooms as General Saif-ud-din. General Daud Shah was confined separately. General Saif-ud-din had been released when the sale of the horse occurred, but I do not remember how long. He was coming almost daily to General Roberts, as he was employed by General Roberts in some matters.

When the money was being paid there were four or five persons present, but I do not remember any of them, except a native doctor attached to the Charitable Dispensary in the city, who had been treating me for a wound on my finger. He was then sitting in the room near. His name is Abdul Rahman. I do not know where he is. I remember him because he is married to the daughter of a darzi in Nowshera, named Golam Ahmed.

I was acquainted with Saif-ud-din and Khair-ud-din, as my village Kamarri is about six miles from Kabul, and their fort is two-and-half or three

miles from my village. It is known as Kila Akhundzada. Their uncle's son's daughter is my wife. I did not meet General Saif-ud-din or Khair-ud-din after Muhammad Hyat Khan left, as I was generally on duty away from Kabul. I was only slightly acquainted with General Parvez Shah.

There is a Turkomani horse with the Colonel of my Regiment, given, I am told, by Mr. Griffin. It is a fine horse—a flea-bitten grey. It is of about the same height with a horse of mine, which is either 15 hands 2½ inches or 15 hands 1¾ inches. I do not know its age. I was not present when Colonel Prinsep got it. I had accompanied General Roberts to Kandahar. I never saw it in Kabul. I rejoined my Regiment on the 22nd November after the Lahore Darbar, and the Colonel told me to look at the horse. It was a very fine-looking horse, with good feet, and all other points excellent. It is not a horse likely to have been bought as a baggage animal, but of course it might in case of necessity be used to carry clothing. I do not know whether it has been driven. I do not know what such a horse would sell for in Kabul. Horses are at present very cheap, but such a horse could not be bought, if wanted for the Regiment, for Rs. 200. Perhaps it might sell for Rs. 250. It is of good breed. It might, perhaps, be bought for Rs. 200, if for sale at present. If horses were as dear as they were last year, it could not have been got for Rs. 400. General Saif-ud-din's horse was small, but a fine horse. The horse now with Colonel Prinsep is a large horse, and I consider it superior to General Saif-ud-din's. Its feet and its head are better. Its head is good-looking, like that of an Arab horse.

Explained to the witness in Hindustani, and is acknowledged by him to be correct.

The 26th February 1881. D. G. BARKLEY.

Re-called.—I have not noticed any marks on the feet of the "newar." I have not noticed whether there is any mark of an old wound on the back. The hair would come again on such a mark, but the period varies. In some horses it would come in five or six months; in others not for a year or more.

Explained, and is acknowledged to be correct.

The 26th February 1881. D. G. BARKLEY.

Abdul Rahman on solemn affirmation—

Do you know Saif-ud-din and Khair-ud-din?	I know both these men, Saif-ud-din and Khair-ud-din.

Interrogatories for Abdul Rahman, Native Doctor, Simla.

Abdul Rahman, Native Doctor, sent for.

18th March 1881.

QUESTION.	ANSWER.
Were you present when any money was paid at Sherpur, Kabul, to Khair-ud-din? How much money, why was it given, and at what place, and by whom?	I was present in Muhammad Hyat Khan's house when money was given to the above men. About Rs. 300 were given; they were in a hankerchief tied up and given to Saif-ud-din. The money was given for a horse bought by Muhammad Hyat Khan. Mirza Ibrahim, his Munshi, gave the money over.

QUESTION.	ANSWER.
Can you say on what date the money was paid, or do you know of any occurrence by which you could fix the date or the month?	It was in February; I cannot tell exactly the date. I went to Sherpur in February, and went to see Muhammad Hyat Khan's brother who was ill.
When at Kabul did you learn what opinion people entertained about Muhammad Hyat Khan?	After Hyat Khan left for India, people in the Dispensary said Government would punish him for getting up disturbances.
Did the people of Kabul regard Muhammad Hyat Khan as their friend or their enemy? If the latter, why?	People looked upon him as an enemy, particularly because he was a Muhammadan.
After the departure of Muhammad Hyat Khan for India, what report did his enemies spread about him, and what do you know about this?	Every one used to say that Government would forfeit his Jaghir and punish him.
Cross-interrogatory.— For what purpose or on what business had you gone to Muhammad Hyat Khan's quarters at the time? Were you a frequent visitor to Muhammad Hyat Khan or to his brother?	To see his brother who was ill, I often went to the house to see Muhammad Hyat Khan, because his house was on the road, and also to see those of his household who was ill.
D. G. BARKLEY.	Taken before me this 18th day of March 1881. J. HUTCHINSON.

VI.—PROPERTY TAKEN FROM THE AMIR'S FAMILY AND FROM THAT OF SIRDAR MUHAMMAD YUSUF KHAN.

Statement of Sirdar Muhammad Yusuf Khan, dated 6th July 1880.

When the ex-Amir's families were at Sherpur, a set of gold horse-trappings, an Egyptian sword with gold scabbard mountings (Tánál wa Munál), the Khúnkhár sword with iron scabbard mountings, a revolver with five barrels, having a handle of "Shir Máhi" bone, were returned by the General through Hyat Khan. Hyat Khan took a receipt for these articles from me. The next day he took the revolver and the Khúnkhár sword himself, and said that as Sirdar Hashim Khan claimed the gold horse gear, the General wanted to see it, and took it from us, but he neither gave it to Hashim Khan, nor to the General. It was worth seven or eight thousand rupees.

When the ex-Amir's family was going to be taken to Sherpur, a female slave of theirs disappeared with Rs. 500 cash, two gold bars, and ten gold leaves, weighing 300 "miskáls" (120 tolas). After twenty days she appeared herself in Sherpur. She had lost Rs. 500, but the gold was still with her. The arrival of this slave girl was reported to Hyat Khan, who told me to send her to Wali Muhammad Khan to make enquiries into her case. As she belonged to the Amir's harem, I told Hyat Khan that it was not proper to send her to the house of our enemy. Hyat then said that the General sanctioned this and had asked for the gold. He took the gold from us, but did not give it to the General.

When all other prisoners were released and I was still in prison, my mother gave a "Gul" (head ornament), worth Rs. 1,500, set in diamonds, to Hyat

Khan. On my release our horses, which were seized by Sirdar Hashim Khan, were returned to me by the General's order. I by my own free will gave an "Ablak" (piebald) horse to Hyat Khan.

Muhammad Hyat Khan took a sword of the late heir-apparent Abdulla Jan, taken away by the ex-Amir, from us. He returned the hilt set in diamonds to me, but kept the sword with him.

Nur Ali informed me that 70 chogas were taken by him, and not a single pice was paid to us. In addition to all these articles he took other numerous things, such as silk cloth pieces, postins, &c., the account of which I do not know. I saw Hyat Khan one day having a black postin of the Amir's, lined with karakul, on him. A book of Bedil called Muhít (the Amir's property) was also with him.

Mirza Ibrahim and Taj Muhammad know everything As all the property of the Amir was in his charge, he picked up all the best articles and kept them with himself.

7th July 1880.

Sirdar Muhammad Yusuf Khan, son of Sirdar Yahia Khan, states as follows :—

Question.—It is generally reported that Muhammad Hyat Khan obtained many valuable things, horses and other property, from various Sirdars in Kabul by way of bribery, and he is accused of having taken valuable property from the Amir's *Toshakhana.* Will you state anything for certain that you may know?

Answer.—When they were taking the family of Amir Yakub Khan into Sherpur, a slave girl ran away, taking with her Rs. 500 cash, two bars of gold and 10 leaves of gold. About three weeks afterwards the girl turned up in Sherpur. She had lost or spent the money, but had still the gold. I had reported her flight at the time, and similarly reported that she had been found.

Hyat Khan told me "the General has ordered the slave girl to be sent to Sirdar Walli Muhammad Khan to have her case enquired into."

Seeing that the slave girl (or concubine) was one of the Amir's household, and it would have been extremely derogatory and annoying to him for her to go into the house of his enemy, I did my best to prevent what would have been a disgrace to the Amir. Hyat Khan then came to me and said the General has sent for the gold which the slave girl has with her, and has agreed to your request that she should not be sent to Sirdar Walli Muhammad Khan. Accordingly I gave the gold to Hyat Khan. It was about three hundred "miskáls" in weight and about Rs. 2,400 in value.

2. When I was under arrest and my family had been brought into Sherpur, and others who had been imprisoned with me had been released, and I was still kept a prisoner, my mother sent a message to Hyat Khan asking him to represent my case to the General. Hyat Khan did not comply. My mother therefore sent him a diamond ornament for the head—my own property—valued at Rs. 1,500, by the hand of one of the slaves of our household. Hyat Khan then spoke in my favour to the General and I was released.

3. At the time of my release the General ordered the following things belonging to the Amir Yakub Khan to the returned to the inmates of his house:—

(1) an Egyptian sword with a gold mounted sheath;
(2) the "Khúnkhwár" (blood-drinker), a famous sword which had belonged to the Amir;
(3) a pair of gold mounted revolvers;
(4) a revolver with a handle of some fish bone in a box;
(5) a set of horse trappings, gold mounted, worth at least Rs. 7,000 or Rs. 8,000. The trappings were covered with pure gold "tillas."

These things were given to the mother of Muhammad Musa Jan, wife of the Amir, from whom a receipt was taken to which her seal was attached. Two days later, Hyat Khan sent to the Amir's house and demanded the "Khúnkhwár"

sword, the bone-handled revolver, and the gold horse-trappings, saying Muhammad Hashim Khan had laid claim to them as having belonged to Amir Sher Ali Khan. They were accordingly given up to him. Hyat Khan said that this was by the General's order. Accordingly, I myself, on behalf of the Amir's family, gave these three articles to Hyat Khan.

4. After my release I was told by the slaves and servants of our household that General Roberts had told them they might take back from the Amir's property, which had been confiscated, anything which his family might specially desire, and he gave them an order to this effect for the person in charge of the property. They state that they went and took the following articles :—

(1) several bales of Barak,
(2) three bales of Kashmir cloth—"Abra,"
(3) seventy chogas made up for khilluts, and
(4) some bales of gold broadcloth, besides other kinds of cloth.

After they had carried them away, Hyat Khan took from us the "Barak," the "Abra," the "chogas," and left us only some inferior cloths.

5. There was a sword of Amir Dost Muhammad Khan, which came into the possession of Amir Sher Ali Khan, and thence passed to the mother of Abdulla Jan. Amir Yakub Khan took it from her. It had a gold-mounted scabbard, and the slings were covered with diamonds. This was among the property of Yakub Khan that was confiscated, but the General afterwards restored it to us in Sherpur. Hyat Khan returned to us only the jewelled sword sling, but kept the sword.

6. On the day my family was taken into Sherpur, Sirdar Muhammad Hashim Khan seized my horses. When I was released I petitioned to the General, who told me I might take them back. I recovered five swords from Hashim Khan, but lost two. I gave as a present to Hyat Khan for his services in this matter a piebald "yarga," that is an ambling horse, worth about Rs. 300 or Rs. 400.

I have only stated matters which came immediately and directly under my own knowledge, and in these statements have avoided referring to other equally notorious cases in which Hyat Khan took sums of money or valuable jewels as the price of release of persons, or for doing favours on behalf of petitioners, with the British authorities.

Taken by me,

KABUL,
The 15th July 1880. F. CUNNINGHAM.

Statement of Sirdar Muhammad Yusuf Khan.—I made a statement before Mr. Cunningham at Kabul concerning property taken by Muhammad Hyat Khan. The property I mentioned as taken was—

(*1st.*) A slave girl belonging to Amir Yakub Khan ran away when the Amir's family was removed to Sherpur. She had Rs. 500 cash and two ingots of gold and 10 sheets of gold leaf in her possession when she fled. After twenty days she returned, and I informed Muhammad Hyat Khan of this, having already reported her flight to him, for the information of the General. She had with her the ingots of gold and the gold leaf, but the money had been lost. She produced them before me. I reported her return, and Muhammad Hyat Khan reported to the General, and then told me the General's order was to send her to Sirdar Wali Muhammad Khan for enquiry into her case, and what she had taken with her. I told him to tell the General that as she was a slave of the Amir, it would not be proper to send her to the house of Sirdar Wali Muhammad Khan, as he was then an enemy of Amir Yakub Khan. He went to the General, and came back and told me that the General had cancelled the order about the slave girl, and required the gold, which was in my possession. I was then living in Sherpur, and the Amir's family was there. I brought the gold from my tent and gave it to Muhammad Hyat Khan. The gold was about 300 miskáls in weight. I did not weigh it. It was for the housings of the Amir's elephant. The gold was worth Rs. 7 per miskál in Kabul, or Rs. 2,100 in all. I do not know what Muhammad Hyat Khan did with the gold. I gave it into his own hand in his room.

(*2nd.*) When the Amir's family and my own were brought to Sherpur I was under arrest, and many others were under arrest at the same time, and were being released day by day, two or three at a time. My mother gave a head ornament (gul sir) with diamonds, value Rs. 1,500, to Muhammad Hyat Khan to represent to the General that I had been imprisoned without any fault. Muhammad Hyat Khan represented this to the General, and I was set free. The head ornament was my own property, and on my release my mother told me that she had sent it by my slave girl to Muhammad Hyat Khan.

(*3rd.*) After my release the General was kind enough to order the return of the following property to the Amir's family :—an Egyptian sword, gold mounted, another sword called the khúnkhár, steel mounted, a set of gold horse-trappings, a pair of gilt revolvers, another revolver, gilt, with white ivory handle, in a box. Hyat Khan brought this property to me, and I gave them to the mother of Sirdar Musa Khan, and took her receipt, which I gave to Muhammad Hyat Khan. Two days after, Muhammad Hyat Khan told me the horse-trappings were claimed by Sirdar Muhammad Hashim Khan, and to bring them, and also the khúnkhár sword and the ivory handled revolver. The ivory is not elephant ivory, but made of the teeth of a fish (*Shir Máhi*) which comes from Bombay. Hashim Khan had not claimed the sword or the revolver. I took these things from the mother of Musa Khan, and gave them myself to Hyat Khan. The gold trappings were worth Rs. 8,000. I do not know if Hashim Khan ever received them. Hyat Khan told me that Hashim Khan had claimed them before the General. Hyat Khan did not say whether the General had ordered them to be given to Hashim Khan or not. He gave no reason for telling me to bring the khúnkhár and the ivory handled revolver.

There were two celebrated swords, one that of Dost Muhammad Khan, and another given by the Shah of Persia to Muhammad Yakub Khan. The sword belt of the latter was mounted in diamonds. When Yakub Khan was imprisoned by Amir Sher Ali, he took the Persian sword from him, and removed the diamond mountings, and put them on Dost Muhammad's sword, and gave it to Abdullah Jan, when he made him heir to the throne. When Abdullah Jan died the sword remained with his mother. When Yakub Khan became Amir he took it from Abdullah Jan's mother. Both these swords were included in the property which was confiscated. While I was in confinement, the diamond mountings were returned. I saw them on my release, and was told by the mother of Abdullah Jan and my own mother and the mother of Musa Khan that Hyat Khan had brought them back and taken a receipt. The swords had not been returned, and I do not know whether they had been ordered to be returned or not.

The khúnkhár is distinct from either of these. It was a straight, two-edged sword.

I saw no property of the Amir's in Hyat Khan's possession. I do not know what has become of the book of the Amir's called Muhít. It was amongst the confiscated property, having been in the Sandukkhana. It was a very large book, and well known. The composer of the book was Bedil by title, his name being Abdulkadir. It was illuminated, the letters being in gold. The writer was employed by Sirdar Ghulam Muhammad Khan for twelve years at a salary of Rs. 2,000 per annum. He was paid this sum for writing this book only. I was examined by Ghulam Muhai-ud-din Khan, but I do not remember saying anything of this book nor whether it was mentioned. I never saw the book with Muhammad Hyat Khan. I find it is stated in my deposition before Ghulam Muhai-ud din, but I do not remember having made the statement. I was asked to describe the book, and did so, but I did not say I had seen it with Muhammad Hyat Khan.

I know nothing of anything taken from the family of the Amir's slave. Nur Ali was under arrest at the same time with me. I was released ten days before him. I know nothing of any property taken from his family. The property in his possession was seized with that of the Amir. There was a watch in the Amir's Sandukkhana which was kept by Nur Ali's wife. The wife of Nur Ali gave me the watch to give to Muhammad Hyat Khan for his release, and I gave it into his hand. It was said to be Turkish. It was a gold watch without diamonds on the case, and large. There was nothing with the watch.

There was a gold chain, but it did not belong to this watch. I gave a watch of my father's, given to him by Amir Yakub Khan with a short gold chain and two rings, diamond and turquoise, to Muhammad Hyat Khan after my release. These had been sent to me by my father when imprisoned, before my arrest, the watch and chain being for my brother Asaf Khan, but as he was in Lughman I had given the watch and chain as well as the rings to my mother. The watch which was given by Nur Ali's wife had belonged to Amir Sher Ali, and had been kept in the Sandukkhana.

Seven horses of mine were seized by Sirdar Hashim Khan when I was imprisoned, of which five were returned on my reporting the matter to the General after my release. One of these was piebald, and this I sent as a present to Muhammad Hyat Khan. I sent it by a servant, whose name I do not remember. The horse belonged to the son of the Amir of Bokhara, and was sent by him to my father.

Sirdar Muhammad Asaf Khan, my elder brother, was at Lughman when these occurrences took place.

None of my servants, present in India, know of any of these things. A slave's son, named Sherin Beg, who knew of them, ran away from me at Peshawar. Dur Muhammad, a slave with Yakub Khan in the Dehra Dun, was one of my informants as to what happened during my confinement.

To Muhammad Hyat Khan.—I was sent for by telegram, being at Lughman at the time, to come to Kabul. I was only told that I was wanted at Kabul, a telegram having come to Jalallabad for me. I was examined after reaching Kabul as to what had been taken. Mr. Cunningham told me to tell what I knew. I went to Mr. Cunningham and asked for what purpose I had been sent for. He told me that I might tell what I had seen about Muhammad Hyat Khan. I had made no statement on the subject to any one before I left Lughman. I believe I said nothing to any one, but I may have mentioned them. I do not now remember.

No one was present when I gave these things to Muhammad Hyat Khan. I gave the sword and the pistol and the gold trappings on the roof of the house. It may have been five or ten days after my release. I do not remember. The ingots and the gold leaf were given at the same place; I do not know at what hour, nor whether it was in the morning or evening, but it was by day. I think it was after I had given the sword and pistols. I never told the General or any one else about these things. I had often seen him and Major Hastings after my release. I was not told by any one that if Muhammad Hyat Khan were disgraced, Amir Yakub Khan would be released. I do not know what officers went when the property was confiscated, nor whether it was a European or a native. I was in confinement. I do not know whether Muhammad Hyat Khan was on the commission which reported in favour of the deposition of the Amir, and the deporting of my father to India. My family were taken to Sherpur by Walli Muhammad Khan, and while they were there all their expenses were supplied by Mirza Ibrahim. The arrangements for their custody were under the superintendence of Muhammad Hyat Khan, and all the General's orders were communicated through him. He held conversation with my mother from outside the purdah, but within the outer kanat, when any orders came from the General. I do not know whether they ever sent for him to speak about the arrangements. They may have done so. By General Roberts' order Rs. 120 *per diem* were allowed for the maintenance of the family, and Muhammad Hyat Khan told me of this and proposed that I should take charge of the money. I declined to do so, and asked him to arrange for its expenditure, and he did so while we remained in Sherpur. After our return to the city the money was paid to us. Ten days before Muhammad Hyat Khan went to India he told me he wished to purchase some *kalins*. I brought him a merchant, from whom he purchased three kalins for Rs. 500, one Persian and two Turkoman. Hyat Khan said he would pay. Two or three days after the merchant came to me, and I paid him. I never asked Muhammad Hyat Khan for the money, nor has it been paid. At Amritsar I have told Jalal-ud-din Khan of Rawalpindi to remind Muhammad Hyat Khan. I know that some of the articles confiscated were sold by auction, having seen them being auctioned at Sherpur. I do not

know as to the remainder. Mr. Christie has charge of all the arrangements for me and other Sirdars at Amritsar.

The above is explained to the Sirdar in the Persian language in which it was given, and is acknowledged by him to be correct. He adds:—

My brother Asaf Khan was present when I sent the horse to Muhammad Hyat Khan. He had just returned from Lughman, and was with me in my house in the city when I sent the horse.

25th February 1881. D. G. BARKLEY.

To Muhammad Hyat Khan.—No servants are at present sent from the Sirdars at Amritsar with messages to Dehra Dun, nor are messages received from there.

25th February 1881. D. G. BARKLEY.

To Muhammad Hyat Khan.—My father was under a guard of European soldiers when he sent the watch and rings. He sent them by the man who took his food to him. He was in the habit of getting food and clothes from his house. When brought, the servants were searched, to see if they brought any papers, but not when they left; only the dishes were looked at.

25th February 1881. D. G. BARKLEY.

Statement of Sirdar Muhammad Asaf Khan.—When I went from Lughman to Kabul, my brother had been released several days. On the day of my arrival at Kabul I saw General Roberts, and again next day. I then got a letter from General Roberts (produced printed copy of certificate, dated 25th January), and I left the next day. On the day of my arrival my brother and the Amir's family returned from Sherpur to the city. My brother and I, after leaving our families in their hands, went to Sherpur and saw Muhammad Hyat Khan. My brother remained with him while I went to the General.

When I came to Kabul, Hashim Khan had seized the horses of myself and my brother; how many I do not know. A few days before my arrival, my brother had received back three horses. There were still two with Sirdar Muhammad Hashim Khan, one of which he denied having, saying the son of Sirdar Wali Muhammad Khan had taken it, and the second he had, but had not returned.

On my second visit to the General, while I was waiting until he had leisure, I began talking with Hyat Khan about the horse. Hyat Khan asked if I had got it back. I said I had not, but it was a very fine horse, and I would certainly take it from Sirdar Hashim Khan. It was a piebald horse, and I said when I got it I would give it to him; it was worthy for him to ride. He replied: "You are going away to-morrow, get it, and send it before you go." I then went home, and I sent a man to Hashim Khan. He came back in the evening, bringing the horse with him. I kept it that night in my stable, and saw it in the morning. I had never seen it before, as my father had got it in Turkistan, while I was at Lughman; but I had heard it greatly praised. When I saw it, I told the man in charge to take it to Muhammad Hyat Khan. My brother was then with me. After breakfast I went off to Lughman. I have learnt from Jalal-ud-din Khan of Rawal Pindi that the horse waswith Muhammad Hyat Khan. He enquired about the horse; I said I had given it to Muhammad Hyat Khan, and described it.

Jalal-ud-din told my father, in my presence at Amritsar, that Muhammad Hyat Khan had sent him a reply that he would give him the horse. I do not know what had passed between Hyat Khan and Jalal-ud-din about the horse.

I did not mention this when called to-day before, as my deposition was not taken.

To Muhammad Hyat Khan.—I do not know when Muhammad Hashim took the horses except from hearsay; but I have heard that when the Ghazis had retired and my brother was in Sherpur, Hashim Khan took them from our stables in the city.

The horse was a pony, but quick-paced. It was Syad Thora, son of the Amir of Bokhara, who is here, who gave it to my father. The ground of the piebald was dark bay. It was of Bokhara breed, and, when I saw it, was in poor condition. Jalal-ud-din Khan is my maternal uncle.

The above is explained to the Sirdar in the Persian language in which he made his statement, and is acknowledged by him to be correct.

The 25th February 1881. D. G. BARKLEY.

Maulvi Muhammad Sharif on solemn affirmation.—I was store-keeper of the Amir and in charge of his horses, mules and cattle. Muhammad Hyat Khan took nothing from the Amir's property in my presence except a book named Bedil, with margins illuminated in gold, and very large. Sirdar Ghulam Muhammad had got it written at Kabul by his Mirza. I do not know the name of the Mirza. It was well known that he had spent a large sum on the book; it was said Rs. 10,000 or Rs. 12,000. If sold in the bazar, it might bring Rs. 100 or 120, but it was not a book for people of small means. It was a book for the Amir, and could not be expected to bring its value, if sold. The book was taken 10 or 15 days after the Amir's family had come to Sherpur. It was taken out of the Sandukkhana by me and given by me with my own hand to Muhammad Hyat Khan. He asked for it saying he wished to read it, having seen it in the Sandukkhana. The Sandukkhana was at the time in charge of officials of the British Government. There was a Sahib, whose name I don't know, in charge. He was not present at the time. The family of the Amir had made a representation to the Commissioner that their clothes were there, and an order came from the Commissioner (*i. e.*, Major Hastings) to give up such property as they might recognise. Dur Muhammad and Shirin Beg, the latter since absconded, two sarwans and two farrashes went to recognise the property, and I accompanied them. Muhammad Hyat Khan and Mirza Ibrahim also went. The goods were in a verandah, under a European guard. Dur Muhammad and Shirin Beg recognised the clothes wanted, and Mirza Ibrahim and Mirza Taj Muhammad, after our return to the female apartment, made a list of what we had taken. Taj Muhammad had not gone to the Sandukkhana while Dur Muhammad and Shirin Beg were recognising the property. I sat in the verandah and passed it out. Dur Muhammad brought out the book, and I began to read it. Muhammad Hyat Khan was sitting with me, and he also read a little of it. He then asked me for it, saying he wished to read it, and I gave it to him. It was not included in the list afterwards prepared. When the property was taken there was in addition to the guard an officer present, but I do not know whether he was a commissioned or a non-commissioned officer. He stood near and said nothing. Whether he was there on duty or not I do not know.

The book was never returned. I remained in Kabul for 7 months afterwards and came to India in the month of Ramzan with the Amir's family. I never asked for the return of the book, and Muhammad Hyat Khan left Kabul before we did.

I do not know of any sword taken by Muhammad Hyat Khan, and nothing was taken from the Amir's family in my presence. I had nothing to do with the female apartments. Sirdar Muhammad Yusuf Khan was in charge of them. I know of nothing taken by Muhammad Hyat Khan from any one else. Dur Muhammad is at Dehra.

The book was taken about the end of the Muharram. It was in that month the Amir's family came to Sherpur, after the siege. The Amir's property had been brought to Sherpur before the siege.

To Muhammad Hyat Khan.—You did not leave the book in the Sandukkhana at the time you took it to your residence. I have heard that some of the books were returned to the Amir's family and others sold; I have heard about 10 or 12 camel loads. I only know of this by hearsay from merchants. The sale was after the Bedil book had been taken, some days after; I do not remember how many. They were being sold for 2 or 3 days, but I did not go to the auction.

On the above being read to him in Persian, the witness adds :—

I think the officer standing by was on duty, as nothing was allowed to be taken until he came. The Bedil book had been the property of the Amir Sher Ali, and had been given by him to the heir to the throne, Abdulla Jan, and after his death it was deposited in the Sandukkhana. On Amir Sher Ali's death it came into the possession of Amir Yakub Khan.

The above is read to the witness in Persian, and is acknowledgedby him to be correct.

The 3rd March 1881. D. G. BARKLEY.

Extract from a demi-official letter from W. Holmes, Esq., at Mussoorie,—dated the 14th September 1880.

* * * * * * *

PARA. 4 —Yakub has been informed by his wives and slaves that Muhammad Hyat Khan, who I believe was removed from Kabul in disgrace, has got possession of a quantity of his private property, including two things on which he sets great store, namely, a very large illuminated book compiled by his father and himself and the sword of Dost Muhammad. The jewels were removed from the latter by somebody at Kabul and were returned to his people by General Roberts' order, but the sword was afterwards taken away by Hyat Khan. Yakub is very anxious that these things should be obtained by search or otherwise and returned to him.

* * * * * * *

Nur Ali on solemn affirmation :—I am a slave of the Amir's, born in his house. I was employed in making purchases from the bazar. The property in the female apartment was in my charge, but I did not go in. I only had the outside service. I was imprisoned at Sherpur on the day when General Roberts' army went there. I was sent for from the city, from the door of the Amir's house. I went to Siah Sang. Mr. Chamberlain was sent with me from Siah Sang to the city to the Sandukkhana, and he put his seals on it and took me to Sherpur. I returned to the city, and was again sent for to Sherpur next morning about 10 A.M., and was arrested. I did not know why. I was put under a guard. I was detained for three months, at first alone, and after four days, under a different guard, with others, Yahia Khan, the Mustaufi and others. They were in a different tent, but there were several others in the same tent with me. Four or five days after my arrest—then says about 12 days,—I was questioned about tillas. I was taken before Sirdar Walli Muhammad Khan and questioned by him. He said the tillas were short. I was not in charge of the tillas They were first with the mother of Abdulla Jan and were afterwards taken by Amir Yakub Khan into his own charge. After counting them along with Naib Lal Muhammad, he had them placed in the female apartments. The Amir's family were then in the garden of Ali Mardan and in the house of Sirdar Yahia Khan, having come there when the troops were marching to Siah Sang. They had brought the tillas with them. When the troops reached Siah Sang the Amir sent word that the General would send for the tillas, and Mr. Chamberlain with Ghulam Nakhshband and another officer had come and removed them. They were not counted. I told Sirdar Wali Muhammad when examined that I did not know how they were short. The Sirdar said the Amir's family might have taken them. I replied that they had not. They were in a separate house. I know nothing of the tillas having been found afterwards. I remained in confinement. I was only once examined.

Muhammad Hyat Khan did not send to me, while I was confined, to ask for anything. Abdulla Jan's watch was with my family while I was imprisoned. A man of Sirdar Yusuf Khan's came to me and asked me for the watch. I asked what he wanted it for. He said he wanted it to give it to the Deputy. I told him it was at my house. My family were then in Sherpur with the Amir's family. No enquiries had been made about it from me by any one sent by Muhammad Hyat Khan. The man sent by the Sirdar was Khair Muhammad, a slave of Sirdar Yahia Khan's. After my release, when I returned to my house, my wife told me Sirdar Yusuf Khan had taken the watch. There was a

small fine chain, only about a finger's length, with the watch. The watch was of gold, middle sized, and was said to be Turkish. I do not know from whom it had been received. Amir Sher Ali had sent it into the Sandukkhana. When the Sandukkhana was removed to Ali Mardan's garden, I kept this watch in my own charge, as it was a fine one, to preserve it from injury. There were many watches in the Sandukkhana An account had been taken of the watches when brought to the garden. The others were not of gold, and were small.

My wife told me Sirdar Yusuf Khan had himself come for the watch. My wife did not tell me that any one else had asked for it, or had asked her to give anything for my release. I told Mr. Holmes at Dehra what I have said now. I did not say that Hyat Khan had himself come to my wife.

Abdulla Jan's sword was a Persian sword which had belonged to Dost Muhammad. The Amir had given it to Yakub Khan, but afterwards took it from him and gave it to Abdulla Jan, putting gold on it, and diamonds on the belt. Amir Yakub Khan had taken it back from Abdulla Jan's mother. In Kabul it was placed in my charge, when the Amir arrived at Siah Sang, to be placed in the female apartments. I removed the diamonds, cutting them out of the strap, and placed them and the sword in the female apartment. When the Amir was sent to Hindustan I was in custody at Sherpur. The same day Colonel MacGregor sent me to Mr. Chamberlain to the city, and he told me to give up whatever the Amir's family had. I said there was nothing. Sher Ahmad, son of Sirdar Nur Muhammad Khan, said I would be hung if I did not bring what there was. Sher Ahmad mentioned the sword, and I brought it and the jewels and the gold horse-trappings and gave them to Mr. Chamberlain. I was then taken back to Sherpur. Several days after the siege was raised, I was sent for by the Deputy Sahib (Muhammad Hyat Khan), and I found him near the tents occupied by the female apartments. He asked if these were all the diamonds of the sword. I said they were all. He then sent them by me into the female apartments. There was one emerald and the rest were diamonds. Muhammad Hyat Khan then asked me where the sword was. I said I had given it to Mr. Chamberlain and the Colonel of the Gurkhas, and knew nothing further. I did not see the horse-trappings returned. I was taken back to the place where I was confined. I do not remember how many days this was before my release.

No silver vessels were taken from me. I was not in charge of the silver vessels. The Amir's family had them. I know nothing about them. No enquiries were made from me when at Kabul by the kotwal or his naibs, or by any one else about property taken from me. I was never asked by any one there what had become of these vessels.

The above is read over to the witness in the Persian language, and is acknowledged by him to be correct.

The 3rd March 1881. D. G. BARKLEY.

Dur Muhammad on solemn affirmation.—I am a servant of the Amir's, born in his house. When the clothes were returned to the Amir's family, Shirin Beg, Maulvi Muhammad Sharif and I, and Muhammad Yunas Khan, a son of the Amir's, went. The clothes required were taken out and carried to the female apartments, when Mirza Taj Muhammad and Mirza Abdul Rahim came and made a list of them. Muhammad Hyat Khan was there; and as the list was made, sent them into the female apartments. There were several chogas which Muhammad Hyat Khan himself took, saying they were of no use to us and would be of use to the Sahibs. I do not know the number. He also took one of two pieces of red cloth, sending the other into the female apartments. I do not know who removed the things not taken into the female apartments. Taj Muhammad may have taken them, or Mirza Abdul Rahim may have taken them with him. I went to my work. By Abdul Rahim I meant Mirza Ibrahim. I saw no books taken.

I did not see anything taken at any other time. I know Sirdar Muhammud Yusuf Khan. He is the brother of the Amir's wife. He did not ask me anything when released, and I told him nothing. Shirin Beg may have told him.

I know nothing of the sword of Abdulla Jan. I was not present when the diamonds were returned to the Amir's family.

I know of a slave girl having absconded, and I was told by Muhammad Hyat Khan to make enquiries about her. I saw her on her return, but do not know if she had any property with her; nor had I been informed of her having taken any. I was not present when she absconded.

I was not with the Amir's family when taken to Sherpur, but I went next day, and I often went there during the day and returned home at night. Shirin Beg was a slave of Sirdar Yusuf Khan's, and anything he wished to know he would ask him.

There was a large bundle of the chogas—an armful. There may have been about 30, but this is only an estimate. I cannot say that there were so many. I do not know of any abra or barak. I saw none taken from the store-room that day.

The *maghut* (broadcloth), of which one piece was taken, was red. I did not see any gold on it. Muhammad Hyat Khan said it would be of use to the Sahibs for khillut.

I saw no book brought out. I gave none to the Maulvi.

When the chogas and the broadcloth were taken, the Maulvi was standing about 15 paces off.

The servants went twice for the clothes; but I only went the second time. The first time Sherin Beg went; but I do not know who went with him. I was at the bazar at the time.

I do not know of anything taken from the mother of Sirdar Yusuf Khan.

The above is explained to the witness in the Persian language, and is admitted by him to be correct.

D. G. BARKLEY.

Statement of Muhammad Hyat Khan, with reference to the property said to have been taken from the family of the ex-Amir, of Sirdar Muhammad Yusaf Khan, &c.

[See evidence of Sirdars Muhammad Yusuf and Muhammad Asaf Khan, of Muhammad Sharif, Nur Ali, and Dur Muhammad.]

With reference to the sword of Abdulla Jan, it is true that the diamonds were returned through me. Major Kennedy, one of the members of the Prize Committee, gave them to me for the purpose of being returned. When they were returned, I was asked, on behalf of the members of the ex-Amir's family, where the sword was. I then asked Nur Ali, and he said he had given it to Mr. Chamberlain and the Colonel of the Gurkhas. I asked Captain Chamberlain, and he said that Major Kennedy had it. I asked Major Kennedy, and he said the sword had been taken by the General to give as a trophy of Kabul to Lord Lytton. I had received no orders to return the sword, and I never had it.

With reference to Abdulla Jan's watch, mentioned by Nur Ali and Sirdar Muhammad Yusaf Khan, I know nothing. I never received it. Sirdar Muhammad Yusaf did not give it to me. Nor did Sirdar Muhammad Yusuf Khan give me a watch and chain, and a diamond and a turquois ring, as he alleges.

Sirdar Muhammad Yusuf did not report to me either the escape or the return of a slave girl of the Amir's. Nor did I give him any orders from the General about the case. Nor did I ask him for the gold brought by the girl.

I did not receive a head ornament (gul sir) with diamonds from Sirdar Muhammad Yusuf's mother. He was released under a direct order from General Roberts through Major Hastings, after a list had been made—I do not know whether by Captain Chamberlain, Major Hastings, or General MacGregor—of political prisoners who might be released.

The property mentioned by Sirdar Muhammad Yusuf Khan was returned to the Amir's family through me, and a receipt taken by me. I got it either from Major Kennedy or Captain Chamberlain to return to the Amir's family. I did not afterwards take back the gold horse-trappings, revolver, and sword. If I did, I would surely have been asked for a receipt. Nor had Sirdar Muhammad Hashim Khan claimed the horse-trappings.

I do not know what became of the "Khunkhwar" sword afterwards. A few days after I gave the property, the Amir's family returned from Sherpur to their homes in the city. I believe the only sword plundered from my brother on his way down was an Irani sword, *i. e.*, a curved sword. He was searched at Dhakka by Mr. Merk.

I never received a horse from Muhammad Asaf Khan and Muhammad Yusuf Khan. I have been told that Muhammad Husain, Sirdar Muhammad Hashim Khan's *Mir Munshi*, sold a piebald horse in India when on his way to Kerbela, but I do not know that this was the same, or whether it belonged to them. The only piebald pony I brought down from Kabul was one of my son's, which I took with me when I went to Kabul and brought down again. I took it up as a baggage pony. As it was a little pony, and not up to my weight, I gave the pony back to my son on his return, and it died at Wah, I believe, last December or November. I had it with me at Jhelum. My boys went to school on it. The colour was red and white. I may have ridden it sometimes, but it was not up to my weight. I may have ridden it to kutcherry, which was quite close. I have not had any other piebald horse since I came down from Kabul.

I know nothing of the Bedil book. I know that the women's clothes were ordered to be returned, and that an order was given anthorising their being removed. I do not remember having gone myself, but I sent Mirza Ibrahim of my own office, and the Commissioner's Mirza, either Taj Ahmad or Taj Muhammad, to see them taken out, and have a list made and take a receipt. On the order given no book would have been allowed to be taken out. I do not know if I went to the spot while they were being counted. As to the chogas, they were taken out—I do not know whether on the same day or not—under a *chit* from Major Hastings or some officer of the General's staff, and were made over to Sirdar Wali Muhammad, whose receipt was taken for them. This receipt must be in Major Hastings' Office. Sirdar Wali Muhammad Khan might also be asked about them.

I did not order any broadcloth or anything else taken for the female apartment to be removed for khilluts. The property was in the stores of the Prize Committee, and nothing would have been allowed to be taken, except on their order. The list made of property taken out probably would be in Major Hastings' Office also.

I had never any communications with Sirdar Jalal-ud-din Khan about the piebald pony. The ground was a bright bay, with white spots.

I only sent down horses twice, once with Jalal Khan, and the second time I came down with them. I can give a list of all the horses I bought at Kabul, Kurram, &c., and I believe I have receipts for all I bought at Kabul, though not for those purchased before I got there. In Khair-ud-din's case I have not been able to find the receipt, but will enquire from Jalal Khan whether a receipt was taken.

Taken by me, 12th March 1881.

D. G. BARKLEY.

Shirin Beg on solemn affirmation.—I was a slave's son of Sirdar Muhammad Yusuf Khan. I did not run away from him. He allowed me to leave him when he came from Kabul. My wife and family are also with me here. I support myself by the sale of property coming from Kabul. I have been to Amritsar to sell such property. I earned the capital by labour here. I was employed by Sirdar Muhammad Yusuf Khan as a general servant. I was employed in connection with the female apartments. I went to Sherpur with the family of Sirdar Muhammad Yusuf Khan and of the Amir. No slave girl ran away from either.

I was present when some property was returned to the Amir's family from the Sandukkhana at Sherpur. It was ordered to be returned owing to a petition to the General about their clothes. A Mirza of the Commissioner's was sent, and Maulvi Muhammad Sharif and Dur Muhammad and I went on the part of the Amir's family. There was an officer present, and the Mirza had got a pass. I received orders to go from Sirdar Yahiya Khan's wife. The order was to bring the women's clothes. I only went once. Dur Muhammad and I went in and brought out the things wanted, and showed them to the officer, who

allowed them to be passed out. Only women's clothes were allowed to be taken out. The Maulvi stood at a distance looking on. There were many books there, but they were not allowed to be taken out. I did not see any book brought to the Maulvi. No book was taken out. What the Maulvi says is false. He was in charge of the Amir's mule establishment. The property taken was brought to the door of the female apartment, and after the Mirza made a list of them, they were all taken in by me and Dur Muhammad. At the same time the Mirza by the Commissioner's orders took out some chogas. These were brought direct to the Mirza's tent, which is near the female apartment, not to the female apartment. I did not hear the Mirza's name, but he was the Mirza who paid out the money for the expenditure of the Amir's family which was received through the Commissioner. About 30 chogas may have been taken. I saw no broadcloth taken out, but the chogas were of broadcloth. The borders were embroidered with gold. The Mirza took these out himself. Five soldiers went inside when the things were taken out. Muhammad Hyat Khan was not at the Sandukkhana when the things were taken out, nor at the female apartments when the list was being prepared there.

After the release of Sirdar Muhammad Yusuf Khan, he made no enquiries from me about any property. I told him about the chogas and about the return of the clothes to the family. This was merely by way of information, it being the Amir's property.

I returned from Amritsar only yesterday. I stop here in the Bazari-Ganj. I don't know the name of the Ganj. My house is hired from a widow woman whose name I don't know. I was 20 days or a month at Amritsar. I stopped at the sarai to which Kabulis resort. I don't know its name. I bought gur which is now coming here, 5 or 6 maunds.

I do not know either Mirza Ibrahim or Mirza Taj Muhammad. Only one Mirza was there, who was the Commissioner's Mirza, a Kabuli. I do not know whether he was a Kizzilbash or not.

To Muhammad Hyat Khan.—I know the piebald horse Sirdar Muhammad Yusuf Khan had. It was not one of those taken by Sirdar Muhammad Hashim Khan. It was taken at the same time by Muhammad Hassan Khan, a Munshi of the Amir Sher Ali Khan. It was not recovered. Muhammad Hassan came here seven or eight months ago, and had the horse with him. Sirdar Muhammad Yusuf Khan was then here and I was in his service, and told him I had seen it. He said nothing. I don't know where Muhammad Hassan is now. When the Khunkhwar sword was received back from Muhammad Hyat Khan by Sirdar Muhammad Yusaf Khan, and before the Amir's family came down, it was given to the tutor of Sirdar Musa Khan. Sirdar Yusaf Khan was at Jallalabad at the time. At the same time the mother of Sirdar Yusaf Khan sent the gold horse-trappings, in presence of Abdullah, a merchant, to a goldsmith named Aslam, and had ornaments made of them. This was 10 or 15 days before their departure for India.

Re-examined.—Muhammad Hassan Khan remained at Kabul after the mutineers left. I do not know why Sirdar Muhammad Yusuf Khan did not demand the horse back. They are enemies. Muhammad Hassan Khan and Sirdar Muhammad Hashim Khan were friends. I do not know if Muhammad Yusuf Khan complained to any British officer about this horse. It was not much valued by Sirdar Yusuf Khan. It had been given to Yahiya Khan by the son of the Amir of Bokhara.

To Muhammad Hyat Khan.—There was only one piebald horse in the stable. I went back from here to Kabul three months ago and made my purchases there with the money earned here by labour. I had been working here for three months and had earned Rs. 35. After some stay here I went to Amritsar to sell them. I spent Rs. 2 going to Kabul, and returning I had Rs. 4 left. When I made my purchases I carried the goods down on my back. I paid Rs. 1-8 customs at Jalallabad, nothing at Dhakka.

The above is explained to the witness, and is acknowledged by him to be correct.

The 24th March 1881. D. G. BARKLEY.

Hashmat Ali Khan on solemn affirmation.—I have been Deputy Inspector of Hassan Abdal Police Station since August 1878. Wah is two miles from the station. In April 1880, on the Grand Trunk Road, I met Muhammad Hyat Khan's horses coming back from Kabul. I knew them to be his, as the men with them were wearing arms. I asked on this account who they were, and where they were going. They said they were the Khan's servants returning from Kabul and were going to Wah. One of the horses was a piebald horse, with a saddle on it, and led by a man. The piebald was a white and bay horse. The bay was not bright bay. That would be called *rakka*. This was *kumaid*. I observed only these two colours. It was of middling height, neither very large nor very small, and of stout body. I did not observe of what breed it was. While the Khan Sahib was at Wah, his brother, Gulab Khan, rode this horse about twice to the police station. I did not see the horse again after he left Wah. He may have remained there somewhat less than a month. I never saw the horse back again at Wah after he left. I never saw it before he went to Kabul. I did not see it when he returned from Kurram after the first campaign. Where his stables were there was a porch on high ground overlooking them, and I have often sat there and seen his horses. I never saw any piebald pony in his possession but this. It was a good-tempered horse, therefore fit for children to ride, but it was also strong enough to carry heavy men. Before the Khan Sahib went to Kabul, his children were at Wah. When they came to Hassan Abdal, I have seen them riding *tattoos*, chestnut or bay in colour, never piebald. A horse like the piebald I saw would ordinarily be called a yaboo, not a *tattoo*. If of full height it would be called a horse; if smaller, a *tattoo*. If of this country, it would be called a *tattoo* also, if of middling size; but if from the Kabul direction, a horse of that size would be called a yaboo. I know nothing of any horse of Muhammad Hyat Khan's having died at Wah this winter.

Of the witnesses I have brought, Alfa saw the horses going up, having met them on the road.

When I met the horses returning, I saw 11 or 12 in all. Three were not laden; the others were. I do not know the names of the men I saw with them.

To Muhammad Hyat Khan.—I cannot state the colours of the others. I noticed the piebald, as it was of a peculiar colour. I do not know where Muhammad Hyat Khan got the piebald except from hearsay. I was transferred on 5th August 1880 to the City Police, Rawal Pindi, and retransferred in September to Hassan Abdal; but it was not stated in the parwana transferring me that Muhammad Hyat Khan had made any complaint against me; nor did Mr. Drysdale ever tell me so; nor have I heard that Ghulam Muhammad Khan, Muhammad Hyat Khan's brother, complained of my partizanship with their enemy, Muhammad Khan. I do not know that a deputation from Hassan Abdal went to Muhammad Hyat Khan at Wah, on his return from Kabul, to complain of me. I did ask Karam Khan, Bostan Khan, Khairuddin Khan and Fatteh if they knew anything, and they said they did not. This was because I was instructed to bring with me any witnesses who knew the facts. I sent for Sawan Khatri, as he was mentioned in the order I received, but I did not tell him not to mention the piebald horse. I did not go inside the stable; when I saw the horses at Wah, I saw grays, chestnuts, &c.

There is some enmity between Muhammad Hyat Khan and his cousins, Muhammad Khan and Maddat Khan. I made no report before I received orders to enquire. It was owing to these orders I made enquiries. I asked Muhammad Khan and Maddat Khan, as well as others.

Muhammad Khan did petition, on Muhammad Hyat Khan's return from Kurram, that security might be taken from Ghulam Muhammad Khan and servants of Muhammad Hyat Khan. In the petition he mentioned Muhammad Hyat Khan as instigating them.

Nawab Khan, who appeared yesterday, is the son of a man residing in Muhammad Khan's division of the village, and now works for wages in that quarter. I mean that he lives in that quarter of the village, but I do not know whom he works for.

The above is read to the witness, and is acknowledged by him to be correct.

The 7th April 1881. D. G. BARKLEY.

Alfuddin on solemn affirmation.—I reside at Lohsar. I am lumbardar. It is about a koss and a half from Wah. In the month of Ramzan, I saw Muhammad Hyat Khan's horses near Brahma village on the road going up to Kabul, Jalal Khan and Sawan Khatri being with them. I saw four mules, three sawans, and a yellow one, whose I didn't know, and three horses going up. Jalal Khan was riding one of the horses, and the other two were led. That Jalal Khan was riding was bay, and the other two were gray. I saw no laden ponies; two of the mules had boxes, and the others bundles and clothes. There were eight or nine men with them. I recognized no one but Jalal Khan and Sawan. In Baisakh last year, at the present season, I saw five horses of the Khan's at a *baoli* on the road near a field of mine. There were six men with them, and they told me they were the Khan's horses. I knew none of the men. The horses were a piebald, a dun, and three others, one bay and two gray. The dun was a mare with a foal. I never saw the piebald before this, or since.

To Muhammad Hyat Khan.—I was imprisoned for a month some six years ago, one of my enemies charging me with insulting a woman. The road past Brahma goes to Fattehjang, and the horses were going in that direction. I have never been to Kohat, but that is the road to Kohat. I was sent for by the Deputy Inspector at the same time that Sawan Khatri was sent for. I do not know which is the direct road from Wah to Bathar. I have no familiarity with Muhammad Khan. I do not know of his enmity with Muhammad Hyat Khan. They are near relatives.

Explained to the witness and acknowledged by him to be correct.

D. G. BARKLEY.

Nawab on solemn affirmation.—My father's name is Jallan. I am a zemindar of Wah. I went with Muhammad Hyat Khan to Kabul as a syce when the expedition went up. I went with the horse named Moti. There were two others,—one named Logar, iron-gray, and one bay. There were no ponies; mules only were taken for baggage. There were three mules of Sawan Khatri's and one of Muhammed Hyat Khan's. There was no pony for baggage. There was no piebald pony with us. I returned from Kabul when Muhammad Hyat Khan came down. I was then in charge of a piebald horse; he got this at Kabul. I do not know from whom he got it. About a month before he came down, a Khan brought it to the stable. It was not laden when I brought it down. It had only the saddle on it. I went with it from Wah to Jhelum, and remained two months. I then took leave, giving up the employment. I have not seen it since. It has not been in Wah since then. I never saw any other piebald horse in the possession of Muhammad Hyat Khan. It was a good horse. When I came down there were 3 or 4 unladen horses and 8 laden. It was a white piebald with red spots.

When I went up, Abbas, Burban, Attanya, Karma, Bakhsha Malliar, and another, Bakhsha Nura, a zemindar of Wah, Gholam Hassan and Juma went up, besides Jalal Khan and Sawan, to whom the mules belonged. Sawan is now here; Bakhsha Musalli was in charge of the horse named Logar. The third had no syce; we attended to it. We overtook Muhammad Hyat Khan at Ali Khel; we remained there 6 or 7 days. We then went to Khushi. We got there in one day. We then went to the "parao" on this side of Logar, then to Logar (says this is the name of a village), then to the Wazir's Kila, the "parao" beyond Logar where the fight occurred, and then to Siah Sang. It is a high place near Kabul; we remained there 1½ month or 2 months, and then went to Sherpur, where we remained 6 months. I never went out from there. Muhammad Hyat Khan went out when there was fighting. Moti was never taken out. It was a very fast horse. He rode a bay horse, the one taken up from Wah. When Jalal Khan came down he brought with him 18 laden horses and 17 unladen. When I came down with Muhammad Hyat Khan, 8 were laden and 3 unladen. Moti went down with Jalal Khan; Logar was sold to a merchant. I do not know from whom all the horses were got. Horses were brought and described as for the Khan Sahib. The horses were tied in 3 lines when at Sherpur. These were the Khan's horses only. When he went away when there was fighting, he took his own horses to carry baggage.

At Wah I am Muhammad Khan's tenant. I have no land. I live by selling grass. I was in his division of the village, but I have since served Muhammad Hyat Khan for a year. I was once imprisoned 3 or 4 years ago for 4 months for a quarrel with my uncle, Mehr Muhammad. I did not state in my answer in that case that I was Muhammad Khan's servant, and that Gulab Khan and Ghulam Muhammad Khan wished to get me imprisoned. I am not a servant of Muhammad Khan. My brother Alfa is servant of his brother Ahmad Khan. Muhammad Khan and Ahmad Khan have also come here, but it was the Deputy Inspector who brought us.

The horses at Kurram put up with Shahzada Sultan Jan, who was in camp there at the time. The Shahzada had no horse then.

The 6th April 1881. D. G. BARKLEY.

There is a stage at Shutargardan between Alikhel and Khushi. We did stop there for 2 days. Muhammad Hyat Khan was in a tent; he was not with any Sahib. I went with him to the Shutargardan and left it with him.

We went from Wah to Campbellpur in one day, and in one day from Campbellpur to Kohat, then to Hangu, then to Malik Bhangi's village, then to Balesh Khel, then to Kurram. We did not stop at Bathar or at Khushialgarh; we went right through. We did not go five stages in one day. It is not five stages from Campbellpur to Kohat.

I did not tell Muhammad Khan the name of any stranger who had come to Wah about a week ago. I saw no foreigner there.

Re-examined, after being confronted with Muhammad Khan.—There was certainly a Kabuli Munshi at Wah for several days, named Ibrahim. Having been at Kabul, I knew his name, and Muhammad Khan asked me who he was.

The 7th April 1881. D. G. BARKLEY.

Nawab on solemn affirmation.—I live at Wah. I am a zamindar. I am a tenant both of Muhammad Hyat Khan and of Muhammad Khan. I do not know what horses Muhammad Hyat Khan took with him to Kabul, nor how many horses he had before starting. I saw no piebald horse either before he went to Kabul or after my return. I was told to come here by Muhammad Khan. I am his servant.

The 7th April 1881. D. G. BARKLEY.

Mehr Bakhsh on solemn affirmation.—I am a zamindar of Wah, a hereditary cultivator. I cultivate Muhammad Hyat Khan's land. When his horses started for Kabul, I only saw two horses and four mules going. There may have been others gone before. Jalal Khan, Laddha, Bakhsha, Juma Burhan, and Sawan Khatri were with them. I saw four or five men. One was a red horse and one gray. He had no piebald horse before he went. There was never one in the family. In Baisakh a piebald horse was brought down after Muhammad Hyat Khan's arrival. Jalal Khan was with the horses then. Six or seven came then. I asked Nawab of Wah, who was one of the men with them, whose they were. He said they were the Khan's. This was Nawab, who appeared here yesterday. When the Khan Sahib left for Jhelum, he took it with him. I never saw it in Wah afterwards. I do not know of its having ever returned to Wah. He left no horses in Wah except one or two of inferior value. I do not know of any horse of his having died in Wah last winter. Jalal Khan came down thrice, once about Magh with 35 horses, again about the month before last with 14 horses, and, lastly, in Baisakh, about this time, with 12 horses, a few days after the Khan's arrival. I went to see the horses, as they were wonderful horses and had wonderful boxes with them. Everybody counted them.

To Muhammad Hyat Khan.—I am not a servant of Muhammad Khan's. Many of the horses were sold. Some of them were sold to road chaukis, and one fine horse presented to the Arbab at Attock (Extra Assistant Commissioner Arbab Lashkar Khan). Some were sold to the Hattian Chauki,—I don't know how many. Names also several other chaukis.

Explained to the witness, and is acknowledged by him to be correct.

Fuzla on solemn affirmation.—I am a zamindar of Wah, by caste a Mallian. I cultivate land of Muhammad Hyat Khan's and also land of Muhammad Khan's. I live in Muhammad Khan's patti. I am a hereditary tenant in both divisions of the village. When Muhammad Hyat Khan went to Kabul he had with him three horses, one bay and two grey, and three mules; two Sawan's, and one his own. He himself went by dâk, and his servants followed with the horses by the Fattehjang road. Three ponies also went,—two grey and one bay. These are the horses already mentioned, not different. The horses were not laden, but Jalal Khan rode one. Juma, Nawab, Karma and Burhana and Attaya also went with the horses. Others may have gone with the Khan. Nawab was of Wah. There were one or two Punjabi servants, but I don't know their names. I never saw a piebald horse in Muhammad Hyat Khan's possession until last year, about this time, when he came back from Kabul. It remained a month, and when Muhammad Hyat Khan went to Kangra, it and four other horses went after him. This horse never returned. I heard this winter that a horse of the Khan Sahib's had died at Wah. I did not see it, and I don't know what it was like. The Khan Sahib had then 2 or 3 old horses in Wah and two others. I did not see them. I know how many there were only from hearsay.

To Muhammad Hyat Khan.—I know of no enmity between you and Muhammad Khan. People do not call me his Wazir, nor am I his Wazir. Muhammad Khan's father killed Muhammad Hyat Khan's father in Rajah Chattar Singh's time. There are two roads to Bathar, one the Fattehjang road and another. Both are straight roads. I have not been in Muhammad Khan's service for a year and a half past.

The 7th April 1881. D. G. BARKLEY.

Muhammad Khan on solemn affirmation.—I am a resident of Wah. I am cousin of Muhammad Hyat Khan. I am not a particular friend of his, nor am I a great enemy. I am proprietor in one division of the village and he in the other. When Muhammad Hyat Khan went to Kabul, he took three horses with him, two grey and one bay; the latter a small pony. Four mules went. No laden ponies went. Of the mules, one was dun, the Khan's own, and three Sawan Khatri's of Lohsar. I saw Jalal Khan and the servant of Muhammad Hyat Khan start with the horses by the Fattehjang and Kohat road. Muhammad Hyat Khan and Sikandar Khan having gone by the Peshawar road, Nawab, Burhana, Attaya, Juma, Sawan Khatri, Nur Muhammad, Karma and one or two others went. There were no Punjabi servants. He had none. All were of Wah. One of the others was Ghulam Hassan. Nur Muhammad has not come with me. None were of the Gurdaspur District.

Muhammad Hyat Khan had no piebald pony at the time. His children rode two small bay ponies. When he came down from Kabul, Muhammad Hyat Khan brought a piebald horse, which remained a month at Wah, and was taken away by him; and I have heard that his children afterwards rode that. It came in April. It was white, with red spots. The spots were bay; they were pure bay; no other colour mixed with it. It was a valuable horse, swift and gentle, and well-looking; it was of middling height and strong in body, and of foreign breed. I have seen Gulab Khan riding it. It was fit to carry any one, however heavy. When the Khan Sahib went away to Kangra he took it and a dun horse with some white in the eye, which foaled at Wah, and two or three others. It was with him at Jhelum, until the order came for his suspension, but I only know of this from hearsay.

Thirty-five horses came down in December towards the end of the month, 11 in February, one of which was the Jamshidi horse, besides two asses of foreign breed and a mule of Sawan, and 12 in April, after Muhammad Hyat Khan's return. Several small horses were sold to the dâk. The Jamshidi horse was a fine horse, fit to ride. It was never sold to the postal department; it was made over to Nadir when Sikandar Khan wrote down from Kabul that there was a case about it, and afterwards taken back and sent to Kabul. If it had been sold, I would have heard the price. Nadir had the chauki at Hattian, but whether it was ever driven in the dâk I do not know. I know Durga

Parshad. He was appointed to the dâk on the security of Purdel Khan, a relative of Muhammad Hyat Khan's. He bought 12 or 14 horses of the Khan's for the dâk. It was, I think, after the Khan's return that I heard there was a case about the horse. Muhammad Hyat Khan remained perhaps 20 days at Wah. When he came down from Kabul, he remained 15 or 20 days. His family were at Wah, and when he went to Pahlanpur he took them with him. When he went to Lahore from Wah, I do not think he came back; I know how long it was, as about a week after he came, Mr. Drysdale, District Superintendent of Police, came with Hashmat Ali Khan and enquired if he was there, and I said he was, and then I went with them to Muhammad Hyat Khan. After this he remained eight or ten days at least.

I do not know of any horse of Muhammad Hyat Khan's having died at Wah during the winter.

I sent a registered letter on the 1st April, stating that I saw a man named Mirza Muhammad Ibrahim at Wah from the 28th March. I asked Nawab, who had gone to Kabul, his name, and I also heard his name from others. He remained five days, and was said to be making out accounts for Muhammad Hyat Khan. Muhammad Hyat Khan came on the 30th and left on 31st. Mirza Ibrahim remained at Wah till the evening of the 3rd. Muhammad Hyat Khan returned on the 4th. Babu Jaikishen I met on the 2nd, and he gave his name and said he was going to see the Khan. He remained at Wah till the 5th. He was two days with Mirza Ibrahim. I was here yesterday. I did not see Mirza Ibrahim yesterday. I only remained here a short time, and in the afternoon went to the city.

To Muhammad Hyat Khan.—We have had quarrels about property, but there is no special enmity. My father killed Muhammad Hyat Khan's father when I was two years of age. When Sikandar Khan killed a servant of mine, I went to Mr. Melvill about it. I did not give evidence. I afterwards went to Murree with Muhammad Hyat Khan and joined in asking the Lieutenant-Governor to pardon him, as I was satisfied. This was after a jirgah had asked me to interfere. I took a written Razinama to Sir Donald McLeod, the Lieutenant-Governor. I gave the application for revision to Mr. Melvill, in the name of my brother Madat Khan, who had given evidence and had been fined Rs. 50 by Colonel Hall, while Sikandar Khan was acquitted. Mr. Melvill sentenced Sikandar Khan and six servants to transportation for life, but the Chief Court had reduced the sentences before we went to Murree. I never sent petitions of complaint to the Lieutenant-Governor against Muhammad Hyat Khan. I represented my own services two months ago. After Muhammad Hyat Khan returned from Kurram, I gave a petition to the Deputy Commissioner, asking that security should be taken from his brothers, as they were troubling me about land. I also mentioned Muhammad Hyat Khan's name. I did not offer to bribe Sawan Khatri, to say nothing of the piebald horse. He is Muhammad Hyat Khan's servant still. Nawab left Muhammad Hyat Khan's service at Jhelum two months ago, and now works at Hassan Abdul and Wah. His brother Alfa is not now servant of my brother Ahmed Khan; he was his servant up to six months ago. I met a Sahib at the Hassan Abdal Station and asked him if he knew how Muhammad Hyat Khan's case was going on. He said he did not, and asked me why. He asked if I wished to give evidence, and I said I would do so if Government wished me to do so. I did not know who he was, nor did I ask him if he was Mr. Cunningham. I did not tell Karma, Bostan Khairuddin and Faltha to give evidence in the case. I did not offer to give evidence in the Jullundur case, nor sent a letter saying I was coming. I sent no telegram. I did reply to letters, both from Muhammad Hyat Khan and from Sher Muhammad Khan, both having written to ask me to come and give evidence. Muhammad Hyat Khan wrote to me to come, as it was a question affecting our caste. I now remember that I did send a telegram to Sher Muhammad Khan. I sent no petitions about this case to Government. I only sent the letter addressed to this Court. I was at my deorhi when I saw the horses starting for Kabul. I saw them going at Rarrian. The road to Rarrian is visible from my deorhi. It is as far away as the barracks in front are from here. Muhammad Hyat Khan started for Peshawar the same day, after sending his men off.

The above is explained to the witness, and is acknowledged to be correct.

The 7th April 1881. D. G. BARKLEY.

Sawan on solemn affirmation:—I am of Lohsar, a Thapar Khatri. I keep mules. When Muhammad Hyat Khan was going to Kabul, a Tahsil chaprassi seized me and took me with my mules to Wah, saying they were wanted as the Khan Sahib was going. I had three mules. These were laden, and also a mule and three ponies of the Khan Sahib's. The mule was yellow, and the ponies, two red and one piebald (white and yellowish red, not dark bay), it was strong, but small, it was fit for baggage, not for riding. (The height he points out would not be more than 12 hands.) I was with them to Alikhel, and from there I was sent with General Roberts' treasure. The men with the horses were Juma, Bakhsha, Musalli, and others whose names I don't know. We stopped at Bathar the first day, next at Campbellpur, then at Khushulghar, and thence went to Kohat in a single day, then to Hiangu Sarai, then to a stage on this side of Thall, then to the stage beyond it, then to Kurram, and then to the Paiwar. We stopped at Kurram at a Katra where the Commissariat mules were kept. I have never seen the piebald since my return from Kabul. I saw it at Kabul. I returned from there in Magh with three mules at the same time with Jalal Khan. My mules were not laden, and I sold two at Pabbi in order not to have to go back to Kabul.

Four riding horses went up with us to Alikhel, three grey and one red. There was Punjabi syce from the Lahore direction, whose name I don't know.

To Muhammad Hyat Khan.—When Jalal Khan came down he had four ponies laden and four horses with him. I now keep a grain shop in my own village. Jalal Khan never returned home while I was at Kabul.

I got away from Kabul on the Khan's representation. When the army went to Maidan, I was with it. There were then three horses carrying Muhammad Hyat Khan's baggage, two of which were grey. One, a flea-bitten grey, was a large horse. They were private property.

I did not meet Alfa, Lambardar of my village, on the way up. I did not go the way he says. I know Nawab, who is present, by appearance. He was not with us.

The above is explained to the witness and is acknowledged by him to be correct.

The 7th April 1881. D. G. BARKLEY.

Dulla Khan on solemn affirmation.—I am Lambardar of Bathar. I know that when Muhammad Hyat's men went off with his baggage towards Kurram, they stopped a day with me at Bathar. There were Jalal Khan, Sawan Khatri, Burhan, Bakhsha, &c. There were six or seven horses and three or four mules. Three of the horses were tattoos, and three or four large horses. One of the tattoos was piebald and two bay, and two of the large horses were grey. The piebald was strong and middle sized, it was fit to ride, but not fit for a Sirdar. It was then laden. Of the large horses, Jalal Khan rode one, and two were led. Bathar is five or six koss from Wah, and Campbellpur is 14 koss further on. I saw the piebald horse bought by Gulab Khan at Pindi three years ago from a man from the Peshawar or Kabul direction. The price was Rs. 80.

Explained to the witness, and is acknowledged to be correct.

The 7th April 1881. D. G. BARKLEY.

Mirza Fatteh Muhammad Beg on solemn affirmation.—I live at Kasur. I have often visited Wah. I had gone to Muhammad Hyat Khan at Lahore, where I had gone about an address the Kasur Anjaman wished to present to the Viceroy, and I went with him to Wali. I remained there a

day or two. He showed me a piebald horse he wanted to send with his son to the Aligarh College. He had to go soon after to Kabul, and this plan was therefore given up. The idea then was that I should take the boy to Aligarh and leave him there. It was middle sized, fit for a boy to ride, but a man could only ride it occasionally. It was white and red, not dark-red, but with light red spots (kakka colour). I rode it from and to the railway station when I visited Jhelum; afterwards once or twice. I came to Jhelum two or three times; the last time more than three or four months ago, and saw it each time. I am Secretary to the Kasur Anjaman.

I visited Wah two or three times, the second time when the Khan Sahib had taken leave, being ill. This was last December after the Lahore Durbar. I did not see it then. Nawab Inayat Ali Khan of Maler Kotla was then with me. Gulab Khan had died, and I went on that account, as well as on account of the Khan's illness. I suppose the Nawab went for the same reason. He left at the same time I did. He accompanied me as far as Lahore on the way back. We both stopped at Wah—not at Hasan Abdal.

The above is explained to the witness, and is acknowledged to be correct.

The 7th April 1881. D. G. BARKLEY.

Ramji on solemn affirmation.—I am a Khatri of Wah. I take contracts. I was called in by a servant of Muhammad Hyat Khan's sent by Ghulam Khan, I don't remember the name, to see a piebald pony of his of middle size, which was ill. This was four or five months ago. Muhammad Hyat Khan was at Jhelum then. It was in the earlier part of the cold weather. I do not know how long the horse had been at Wah at this time, as I am often absent on business. I prescribed for it, and, after getting the medicine, had it walked about. Three or four days after I came back and heard that it was dead. There were four or five horses there at the time. Muhammad Hyat Khan came from Jhelum to Wah, perhaps a month later. I saw the horse three years ago when Gulab Khan had brought it from Pindi. It was then ridden by Gulab Khan's son, and was afterwards sent to Gurdaspur for Muhammad Hyat Khan's son. I had perhaps seen it when Muhammad Hyat Khan went to Kabul. I went to pay my respects to Jalal Khan, and saw this pony and two others and a mule and some horses standing there. This was at the house in Wah; they were laden. The son of Muhammad Hyat Khan was at Jhelum when I was called in to see the pony at Wah. I did not hear whether the pony had come from Jhelum or not. Gulab Khan may have died 15 days, a month, or a month and a half after the death of the horse.

To Muhammad Hyat Khan.—I am not sure about this.

The above is explained to the witness, and is acknowledged by him to be correct.

The 7th April 1881. D. G. BARKLEY.

Reply of Jalal-ud-din regarding the piebald horse of Yusuf Khan.—Yusuf Khan, when on his way from Kabul to Amritsar, stopped with me at Pindi, and laughingly told me of the piebald horse which Muhammad Hyat Khan had taken from him at Kabul, and said it was a magnificent horse and a splendid goer. I am very fond of fine horses, and I said to Sekandar Khan that if his brother would sell this horse, I should be very glad to buy it for my own riding. Muhammad Hyat Khan was at that time at Jhelum, and Sikandar Khan said he was just going down to see him, and that he should ask him about it and bring me back his answer.

After several days Sikandar Khan came back and told me that his brother had said that he was soon going to Peshawar to answer a few questions, and that after his return from there he would bring me the horse himself.

That is all I know about the horse. I never heard anything more about it.

Questions for the examination of Captain Burton, 1st Bengal Cavalry.

Captain Burton having been sworn, deposes as follows :—

Questions.	*Answers.*
Have you seen any, and what property, which you have reason to believe belonged to the Amir of Kabul, in the possession of Muhammad Hyat Khan, C.S.I., late Assistant Political Officer? If so, describe the property as well as you can, and state when and under what circumstances you saw it.	I have not seen any property in the possession of Hyat Khan which I could swear belonged to the late Amir.
State any fact within your knowledge as to how Muhammad Hyat Khan got possession of the property mentioned in your reply to the previous question, and how these facts became known to you.	Though I did not see any property, sometime about the beginning of February 1880 Niaz Muhammad Khan and Baz Muhammad Khan, Ghilzai Chiefs of Tezin, informed me that property then passing through the Ghilzai District, belonging to Muhammad Hyat Khan, and which was in charge of his servants, was property taken from the Amir.
Have you seen any such property in the possession of Sikandar Khan, brother of Muhammad Hyat Khan? If so, state its nature, and when and under what circumstances you saw it, describing it as well as you can.	When Sikandar Khan was looted at the foot of the Jagdallak Kotal, I saw some gold-laced coats and a pair of gold-laced overalls, also a sozni or bed coverlet in embroidered gold work, also a cloth worked in silver-thread and worsted. These I was told were belonging to the Amir, but I have no proof to offer beyond the word of the Ghilzai raiders; also a sword, *viz.*, an ordinary Kabul tulwar.
State also any fact within your knowledge as to how Sikandar Khan became possessed of such property, and how these facts became known to you.	I am unable to say how Sikandar Khan came by the property, unless it was through his brother Hyat Khan.
Mention any witnesses whom you believe to be in a position to give direct evidence on the matters on which you have been examined, and if you know where they are likely to be found. State this.	Khan Muhammad Khan, Babukur Kheyl, of Tezin, and his brothers, Mazulla Khan of Hissárak; Akram Khan Sehak Ghilzai, Khan of Sarobi; Azmuddin, Kizzilbash of Jagdallak; Belooch Khan, brother of Padshah Khan, whom I suppose will be found in their homes.

D. G. BARKLEY.

The 25th February 1881.

F. C. BURTON, *Capt.*,
1st Bengal Cavalry.

This evidence was read over to the witness in English, a language he understood, and is acknowledged by him to be correct.

H. C. BARSTOW,
Magistrate, Cawnpore.

The 1st March 1881.

Dated 5th April, 1881.

Demi-official—From Brigadier General D. Massy.

To—Muhammad Hyat Khan, C.S.I.

Yakub Khan's State sword was sent by Sir Frederick Roberts to the Viceroy of India (Lord Lytton) as a present from the British army at Kabul.

Dated 26th May, 1881.

From—Captain and Brevet Lieutenant-Colonel R. G. Kennedy, London,

To—The Adjutant General in India, through Major-General Sir Frederick Roberts, Bart., G.C.B.

In reply to your No. 1548, dated Simla, 30th April 1881, giving cover to Military Department No. 10161 K., and Foreign Office Memorandum No. 654 E.P., dated 8th April 1881, asking for particulars which may be known as to the property returned to the family of the ex-Amir of Kabul, and more especially with reference to the sword of the late Amir Dost Muhammad, I have the honour to state as follows.

2. When the State property was attached at Kabul, Sir Frederick Roberts gave directions that the agents of Yakub Khan (the then Amir) should have access to everything there was in my charge, and that anything they wished to be restored to His Highness should be at once given up to them.

3. This order was rigidly obeyed, and numerous objects of value were thus reclaimed. I may mention that Muhammad Hyat Khan, C.S.I., Assistant Political Officer, was the medium of communication between myself and the Amir's representative.

4. With regard to the late Amir Dost Muhammad's sword, I regret that I am unable to give any specific information about it, for the simple reason that amongst the numerous swords which came into our possession, its identity or even existence was not made known to me.

5. In conclusion, I would beg to point out that the Military Department, in their No. 10161 K, err in describing myself and the officers who were associated with me in taking charge of the attached property, as "Prize Agents." It has been decided by the Government of India that we officiated in no such capacity, and the authorised agency fees have not been awarded to us; therefore, on behalf of myself and colleagues, I must respectfully protest against its use, as the term involves a pecuniary responsibility which we feel that we cannot, under the circumstances, be expected to accept.

6. I may add that certified copies of all the pecuniary transactions, together with lists of the articles sold at Kabul, have already been forwarded to the Government of India, and that I am quite prepared to forward the originals whenever they may be required, if intimation to that effect is conveyed to me.

Memo by—Major-General Sir Frederick Roberts, G.C.B.

I submit this as the letter from the Adjutant General, to which it replies, was sent to me.

I gave orders, while commanding at Kabul, that everything the family of Yakub Khan wished for should be made over to them, and I am under the impression that I sent to the Foreign Secretary at Simla a letter from the wife of Yakub Khan, saying that the family had got everything they wished for. I never heard about the sword in question.

No. , dated 7th July, 1881.

Memo. from—Major-General G. R. Greaves, Adjutant General,

To—The Secretary to the Government of India, Military Department.

Forwarded for the information of Government, with reference to Military Department No. 10161 K., dated the 16th April 1881, $\frac{\text{Kabul}}{\text{Prize}}$.

No. 10569 K., dated 18th July, 1881.

Endorsed by the Military Department.

Copy of the above forwarded to the Foreign Department for information, in continuation of this Department No. 10497 K., dated 24th June 1881.

VII.—SIRDAR MUHAMMAD IBRAHIM KHAN'S CASE.

Nasrat Jang, son of Naib Abdulhak Khan, of Kabul, on solemn affirmation states—I was employed by the Amir Sher Ali Khan, and he appointed me to act as deputy under his son Muhammad Ibrahim Khan, while Ibrahim Khan was

governor (hakim) of Kabul. Sirdar Muhammad Ibrahim Khan held that post for 11 years. When General Roberts went to Kabul, I joined him at Kulingar in the Logar Valley one day before the battle of Charasiah, and I was from that time employed under Major Hastings and sometimes under General Roberts. A month or a month and a half after the battle, I do not remember exactly, Sirdar Muhammad Ibrahim Khan in my presence gave his Dewan Hira two abras, one for Sikandar Khan and one for Muhammad Hyat Khan, and told me also to go with him. This happened in the city after Major Hastings had paid a visit to Sirdar Muhammad Ibrahim Khan, accompanied by Sikandar Khan. Abras and a number of other articles had been brought out before Major Hastings and offered to him, but he had not accepted them, and after he left, Sirdar Muhammad Ibrahim Khan proposed to send these abras to Sikandar Khan and Muhammad Hyat Khan. I went with the Dewan Hira to Sherpur. We found Muhammad Hyat Khan in his tent, and Sikandar Khan with him. There were 4 or 5 others present, people of the country. Hira and I both said the Sirdar had sent these abras, according to the custom of the country, as Sikandar Khan had visited him, one for Sikandar Khan and one for Muhammad Hyat Khan. Muhammad Hyat Khan refused to take them. I said the Sirdar would be angry if we brought them back, and it was the custom of the country. They were laid down before them, and Hira remained there, while I went away to my work. I only know, by hearing from Hira, that they were accepted. He is in Kabul. The value of that intended for Muhammad Hyat Khan would be about Rs. 170 or 180, and of that intended for Sikandar Khan about Rs. 120 or 130. I remained about 20 or 25 minutes after Muhammad Hyat Khan at first refused to take them. There had been no conversation after Muhammad Hyat Khan, in reply to what I said, had answered, "It is not our custom," as he was busily engaged in Government work.

One day, some time after the siege of Sherpur was raised, the Sirdar Sahib visited Muhammad Hyat Khan in my presence. Muhammad Hyat Khan was drinking tea at the time. He gave some to the Sirdar and I also had some. He then ordered in breakfast (khana), and I ate and the Sirdar ate. It was about 8 A. M. When we went out, and the Sirdar came home, he said he was greatly ashamed, as since the Khan Sahib had come to the country, he had not given him an entertainment, and he had now eaten his food. He must give him an entertainment (ziafat). Five or six days after the Sirdar in my presence counted Rs. 400 English currency, and put it in a handkerchief, and went to the Khan's bungalow, taking me with him. The Khan Sahib was busy writing. After ten minutes, the Sirdar said to him that he had brought Rs. 400 to him as ziafat, for a dinner. I repeated this in Hindustani. He answered me that it was contrary to orders, and was not our practice. I explained this to the Sirdar in Persian. The Sirdar said he must follow the custom of the country, and he laughed and the Khan Sahib laughed. The latter was then called to the General, and we all went out. The Sirdar pressed the money upon him and he again refused. He went out, and I gave the handkerchief containing the money into the hands of a servant of his, a Punjabi. This was a private servant. The Khan Sahib must have seen me give it. It was in the verandah, outside the door. Ten or twenty people were present. The Khan gave no orders to his servant in my presence. He must have given an order, but I did not hear it. Muhammad Hyat Khan was talking to the people in the verandah, and Ibrahim Khan had gone on about 5 minutes before. I remained behind to give the money. The servant told me to give him the *amanati*, *i. e.*, the money I had with me, and I gave it. It was not counted. Muhammad Hyat Khan was there, but there was quite a tumult, so many people were talking.

I was formerly Wurdi Major in the 9th Bengal Cavalry. I knew that Government officers were not allowed to receive money. I could not have dissuaded the Sirdar from offering the money. When the Sirdar pressed Major Hastings in my presence to take what he offered, Major Hastings was angry with me and said to me—"You know we are not allowed to take such things, why did you not explain it to the Sirdar." I told the Sirdar at the time I had already told him the Sahibs would not accept such things, and that Major Hastings was angry at the offer being made.

I do not know of anything else having been given by Sirdar Muhammad Ibrahim Khan to Hyat Khan.

To Muhammad Hyat Khan.—The servant to whom I gave the money was not further from the Khan Sahib than Mr. Silcock is sitting from me (not more than a yard and a half.) I cannot say whether Muhammad Hyat Khan actually saw the money being given. I do not remember this. I believe I could recognize the servant who took the money from me. I never told Hyat Khan I had given the money to his servant. I frequently met him afterwards. I do not know whether any of the other Sirdars gave Hyat Khan an entertainment, but I have heard that Hashim Khan once gave him an entertainment, and Hyat Khan went.

The persons present when Hira went with me to give the abras, were traders. When I got up, the abras were lying where Hira had put them down.

The above is explained to the witness in the Hindustani language in which it was given, and is acknowledged by him to be correct.

The 26th February 1881. D. G. BARKLEY.

Re-called.—I was sometimes sent out on duty by Muhammad Hyat Khan. I was once sent to General Saifuddin's village by him to see if there were any Government arms, camels, mules, &c.; there I found none. I brought his brother Khairuddin and two or three men of his, and produced them. I do not know whether General Saifuddin was then in Sherpur or not. I brought no horses from the village with me, but Khairuddin rode a horse of his own. I do not know what it was like—perhaps it was bay, but I do not know. I know nothing of any horse having been sold by Khairuddin to Hyat Khan. I am the Nasrat Jang who was afterwards employed in Lataband. I do not know of any other Nasrat Jang having been under Muhammad Hyat Khan's orders at Kabul. Of the four servants produced by Hyat Khan now, I recognize two as having been at Kabul, but neither of these was the man who took the money. He was of middling height, but I cannot describe him further. I do not know whether these two men were then present, nor whether the man who took the money was a Hindu or a Mahomedan. I do not know the man now produced as Ghulam Hassan.

The above is read to the witness in the Hindustani language in which he gave his evidence, and is acknowledged by him to be correct.

The 26th February 1881. D. G. BARKLEY.

Hyat Khan says he has only one other man, at present at Wah, named Juma, who was with him in Kabul. He was a chaprassi. Recollects also another Ghulam Hassan. He is here.

Witness told to remain until Tuesday.

Re-examined.—I have not been here since I came for a wedding which was to have taken place here, but was postponed as Muhammad Afzal Khan was unable to get leave. I remained here six days and went home from here about 20 or 21 days ago. I heard no mention of this enquiry at the time.

The 1st March 1881. D. G. BARKLEY.

Juma not produced.

The 1st March 1881.

To be produced on 3rd instant.

The 1st March 1881. D. G. BARKLEY.

Juma produced; witness cannot recognize him.

The 3rd March 1881. D. G. BARKLEY.

In Sirdar Muhammad Ibrahim's case, Muhammad Hyát Khan says.—The Sirdar, when I went to call upon him, placed abras before me, and I refused to accept them as it was not our custom, though he pressed them on me. My brother, Sikandar Khan, called on him with Major Hastings. I called separately. No abras were sent to me after my brother had called. Hira and Nasrat Jang brought no abras to my tent on behalf of Sirdar Ibrahim Khan that I can recollect. I was busy at the time, and cannot recollect every one who came to me. Many people came and asked me to accept this or that, and I always refused to accept dumbas, ghi or *rassad*.

Sirdar Muhammad Ibrahim several times asked me to dine with him, but I said I had no time. I do not recollect his even offering me money in lieu of a dinner. I always refused *rassad* when offered, and would not have taken money. It may have been brought, but I do not remember it. Nasrat Jang was Sirdar Muhammad Ibrahim's right-hand man, and only left this for Bannu a few days before my arrival here for this enquiry.

The above is read over to Muhammad Hyat Khan, and is acknowledged to be correct.

The 1st March 1881. D. G. BARKLEY.

VIII.—MISCELLANEOUS.

Nawab Ghulam Hassan Khan on solemn affirmation.—The first complaint against Muhammad Hyat Khan, of which I heard, was that of Naib Lal Muhammad Khan. I heard that he was going about in the city with a petition he had written, but I do not remember in what month this was. It was before Mr. Griffin's arrival. I do not know whether he had presented that petition to any officer, and I made no enquiry about the matter from him, or from any one else likely to know the facts. It was not my business. Naib Lal Muhammad did speak to me about it. His object was to get my assistance. He had the petition then, and I may have seen it, but do not remember. He said Rs. 6,000 had been taken from him and some other property, and he wished me to present the petition on his behalf, but I refused, telling him to apply himself to the *hakims*. Many people had come with him. Among them was Ishar Das or his son. I do not know whether Ishar Das was the name of the father or the son, but it was the Dewan's son who came. Muhammad Afzal Khan was present, as he lived with me at the time. I do not remember his having made any record of what Naib Lal Muhammad said. Muhammad Afzal Khan is of Gandapur, near Kulachi, and is now employed at Delhi. Muhammad Afzal did not take down any deposition of his before me. Major Hastings was the proper officer at the time to make any such complaint to. I did not ask Naib Lal Muhammad for witnesses, as I was not making enquiry into his case. I believe this was subsequent to the fighting at Sherpur. I believe it was a short time after this that the Mustaufi's servants or connections told me that money had been taken from him also. I asked the Mustaufi's son, who said it was true, and afterwards the Mustaufi who also confirmed it. It was the son of the Mustaufi who is with him in India whom I asked. When I asked the Mustaufi, Mr. Griffin had arrived. When I asked his son, he was either about to arrive or had arrived. This was about the time of his arrival. I think that Muhammad Hyat Khan had left Kabul before I asked the Mustaufi. When I asked his son, I believe he was present. When I first heard of the matter, the Mustaufi was absent from Kabul, having gone to Ghazni. He had not presented a petition when I asked him, but he intended to do so. I do not remember ever having heard the amount stated at Rs. 3,000. When I was first told of it, I think one man said it was Rs. 10,000 and another Rs. 16,000. The Mustaufi's son and the Mustaufi himself mentioned the latter amount.

I once told Muhammad Hyat Khan in conversation that there were complaints against him of malpractices in the city, and that as a Government servant he ought to be careful to give no reason for them. He replied that they were not true. I do not remember whether I specified any particular report. I am not quite sure when this was, but I believe Mr. Griffin was then expected to arrive soon.

About the same time that Naib Lal Muhammad complained to me, perhaps two or three days after or a day or two before, Khan Aga Jamshidi complained to me about his horse having been taken. He went to complain with a view to get the horse back, or its price. He did not say how it had been taken, but only that it was a valuable horse, and he had not been paid for it. He had been in the habit of visiting me.

Every one used to come to see me, and Ishar Das often came. He made no complaint on his own part, and I do not know that he brought people to me to make complaints. I was making no enquiry into such cases.

Mir Ahmad Shah made no complaint to me. I do not know who Narinjan is. I may have known, and not remember him now. One or two Hindus came with Lal Muhammad, but I do not remember any one making a complaint to me on his own part.

Ishar Das certainly came with Naib Lal Muhammad, but I do not think it occurred to me that he was bringing him forward to complain. I certainly did not tell him to bring people who had complaints of this nature to me.

I may have asked people about the truth of reports I had heard, though I do not remember this now, but it was merely to satisfy my own mind and not to investigate the matter.

Muhammad Afzal was in political employment, and may have taken a note of what Lal Muhammad said in order to inform some of the sahibs. He did not make a record of it for me, and I do not remember whether he took down any statement of Naib Lal Muhammad's in my presence or not.

The Mustaufi was released from custody on condition of living with me on security being given for him by Sirdar Muhammad Hashim Khan, some merchants, and myself, the General consenting to my being surety for him. He thus lived with me for three or four days before the siege of Sherpur, and went with me, when the siege took place, to Muhammad Hyat Khan's house in the fort. He was allowed to go to the city and live, not with me, but in a house taken for himself, after the siege was raised, and was after some time sent to Ghazni on duty. Mr. Griffin had not come when he went, but was at Kabul when he returned from Ghazni. He did not, when living with me, mention to me that anything was being demanded from him. There is no doubt that he was afraid of what might happen to him as he was in detention, though no longer imprisoned. He probably feared that he might be deported or even hanged, but he did not mention his apprehensions to me. Every one, who was confined in any way, had such fears, though Government had no intention to hang them. I believe he was ultimately released with a view to obtain his services in the direction of Ghazni. It was not done by my advice, but I was asked my opinion, and said that I thought he would render service, and that he would not flee.

There was no special friendship between us before, but I was acquainted with him.

Rs. 70,000, or perhaps more, was given to the Mustaufi for expenses when he went to Ghazni. It was not by my advice, but by Colonel Tweedie's. I advised against a large expenditure. Rs. 10,000 was given before he left, and the balance afterwards to his son, who is now in India. The accounts were kept by Kazi Muhammad Aslam. I was ordered by the General to get him tillas for the money. I afterwards received orders to tell him not to send the money to his father, as it might be stolen on the road, and to keep it with him. This was after Mr. Griffin's arrival.

Syad Jan is a large merchant. I do not know if any relative of his was hanged. I know that Khwaja Nasir, Mulla of the shrine Ashikar Arifan, was hanged, but not if he is related to Syad Jan. Syad Jan often came to me on business. He never made any complaint on his own part to me about Muhammad Hyat Khan.

To Muhammad Hyat Khan.—I do not remember whether the Mustaufi told me that the money was taken without his knowledge. He told me it was taken from his servants. I understood that Abu Bakr, who acted as a sort of gomashta of his, arranged for payment. When Muhammad Hyat Khan wanted leave, before Mr. Griffin's arrival, the General asked me whether he should be allowed to go, saying he heard there were complaints about him. He did not

say what they were, nor asked my opinion about any particular complaint. I said he should not be prevented from going. There was at the time a current report about a marriage with the wife of Munshi Bakhtiyar or some one else. I do not know whether there was any foundation for this or not, but the marriage did not take place. The report was that it was about to take place.

I know that people were dissatisfied with Muhammad Hyat Khan. The reasons for this were mixed. One was, no doubt, that his position as political officer made him liable to give offence by things done in the discharge of his duties, such as the hangings. In addition to this, there were the reports about his marriage, and any private causes of complaint that Naib Lal Muhammad, the Sirdars or others, may have had against him. I know that Khwaja Nasir's execution gave offence. It was said that he had been unjustly hanged, without proper enquiry. It was after the siege was raised that it came to my ears that there were complaints against Muhammad Hyat Khan. I had been ill previously. People believed that he had special opportunities of enquiry into the cases and ascertaining the truth, as he collected the witnesses and could have examined them. Whether he was a member of the Court which ordered the executions I do not know, but he was believed to be a member of it. The complaints of unjust executions must have begun before they came to my knowledge. I heard of complaints about the executions before the siege, but it was not until afterwards that I heard they had become general.

I did make a representation to Major Hastings about a Kazi and a Mirza of mine who had not got khillats when the other Government servants, who were in Sherpur during the siege, got them. I had spoken to Muhammad Hyat Khan about them, and he said he had forgotten them. They afterwards got Rs. 100 and Rs. 200 respectively by the Government order. This was not intended by me as a complaint against Muhammad Hyat Khan.

I have no doubt that we differed in opinion about a proposal to appoint Muhammad Said Governor of Ghazni. I was in favour of it, but Muhammad Sirdar himself would not have accepted the appointment at the time. This was a mere difference of opinion, such as might occur in regard to any matter about which our advice was taken.

I did not instigate any one to complain against Muhammad Hyat Khan. I certainly advised him to be careful.

I did not hear in Kabul that Muhammad Hyat Khan had been imprisoned on his return to India.

I had no enmity with Muhammad Hyat Khan, and there was nothing for me to quarrel about with him. He asked me to take care of Sikandar Khan when he himself went to India.

I considered Sirdar Wali Muhammad Khan and Muhammad Hyat Khan to be friends. I know nothing of Sirdar Wali Muhammad having made any complaint against Muhammad Hyat Khan about Sirdar Yahiya Khan.

The above has been explained to the witness in the Hindustani language in which it was given, and is acknowledged to be correct.

D. G. BARKLEY.

The 9th March 1881.

Muhammad Ibrahim on solemn affirmation.—I am known as Mirza Muhammad Ibrahim. I was employed under Muhammad Hyat Khan at Kabul. I went with General Roberts to Khost and served under him and Colonel Waterfield. After their return my brother, Sultan Hassan, was appointed Superintendent of Measurements under Mr. Christie in Kurram, and I was appointed Deputy Superintendent. When the second war commenced, Mr. Christie received a letter from the General from Alikhel, asking him to send my brother. As he could not go, I was sent; and after two nights at Alikhel, I was sent on to Khushi. After I had been a few days there, Muhammad Hyat Khan arrived, and I was told to work under him. I remained under him until he left for Hindustan.

I know Khairuddin, brother of General Saifuddin Khan. I know about a horse received by Muhammad Hyat Khan from Khairuddin. I was sent for from my tent which was near that of Muhammad Hyat Khan. This, I remem-

ber, was in the month of February. I cannot say how I remember this, nor do I remember in what part of the month it was, the beginning, the end, or the middle. General Saifuddin Khan and Khairuddin Khan were both in Muhammad Hyat Khan's room. General Saifuddin Khan was, I think, then living in the town. He was not imprisoned at the time. He had been imprisoned in Sherpur, but I cannot say when he was released. It was after the troops were shut up in Sherpur that he was arrested. When I was sent for, there were some men sitting there, and Muhammad Hyat Khan told me to tell Jalal Khan to bring Rs. 300, the price of the horse. I told Jalal Khan, who brought the money. I took it from him, as he did not know Persian very well, and counted it over to Khairuddin. There were Rs. 4 or 5 short. I asked Jalal Khan the reason, and he said this had been deducted for the horse trappings. I asked Khairuddin to give a receipt and he agreed. He said, when we went out, that he had no pen or paper. I went away, and do not know whether a receipt was given or not. There were paper and pens in the room. I do not know why the receipt was not written then. Bahauddin, Ressaldar, was one of the persons in the tent at the time. There were also General Saifuddin and Khairuddin and two or three others, but I do not remember who the others were. I did not see the horse. Muhammad Hyat Khan had given me no order at the time about the receipt, but he had given general orders to me to take receipts for whatever he bought. I asked Khairuddin for a receipt, but I took no receipt. I merely told Jalal Khan to take a receipt. Receipts were taken either by me or by Jalal Khan according to whether one or other of us had time. The people who were present remained until the money was paid, except Bahauddin, who was sent for by the General and went away while it was being counted. When asked how he remembers this, answers only, I remember it. I never wrote receipts myself on any occasion.

I know Sirdar Muhammad Alam who went to Ghazni. I know nothing of any horse received from him by Muhammad Hyat Khan. I never took any receipt from him for money paid for a horse. The receipt now shown me is not in my writing. I do not know whose it is. (The receipt of Muhammad Alam Khan).

I know Naib Lal Muhammad Khan. I know he came to Siah Sang. He often came and went. I never went for him. I never saw him imprisoned. He never stopped at my tent. He did come there sometimes. I never received any money from him. It is not true that I received Rs. 80 and 8 tillas from him. I know Said Sarwar. It is not true that he ever saw Naib Lal Muhammad at my tent in the morning. I never demanded any money from Naib Lal Muhammad. Taj Muhammad never came to see me in order to get his brother released. I never had any conversation with Naib Lal Muhammad Khan except ordinary compliments when he came to my tent. I do not know why he used to come.

I know the Mustaufi Habibulla. I never went to him for money to be paid to Muhammad Hyat Khan. I never went to him at all for any purpose. I always remained at Sherpur and only went four or five times to my own house at Chandawal while I was there. I do not know the Mulla Abubakr who was one of the Mustaufi's sureties. I do not know who the sureties were. I know the Mustaufi was confined, and that he gave security, but I never saw him in confinement, and only know of it from hearsay. I do not know where he was confined. When Sherpur was beleaguered, the Mustaufi was at Muhammad Hyat Khan's house. I saw him there then. There were many others there then. I do not know whether it was before this or after this that he gave security. I do not know whether it was before or after this that Kazi Aslam told me he had given security. It was before the siege that he was released from confinement.

I was not present when property was taken out of the Amir's property in store at Sherpur and returned to the Amir's family. I know property was returned, as my tent was near, and I saw the clothes being brought to the tent occupied by the Amir's family. No list was made by me, but Mirza Taj Muhammad made a list, and I was present during part of the time, but was called away. No chogas were brought to my tent at the time, but I saw chogas there. I do not know what became of them, except that I was told by Taj

Muhammad that he had given them by the Commissioner's order to Sirdar Wali Muhammad and taken his receipt.

I know Khan Aga Jamshidi. I gave him Rs. 100 once from Muhammad Hyat Khan for a horse. This was when we were on the top of Siah Sang and Muhammad Hyat Khan was buying horses for the Commissariat. The Khan Aga in person brought three horses at the same time, one of which Muhammad Hyat Khan bought himself as a baggage animal, and he sent the other two to the Transport Officers. Abdul Samand, Mir Murad and several others fixed the price in my presence, but the price was not paid that day; the Khan Aga wanted him to take it without payment, but Muhammad Hyat Khan refused. He then asked for a pistol or a watch, or some other valuable article for it instead of money. Muhammad Hyat Khan said he had only the pistol he was wearing and could not give it, and that he had no watch. He refused to take the horse until a price was fixed; Khan Aga then asked Abdus Samad to fix a price, and he valued it at Rs. 100. This price was agreed to, but Khan Aga went away leaving the horse, and two or three days after his Mirza came for the price. Muhammad Hyat Khan told me to go to Jalal Khan and get the money, which I did; I paid him the money, and asked him for a receipt. He said he had not the receipt with him, but would bring it, and I kept the money and told him first to bring the receipt. Two hours or two and half hours afterwards he brought the receipt, and I gave him the money, and gave the receipt to Jalal Khan, who took it to Muhammad Hyat Khan. When the price was being fixed the Khan Aga asked Rs. 140 or Rs. 150 for the horse, but at last agreed to Rs. 100, as horses were then cheap. This was in Muhammad Hyat Khan's presence. I know the Mir of Maimena. I do not know that he ever made any complaint about this horse. I do not know where he was when this occurred. The place where he lived was outside the city. I only know the Khan Aga brought the horses for sale. I do not know why he wished to sell.

I heard of the death of Khairuddin, brother of General Saifuddin. I do not know when or where he died, or when I heard it, but I heard it in Kabul, I do not know whether before or after Muhammad Hyat Khan left.

The letter of 17th April 1880 is mine. I wrote it, because one day a man of Nawab Ghulam Hassan Khan came and told me the Nawab wanted me. I went to the Nawab in the city; the Mustaufi's son was sitting with the Nawab and four or five other men. This was 10 or 16 days after Muhammad Hyat Khan left in April. I remained for about an hour, and then the other men went away, and I was left alone with the Nawab and the Mustaufi's son. I was told to sit down near the Nawab, and the Mustaufi's son went away to some distance, and the Nawab asked me whether I was a servant of Government or of Muhammad Hyat Khan. I said that for two years I had been a servant of Government. He asked what Muhammad Hyat Khan had ever done for me. I said I had always got my pay from Government for my work, and expected no more. He promised to do a great deal for me, if I learnt what he would instruct me to say. He told me that I was to say that the Mustaufi had paid Rs. 10,000 to Muhammad Hyat Khan through me, and Rs. 3,000 through Mirza Jalal-ud-din. I was to write this down so that I might not deny it afterwards. I refused this. He tried to persuade me, and I continued refusing. The Mustaufi's son then came and sat by me and told me that he would give me Rs. 2,000 in cash if I did what the Nawab told him. I refused to do it if he gave me Rs. 50,000. I would not sell my faith. I went away, and a day or two after I wrote this letter. The son of the Mustaufi I refer to, was Abdul Ghafur Khan. It was after this the Mustaufi was sent down to India. I do not know how long after, as I was away from Kabul with Captain Ridgeway. It was about the end of April or beginning of May that I went to Logar to Captain Ridgeway; when I went to Logar the Mustaufi was either at Kabul or in Maidan. He had gone to Muhammad Jan, and I do not know where he was when I left. He was not at Kabul when the money was offered to me.

I know Abdul Rahman, Native Doctor, who had the dispensary in the city. He was in the habit of coming to Sherpur. He sometimes visited the Khan Sahib (Muhammad Hyat Khan) and sometimes me, as I knew him at Kurram.

I went to the place where the clothes returned to the Amir's family were being returned. I saw no books there. Muhammad Hyat Khan was not there

The people of Kabul were enemies to Muhammad Hyat Khan on account of his duties, and because people were killed. They were enemies to all of us who were in Government service; to me, amongst others, I know nothing of any special enmity on the part of the Mustaufi or his son.

The horse purchased from the Khan Aga was used by Muhammad Hyat Khan for baggage. He had it with him carrying baggage in Maidan. When it was brought Muhammad Hyat Khan had 7 or 8 horses at Khushi; he had 3 or 4 horses and 4 or 5 yaboos. When he went to Maidan he had 5 or 6 riding horses and 5 or 6 yaboos. I only know of the purchase of the two I have mentioned. Jalal Khan kept Muhammad Hyat Khan's accounts. One of the baggage ponies I saw at Khushi was piebald (red and white). The red was a bright red, not dark.

I know the English months. This (after a little hesitation) is April.

The chogas I mentioned were mixed with gold thread.

At Siah Sang the horses were kept at one place, perhaps 50, 60 or 80 paces from the tents we occupied. When the money was paid for the Khan Agha's horse, the horse was not at the tent, but with the stables of Muhammad Hyat Khan. There were 4 or 5 others present when I paid the money. I do not know who they were. Muhammad Amin Khan may have been there. There were 4 or 5 Kohatis there.

When this is read over, explains that it is 50 or 60 paces off.

I do not know how often Jalal Khan went to India. I heard of his going after the siege on one occasion. I don't know why he went. His tent is near. He did not go before the siege.

The chogas were not brought to the door of the tent occupied by the Amir's family. They were brought at the same time as the clothes, but were sent away by the Mirza before the clothes reached the tent. I did not see who brought them there. They were sent away with Abdur Rahim. I did not see them taken away.

I was at Logar when I heard that the Mustaufi was deported to India.

I returned to Kandahar from here. I do not know who Musa Khan is. I never saw him. I received no money for the release of General Saifuddin.

On my way here I hired an ass to Sibi, and thence I travelled by railway to Amritsar, stopping at Sakkar and Multan on the way. I had got a hundi of Rs. 1,000 to deliver at Amritsar, entrusted to me at Kandahar for the purpose. I travelled without halting from Amritsar to Attock, and thence to Peshawar. I was two or three hours at Lahore between the arrival of the train from Amritsar and the departure of the train from Attock, and I went to see Sher Ahmad Khan, son of Nur Muhammad, and he returned with me to the station.

I know Syad Jan, merchant of Kabul. He is an enemy of the Government, because Khwaja Nasir was killed as being a Ghazi. He is an enemy of Muhammad Hyat Khan and an enemy of mine. He was an enemy of my father's. The reason he is an enemy of Muhammad Hyat Khan is that the friends of every one who was killed blamed him as being a Muhammadan, and knowing Persian and Pushtu. Sayad Jan was a cousin of Khwaja Nasir.

The above is explained to the witness, and is acknowledged by him to be correct.

D. G. BARKLEY.

The 6th April 1881.

Jalal Khan on solemn affirmation.—I am sister's son of Muhammad Hyat Khan. I followed him to Kabul with his baggage. Kazi Ghulam Hassan, Karma, Bakhsha, Juma, Abbas were the servants with me. There were others, but I forget the names. There was no Nur Muhammad. There was a Burhan. There was a Punjabi, whose name perhaps was Nawab. One Attaya went after I returned here, but not at first. I think there were two Bakhshas.

The horses I took with me were a large grey, called Moti, and two others, small, both grey, one bay, and for baggage there were one mule and 3 ponies,

Muhammad Hyat Khan's own property. There were also 3 mules of a Hindu, named Sawan. The ponies were two bay and one piebald, white and bright bay—not dark bay. It was taken for baggage, though it was also used for riding. The latter died at Wah, about 3 or 4 months ago. It died of an illness, after being 2 or 3 days ill. It had been bought by Gulab Khan about 3 years ago. It had been used for the children to ride, and was taken on this occasion as it was very difficult at the time to get baggage animals.

I overtook Muhammad Hyatkhan at Alikhel.

The piebald pony returned with Muhammad Hyat Khan. I do not remember very well whether it was then laden or not.

I remember the mare received from Muhammad Alam Khan. I do not remember when it was bought. It was perhaps before the siege of Sherpur. I think it was in December. I brought it down with me after the siege. I do not know how long after. When it was brought, Sirdar Muhammad Alam Khan came himself with it. I do not know what price he asked. The price was fixed by the arbitration of Sirdar Abdullah Khan, Samand Khan and other Sirdars. I do not know whether he offered it for sale or was asked if he would sell it. I was told to pay the price, which was Rs. 300. The receipt was written by some Mirza who was with the Sirdar, I do not know whether the Sirdar's Mirza or another. The Sirdar told a Baboo, to whom I gave the money to count, to pay it to his servant. I do not know whether the servant was the man who wrote the receipt. Perhaps he was. The Baboo was one of the Commissioners.

Question.—What was he doing there?

Answer.—All the tents were near in one place. That mare is at Jhelum.

I know General Suifuddin Khan. I was present when he and his brother Khairuddin Khan received payment for a horse. The price was fixed at Rs. 300 through Bahauddin Khan Ressaldar, and Rs. 295 were paid. The deduction was made, as I asked, for the jhul, and he said there was none. He agreed to the deduction. A receipt was taken for the price. What has become of it I don't know. Khairuddin wrote it himself after coming out. He asked us for pen and ink and wrote it. I do not know whether we brought it from the tent or got it from the Mirza's tent. I do not know whether he had the paper or we gave it. This was 8 or 10 days after the Id, in the month of February. The greater I'd occurred when we were at Alikhel. I do not know whether it was before or after I came down from Kabul and returned there. I may have been 8 or 12 days coming down, 4 days at home and a shorter time returning. I do not know in what month I got back. I was in Kabul in February. It was perhaps after my return that the horse was paid for.

I was present when Khan Agha Jamshidi's horse was bought. It was at Siah Sang. He perhaps asked Rs. 150. The price was fixed by some Sirdars, who were present, at Rs. 100. This sum was not paid at the time, but was paid 2 or 3 days after. It was not paid at the time, as the Khan Agha was unwilling to take money, saying he would like a pistol or watch or something of the sort, and it was not quite settled whether he would give the horse for Rs. 100 or not. I do not remember whether he left the horse or took it away with him. He came himself the first day, but did not come the day the price was paid. The day he came he brought 3 horses, 2 of them smaller than this was, and they were perhaps sent to the Transport Department. I brought it down at the same time with Muhammad Alam's horse, and made it over to Gulab Khan at Wah. I was told at Kabul to tell him that it might be sold to the Rissaldar of the dâk if he would take it. Sirdar Muhammad Alam's horse was to be kept. I also got a letter for Gulab Khan. It was never ridden when at Kabul. Large and fine horses were often sold for baggage, as the Amir's cavalry had been broken up. It was often used for baggage. It was so used when the army with General Baker went to Maidan, and also on the journey down here.

I do not know when I reached Wah. It was perhaps in January. I went down quickly by dâk from Peshawar, leaving the horses and the men with them to follow. I may have remained at Kabul 10, 15 or 20 days after the siege of Sherpur was raised. It was not so much as one month.

I can read and write. I kept Muhammad Hyat Khan's accounts. I usually got Kazi Ghulam Hassan to write them, and sometimes Baboo Jaikishen, but

sometimes wrote them myself. I do not know whether Kazi Ghulam Hassan was in Government service or in Muhammad Hyat Khan's service. He is now at Wah. The accounts were in a book. I do not remember how much money I took up. It is entered in the book. I had notes and cash. At Kabul I had sometimes Rs. 100, sometimes Rs. 200 or 500 in my hands for expenditure, and Muhammad Hyat Khan himself kept the balance, and when I wanted more I showed him the accounts and got from him.

I was sent down from Kabul, as a letter came saying that my mother was ill. Including ponies, I had 8 or 9 horses with me when I came down. Four of these were not laden and 4 laden.

The above is read to the witness, and is acknowledged by him to be correct.

The 6th April 1881. D. G. BARKLEY.

Re-examined.—Nawab, the witness, I know. He is of Wah. He did not go up with us. He was not *Moti's* syce; Bakhsha was. The other horses had the other Bakhsha and Nawab, a Punjabi, as syces.

I saw Nawab at Kabul. He was in uniform which showed that he went up with mules. He often came to see us, being of the same village. He would not be an enemy of ours except tutored.

Ghulam Husain on solemn affirmation.—I am Subadar-Major in the 28th Punjab Native Infantry. I was with my regiment at Kabul. After the review of the army on the 13th October, my regiment was stationed in the city of Kabul, and occupied it on the 14th. The head-quarters remained at Siah Sang, but the guard required in the city were supplied from my regiment. I was myself employed in making purchases in the city for regimental clothing. On the 22nd, when I was so engaged, one Khwaja Haidar told me that Muhammad Hyat Khan was regarded, not as a Muhammadan, but as a concealed Farangi, with reference to the execution of one Fukhruddin and of Khwaja Nasir, who was head of a religious institution, and a relative of Syad Jan; and if an opportunity arose, he would be killed. I informed Muhammad Hyat Khan.

I know Sirdar Muhammad Yusaf Khan. In April, between the 18th and 24th, when I was on political duty under Brigadier Hudson, near Lataband, I met him with about 12 men and 2 or 3 hawks. The men with him informed me that he was Sirdar Yahya Khan's son, and was going to Lughman to assist his brother, Sirdar Muhammad Asaf Khan. I made an opportunity of getting into conversation with him, and spoke to him about his appointment. He said he had been ruined, and his father had been sent to Hindustan. I said this did not matter. If he gave satisfaction by his services, he would be rewarded. He repeated that he had nothing left, and that General Roberts and Muhammad Hyat Khan had ruined him. He also spoke ill of British Officers generally, but about General Roberts he said that he would do nothing of himself, but would do whatever Muhammad Hyat Khan told him.

Cross-examined.—Muhammad Hyat Khan had gone down to his home before this occurred. It was with reference to what had already taken place that he spoke ill of Muhammad Hyat Khan. He appeared to have been much dissatisfied with the treatment he had received. He always referred to his father as "kaka."

To Muhammad Hyat Khan (in answer to a leading question about Syad Jan).—Syad Jan was one of the Muhammadans mentioned by Khwaja Haidar, who said that Muhammad Hyat Khan was not a Muhammadan, and would be killed if an opportunity offered. I never heard Syad Jan say so.

The above is explained to the witness, and is acknowledged by him to be correct.

The 29th March 1881. D. G. BARKLEY.

Examination of Dr. H. W. Bellew, C.S.I., as a witness for the defence of Muhammad Hyat Khan, C.S.I.

The evidence of Surgeon Major H. W. Bellow, C.S.I., in answer to interrogatories from the office of Mr. D. G. Barkley, Peshawar.

INTERROGATORIES FOR THE DEFENCE.

Dr. Bellew having been put on his oath, deposes—

1. Please state your opinion as to the manner in which Muhammad Hyat Khan discharged his duties as a member of the Commission appointed by Government to enquire into the massacre of the Kabul Embassy?

1. In my opinion, Muhammad Hyat Khan discharged his duties, as a member of the Commission appointed by Government to inquire into the massacre of the Kabul embassy, very well. And further, I think, that any remarks made by General Roberts in his report to Government on the labors of the Commission, applies as much to Hyat Khan as to the other members.

2. Have you formed any, and, if so, what opinion, as to the services rendered by him?

2. It never occurred to me to think of the subject before. But now the question is put me, I can only say that whilst at Kabul, I never heard a word said against Hyat Khan, but on several occasions I heard him praised in conversation with officers for his assistance to General Roberts.

(*a*) When the army crossed the Shutargardan?

(*a*) I was not with the army when it passed the Shutargardan; but, on my arrival there, I heard Hyat Khan spoken of in terms of praise as having made arrangements with the tribes which enabled the army to get through without opposition.

(*b*) During the fighting before the city of Kabul was occupied?

(*b*) I have no information on this subject, as I was not with the army during these operations; and do not remember hearing anything particular about them at Kabul—at all events in connection with Hyat Khan.

(*c*) During the fighting under General Baker at Chardeh and in the Maidan district?

(*c*) I heard at Sherpur that Hyat Khan was the means of saving General Baker and his party from being surprised by the enemy whilst they were resting at a village, the name of which I forget, in either the Chardeh or Maidan district.

(*d*) During the siege of Sherpur, and in particular with regard to communications with Chiefs in the enemy's camp, and to obtaining early information of the attack on Sherpur intended to take place on the 23rd December 1879?

(*d*) On this subject I have no information, more than that I know that Hyat Khan was employed confidentially by General Roberts to communicate with Chiefs and others outside our camp; neither General Roberts nor Hyat Khan ever told me anything of what was going on, or ever asked my advice on the subject. I can therefore form no opinion of Hyat Khan's services on this occasion.

3. Did the Commission recommend that Amir Yakub Khan, Sirdar Yahiya Khan, the Mustaufi Habibullah, and Wazir Shah Muhammad should be deported from Afghanistan, and did Muhammad Hyat Khan join in this recommendation?

3. The Commission, certainly recommended the deportation of Amir Yakub Khan and certain others—I believe these named—to British territory, and Hyat Khan as a member of the Commission joined most assuredly in the recommendation.

4. Was the Mustaufi examined before the Commission as an accused person or a witness?

4. I cannot answer this question decisively, but my impression is that the Mustaufi was first examined as a witness and later on as an accused man. The examination of other witnesses having implicated him.

H. W. BELLEW.

Read over to Dr. Bellew, who admitted its correctness and signed it as correct.

Taken by me this 28th day of March 1881.

C. BEADON,

Deputy Commissioner, Lahore.

Lahore, 28th March 1881.

Alexander Frederick Douglas Cunningham on oath states.—The list now shown me appears to be the list Sayad Sarwar Kotwal and Sirdar Wali Muhammad Khan had prepared of property believed at Kabul to have been extorted or taken as bribes by Muhammad Hyat Khan, and perhaps also by his brother Sikandar Khan. So far as I remember, the circumstances under which the list was prepared were as follows. One day Sirdar Wali Muhammad was in my rooms at Kabul, and the conversation turned on the charges against Muhammad Hyat Khan, the Mustaufi's amongst others, and I asked him whether he thought they were true. He told me that it was a matter of common report that Muhammad Hyat Khan had looted every Sirdar that he could, and I asked him to give me any information that he could. He said that he would, if I liked, have a list drawn up. I said very well, and I told Mr. Griffin, and I think he approved of the proposal. I do not remember the month, but I think it was June or July. Sirdar Wali Muhammad said he was not personally cognizant of the fact, but that he would have the list drawn up by his officers of police and would attach his seal. He mentioned one case to me of which he was cognizant, but I do not think it was included in the list, as he almost made it a private matter. This was money given by Mir Ahmad Shah, a subordinate of his own, and the giving of which he had himself ratified. Syad Sarwar and his Naibs prepared the list, and I think, but cannot be quite certain, that Sayad Sarwar brought it to me. It reached me a few days after the conversation with Sirdar Wali Muhammad, I think within a week. It was not then attested by Sirdar Wali Muhammad, and I sent it to him, and asked whether he, as the Governor of the city, considered the charges which were contained in this list true, and if so, whether he would attest it. It was by Ghulam Muhai-ud-din that I sent the list, and he brought it back to me bearing Sirdar Wali Muhammad Khan's seal. The next time I saw Sirdar Wali Muhammad Khan, I showed him the paper and he acknowledged his seal. I also asked Syad Sarwar, and he verified the paper, and said he and his Naib had superintended the preparation of it.

I am under the impression that all the charges against Muhammad Hyat Khan with the file were made before this list was received. I do not think I examined any one in consequence of the information contained in the list. Some of the persons whose statements were not taken on petitions were examined in consequence of what I had heard; some of them very likely owing

to what Sirdar Wali Muhammad had told me, and Sirdar Muhammad Alam Khan, I believe, owing to a statement he had made to Mr. Griffin.

I believe that the first formal complaint received against Muhammad Hyat Khan was either the Mustaufi's English letter to Major Hastings or the complaint of Naib Lal Muhammad Khan. I do not remember how Naib Lal Muhammad Khan's petition was presented. Vernacular petitions were sent into the office for translation when received, and I remember the translation being brought to me, and having sent it to Mr. Griffin, from whom I received orders to make an enquiry. I do not remember whether Mian Muhammad, Peshawari, who is mentioned in Naib Lal Muhammad's petition, was summoned, nor, if so, why he was not examined. If he ever came, I do not think it likely that I should have let him go without taking his evidence. I do not remember Ghulam Muhai-ud-din having been instructed to make any inquiry into the case of Naib Lal Muhammad. He may have written the parwanas calling for the attendance of the witnesses. He was my assistant, and might have been asked by me to go to the city and fetch a witness, or to make some subsidiary enquiries.

The Mustaufi's petition had been with Mr. Griffin for some days before any action was taken upon it. Afterwards the Mustaufi was asked in my presence by Mr. Griffin whether it was his petition, as it did not bear his seal. I was translating on the occasion. He said it was his, and Mr. Griffin told him that some enquiry would have to be made, and Mr. Griffin told him that he would have to bring a complaint attested by his seal and to bring his witnesses. I believe that it was some days later that he was deported, and it somehow came to my knowledge that on the day on which the order to deport him was passed, he had brought the petition with him, and that it was in his son's possession. I sent to his son for the petition, and he told me that it was lost. That evening when I took the Mustaufi to the place where he was to pass the night, he remarked to me that he had presented a petition against Muhammad Hyat Khan, and this was the result. The letter addressed to Major Hastings shown me is the English petition. It bears a note by me, "presented by the son of the Mustaufi." I probably made this owing to the absence of any other authentication. It probably means that the son of the Mustaufi brought it to me, but I cannot say when it reached me. It was owing, I believe, to the Mustaufi's deportation to India that no further enquiry was made in his case. His son was sent away with him. One son was left behind, but did not remain long in Kabul, and he was somewhat weak-minded.

The enquiries I made were made by order of Mr. Griffin. I remember taking the evidence of General Saif-ud-din Khan, but I do not remember whether he came forward himself, or whether I sent for him owing to report I had heard.

I do not remember how Bahadur Khan's petition reached me. It is not in the style in which petitions were addressed to us, and from my note of the 18th June it may either have been given me by Sirdar Wali Muhammad Khan or sent by him. I do not remember having seen Bahadur Khan.

I believe the petition of Naib Lal Muhammad (marked A) was given by Major Hastings either to Mr. Griffin or to me, as I have noted in the translation made by me on the 18th May, that it was presented to Major Hastings. It bears Mr. Griffin's order, dated 22nd, which must be the 22nd May, as I made my enquiry on the 24th May. I do not know how the second petition (marked B and bearing date 19th May) was presented. I do not know whether either of these petitions had been presented before the Mustaufi's deportation. When this enquiry was made I had not received the list of things believed to have been taken supplied by Sirdar Wali Muhammad Khan. It was entirely his own suggestion that he should get me such a list.

I do not remember what led to the enquiry from Sirdar Muhammad Yusuf Khan about property said to have been taken from the ex-Amir's family beyond the fact that it was for some time matter of notoriety in Kabul that property had been taken from them. I believe that Muhammad Yusuf Khan had been absent from Kabul, and that on his return there, it was determined to examine

him. Whether Mr. Griffin had ordered him to be sent for in connection with this case, I do not quite remember, but I think that he was ordered to be sent for, but that he was at the time on his way to Kabul. The statement taken by Ghulam Muhai-ud-din must have been taken by him by my order, probably because he had come to me, and I had not time to take his statement. When he was afterwards examined by me, I do not remember having examined him with reference to the statement already taken by Ghulam Muhai-ud-din.

On this being read over, Mr. Cunningham adds—I am perfectly certain that there was an order that he should be sent for.

D. G. BARKLEY.

In the case about Khan Agha Jamshidi's horse, I believe Rajah Jahandad, Khan was sent to take the Khan Agha's statement, because he was ill, and was in a village some four or five miles out of Kabul. The Mir of Maimena's statement of the 22nd June was probably taken by him by my order. I remember the horse being brought to me by a man, I think a Kohistani, who said that he had no money. I asked had he not got money to bring it up. He said it had all been spent. I took over the horse, and showed it to Mr. Griffin, I think the next day. The Mir of Maimena was sent for, and when he came was asked, in Mr. Griffin's presence, if it was the horse of his which had been given to the Khan Agha, Jamshidi. I was present and many others. It was in very bad condition, but was not a pony, but a horse of quite 15 hands. It tallied in all respects with the description he had given. The petition shown me, without date, but translated on the 28th May, is from Khan Agha, Jamshidi. I do not know whether the Mir of Maimena was sent for with reference to the horse, or, on hearing of Khan Agha Jamshidi's claim, came forward himself to claim it. After the horse had been recognized by the Mir, I sent it, by Mr. Griffin's suggestion, with a letter to General Macpherson, and the same man who took the horse brought back a reply from General Macpherson, which I put upon the file, after showing it to Mr. Griffin. It is that now shown me. After this letter was received, Mr. Griffin ordered the horse to be purchased from the Mir of Maimena for Rs. 1,000. Probably Khan Agha, Jamshidi, was not then in Kabul, but we made no enquiry whether he or the Mir of Maimena was entitled to the horse. It was not valued at Rs. 1,000. It had not been valued at all, but I would not have given more than Rs. 400 or 500 for it at the time. The Rs. 1,000 was paid by Mr. Griffin's order, owing to General Macpherson's report, that it was the finest Turkoman horse that he had ever seen. Mr. Griffin bought it for the stud; and when he came down to Peshawar, I believe he gave it to Major Prinsep of the 11th Bengal Cavalry for the regimental stud.

When General Saif-ud-din's statement was made, I put it before Mr. Griffin and told him I understood the horse was then with Sikandar Khan. Mr. Griffin sent for Sikandar Khan, and questioned him himself in my presence. Sikandar Khan said it was given to him by his brother, and that he was not responsible for it. I think, he said, he believed his brother had bought it. He said the horse was given to me by my brother, and I have no doubt that he bought it. He did not say that his brother had bought it, or that he could prove that this was the case. His answer implied that he could not. Mr. Griffin ordered the horse to be returned to General Saif-ud-din Khan.

I do not remember any marks on the Jamshidi Agha's horse, which would show that it had been driven in harness, and it did not occur to any one at the time to examine it to see whether it had been driven.

The item Sirdar Wali Muhammad Khan mentioned to me was an item in the mint accounts, which Mir Ahmad Shah, when called upon to account for it, explained as a bribe paid to Muhammad Ilyat Khan. Sirdar Wali Muhammad accepted the explanation without further enquiry. I think the amount mentioned was about Rs. 4,000.

I am aware of a payment of a large sum to the Mustaufi's son to be sent to his father, who was then absent from Kabul. The amount of the cheque was Rs. 80,000. Shortly after my arrival at Kabul, I believe the day after, Colonel Tweedie handed me the cheque, and said the payment had been ordered; but that as the amount was very large, it should not be paid without Mr. Griffin's knowledge. I took it to Mr. Griffin, who ordered payment to be stopped until after he had seen General Roberts. Next day, after ascertaining that the payment had been ordered by General Roberts, he said that, as the money had been promised to the Mustaufi, it should be paid, and it was accordingly, I believe, paid to the Mustaufi's son.

To Muhammad Hyat Khan.—I do not remember having got any written order from Mr. Griffin to have this list prepared. I do not remember having sent any letter to Sirdar Wali Muhammad Khan to ask for the list, but I may have sent a letter as a reminder. I got no sanction from Government to hold an enquiry into Muhammad Hyat Khan's conduct at Kabul. I was under Mr. Griffin, and obeyed any orders he gave me. I do not remember having told any one in Dhakka, on my way to Kabul, that Muhammad Hyat Khan was King of Khorasan, and I would dethrone him. I had heard a good deal about Muhammad Hyat Khan, and had heard the expression that he was King of Kabul from Natives. I do not think it possible that I could have said I would dethrone him. I did not instruct Ghulam Muhai-ud-din or Rajah Jahandad Khan to get evidence against him when they came to the Lahore Durbar. I never instructed any one to do so, and would not have done so. I do not recollect being ever told by Ghulam Muhai-ud-din that Sirdar Wali Muhammad Khan refused to seal the list. I do not recollect whether General MacGregor was in Kabul when the Khan Agha's horse was brought back. Major Hastings probably saw it. Sikandar Khan was not asked to bring evidence about General Saif-ud-din's horse, but he was put on his defence, and had an opportunity of tendering evidence. His defence was that his brother gave it to him.

Mr. Cunningham adds.—I had never served with Muhammad Hyat Khan in the same district, nor met with him, except on one occasion at Simla, when he called upon me, and I had no reason to believe that any of the officers with me had any prejudice against, or enmity with, Muhammad Hyat Khan. I saw no reason to believe that there was any conspiracy against him at Kabul.

To Muhammad Hyat Khan.—I never heard of any one being at enmity with Muhammad Hyat Khan on account of his relations being hanged. I have no doubt he made enemies at Kabul by his services as well as in other ways.

To the Court.—When I was at Dhakka, I remember seeing a large string of horses and laden animals of Muhammad Hyat Khan's coming down from Kabul with, I believe, Jalal Khan, a relation of Muhammad Hyat Khan. I do not know Jalal Khan, but heard his name at the time. Several of the horses were led horses. My recollection is that there were either 13 horses and 14 mules, or 14 horses and 13 mules, there would be between 10 or 15 horses; the bargeers who were with them said they were Muhammad Hyat Khan's. I mentioned this to Muhammad Hyat Khan when he came out to meet us on our arrival at Kabul, and he made no reply. It was the same day that I told Muhammad Hyat Khan that I hardly knew him. I may have said I didn't know him. He was introduced to me.

Nawab Ghulam Hassan Khan was questioned by me, and I believe also by Mr. Griffin, with reference to Muhammad Hyat Khan's conduct at Kabul, but I do not believe that he himself introduced the subject. Muhammad Afzal Khan was sent away from Kabul almost immediately after we went there, and I never received any statement of Naib Lal Muhammad's recorded by him, nor did I know that he had recorded any such statement.

To Muhammad Hyat Khan.—I know no reason why I should have been ordered to make the enquiry and not Major Hastings, but that according to the ordinary routine of work, such an enquiry would have been made by one of Mr. Griffin's staff. The enquiry into one of the charges against Sikandar

Khan was made over to him, because he was Major Hastings' Sarishtadar, in order to satisfy Major Hastings. There was no regular enquiry into the charges against Muhammad Hyat Khan. The petitions received came to Mr. Griffin, and the orders he gave were carried out.

The above has been read over to Mr. Cunningham, and is acknowledged by him to be correct.

The 11th March 1881. D. G. BARKLEY.

Re-examined.—I never heard the amount taken from the Mustaufi stated at Rs. 3,000, the amount mentioned in Muhammad Hyat Khan's letter to Mr. Griffin. The amount I heard was much larger.

Acknowledged to be correct.

The 11th March 1881. D. G. BARKLEY.

Sirdar Wali Muhammad Khan deposes.—I recognize this Persian list which is now produced. I also recognize my seal on it, and I remember the occasion on which it was affixed. The list is a statement of money and other valuables taken by Muhammad Hyat Khan. The note which is written on it just over my seal was written by my Mirza, Muhammad Nabi, who is now in Kabul.

The list was first brought to me by Ghulam Muhai-ud-din Khan. I don't know how it was prepared, nor by whose order it was. Before it was prepared, one of the Naib Kotwals, Kazim, came to me and told me that an order had come for a list of all the people to be made out, from whom anything had been taken by Muhammad Hyat Khan. He did not tell me that a list had come from the Sahib to be verified. What he said was that a man had come from the Sahib (I don't know which Sahib) with orders to investigate the matter, and that he wanted to know what he was to do. I told him to obey whatever orders he received.

The Naib Kotwal told me Ghulam Muhai-ud-din was the man who was sent.

This was a correction by the Sirdar. J. S.

(Then the Sirdar said) at first there was no mention of Ghulam Muhai-ud-din; the Naib Kotwal only said "Adam-i-Sahib."

When Ghulam Muhai-ud-din first came to me about this list, he said that a list had been made out and that he wanted me to affix my seal. I said I did not know, through my own hearing or seeing, of any thing having been taken, and that I could not seal it. I don't know whether he brought the list this time or not. I did not see it with him.

He came a second time, and brought the list, and told me that the Sahib said I was to put my seal on it. I then called my Mirza, and had it read over to me item by item. On hearing it read, I smiled and said I did not think that so much had been taken, meaning that I did not believe the whole of it. I had heard of most of the items entered before, but I did not know of my own knowledge whether they were true or not. Mir Ahmad Shah, who is entered as having given Rs. 4,000, was present at this time, and I asked him whether it was true that money had been taken from him by Muhammad Hyat Khan, and he said that Rs. 4,000 had been taken, and I then told him to put his seal on the list as a token of the truth of it. I recognize his seal on it. Mir Ahmad Shah is now in Kabul; he had an account book or note book with him, and he produced it and wanted to show me how the money had been taken, but I would not look at it. He was the Superintendent of the mint, and he told me that the money had been taken from the jama-kharch account of the melting or coinage of the Government and Kabuli rupees. I understood from him that the money taken was Government or mint money. As to the note entered by my directions on the list by my Mirza, I told him to write down that some of the items I had heard of, and some I had not heard of, and I read over the note afterwards and found it correct. The meaning of my

note was that I had heard about some items, and had not heard about others. The sentence at the end "Rishwat sitani hakikat darad" the Mirza wrote of his own accord: it must not be taken as mine, for I did not *know*.

The only person I asked myself about the entries in the list, was this Ahmad Shah. I only heard about the others generally.

To Muhammad Hyat Khan.—I was not in charge of the mint during the whole period of the occupation of Kabul. After I took charge, the custom was that for every 1,000 Government rupees sent into the mint, 1,200 Kabuli rupees were returned. Money was sent by private persons, officers and others to be coined. I believe that this custom prevailed before I took charge, but I do not know whether it did or not. After I took charge, I only received money on the signature of Major Hastings. The first time Ghulam Muhai-ud-din came to me, he did not say that he had made out the list himself; he only said that it had been made out.

There was no special friendship between Nawab Ghulam Hassan Khan and the Mustaufi Habibulla. The Nawab was a friend of every one: there is not in existence such another true and upright man as the Nawab.

I know that an order was given to take back from the Mustaufi Rs. 80,000 which had been given to him. I had a conversation with Mr. Griffin about it, and I was told to recover it. I assisted the merchant Abubakr, with whom I understood the money had been deposited, in order to recover it. He said that he had paid away all the money already, and that there was none left. After a few days I was told to release the merchant, as he was pardoned. I cannot say whether the money was recovered by other means or not. Abubakr told me that of the Rs. 80,000 he had paid Muhammad Hyat Khan Rs. 16,000 on account of Habibulla. I did not ask him whether he had given it with his own hand: he only said it had been given.

Further examination.—I know Bahadur Khan of Logar. After Khan Agha and Saif-ud-din had their horses returned to them by Mr. Griffin's order, two men, Mehrdil Khan and Mirdad Khan, came to me and said that Muhammad Hyat Khan had bought a horse from Bahadur Khan for Rs. 250, and had been paid for it, and they wanted me to produce them before Mr. Griffin to make a complaint about it; but as Bahadur Khan was then a Ghazi, I said I would have nothing to do with the matter and would not help them, and they then went back to Logar, and shortly after these two petitions, one from Bahadur Khan asking to have the price of the horse recovered, and one from Mehrdil Khan and Mirdad Khan, corroborating Bahadur Khan's statement. They did not come to me, but I heard at Kabul that they had been received. I know nothing myself about the horse or the transaction.

Regarding the entry of a horse taken from Mir Alam Khan, the name is a mistake for Sirdar Muhammad Alam Khan. I know the mare very well; it used to be ridden by Rahim Khan, the son of the Sirdar, but I suppose it belonged to the father. I saw it often with Muhammad Hyat Khan. He used to have it at his quarters. I don't know whether he bought it or took it. Rahim Khan has gone, I think, to Kandahar. He came down from Kabul with me.

Regarding Khoja Nasir who was living at Kabul, I know he is of the same race as Syad Jan, but he is no relation (Khwesh). They may be connected by marriage; but if so, I don't know of it. He was not a cousin's son of Syad Jan. There are numerous Khoja families in Kabul.

J. G. SILCOCK,
Assistant Commissioner.

The 25th February 1881.

Said Sarwar.—I was told by Ghulam Muhai-ud-din to prepare this list, he saying that Mr. Cunningham required it. I had got no orders on the subject previously. Mr. Cunningham never told me to prepare the list, but told me, if Ghulam Muhai-ud-din Khan required my help, to render it. This occurred so long ago that I cannot remember how he came to give me this order. I used to see Mr. Cunningham every day. Mr. Cunningham's order was a general one to assist Ghulam Muhai-ud-din in all matters in which he required my assist-

ance, not with reference to this list in particular. When Ghulam Muhai-ud-din Khan told me to prepare the list, saying that he had Mr. Cunningham's order, I refused, saying that I had not time.

Question.—Can you not state whether Mr. Cunningham at any time ever spoke to you about this list?

Answer.—He merely gave general orders to assist Ghulam Muhai-ud-din.

Question.—Did you prepare the list?

No: it was prepared by Ismail and Ghulam Jilani. I had referred Ghulam Muhaiuddin to them, when I refused, as I had not time.

I attached my seal, not because I knew anything about the list, but because it was prepared as part of the kotwali work.

To Muhammad Hyat Khan.—Question.—Did your Naibs make any enquiry from which the list was prepared?

Answer.—They told me that Ghulam Muhai-ud-din had given them a paper purporting to be drawn up on the part of Sirdar Wali Muhammad Khan, and showed me the paper. I did not read it, but believed it to relate to this case. They asked me for instructions. I told them to do as he told them. I do not know whether the Naibs themselves made any enquiries.

I do not know whether the list, to which my seal is attached, is the paper my Naibs got from Ghulam Muhai-ud-din. I was asked by Ghulam Muhai-ud-din to attach my seal to the list which he showed me, and which already bore the seals of my Naibs. It was in the Naibs' writing. I cannot write or read, but know it was theirs, as they had sealed it.

Question.—After Muhammad Hyat Khan left Kabul, were people instigated against him?

Answer.—There were a number of charges against him after he left; but I do not know whether these charges were instigated by any one. Ghulam Muhai-ud-din Khan or Mr. Christie did not tell me, or any one in my presence, that they would be pleased to have charges brought against Muhammad Hyat Khan.

To the Court.—I was never present when Sirdar Wali Muhammad Khan was asked to sign or seal the list. I once told Sirdar Wali Muhammad Khan of the paper purporting to be from him having been brought to the kotwali. He said nothing. I cannot say when this conversation took place, but it was at Kabul, and long before I sealed the paper. When I told Sirdar Wali Muhammad Khan that Ghulam Muhai-ud-din Khan had sent the paper to the kotwali, he said he knew nothing about it. I told him it purported to come from him. He repeated that he knew nothing about it. It was after Sikandar Khan had been dismissed that this list was made.

D. G. BARKLEY.

The 21st February 1881.

Ghulam Muhai-ud-din Khan, Officiating Extra Assistant Commissioner, on solemn affirmation.—The list received from Sirdar Wali Muhammad Khan was received about 20 days before we left Kabul. It was in the first instance produced by Syad Sarwar Kotwal before Mr. Cunningham who required the Sirdar's signature or seal to be attached, and gave it to me to take to Sirdar Wali Muhammad Khan, and ascertain what he said about it. Sirdar Wali Muhammad Khan had it read, and told Mirza Nabi to write something at the foot. I do not know what, and then attached his seal. Mir Ahmad Shah Syad was sitting by at the time, and I am under the impression that the Sirdar made him sign opposite an item entered as taken from him. I brought back the list to Mr. Cunningham. The list was prepared by Syad Sarwar owing to Mr. Cunningham having heard that much property had been taken, and having given Syad Sarwar, who was Kotwal, orders to enquire and submit a statement. I was not present when this order was given; but I know from Syad Sarwar's own statement that he had received the order, and I once enquired from him by order if the list was ready yet. I do not know whether Syad Sarwar made enquiries in person or through others. When the list was originally produced by Syad Sarwar, it bore his seal and those of two others. I do not know that any one had sealed the list before him. On the occasion when I asked whether the list was ready, he said he was

getting it ready. He did not mention who was making the enquiry. It was some days later that he produced the list before Mr. Cunningham. I do not know that Mr. Cunningham made any enquiries with reference to this list. It was after this list was prepared that Sirdar Yusaf Khan's evidence was taken by me, so far as I remember. I believe he was absent when the list was obtained, as he had gone to his brother Sirdar Asaf Khan at Laghman; but I do not remember whether he had returned when the list was received or not.

I know that a horse was taken back from Sikandar Khan two days before his departure, and was returned to General Saif-ud-din Khan who had claimed it as his, saying it had been taken from him. It was produced before Mr. Griffin, and returned by his order. I was standing outside at the time, and General Saif-ud-din Khan was asked about the horse before me, and recognized it as his. Mr. Griffin was angry with Sikandar Khan, and ordered it to be returned to General Saif-ud-din Khan. I do not know whether Sikandar Khan had been examined, but he had been called inside before Mr. Griffin.

In answer to Muhammad Hyat Khan.—I had not ordered Syad Sarwar to prepare the list. I merely enquired from him by Mr. Cunningham's order if it was ready. I had not made any statement to Mr. Cunningham, which led to the order. It was given after an interview which Syad Sarwar had with Mr. Cunningham. I do not know whether the list was copied from any other papers. I told no one in Kabul that Muhammad Hyat Khan had been imprisoned in the Punjab, and that Government would be pleased to have persons come forward and bring charges against him. I only once took the list to Sardar Wali Muhammad. He did not at any time refuse to sign it. Syad Sarwar was not present when Sirdar Wali Muhammad Khan signed. I do not remember whether I took a verbal message to Sirdar Wali Muhammad or a *murasila* from Mr. Cunningham. Many petitions had been presented against Muhammad Hyat Khan before this list was received. I do not know who was the writer of any of the petitions that were written.

After hearing Syad Sarwar's statement, witness is asked whether it is true. He answers it is entirely false. He got his instructions from Mr. Cunningham, not from me. He did not tell me that owing to other business he had not time. He had to purchase grain for the Commissariat; but the kotwali adjoins the market, and this did not take up all his time. I knew from Syad Sarwar's own statements that he had discussed the matter with Sirdar Wali Muhammad Khan, and that the list was prepared under Sirdar Wali Muhammad Khan's superintendence.

On this being read, witness says he did not say "under his superintendence," but that it was prepared with his knowledge (*wakfiyat*).

To Muhammad Hyat Khan.—I made no enquiries about the items in the list. I was not instructed to make any. I examined Sirdar Muhammad Yusaf Khan, because Mr. Cunningham sent me to enquire what he had to say.

D. G. BARKLEY.

The 21st February 1881.

Ghulam Muhai-ud-din on solemn affirmation.—I wrote the deposition of Sirdar Yusaf Khan in this case. I recorded no other depositions. I know Mian Muhammad, son of Rahmat, Peshawari. I did not take his deposition. I may have asked him something about the case, as he was in the habit of coming to me. He was one of the witnesses summoned before Mr. Cunningham in Naib Lal Muhammad's case, but I think he was not examined. The witnesses in that case were summoned through me. I remember now that Naib Lal Muhammad had mentioned giving postins through him, but I do not remember whether I asked Mian Muhammad about this. He never told me that the postins had been sent by him, and that Sikandar Khan had returned them through him.

I was present when the horse returned by Muhammad Hyat Khan was recognized by the Mir of Maimena. It was recognized at Mr. Griffin's bungalow by the Mir. There were many people present at the time, Raja Jahandad Khan amongst others, and probably Syad Khan, Mr. Griffin's orderly. Mr. Cunningham was present. The man, through whom the horse was sent back, was also there. He was a Kabuli from Kohistan and Muhammad Hyat

Khan's servant. He remained two nights with me, and I remember his appearance well, but not his name. It was a tall horse. Its height, I know, was more than 14 hands two inches—the height of horses taken into the Cavalry; but whether it was more or less than 15 hands, I cannot say. Such a horse is not called a yaboo, and would not be called a yaboo if used for baggage. I do not remember whether it had any mark of injuries; but the man having ridden it bare-backed, its back was galled. I did not hear any remarks made by the Sahibs about the horse. This was two days after its arrival. It was then returned to the Mir, but was afterwards again sent for, and sent to General Macpherson, Painda Gul, a Kabuli in political employment, being sent with it. When it came back from the General, it was placed in charge of an orderly of Mr. Griffin's, a ressaldar from Kapurthalla, named Niyaz Muhammad, and afterwards Rs. 1,000 was paid for it to the Mir of Maimena in my presence. Mr. Griffin gave an order for the amount on the treasury in favour of the Mir of Maimena, and Mr. Walker paid the money in my presence. I do not know how Rs. 1,000 was fixed. Raja Jahandad Khan said at the time he would take the horse, if Government would accept Rs. 400 for it.

There were perhaps marks on the breast, such as would be caused by driving, or they might be made by the Kabuli saddle being fastened in front of the breast. Nothing was said at the time of its having been driven.

I only took the list prepared by the Kotwal over to Sirdar Wali Muhammad Khan for signature. I may have told him before that Mr. Cunningham wished his signature, as I had often to go to him on business; but the only occasion on which I had it with me, was that on which he sealed it.

When I examined Sirdar Yusuf Khan, many people were present. I think Mir Ali was there, and there were other servants of his present; but only the Sirdar spoke, the others did not. I had not heard of the book named Bedil before, and asked no question about it. It was the Sirdar who mentioned it of his own accord. Possibly some one else who was present, may have mentioned it. This I do not remember, but I took down only what the Sirdar said.

I know Muhammad Jan, *alias* Mushko Khan, a Lohani. He was at Kabul and had been receiving Rs. 3 per day, which had been stopped. He had been coming to me, bringing news from Maidan. One day he brought me a letter which Sikandar Khan had got written to him by another person, named Abdus Samad, telling him that the Khan Sahib was coming, and would be angry with him for bringing me information. He had formerly been bringing information from Maidan to Muhammad Hayat Khan. I do not know why Sikandar Khan objected to his giving me news. I gave the note to Mr. Cunningham, that now shown me is it. The writer's name is Abdus Salam. I do not know whether the daily allowance Muhammad Jan received was for giving intelligence or why. I do not know when it was stopped. It was because it was stopped he gave me this note. I did not enquire into the matter myself, but gave the note to Mr. Cunningham. He may have enquired. He was a respectable man, and not a paid spy. He was not paid for the intelligence he brought to me, but Mr. Cunningham before he left Kabul gave him a reward and a khillut. He held letters of officers received by him during the former Kabul war, and it was chiefly on account of these that he came. I do not know whether the daily allowance was restored to him. Abdus Salam was not employed in Major Hastings' office, but was a man of Logar, who also brought intelligence, and who received a similar allowance.

To Muhammad Hyat Khan.—Abdus Salam was called by Mr. Cunningham about this letter. He denied having written it. Mr. Cunningham took his seal and his papers for comparison, but the result I do not know. He was not arrested. He was then at Major Hastings' place. I was sent by Mr. Cunningham to bring his papers. I found 5 or 6 papers and brought them.

Others received similar allowances. I do not know whether the allowances of others were stopped at the same time. This was not my business, but that of the Commissioner. Rajah Jahandad Khan is at present living with me, as he has just returned from leave, and is awaiting orders whether he is to remain here or to go to Rawal Pindi. I have visited him at his house a year and a half ago. I made the enquiry from Sirdar Yusuf Khan by Mr. Cunningham's order. His statement was taken at his own house in the city.

To the Court.—When the Mustaufi was arrested to be sent to this country, I spent the night with him. Mr. Christie had given me orders to take any

papers that he had. He had an envelope addressed to Mr. Griffin, and it contained papers. I gave it and the papers to Mr. Christie. I did not read them. There was a fireplace in the room. These papers were on the fireplace. He told me to give the papers to the Sahib. He said it was a petition of Lal Muhammad's. I did not search him. Whatever enquiry was made was made in Mr. Griffin's room with closed doors. His son had gone away, and I was sent late to bring him also, which I did. Both sons had gone to the city when he was taken into custody, and I brought both back.

When the Mustaufi had been sent to India, a merchant, Abubakr, was arrested by the Wali and called on to account for Rs. 80,000 which he had received for the Mustaufi. He was at last released by the Commissioner's order. A brother of his was in the habit of coming to get him released, and I heard from him that Abubakr had forwarded the money to the Mustaufi.

Sirdar Wali Muhammad Khan and Sikandar Khan were on good terms. Sikandar Khan stopped with him two or three nights before he started, and Sirdar Wali Muhammad sent some men with him and gave him a horse to ride. He had no horse of his own, Saif-ud-din's horse having been taken back from him.

The Sirdars who have given evidence are not all of one faction. The Mustaufi and Sirdar Wali Muhammad Khan are now enemies, the Mustaufi having been a supporter of Sirdar Hashim Khan's. I do not know when the Mustaufi's petition was given. I know about Naib Lal Muhammad Khan's, *i. e.*, the petition I received from the Mustaufi, but I did not see the paper which was in the envelope. I do not know whether any one had petitioned before him. I do not know whether it was after the Sirdar had signed the Kotwal's list that I was told to examine Sirdar Muhammad Yusuf Khan, but it was about the time he attached his seal. It may have been a few days before or a few days after he sealed the list, but was probably after.

What the Munshi wrote at the foot of the list Sirdar Wali Muhammad Khan ordered him to write, and after reading it he attached his seal. Syad Sarwar was not then present, nor were the Naib Kotwals.

To Muhammad Hyat Khan.—It was 2 or 3 days after the horse was given to the Mir of Maimena that it was sent for and brought back. I do not know why it was sent for, nor who went for it.

I did not apprehend the man who brought the horse back, nor did I say anything to him, or tell him to say anything. He was not examined.

To the Court.—Bahauddin Khan of the 11th Lancers had gone to Kabul on leave, and was employed there in assisting the Commissariat, and when the army was sent out from Kabul, he accompanied it. I do not know how he was employed before I went to Kabul. He remained with the Political Officer.

Acknowledged to be correct.

The 5th March 1881. D. G. BARKLEY.

No. 951, dated Lahore, 28th April 1881 (Confidential).

From—F. D. CUNNINGHAM, Esq., C.S., Officiating Secretary to the Government of the Punjab,
To—A. C. LYALL, Esq., C.B., Secretary to the Government of India, Foreign Department.

In continuation of my letter, 793P, dated 16th April 1881, I am directed to forward, in original, for the information of His Excellency the Governor General in Council, a printed copy of a letter from Muhammad Hyat Khan addressed to Mr. D. G. Barkley, C.S., which has been received by the Honorable the Lieutenant-Governor from Muhammad Hyat Khan.

From—MUHAMMAD HYAT KHAN, Judicial Assistant Commissioner,
To—D. G. BARKLEY, Esq., Sessions Judge, Peshawur (on Special Duty).

The inquiry ordered by Government having now been concluded, I gladly avail myself of the privilege afforded me of filing a written answer to the charges that have been preferred against me, and of the exact nature of which, until I appeared before you, I had no knowledge whatever.

2. Before proceeding, however, to deal with those charges in detail, I must refer to the peculiar difficulties which I have had to contend against in the course of this inquiry. In the first place the Government has thought it desirable that I should not be permitted to enjoy the benefit of counsel in conducting my defence, nor have I even been permitted to have the assistance of any one to aid me in taking down a memorandum of the evidence adduced against me. The result has been that I have not only had to make notes of evidence myself while the witnesses were being examined, but to cross-examine the witnesses also myself, without time for reflection or the skill necessary to test the

truthfulness of their evidence by a searching and well directed cross-examination. That I may not have succeeded therefore in deriving all the benefit from this great privilege, which is the only safeguard which an accused person can depend upon against pre-arranged evidence, is not surprising, especially when it is recollected that a man who, after 25 years of loyal and devoted service to the Government whose salt he has eaten, in which he has on more than one occasion risked his life, and in which he has risen to a post which few of his countrymen can hope to obtain, is suddenly suspended from his appointment and called upon to confront a host of accusers who are all known to be his professed enemies, is not unlikely to have his mind unstrung so as to be unable to exercise that calm and dispassionate judgment which can alone enable one to conduct a cross-examination with any chance of its being effective. On the other hand the prosecution has had the advantage, if not of professional advice, at least of the material assistance, both before and during the present inquiry, of such men as Mr. A. Cunningham, Raja Jehandad Khan, Golam Muhaiddin (Extra Assistant Commissioner), Ibrahim Khan, Assistant District Superintendent of Police, and, during the last stage of the case, of Mr. Walker, C.S.

I do not desire in the present communication to say a word of personal disparagement against the officers I have just named; but I am bound in self-defence to recall to your recollection the tone of violent acrimony and personal hostility displayed by Mr. A. Cunningham at various stages of this inquiry towards me. This gentleman has deemed it within his province to give free expression (in your own presence) to his personal conviction of my guilt, when statements of witnesses were at all in my favour, founded upon reports he had heard before the present inquiry began; and even to go into wholly irrelevant matter, as for instance that avarice had induced me to marry the daughter of a Muhammadan gentleman at Jalandhar. I need not comment on such expressions of opinion as unseemly; nor do I for a moment fear that in forming your estimate of the evidence adduced both for and against me, you will in the slightest degree allow your mind to be swayed by them: though a mind less evenly balanced than your own, and more open to bias, might perhaps have been influenced by such injudicious observations. At the same time, in arriving at a correct conclusion on the facts disclosed in this inquiry, it is impossible, I submit, to ignore the circumstance that the defence labors under the great disadvantage of meeting prepared evidence—evidence I mean which had already been collected against me and arranged in a narrative order long before this inquiry began, and this behind my back, and under the prompting of men who were at once jealous of, and inimical to, me.

3. Another circumstance which I need scarcely perhaps mention, but which is one nevertheless which must be carefully borne in mind in estimating the value to be placed on the evidence of the witnesses, individually as well as collectively, who have appeared against me, is this,—that the position I had the honour to hold at Kabul was such that it necessarily aroused against me the hatred and enmity of a large class of influential Afghans. It was, as I then thought, my good fortune, or as perhaps with reference to the present turn of affairs I might now more properly say my misfortune, to be selected by Government to act as a Member of the Political Commission appointed to inquire into, and report on the causes which led to the massacre of, the Kabul Embassy, and of the persons who were implicated in it. That Commission had specially to investigate into the part which the ex-Amir Yakub Khan, Mustaufi Habibulla, Sirdar Yahiya Khan and Wazir Shah Muhammad Khan had taken in the events which ended in the massacre of Sir Louis Cavagnari, and the result of our investigations is well known to Government. These men were deported to India, and, rightly or wrongly, it was felt throughout Kabul that I was the person who was mainly instrumental in unravelling the web of complicated evidence with which the Commission had to deal. I had to collect the evidence. It was through me that evidence had chiefly to be interpreted, and it was through me that questions were usually put to witnesses and others. It was to me, therefore, that the men I have named and their adherents mainly attributed their downfall, and I thus became the object of their bitterest enmity,—a feeling not unnaturally intensified in their minds by the fact of my being a Muhammadan who had disregarded the ties of a common religion in the service of a Christian State. So long as I was on the spot and able to refute any calumnious aspersion on my character, my enemies were silent. But as soon as my back was turned, the opportunity was readily seized to blacken a reputation that had stood unsullied during 25 years of meri-

torious service, and to wreak that spirit of revenge upon me which is so characteristic of a race who are well described by Talboys Wheeler, as "blood-thirsty, deceitful and depraved: ready to sell their country, their honour and their very souls for lucre," a race who are "without a sting of remorse, or a sense of shame." It is to that race, Sir, my present accusers belong, and it is the accusation of men who have for the most part but lately been tried by me, in association with two European Officers of rank, that I now find myself in the humiliating position of having to answer as an accused. My late colleagues in the Commission were Englishmen of conspicuous ability and distinguished rank. They could not be assailed with any hope of success by men of the stamp and antecedents of my present accusers. But I happened to be a native—a man whose past career was all that he could rely upon: without influence, without interest. To charge me with bribery, with exaction, might be listened to, while the same charges if urged against my late colleagues would certainly be rejected with scorn. The opportunity was too tempting, and thus it is, Sir, that I stand before you to-day to plead my cause as an ordinary accused person. But firm in the conviction of my own innocence, I am content to bow my head to the passing cloud which has for a moment cast a shadow across my path, in the full assurance that the result of the present inquiry will be to prove that I was not unworthy of the confidence reposed in me by Government, and that the machinations of my enemies have been unable to stand the test of an impartial investigation.

4. Passing now to a more critical examination of the several charges brought against me, I shall endeavour to deal with them in the same order in which they were produced before you.

Saif-ud-din's charge.

5. The first charge relates to a horse which is alleged by one Saif-ud-din, late an officer in the service of the ex-Amir Yakub Khan, to have been selected from amongst his stud and retained by me as a consideration for effecting his (Saif-ud-din's) release.

The only evidence adduced in support of this charge, if indeed it can be called such, is a statement by Saif-ud-din, recorded at Kabul in my absence by Mr. A. Cunningham—not recorded, it is to be observed, in consequence of any petition presented or complaint preferred by Saif-ud-din himself, but elicited in answer to questions put to him by Mr. Cunningham. From whom Mr. Cunningham got the information which led to this examination has not been stated. Saif-ud-din has not been produced before you for examination; and I have thus had no opportunity of cross-questioning him, nor you, Sir, of judging of his demeanour and credibility. But although I suffer under this double disadvantage, I think I have nevertheless succeeded in completely destroying this base and impudent accusation. Fortunately for me my accuser was a person with whom I had no official connection of any kind. He was not brought before the Political Commission with which I was associated, but was simply kept under surveillance for a while by the military authorities during the siege of Sherpur in December 1879, and certainly could not have believed himself to be in any fear of being shot in February 1880, when I purchased the horse from his brother Khairuddin. There is, therefore, a *primâ facie* improbability in the truth of his story—an improbability which is increased, if anything, by its details; for it is surely unlikely that if I were the thoroughly grasping and unscrupulous person my accusers desire to paint me, I should have acquiesced in his obviously lying statement that he had no ready money. However, the statement is not only improbable, but I submit it has been proved to be positively false. It so happens that the horse in question was purchased for me by Ressaldar Bahauddin of the 9th Bengal Cavalry, a Native Officer whose conspicuous gallantry and valuable services have received the highest encomiums from European Officers, and have also obtained for him a strong recommendation for a Military decoration and an honorary title. This man is himself related to Saif-ud-din, and both for this reason and as an acquaintance of my own, he was naturally asked by me to arrange a bargain for the animal. He did so, and settled the price at Rs. 300, which was accordingly paid over by Muhammad Ibrahim, the Ressaldar being present when the money was being counted. My rough daily account book in which the entry of the payment

occurs, as well as Ibrahim Khan who himself paid the money, and Native Doctor Abdulrahaman and Jelal Khan who saw it paid, corroborate the view of the transaction deposed to by the Rissaldar. Besides which, the allegation that the horse was brought from Saif-ud-din's village by Nasrat Jang is disproved by the evidence of the latter (a witness for the prosecution himself and clearly hostile to my interest), which shows the real nature and object of his visit, and the flimsy foundation on which this charge was subsequently constructed. It will be seen that, with the exception of Jelal Khan, who is my nephew, all the other witnesses who gave evidence on my behalf are men of good official position who are in no way connected with me, and who have much to lose if they are suspected of supporting my cause falsely, while they have nothing to hope from me in any case. I would lay particular stress upon the evidence of the Rissaldar and the Native Doctor, both of whom are at all events wholly disinterested witnesses, against whose respectability not a word can be said, and whose character is above suspicion. We can also well conclude from their evidence why Saif-ud-din has not dared to present himself before you, and why he did not voluntarily come forward as an accuser in the first instance. It must, I think, be allowed that under the circumstances disclosed before you, it was both natural that he should avoid a personal confronting with my witnesses, and also that he should hesitate about putting forward so obviously trumped up a charge. But what he hesitated to do, and probably would never have done of his own accord, he could not like an Afghan resist the temptation of approving of when it was probably suggested to him by some of my enemies, and when his hand as it were was forced by Mr. Cunningham. It is also a remarkable fact that Saif-ud-din never said a word about the above transaction till some two months after the death of Khairuddin, his brother; and it is too common a trick to say that this deceased brother paid a sum of Rs. 300 to one Musa Khan, of whom I have no knowledge whatever, with the view of his paying it over to me, to deceive a mind accustomed to weigh judicial evidence. At all events Musa Khan has not been produced to show how he disposed of this money if he ever received it from Khairuddin, nor was he apparently even examined on the point at Kabul; and I can only solemnly declare for myself that no portion of this money ever came into my possession.

Khan Agha Jamshidi's case.

6. The next case I shall deal with is that brought forward by Khan Agha Jamshidi. Here, also, as in the last case, the prosecution rely upon statements recorded at Kabul behind my back, and my accusers are not confronted with me, nor have I had any opportunity of questioning them. The statements also, it should be noted, are mere translations made by Mr. Cunningham from the notes of a previous examination made by Raja Jehandad Khan, whose unfriendly disposition towards me is no secret. Besides which, the statement said to have been made by Khan Agha Jamshidi is completely at variance with that recorded as having been made by Mir Maimena; indeed, it is impossible that both can be true. Thus, the former is stated to have said that I sent for the horse on two occasions, returning it the first time, but retaining the animal on the second occasion; promising to pay for it, and never actually doing so. Mir Maimena, on the other hand, says the horse was his; that it had been forcibly taken away from him by the late Amir Shere Ali Khan, and that on General Roberts' arriving at Kabul he preferred his claim to the horse which was then sent for by me and kept for my own use on the assertion that General Roberts had presented it to me. There is, it will be observed, an irreconcilable difference between these statements: and the only additional evidence adduced by the prosecution is as regards the value of the animal, which, neither in view of the Agha's statement nor in that of Mir Maimena, is at all important. But the real fact is that neither statement is true, and the question of the value arises in order to meet the case set up by the defence. Now, what happened in regard to this horse was this, that being in search of baggage animals for my own use the Agha's servant brought the horse in question to me, and the price was finally settled at Rs. 100, which was paid upon the production of a receipt for the same, bearing the Agha's seal, in the presence of Muhammad

Azim Khan, son of Nawab Sir Khwaja Muhammad Khan, K.C.S.I., the late Muhammad Amin Khan, son of Muhammad Sarwar Khan, of Hangu. The horse at that time was in a very poor condition, but it answered my purposes, and I considered I had paid a fair price for it with reference to the prevailing market value for such animals. It was not, however, the kind of animal I fancied, and on my returning to India it was sold by my brother (Gulab Khan) to Durga Pershad, Dâk Overseer, for Rs. 140. Subsequently, on Mr. Lepel Griffin's telegraphing that the Agha laid claim to the horse, I at once wrote to my brother at Wah to re-purchase the horse again and to have it sent back to Kabul, which he did, informing Mr. Griffin at the same time of the course I had adopted. These facts are fully corroborated by the receipt I hold, the impression of the seal on which clearly tallies with that on the petition presented by the Agha to Mr. Griffin, by the witnesses in whose presence the money was paid, who are men of rank and respectability, by Durga Pershad, Nadir Khan, Fazil Din, Basharat, and by Mr. Buckner, and also by the entry in my rough account book. The question of the actual value of the animal is, as I have shown, altogether irrelevant according to the case presented by the conflicting owners themselves. It has never been stated by the Agha, for instance, that he was obliged to part with the horse for *less* than its value; indeed, he clearly implies he was paid *nothing*. It is clear, therefore, in the presence of an undoubted genuine receipt bearing the Agha's own seal, that his statement, as recorded by Mr. Cunningham, is untrue. On the other hand, on the supposition that the receipt was forcibly obtained, or that the Agha was compelled to give the horse for a mere nominal payment, it is surely a singular circumstance that having gone such lengths I did not at the same time obtain a receipt for a sum much nearer the proper value than Rs. 100, if indeed the true value of the horse was known to be so much in excess of that figure as is now represented. If I was corrupt enough to be guilty of the one act, I may at least be presumed to have been intelligent enough to secure the other. But just as there is absolutely no ground for believing the one supposition to be true, so there is no foundation for the hypothesis that the value of the horse was really in excess of the amount actually paid by me. I think I have completely proved that the transaction was a perfectly open one; and as the Agha was in no way involved in any political or other charge, there is no reason to suppose that he would have quietly submitted to a valuable horse being forcibly taken away from him, upon either a mere nominal payment or no payment at all. I would only add that Messrs. Hastings and Buckner and Bahauddin, Rissaldar, all good judges of horse flesh, considered the outside value of the animal, some months after the purchase (when his condition had certainly improved), to be Rs. 200.

Sirdar Alam Khan's case.

7. The third case refers to a transaction about a mare, and the complainant is a well-known supporter of the cause of the late Amir Yakub Khan, who, in the middle of December 1879, was known to have proclaimed Muhammad Musa Khan, a son of the late Amir, as Amir of Kabul, and himself as Deputy. For this act of open hostility I was directed by General Roberts to secure his apprehension and to offer a reward for his capture. This was done, but the Sirdar escaped into the Vardik District, and only returned to Kabul (after I had left for India), under the terms of the amnesty proclaimed by the authorities at Kabul. At this time informers appear to have been busy against me, and somehow or other, for the exact particulars have not been elicited, Alam Khan was produced before Mr. Cunningham, and (as he says), at that gentleman's suggestion, he then charged me with having taken a mare from him without consideration and under the influence of threats uttered by Mirza Ibrahim. This accusation, first launched in the manner I have indicated, he has now ventured to repeat before you; but the story is so utterly improbable in itself, and so completely unconfirmed by any other evidence, that I cannot help expressing some surprise that it should have been seriously entertained for an instant. It is said that the mare was taken by me from the Sirdar when he was sent for to Sherpur, about five days after General Roberts took up his quarters there: that would be about the 4th or 5th November, as the troops marched into Sherpur on the 30th or 31st October 1879. But at that period, even if the Sirdar's movements may not have been entirely unfettered (although I am not aware of the fact that he was subject to any restriction whatever), he was not

at all events in any sense under arrest, nor was he imprisoned. The reason why this date has now been suggested will appear presently. Meanwhile, I would state that the real truth concerning this transaction is, that I purchased the mare in question for Rs. 300 on the 17th Zilhij 1296, equivalent to 2nd December 1879, as is proved by the receipt which I have filed, the genuineness of which is admitted by Alam Khan, who also admits that it was given by him *on the same day he gave up his mare*. Now this important fact being admitted, it is difficult to conceive why, if the transaction had really taken place in the *beginning* of November, the *2nd of December* should have been *selected* for the date of a receipt *written at the time*. On the other hand, there is a very good reason why Alam Khan should try in his statement to ante-date the transaction, because, as the Commission with which I had been associated broke up in the *middle of November*, and between that date and the siege of Sherpur (14th December 1879) Alam Khan was in no way in trouble, he could not with any plausibility assert that he was compelled, under fear of being hanged, to give up his mare on the 2nd December—the real date of the transaction; and he was thus obliged to refer it to the early days of our occupation of Sherpur. That the Sirdar was quite alive to the importance of these dates is apparent from the manner in which he fenced in regard to the correctness of the date of the receipt, of which he had probably, when examined at Kabul, no distinct recollection; but having once fixed himself to a considerably earlier period as that in which the transaction had occurred, it baffled even his Afghan ingenuity to get over the difficulty presented by the subsequent production of a document which bore his seal and the authenticity of which he could not therefore deny. On the other hand, that the animal in question was obtained by me in a proper and honest manner is proved by the receipt itself, by the entry in my account book already referred to in connection with a previous charge, and by the evidence of the persons in whose presence the money was paid (*i. e.*, Babu Jeykishen and Muhammad Ismail Khan). Moreover, I submit that when it is shown, as it has been, that the complainant's story with regard to the date of the transaction is false, the whole foundation of that story is immediately cut away from under it. It will be observed also that throughout the Sirdar's statement he skilfully avoids implicating me directly; but I submit that a man of his position would hardly have been dealt with through the intervention of my servants, nor would he have suffered himself to dance attendance upon them in the manner in which he now describes. It is a further noteworthy fact that the animal, which he describes as worth considerably more than the sum (Rs. 300) entered in the receipt, has been valued by a committee of European officers at only Rs. 200.

The Sirdar has no corroborative evidence whatever to offer in support of his statement; he naturally owes me, as I have shown above, a grudge for having endeavoured to secure his arrest in consequence of the part he subsequently took in the siege of Sherpur; he only came forward, as he says, at the suggestion of persons who were engaged in getting up charges against me; he admits he never had any personal conversation with me on the subject of the present complaint; and upon every detail of the story which was capable of being tested I have shown that his statement completely breaks down. It is of course easy for a man to give a different complexion to a transaction than that which really represents the truth; and it is equally easy for such a man to deny the receipt of money which a document bearing his admitted seal testifies as having been paid over to him. But I earnestly protest against uncorroborated statements of this kind, disproved in every particular where independent evidence was forthcoming, being held sufficient to justify the action that has been taken against me. If the trusted officers of Government, whose services in the past are unimpeachable, are to be subjected to suspicion and calumny upon such flimsy grounds as those put forward in the present case, then, Sir, there is no protection for you or for any other officer who performs his duty conscientiously: and the service of Government becomes a disastrous burden and not an honour.

Sirdar Ibrahim Khan's case.

8. But if the case last referred to rests on flimsy grounds, that of Sirdar Ibrahim Khan, which is the next in order, rests on absolutely no grounds whatever; and when I say that it is a fitting sequel of what has gone before, I believe I exhaust the sub-

ject and make the only comment that is possible upon it. The Sirdar, as you are aware, is a brother of the ex-Amir; and that he owes me no gratitude will not be disputed when I add, what is known to Government, that I recorded an opinion in writing against his fitness to succeed to the Kabul throne. The Sirdar does not now come forward himself, but his servant Nasrat Jang supplies his place. This man's statement may be dissected into two parts—(1) that relating to the presentation of two *abras* (shawls); and (2) that relating to a payment of Rs. 400 as a *ziafat* offering. Upon the first of these charges all that Nasrat Jang can himself depose to, proves that I persistently declined to accept the articles; but it is invidiously added that after the second refusal he himself went away, leaving, however, another servant Hira Nand (who had accompanied him) behind, and that he was afterwards informed by Hira Nand that the *abras* had been accepted. It is needless to add that Nasrat Jang has no independent knowledge as to the eventual disposal of the *abras*; and admitting, for sake of argument, that Hira Nand may have subsequently stated that they had been accepted, it does not follow that Hira Nand told the truth in making such a statement; while the possibility (to say nothing of the probability) of Hira Nand himself appropriating the articles, and then accounting for them in the above manner, is certainly too obvious to be lost sight of. It is also a very significant circumstance that while Nasrat Jang is produced, Hira Nand is kept out of the way. Under such circumstances, I can do no more than give a solemn assurance that the *abras* in question never came into my possession, and I think the unconscious testimony which Nasrat Jang bears to my scrupulous adherence to the fixed rules of Government, forbidding the acceptance of presents by public officers, coming as it does from a hostile witness, is not without its value in estimating the truth of Hira Nand's alleged statement, as well as of the evidence in the other cases.

Passing now to the second charge mentioned by Nasrat Jang, here again the witness is obliged to admit that I repeatedly declined the profferred *ziafat*, upon the same grounds as I had previously refused the *abras*. The Sirdar himself presses the offering upon me in the kindliest manner, and I still refuse. But a messenger opportunely arrives to summon me to the house of General Roberts, and we both rise and go outside into the verandah, where several people were assembled. Here the narrator adds that while I was conversing with his master and others, he made over the money to a servant of mine who asked him for it: but who that servant was, whether he was even a Hindu or a Muhammadan, he cannot say, nor yet can he undertake to recognise him. He adds, however, that he certainly did not hear me give any orders for the money to be taken, nor can he state whether I saw it being paid and he had no conversation with me on the subject afterwards. To criticise vague assertions of the above character would be merely taking up your time unnecessarily, for there is really nothing tangible about them. But it must be at least obvious that when I had refused so frequently to accept the present when it was offered to me, both at the Sirdar's house and in my own room, where concealment was easy, it is strangely inconsistent and improbable that I should have either ordered, or knowingly permitted, one of my servants to take it when we were surrounded by strangers. I can, therefore, here also do no more than declare upon my honour that I never received any portion of the money referred to; that to my knowledge none of my servants received it; and that I did not authorize any one to receive it on my behalf.

Mustaufi Habibulla's case.

9. The next case which I propose to deal with is that of Mustaufi Habibulla. That this man should now be arrayed against me in the foremost line of my accusers cannot be a matter of surprise to any one who is acquainted with the opinion expressed by me as regards his complicity in the massacre of the British Embassy, and which is embodied in the Report of the Political Commission of which I was a member. It is notorious that my opinion, shared by my late colleagues on the Commission, was in this matter, as on many other points, stoutly at variance with that entertained by the late Sir Gulam Hassan Khan, K.C.S.I., who was a personal friend of the Mustaufi's; and the Mustaufi could not have been ignorant that his deportation to India was in a large measure due to my investi-

gations. He must also have been fully aware of the fact that it was upon information supplied by me that his confidential agent (Akhoonzada Abdul Rahim) was arrested, and that I was also one of the principal witnesses examined against this man during his subsequent trial before the Military Commission.

Under these circumstances, it can scarcely be denied that the Mustaufi's feelings towards me are not likely to be untinged by a strong personal bias, of which such an accusation as that now preferred is not an unnatural outcome. But it surely cannot fail at the same time to strike an impartial mind as passing strange that if there was really any solid foundation of truth in the accusation now made, how it happened that despite the corruption to which I exposed my judgment, despite, in fact, my having been bribed, I still continued to be so firm in my conviction of the Mustaufi's guilt, and to express that conviction publicly without the smallest reserve? This was surely not the course one would have expected from a man whose favour had already been purchased by a payment of Rs. 16,000? The Mustaufi is himself shrewd enough to see this; and he has the assurance to depose on oath that he was not aware that he was examined by the Commission in any other capacity than that of a witness, and that he did not understand that there was any charge against him personally which the Commission had to investigate.

I would refer to the proceedings of the Commission to refute this wilful falsehood, uttered with the object of avoiding the fatal objection to his evidence which the real facts would undoubtedly suggest. Starting, therefore, with a *primâ facie* motive for a false accusation, and also a *primâ facie* improbability of the truth of the charge actually brought forward, I believe I shall have no difficulty in showing that the development of the story is involved in such a tissue of contradictions and inaccuracies that it loses the smallest claim to reliability. I would call your attention, in the first place, to the petition in English presented by the Mustaufi's son (in his father's name) to Major Hastings at Kabul, dated the 29th April 1880. That petition, as the earliest step taken by the Mustaufi in the present matter, is of considerable importance; and its date is also to be carefully borne in mind. In that remarkable document it will be seen that the Mustaufi asserts that the sum of Rs. 16,000 was paid to me *during his imprisonment in Sherpur* by his *friends and relatives by means of some famous men in the city*; and that he only became aware of the fact *some time after his release*, whereupon he lectured his friends for their over-zeal, adding that he owed his release to the favour of the British Government and not to bribes. Now, there is not a single statement in this petition (except the amount of the bribe) which is not completely and unblushingly contradicted by the Mustaufi himself in the deposition given by him in the present inquiry. The version which he now swears to is, that the amount of the bribe was settled by his friends *after consultation with him* about 15 or 16 days *before* his release, and was paid by instalments *after* his release: Rs. 10,000 about a couple days or so after, and the balance of Rs. 6,000 in three payments some 10 or 15 days later on. The Mustaufi will not assert that any portion of this money was paid to me in his presence, or that he ever had any conversation with me on the subject; but he introduces Mirza Ibrahim as my agent in the transaction. In the face of two such diametrically opposite statements which, if either, is one to believe? The Mustaufi has admitted his inability to explain the radical differences between them, though he feebly points out that the petition to Major Hastings was in English—a language with which he was wholly unacquainted. But this excuse, I submit, does not avail him in the slightest degree. It is proved by the Mustaufi's own son (Abdul Gafur) that the petition was simply translated by a friend of his who knew English (one Abdul Karim, who has not been produced) from a memorandum in Persian *written by his father*. Now, admitting for sake of argument that Abdul Karim's knowledge of English was not sufficiently perfect to enable him to translate from Persian into it with literal accuracy, it is nevertheless impossible to believe that he could or would have put forward an *absolutely different version of the actual facts* from that contained in the paper which he was requested to translate, and for which he would have had to seek recourse to his own imagin-

ation. Besides, as Abdul Gafur himself had a certain knowledge of English, though possibly slight, there was an additional precaution against any great and radical departure being attempted by the translator as regards the main facts to be mentioned in the English petition. We are thus irresistibly driven to the conclusion that the Mustaufi is responsible for the version of the story there given relating to the payment of the bribe. But once this is conceded, as I feel sure it must be, then the whole charge, I submit, crumbles to pieces; for when two such conflicting accounts of a single transaction are given by the same person, as in the present instance, it is impossible that the slightest reliance can be placed upon his veracity. Nor can any reasonable explanation be suggested to account for a false coloring being, in the first instance, put upon a transaction which was really a true one. Certainly none has been suggested by the Mustaufi himself, who is the person obviously best able to explain the matter. If it be conjectured, however, that the real object at the time the petition was written was to conceal the Mustaufi's voluntary share in a nefarious transaction, this would not have prevented the other details of the story from being correctly stated, and would not account for the statement contained in the petition, that the sum of Rs. 16,000 was paid "by means of *some famous* men in the city," and that, "as we had not the sum at home, it is *lent* from *some merchants*;" if, in fact, Rs. 10,000 had been paid by Abu Bakr, and Rs. 6,000 from money *in the Mustaufi's possession*, there was no reason why Abu Bakr's name should not have been mentioned, and certainly none why the payment of the balance of Rs. 6,000 from cash in the house should not have been disclosed. Then, again, the Mustaufi's evidence is flatly contradicted by the only witness (his own servant and clansman) he has called to corroborate his story; for while the former makes Mirza Ibrahim the go-between to whom the money was actually paid for me, the latter declares that my agent in the transaction was one Gulam Nabi, who came on *three* different occasions to the Mustaufi and received money, and that it was the Mustaufi himself who called him by that name; the Mustaufi, on the other hand, expresses astonishment at this variance, and is unable to offer any explanation of the discrepancy, which is certainly not on an immaterial point, simply adhering to his own statement that it was Mirza Ibrahim, and *not* Gulam Nabi, who took the money. None of the other persons, whose names have been mentioned in connection with the transaction, have been produced; and the absence of Abu Bakr is particularly noticeable. But there is a circumstance connected with this man, related by Sirdar Wali Muhammad, which I think supplies at once a clue to the *origin* of the present charge, and explains the reason why Abu Bakr's name is dragged into it, while at the same time it affords an additional reason for distrusting the Mustaufi's evidence. It appears, for instance, that Sirdar Wali Muhammad was deputed by Mr. Griffin to recover the sum of Rs. 80,000, which had been paid to the Mustaufi in March 1880, contrary to my advice, with the view of winning over hostile tribes about Ghuzni. The Wali having heard that this money was deposited with Abu Bakr on behalf of the Mustaufi, had him arrested, and called upon him to disgorge the amount; but Abu Bakr protested (as might have been expected) that the whole amount has been spent; and then to support his statement he declared that HE HAD PAID Rs. 16,000 OUT OF IT TO ME. Here, then, we probably have a clue, indirectly supplied, of the reason which may have first suggested the present charge. Abu Bakr no doubt felt himself in an extremely awkward position; and as I was then out of the country, it was a golden opportunity to debit any balance of the Rs. 80,000, he was otherwise unable to account for, against me. It would have been interesting to know how the rest of this sum was accounted for, but as Abu Bakr has not been produced, speculation on the point is useless. There remains, however, the important fact, that Abu Bakr's statement to the Wali is absolutely irreconcilable with the Mustaufi's; for the latter fixes the payment of the bribe at the end of Mohurrum, that is to say, about the middle of *January* 1880; whereas, according to Abu Bakr, it could not have been paid *before March* 1880, but it was in that month that the Rs. 80,000 (out of which the Rs. 16,000 were taken) were given to the Mustaufi. It will be noticed that the two statements not only conflict with each other as regards dates, but also with

respect to the source from whence the bribe was obtained. According to the Mustaufi, it was partly advanced by Abu Bakr as a *loan*, and partly supplied from his *own funds*, whereas, according to Abu Bakr, the *whole* sum of Rs. 16,000 was taken out of the Rs. 80,000.

So that, as I said above, the entire story is involved in a maze of contradictions and inaccuracies; and I need only refer to one additional fact to complete the chain of reasons which prove its absolute untruthfulness. It has been pointed out that the Mustaufi introduces Mirza Ibrahim as the go-between in the transaction. This man is now employed in Government service at Kandahar, and I hope he may be able to give evidence for me before the case is finally concluded. But I have meanwhile filed with the proceedings an original letter which I received from the Mirza from Kabul, dated 17th April 1880, which is extremely important as showing the efforts that were then being made to suborn evidence against me on the part of the Mustaufi and his adherents, just a few days before the English petition (dated 29th April 1880) was actually presented; while the Mirza's refusal to join such a conspiracy may perhaps not unreasonably account for his name being now taken by the Mustaufi. At all events a man who would not scruple to bribe witnesses to perjure themselves, has certainly no claim to reliability; and the contradictory statements I have noticed are therefore no more than what we might perhaps expect from a person of such an unscrupulous nature. Nor does it seem that his son Abdul Gafur has any stronger love of truth than himself, for a reference to his evidence will show that he positively denies that he received any portion of the Rs. 80,000, all but Rs. 10,000 of which Nawab Gulam Hassan nevertheless proves was actually paid to him. Thus then, I submit, whether regard be paid to the character of the witnesses, to their irreconcileable statements, to the general probabilities of their story, or to the motives which have probably influenced them, the charge preferred by the Mustaufi absolutely and hopelessly breaks down.

Lall Muhammad's case.

10. The charge in this case is that I obtained 742 Bukhara *tillas* or gold coins, a *postin* and a Russian tea service of China by means of threats from one Lall Muhammad who was formerly controller of the *chabutra* or octroi duties at Kabul. But how this charge came to be preferred in the first instance, whether the petition or petitions referring to it were contained in the sealed envelope made over to Gulam Muhaiuddin, Extra Assistant Commissioner, by the Mustaufi, or whether either or both of these documents were presented by Lall Muhammad to Mr. Cunningham's chaprassie, or to Major Hastings, and who signed them, it is hopeless to attempt to discover from the evidence recorded in the present inquiry, which contains without exception the most confusing jumble of contradictions that I believe a Judicial Officer has ever had to record in this country. To attempt to specify in detail the numerous points upon which the witnesses in this case contradict each other and themselves, would occupy almost as much space as it has taken to record their evidence, and would thus cause this address to become inordinately long. I shall therefore merely notice the salient points which arise in the case, feeling assured that, in addressing a Judge of your experience, I do not need to be diffuse. The first point therefore which strikes one's attention is, that Lall Muhammad in his present deposition asserts that he was only kept a night and a day in confinement, and that although Mirza Ibrahim, who again is introduced (under the influence no doubt of the example set by the Mustaufi) as my go-between, required Rs. 3,000 or Rs. 4,000 (having first asked Rs. 8,000) to secure his release, and although finally the sum agreed upon was Rs. 4,000, Said Jan actually gave me a bond for *Rs.* 6,000! In his former statement to Mr. Cunningham, Lall Muhammad stated the Mirza's demand to have been "Rs. 10,000 or 20,000;" and when his present deposition was read over to him, he corrected the figures and endeavoured to persuade you that what he had said in examination-in-chief was that the Mirza had asked Rs. 10,000, besides adding a lot of additional matter completely at variance with his recorded deposition. That he was not, however, misunderstood is perfectly well known to you; and, in fact, the figures, Rs. 3,000, 4,000 and 8,000, could not have been in each instance the result of either a slip of the

tongue on the part of the witness, or a slip of the pen on the part of the recording officer. At the same time it is as inconceivable how such inaccuracies could occur if the witness were truthful, as it is to comprehend the reason why a bond should be given for Rs. 6,000 when only half that sum was demanded. Such an extraordinary instance of pliancy and liberality does not certainly tend to strengthen the credibility of the evidence. It is also a curious circumstance that Taj Muhammad says (though later on he tries to trim this statement) that his brother had offered Rs. 4,000 or 5,000, and that *he* settled Rs. 5,000 as the amount to be paid, which was agreed to, although the Mirza had at first asked Rs. 50,000! This mention of the same sums shows that Lall Muhammad's statement was not an accidental mistake; and as it is inconceivable that either witness could have completely forgotten the right figures, if the transaction they depose to had really taken place, the only conclusion to be drawn from such contradictions as I have referred to, is, I submit, that both these men are unskilful liars, who have not the faculty of inventing a consistent story, and thus go floundering in every direction. Thus we find that the next point in the transaction is involved in even greater confusion than the one I have just commented upon. For, in his present deposition, Lall Muhammad asserts that he and his brother gave Said Jan a joint bond for Rs. 6,000 in lieu of a guarantee bond which Said Jan had given to me on their behalf; and he made a similar statement to Mr. Cunningham when examined at Kabul. He also now states distinctly that *no* money was given by his brother to Said Jan. The bond, however, which is produced is only for Rs. 5,000, and Lall Muhammad is unable to explain the reason; while his brother Taj Muhammad, whose memory would seem to be no less treacherous than his own, although he remembers the execution of *such* a bond to Said Jan, cannot recall to mind the amount of the bond given by the latter, or whether any cash was paid to Said Jan to make up the difference between the two sums, if there was any difference. It is also important to notice that this witness declares before you, in order to account for his inaccurate knowledge of the facts, that he *knows nothing* about the payments on account of the bond, as his brother Lall Muhammad had made all arrangements *after his release*; but this same witness had previously stated to Mr. Cunningham that he himself went "to the city to Said Jan, and gave him Rs. 1,000 and a bond for Rs. 5,000 in his own handwriting," and that upon this Said Jan executed the guarantee bond demanded by me, which led to his brother's release.

Upon this evidence, I submit, it is impossible to know what view of the transaction the defence has to meet; and so far from lending any corroboration to Lall Muhammad's statement, the production of Said Jan's bond for Rs. 5,000 tends rather, I think, to prove that the effort to connect the two transactions together is a pure and simple concoction, which has not been able to stand the test of the slightest independent inquiry. The bond, it will be seen, contains no allusion to the purpose for which the money was borrowed; and whether it really represents a genuine transaction of another sort between Said Jan and Lall Muhammad and his brother, or whether it is a wholly fictitious document, written with the view of strengthening the present case, which is probably nearer the truth, it must at all events I think be admitted that, as a piece of corroborative evidence, this document is absolutely worthless in the face of the conflicting evidence given by Lal Muhammad and Taj Muhammad. Nor can even the feeble excuse be urged that these witnesses have been overthrown by skilful cross-examination which entrapped them into pitfalls prepared for them; for their contradictions run through almost every alternate line of their evidence, and indicate not the accidental mistake of a confused witness, but the perturbation of men who were conscious of falsehood, and who had not the skill to conceal their untruthfulness under the veil of a consistent story. But it is a matter of congratulation to me that in their desperation to effect my ruin my enemies have suffered themselves to produce Lal Muhammad as one of my accusers, for as it happens I have the most conclusive proof that his entire story is a fabrication from beginning to end, which has rendered it to a large extent unnecessary for me to dwell in any detail upon his numerous mis-statements. It will be seen that he asserts that he was apprehended by Mirza Ibrahim, Samandar Khan, and some sowars of the late Nawab Gulam Hassan Khan,

confined for the night in the Mirza's tent, and then brought before General Roberts at noon next day, having been brought before me during the previous evening and again in the morning. Now, unluckily for this witness it turns out that I had nothing whatever to do with his arrest; that he was not kept in custody for more than a few hours, and that he was taken up to General Roberts without my intervention at all. The real facts connected with his arrest have been deposed to by Sarwar Khan, a son of the Khan of Hangu, and by Azim Khan, a son of Nawab Sir Khwaja Muhammad Khan, K.C.S.I. It appears that these gentlemen were deputed by Muhammad Amin Khan (since deceased) to bring up Lall Muhammad as General Roberts wanted him, about 12 or 13 days before our troops entered Sherpur, *i.e.*, about the 18th or 19th October 1879. They accordingly went and brought him, and *immediately on his arrival* he was taken before General Roberts by Muhammad Amin Khan, ordered to file security, and released upon his doing so *the same day*. Mirza Ibrahim had nothing to do with him: and the notion of a munshi, whose duty was to write parwanas, being deputed to make an arrest at the head of a troop of sowars, is itself sufficiently ludicrous to indicate the poorness of Lall Muhammad's inventive genius. When confronted with this startling evidence, Lall Muhammad was forced to admit that Sarwar Khan had certainly escorted him to Siah Sang, and he then began with a series of fresh stories, the falsity of which is apparent on the surface: such for instance, that he was told by Mirza Ibrahim to go *alone* to General Roberts' tent, that he was first taken on arrival to Jalal-ud-din's tent, then to the Mirza's, and so forth. He also called two witnesses to prove that they saw him being escorted on *horseback* to Siah Sang towards evening; but these men, no doubt to enlist greater sympathy for him, declared that they had seen him *going on foot*, which Lall Muhammad immediately attempted to explain away, adding that he had dismounted at Tuppa! Such then, Sir, is the foundation for a charge which has been as conclusively proved to be false as it was elaborately concocted in the first instance. Considering also the date given by Sarwar Khan, it is clear that the bond now produced as having been executed in favor of Said Jan, and which is dated the 28th October 1879, could not have had the smallest connection with Lall Muhammad's arrest and release, as both had taken place some ten days previously. So that we have here another proof of the utterly false nature of the story related before you by Lall Muhammad, who is also flatly contradicted by Mian Muhammad, a witness for the prosecution, in regard to a *postin* and a Russian tea service, which I am also supposed to have accepted. Nor is there a motive wanting why these men, Lall Muhammad, Taj Muhammad and Said Jan, should conspire against me. In the first place, it is clear from the statements of the first two persons named that the Mustaufi had no small hand in prompting the present charge. Indeed the Mustaufi himself and his munshi drafted petitions for Lall Muhammad, and incited him to lodge a complaint. Then, again, it is said that the late Nawab Sir Gulam Hassan Khan interested himself conspicuously in encouraging Lall Muhammad to bring forward his accusation. But the death of this gentleman compels me to withhold any comment of this part of the case, for, despite our grave differences of opinion on various subjects, which not unfrequently caused misunderstandings between us, I desire to treat his memory with all the respect due to a man of undoubted courage and probity. Moreover, there is a still stronger motive assignable for this charge being brought against me than any I have yet mentioned. It is this, that I was principally instrumental in establishing the guilt of the notorious fanatical preacher Khwaja Nasir, who was hanged by order of the Military Commission shortly after the arrival of General Roberts at Kabul. This man's execution gave great offence to a large section of the Muhammadan population of Kabul, and was one of the chief causes of my own unpopularity (*vide* evidence of Nawab Gulam Hassan Khan). He was closely related to Said Jan, according to Taj Muhammad, a first cousin of his, on the paternal side, which would at once account for Said Jan's hostility towards me; and it is by no means unlikely that this man knowing that Lall Muhammad had been summoned by General Roberts to furnish security, in fact having joined with others to give it, planned the present charge in consultation with his friend, the quondam controller of octroi. The cause of truth,

however, seldom fails to triumph, and thus a charge which had been the most carefully prepared of any, not only crumbles to pieces at every step, but is at last doomed to be exposed as absolutely false.

Muhammad Yusuf Khan's case.

11. I now come to the last of the seven cases that have been brought against me, and here, as in the case of Lall Muhammad, we are again brought face to face with a series of statements which are so inextricably involved in a mass of contradictions that it is difficult to extract an intelligible story from them. The complainant is the brother-in-law of the ex-Amir Yakub Khan, and is the son of Yahya Khan, who was deported to India in accordance with the recommendation of the Political Commission of which I was a member. All his property as well as that of the ex-Amir was confiscated, and a great part was sold by public auction. It is obvious therefore that the complainant is a man whose motives for bringing a false charge against me are not far to seek, and it thus becomes particularly necessary to accept his evidence with considerable reserve, and to scrutinise it with particular care. Moreover he has been examined on three distinct occasions, before Gulam Muhai-ud-din, Extra Assistant Commissioner, on the 5th July 1880, by Mr. Cunningham on the 15th July 1880, and lastly before yourself in the course of the present inquiry, which is also a circumstance that imposes the necessity for caution. His statements on these three occasions will need careful perusal, and will be found to be at variance on many incidental though important points; and I would also draw your attention to the form of opening question put to the witness when examined by Mr. Cunningham at Kabul. I submit that such a question would betray to any witness of ordinary intelligence that the questioner had already formed a conviction in his own mind of my guilt, and that any story which he could relate in confirmation of the "general reports" alluded to in the question would receive a ready and easy credence. There was, in fact, throughout his examination no attempt at discrimination; no independent scrutiny of what was said by the witness; no effort to break the mere rehearsal of a story previously learnt off parrot-fashion by well directed questions; and the *animus* of the witness reveals itself unmistakably in the concluding paragraph of his statement, in which, while claiming credit for reticence, he avails himself of the opportunity afforded by the scope of the question to insidiously accuse me of unbridled corruption. It must be obvious to you, Sir, that such a mode of examination of a witness behind the back of the person accused is extremely prejudicial to the latter; for while, on the one hand, it serves the purpose of preserving the record of a story as told by the witness under the most favourable circumstances, and thus supplies the means for the witness hereafter refreshing his memory upon the main points in it; the accused, on the other hand, when confronted with his accuser after a long intervening period, naturally finds it a difficult matter to overthrow his adversary so long as he keeps to the beaten track of the main incidents in his previously recorded story. I desire it to be clearly understood, however, that in making these comments I do not mean to cast any personal imputation against Mr. Cunningham beyond this, that I think he injudiciously allowed the bent of his own mind to become apparent to my accusers, and I have no doubt whatever that this circumstance has seriously prejudiced me. To proceed now with the specific charges that are made against me by Yusuf Khan, I shall deal with them under two heads—(*a*) as regards property belonging to the ex-Amir, which I am alleged to have appropriated for my own use; and (*b*) as regards property belonging to Yusuf Khan himself, which it is said I similarly misappropriated.

Commencing with the first set of charges, an episode connected with a slave girl's supposed flight and unaccountable return three weeks afterwards, lays the foundation for the statement that the gold ingots and gold leaves which she brought back with her were demanded by me for General Roberts, procured from her by Yusuf Khan, and delivered over to me by him *in my room*. No other person was present, no one saw Yusuf Khan bring this quantity of gold, weighing 300 miskals, from his *tent* and take it into my room; and there is not a particle of corroboration of the story from any independent source. On the other hand, the circumstance of a slave girl running away with Rs. 500 in cash

and gold to the value of Rs. 2,400 or 2,100 (for the amounts are variously stated), and then returning again twenty days afterwards with the gold but not with the silver, how or wherefore no one knows, is surely a singular story for which I think any Court would require some corroborative evidence before accepting it as true. But, as I have said, there is none forthcoming. On the contrary, Yusuf Khan is distinctly contradicted by Shirin Beg, mentioned in his evidence, as having knowledge of the facts deposed to by him, who was sent for by the Court, and who asserts that he was not aware of any slave girl having made her escape as described. Considering this witness's connection with the zanana, it is impossible that such an event could have escaped his knowledge—so also Dur Muhammad, a servant of the ex-Amir, born in his house and still in his service, and therefore not likely to be a friendly witness for me, although he says he was aware (from hearsay) that a slave girl had absconded, was not informed that she had taken any property away with her. This evidence, though negative in its character, is nevertheless, I submit, most important, for it is wholly unlikely that a man in Dur Muhammad's position could fail to have become cognisant of the fact that a slave girl of his establishment had decamped with a large amount of gold and cash belonging to his master, if such an event had really occurred. His ignorance therefore on the point, as well as that of Shirin Beg's, coupled with the absurdity of Yusuf Khan's own story, can lead to no other inference than that the latter is altogether unworthy of credit. And this inference is further supported from the contradictions in Yusuf Khan's evidence as to the place where this valuable quantity of gold was made over to me. In the beginning of his deposition it will be seen that he states very distinctly it was made over to me *in my room*, whereas when cross-examined he shifts the scene to the *roof of the house*, where he then states all the other articles were also delivered to me! Such a place to be selected for such a purpose can only be said to be in keeping with the absurdity of the other details of the story. Again, is it likely that Yusuf Khan could (or would) have carried this gold in his own hands to my quarters in broad daylight, in a cantonment so strictly guarded as Sherpur was at the time, without being detected? In short, I submit, the whole story is a manifest and impudent falsehood; and that Yusuf Khan is not a man who hesitates to tell a lie is clear enough (if any further proof were needed) from his assertion that he did not know that I was a member of the Commission which recommended the deposition of the Amir and the deporting of his own father to India,—a fact which, of course, was well known throughout Kabul. I would venture to lay particular stress upon the gross improbability of the charge I am now dealing with, because, apart from all other general grounds for receiving Yusuf Khan's evidence with caution, when it is once proved that his testimony is unreliable with respect to one charge, I submit his whole credit becomes shaken, and it cannot be relied upon in any other case, unless strictly corroborated by good independent evidence.

The next set of articles which Yusuf Khan states he made over to me were a *khun khwar* sword, a bone-handled revolver in box, and gold trappings for a horse. These and other articles are said to have been returned by order of General Roberts to the mother of Musa Jan, were delivered to her and a formal receipt taken; but that two days afterwards, on pretence that Hashim Khan claimed the trappings, I directed Yusuf Khan to bring them back as well as the *khun khwar* sword and the bone-handled revolver, although *no* claim had been advanced for the latter. He obeyed my instructions and delivered over the articles to me *on the roof of the house* where the gold had also been given. No one was present on this occasion also, and he never mentioned this circumstance to any one. Before Mr. Cunningham, however, he stated that I had told him Hashim Khan had advanced a claim to all *three* articles; but now, as we have seen, he varies his statement, and says that the sword and revolver were *not* claimed by the Sirdar, why, then, these articles should also have been returned to me, or what pretence I had for telling him to bring them, is not explained.

There is not, in fact, the slightest corroboration of this story, and, considering how clearly false the statement regarding the gold ingots has been found to be, and the extent to which Yusuf Khan is contradicted in regard to other matters which I shall presently have to refer to, I submit that there is no alternative but to reject his evidence upon this charge also. For my own part, I can

only say that the whole story is a fiction for which there is not the slightest foundation in fact. Moreover, I would refer to the evidence of Shirin Beg who, although no longer in Yusuf Khan's service, was till recently a trusted servant of his, and who certainly had ample opportunities for knowing the facts to which he deposes. From his evidence it appears that the sword in question has been taken to Ghuzni by Babaji, the tutor of Musa Jan, and that Yusuf Khan's mother has found a profitable way of converting the gold trappings to her own use.

The only remaining articles connected with the Amir's estate, which I may here mention was in charge of the Government Prize Agents under a European guard, which I am accused of having misappropriated, are some *chogas*, some bales of *barak*, *abras*, some broadcloth, a book (*Diwan-i-Bedil*), and the sword of State belonging to the late Amir Dost Muhammad.

As regards the *chogas*, certain articles of this kind were certainly taken under Major Hastings' orders, and were there and then made over to Sirdar Wali Muhammad (who gave a receipt for them) to be used as *khillats*. I am not aware of the exact number of *chogas* that were thus disposed of, but Sirdar Wali Muhammad could give full information on the subject. I would only observe in passing that Yusuf Khan has not referred to the *chogas* or other cloths in his deposition before you, and Dur Muhammad says he saw no *abras* or *barak* taken from the Prize Committee store-room, where all such articles had been collected. I can positively assert that none of these articles came into my private possession.

As regards the book, Yusuf Khan now admits that he has no personal knowledge of what became of it, nor has he ever seen it in my possession. But according to Gulam Muhai-ud-din's record of his statement of the 6th July, it would seem that he was then prepared to swear that he *had* seen it with me, although he now denies he ever made such a statement, which is another proof of the little reliance that can be placed upon his testimony. Maulvi Muhammad Sharif, a mule-keeper in the ex-Amir's service, has, however, been produced to prove that once when I was at the store-room getting out the articles of female apparel to be returned to the ladies of the Court, Dur Muhammad brought out the book in question and handed it to the Maulvi to read, and that I then asked to see it and began reading it, and finally carried the book home with me. This witness was never mentioned before the present inquiry began, and he is distinctly contradicted on the point by both Dur Muhammad and Shirin Beg, who are alleged to have been present. I need hardly say that the whole incident is a fiction, nor did I ever go to the store-room for the purpose mentioned; and the truthful character of the evidence given by Yusuf Khan and the Maulvi may be gauged by the preposterously exaggerated value which they ascribe to a work which can be purchased in any bazar in India for a few rupees. If such a book was in the Amir's library, it was probably sold at the auction at which the rest of the confiscated property was sold (*vide* evidence of the Maulvi and of Yusuf Khan).

There remains only Dost Muhammad's sword to be now referred to, so far as the Amir's property is concerned. In Yusuf Khan's present deposition he states that subsequent to his release he was told by Musa Jan's mother that I had returned the diamond-mounted belt belonging to the sword, but not the sword itself, and beyond this he knows nothing. It is certainly quite true that I was deputed to return the belt in question, which I did and obtained a receipt for it; and I think it speaks well for a man who is described as otherwise rapacious beyond satiety, that he could withstand the temptation of letting such a valuable article pass his hands without any profit to himself. But the implication that I have misappropriated the sword is, I emphatically say, as unfounded as all the other baseless accusations that have been urged against me. I never saw the weapon in question, but I remember being told on one occasion by Major Kennedy, Assistant Quarter Master General, that it had been sent to Lord Lytton by General Roberts as a "trophy." It was to clear up this point, as well as to obtain other important evidence, that I was anxious if possible to examine General Roberts. But it is at all events clear from Nur Ali's statement that the sword in question was taken from him (he being the custodian at the time) by Lieutenant Chamberlain and a Colonel of a Gurkha

Regiment, and thus could not have come into my possession. I think I may therefore claim to have completely and satisfactorily disposed of every allegation made against me (under this branch of the case) by Yusuf Khan.

As regards the articles falling under the second head of the charges preferred by the same individual, I would first mention the *gul-i-sir*. Yusuf Khan merely states in regard to this ornament that he was told by his mother that during the period of his confinement she had sent it by a slave girl for my acceptance.

We are not told who the slave girl was, nor is it important to enquire. But it is ridiculous to suppose that a messenger of this description would have been selected for such an important errand. Nor was there any necessity to employ a messenger at all, because my duties frequently led me to visit the ladies of the Court (they of course remaining in pardah) to inquire after their wants and to obtain their influence to secure Musa Jan's return. It would surely have been an easy matter for Yusuf Khan's mother to have interested me on behalf of her son during one of these visits; and she would thus also have avoided the unusual and dangerous expedient of sending a slave girl with a valuable ornament to the quarters of a Political Officer in a closely guarded cantonment. No such ornament was ever given to me; and it is also worthy of note that Dur Muhammad, who is mentioned by Yusuf Khan as one of his informers about matters which occurred during his confinement, here, as in many other respects, flatly contradicts him.

A few words, I think, will suffice to dispose of the two watches (one belonging to Nur Ali) and two rings which Yusuf Khan further deposes to having made over to me as presents. These articles are now mentioned before you for the first time, and are not alluded to in the two earlier statements made by Yusuf Khan. There is not a little of corroborative evidence to support his story, and I think I have shown sufficient grounds for rejecting his evidence altogether where it stands by itself. But it has also to be added here that, according to Nur Ali, his wife gave a very different version of why she made over the watch to Yusuf Khan from that which the latter now mentions; for it appears that instead of Nur Ali's wife giving the watch to him with the view of presenting it to me, Yusuf Khan went and asked her for it himself without reference to her husband's release. So that Nur Ali's evidence, as far as it goes, is decidedly against Yusuf Khan; and remembering the fact that my name has only now been mentioned in connection with these articles, I think it must be admitted that here also Yusuf Khan's evidence is wholly unworthy of credit.

I now come to the only remaining point in Yusuf Khan's evidence, *viz.*, that referring to a piebald pony, with which I need concern myself. It will be seen that both in his statement to Mr. Cunningham and again in his deposition before you, Yusuf Khan asserts that this pony was one out of *five* animals which he had recovered from Sirdar Hashim Khan under General Roberts' orders. He also distinctly stated that *he* himself had sent this pony to me by a servant whose name he had forgotten. It will be noticed that he nowhere introduces his brother's name in connection with this transaction in the body of his deposition, and it was only when his deposition was read over to him that he added that *his brother was present when he sent the horse to me.* But his brother, who I remember distinctly when first called before you in the earlier part of the day, declared he knew nothing about the transaction and was thereupon told to leave your presence, having meanwhile had an opportunity of conversing with Yusuf Khan when the usual midday adjournment was allowed, so far varies the story as to make himself appear the principal party in the matter and Yusuf Khan only a silent spectator. Not knowing also the details of the version given by his brother, Asaf Khan makes out that only *four* horses were recovered from Hashim Khan, and that the piebald one was the last that was so recovered. So that it can hardly be said that the one witness derives much benefit from the other, especially when regard is had to the circumstance I have mentioned above, and which I am sure your own recollection will confirm. On the other hand, Shirin Beg declares that the piebald pony was never returned by Hashim Khan at all, which seems very probable from the first part of Asaf Khan's own statement, but was brought away to India by Muhammad

Hussain (Hashim Khan's mirza), and was last seen by witness at Peshawur when the Amir's family arrived there. Whether this statement be true or false, I can at all events state that no such pony was ever presented to me by Yusuf Khan or his brother, nor was it likely, I submit, that either brother would have been so anxious to load me with gifts when they were no longer in confinement (indeed Asaf Khan was never in confinement at all), and when their father had been deported to India upon the recommendation of the Political Commission with which I was associated. The real fact is that I was known to have a piebald pony, and it was thought that this would lay a foundation for such a charge as the one that has been brought against me. But here again my accusers have miscalculated their chances of success, for it so happens that the piebald pony I had at Kabul was the same animal that I had with me during the first campaign in the Kuram Valley, and which by his peculiar colour was known to many European officers and others. This animal died at Wah last November or December. I was prepared to prove these facts when my other evidence was produced, but I was informed by you that there was no necessity to go into this question then. But with reference to your subsequent letter (which reached me at Lahore), requiring me to produce any such evidence in my power, I have to state that I shall endeavour to obey your instructions as far as possible, but the notice given to me has been so short that I cannot hope to examine all the witnesses I should wish on the points mentioned by you. There are some witnesses I cannot produce at Peshawur by the 6th April, the latest date upon which I have to file this address; but I beg to append herewith an original letter from Inayat Ali Khan, brother of the Nawab of Malair Kotla, who acted as Aide-de-Camp to General Watson during the Kurram campaign, which will convince you, I think, that my defence is perfectly true, and that Yusuf Khan has simply taken advantage of an accidental coincidence to charge me with an additional instance of corruption. Should you still have any doubt as to my previous possession of a pony of the colour described, I must ask you to allow me a further opportunity to produce evidence on the point, and also to examine certain witnesses by commission. It seems to me, however, if I may be humbly allowed to say so, that there is no need to prolong this inquiry in order to produce rebutting evidence upon a charge which on the surface is manifestly unsustainable.

I have only to add that the list prepared at Kabul exhibiting articles which I was alleged to have improperly acquired, is a document which possesses no probative value whatever, and should not, I submit, have been produced in the present inquiry. No one will admit his responsibility for its preparation, and it appears to have been written up without the smallest investigation of any kind, and upon hearsay of the most worthless description. Indeed Sirdar Wali Muhammad refused to attach his seal to it in the first instance, and only did so eventually under orders. I am confident therefore that you will not allow your mind to be swayed by such a document.

Concluding Remarks.

12. I have now dealt with the several cases that have been brought against me, and it remains with you, Sir, and the Government, to say how far I have succeeded in vindicating my character from the foul aspersions that have been cast upon it. I have pointed out that most of my accusers are men who have strong motives to try and ruin me, and I have endeavoured in each instance to shake the very foundation of the charges that have been preferred by them. If in commenting upon the evidence I have occasionally expressed myself strongly, I would ask you to bear with me and remember how difficult it is to be judicially calm and temperate when assailed as I have been. I have felt myself much in the position of a man who has been plunged into the midst of a furious torrent with enemies crowding either bank, and who has no other hope of safety than what a stout heart and a perfect trust in the righteousness of a Higher Power can afford. Single-handed, labouring under a cruel suspicion, not knowing what the next witness might have to say against me, having no one to consult with or from whom I could seek advice on the spot, and surrounded by men as treacherous as they were false, my position during the six weeks over which this inquiry has extended has been such as no one who has not undergone the

agony and suspense I have suffered can realise. But one ray of comfort I have had throughout, and that is, that however inadequate and unequal my own efforts might be, whatever omissions I might unconsciously commit during this trial, and however poorly I might be able to express the arguments in support of my defence, I could at least rely upon you in the first instance, and upon Government in the last resort, for absolute impartiality and justice. I cannot, however, omit to remind you that I have been deprived of valuable evidence in my favour by the unfortunate absence of General Roberts, General Baker, Major Hastings, and other officers in England, all of whom could not only have spoken to the manner in which I performed the arduous duties of my office at Kabul, but who could also have given material evidence in my favour upon other points. The fact also of the trial being held at Peshawur has seriously hampered me and involved me in much additional expense.

And, in conclusion, I hope it may not be regarded as altogether inappropriate if I say a few words about my former services, which I would not ordinarily desire to parade and certainly do not now allude to in any ostentatious spirit. But I feel sure that in estimating the value of evidence and the probabilities of a case, the previous character of an accused person can never be fairly disregarded. If that person has by a long and faithful course of service established a reputation for honesty, if he has held appointments of trust and responsibility which it is acknowledged he has discharged with credit, he may surely claim that in the winter of life when his service is drawing to a close, when he hopes to realise in honourable retirement in his native village the rest and comfort to which many long years of public service entitle him, and to carry with him the cherished memorials of an honourable career, a too ready credence may not be given to accusations which belie the past, and which would fain destroy the reputation that has been so meritoriously won. Permit me then, Sir, to ask your perusal of the copies of testimonials herewith submitted. It will be seen that they cover a long period of years, and bear the signatures of men whose names have long since become historical. Amongst them constant allusion will be found to the name of Nicholson, to which I would especially point with pride, recalling as it does the memory of a man who was the kindest of masters, and who fell fighting for his country as a soldier should die. He breathed his last in my arms; for I was at his side when he was mortally wounded in the narrow passage leading out of the Cashmere Gate at Delhi. There are the names, too, of Sir Herbert Edwardes, Sir Neville Chamberlain, Sir Donald McLeod, Sir Seymour Blane, and Sir Henry Davies, men who were judges of character, and who would not have willingly borne testimony for any one in whose honesty they had not the most perfect confidence. For my more recent services in the Kurrum and at Kabul I would refer to the public reports submitted by General Sir Frederick Roberts, whose absence from India at the present moment is a great misfortune to me; and to the evidence of Dr. Bellew, C.S.I., who was Chief Political Officer during my stay at Kabul. Are services such as these, then, to have no weight in this enquiry? Is a reputation thus dearly won to be blackened by men whose evidence in a Criminal Court would be laughed to scorn? Is a man who has more than once risked his life in the service of Government: who has fought in more than one hard fight and has twice been wounded in that service; whose breast is covered with medals, and decorated with the Star of the Most Honorable Order of the Star of India; is such a man, I ask, to be degraded and ruined upon tha baseless accusations of men like the Mustaufi, Lal Muhammad, Agha Jamshidi and Yusuf Khan—men whose whole lives have been spent in the midst of corruption and intrigue? No, Sir, I refuse to believe it! I have too deep-rooted a belief in the justice of the Government I have the honour to serve to think that I could be condemned, and that the past should all be forgotten upon evidence such as I have heard given against me in this enquiry. I look forward confidently therefore to a complete vindication of my character as the result of this investigation, and I can only honestly and truthfully say that the charges brought against me are, in each and every instance, false and unfounded.

Finally, Sir, let me thank you personally for your courteousness and patience during the course of this long and painful enquiry.

With these observations I shall leave the matter of my guilt or innocence in your hands; and I have the honour to subscribe myself

Your obedient, humble Servant,

(Sd.) MUHAMMAD HYAT KHAN,
Judicial Assistant Commissioner.

No. 1195, dated Simla, the 9th June 1881.

RESOLUTION—By the Government of India, Foreign Department (Political).

The Government of India received, in the course of the past year, certain papers consisting mainly of statements, made at Kabul by natives of Afghanistan, and taken down in writing by British officers there, regarding the conduct of Muhammad Hyat Khan, C.S.I., while in political employ at Kabul. As these statements set forth very grave charges of extortion and corrupt practices by Muhammad Hyat Khan in his capacity as a political officer, the Government of India determined to institute a general inquiry into the truth of the allegations, and to give to the officer whom they implicated an opportunity of explanation and defence.

2. The immediate object of these proceedings was to ascertain whether there were substantial grounds for concluding that Muhammad Hyat Khan had been guilty of serious misconduct while in political employ in Afghanistan. The Government of India desired that the investigation should be as speedy and summary as might be consistent with a careful examination of the facts stated and a fair hearing of the accused; and it was not considered necessary or expedient, in these circumstances, to begin by holding a formal and public trial.

3. His Honour the Lieutenant-Governor of the Punjab was accordingly instructed to nominate a commission of three officers to hold the inquiry. The evidence was not formally prepared or arranged beforehand, nor was any official deputed, on the part of the Government, to press the charges against the accused person. The papers, as received by the Government, were merely transferred to the officers of the commission as the basis of the inquiry which they were to make.

4. The confidential report of the commission, embodying the result of their enquiry, has now been received and considered attentively by the Government of India. The opinions of the three officers forming the commission are not unanimous; but upon some of the charges they agree in conclusions unfavourable to Muhammad Hyat Khan. The Government of India remark, on the other hand, that in the written defence submitted by Muhammad Hyat Khan he represents that in the course of the inquiry he had to deal with peculiar difficulties, and to contend against disadvantages, arising, as he affirms, out of the nature of the procedure adopted, and the manner in which the investigation was conducted.

5. The proceedings which have now terminated were intended to be preliminary and confidential. They were instituted for the purpose of giving to an officer, against whom many charges had notoriously been made, an opportunity of clearing his character to the satisfaction of the Government. But since the report now submitted does not enable the Government of India to declare that these charges are without foundation—while Muhammad Hyat Khan urges that he has been prejudiced by the restrictions under which the investigation was held—it appears to the Governor General in Council necessary that the whole case should now be subjected to a formal and public inquiry. An inquiry will therefore be held under Act 37 of 1850 (for regulating inquiries into the behaviour of public servants); and in accordance with the procedure therein laid down, the substance of the imputations made against

Muhammad Hyat Khan will be drawn into distinct articles of charge, and a commission will be appointed to make a regular inquiry into the truth of them.

(Sd.) A. C. LYALL,
Secretary to the Government of India.

No. 1196 E.P., dated Simla, 9th June 1881.

From—Secretary to the Government of India, Foreign Dept.,
To—Secretary to the Government of Punjab.

I am directed to forward, for the information of His Honour the Lieutenant-Governor, and for communication to Muhammad Hyat Khan, C.S.I., copy of a Resolution of the Government of India, No. 1195 of the 9th June.

2. His Honour will see that, after considering the report of the commission appointed to inquire into the charges brought against Muhammad Hyat Khan, the Government of India have decided to take action in the matter under Act XXXVII of 1850. A further communication will be made to you regarding the arrangements for instituting and conducting a fresh inquiry in accordance with the provisions of the Act.

3. Pending the final decision of the Government of India the orders issued by His Honour the Lieutenant-Governor for the suspension of Muhammad Hyat Khan should remain in force.

No. 1339 E.P., dated Simla, 22nd June 1881.

From—Secretary to the Government of India, Foreign Dept.,
To—Secretary to the Government of Punjab.

In continuation of my letter No. 1196 E.P., dated the 9th June, I am directed to forward, for the information of His Honour the Lieutenant-Governor, the further instructions of the Government of India regarding the conduct of the forthcoming inquiry into the charges brought against Muhammad Hyat Khan, C.S.I.

2. I am to say, in the first place, that it has been decided to entrust the investigation of the case to a single officer; and that Mr. J. W. Smyth, a Judge of the Chief Court, Lahore, has been selected for the duty. I am to request that the necessary orders may be issued to Mr. Smyth by His Honour the Lieutenant-Governor. The inquiry will be held, unless His Honour sees any material objection, at Lahore.

3. Secondly, I am to say that it is proposed to appoint the Government Advocate to conduct the prosecution. It will be necessary to furnish him with instructions for the management of the case: and he should be summoned to Simla about the end of this month to receive these instructions, together with the papers connected with the previous inquiry.

TRANSLATION OF PAPERS RECEIVED FROM KABUL.

Deposition of AGHA MIR SAYYIAD JAN, *a merchant of Kabul,* in re MUHAMMAD HYAT KHAN'S *case.*

General Taj Muhammad Khan, brother of Naib Lall Muhammad Khan, came and told me that the latter was in prison; that he wished to get him released; that I should give him a note of hand for Rs. 6,000 (Kabul currency) payable to Muhammad Hyat Khan, for he (Taj Muhammad) had not then that amount of money with him; and that he had brought Rs. 1,000 in cash. In compliance with his request I drew up a note of hand promising to pay Rs. 6,000 to Muhammad Hyat Khan, sealed it with my seal, and made it over to Taj Muhammad Khan, who gave me a bond, which he wrote himself, for Rs. 6,000, promising to pay me in ten days' time. He sealed this note with the seal of Naib Lall Muhammad Khan, which he had with him. After a few days when Naib Lall Muhammad Khan got his release, Muhammad Hyat Khan's servant came to demand the money in question. I went to Sherpur, and Muhammad Hyat Khan asked me to buy tillas for this money for him. I returned to the city and told Naib Lall Muhammad Khan what Muhammad Hyat Khan had said. Naib Lall Muhammad Khan brought and made over to me tillas worth little less than Rs. 6,000. I had them carried to Sherpur by my servant. Muhammad Hyat Khan did not take the tillas that day. The following day I went to Muhammad Hyat Khan's tent in Sherpur. His brother, Sikandar Khan, also was in the tent. I gave the tillas; but as they were not worth the above-mentioned amount, he did not return to me the note of hand which I asked back, saying, "You being a merchant do not fulfil your promise. When you bring me the balance I will return the note of hand to you." Having had no other course, I came out of the tent, outside which I saw Dada Sher, a merchant, standing. I told him the particulars. He told me that I should enter the amount of the tillas on the back of the note of hand. I again entered the tent and asked Muhammad Hyat Khan to do so. He took out the document from the box, and entered the amount of the tillas on its back I went to Sherpur the following day with the balance, gave it to Muhammad Hyat Khan, and asked him to return the deed to me. He brought it out of his box, shewed it to me, and tore it up. In my account books there is no entry of the names of either Naib Lall Muhammad Khan or Muhammad Hyat Khan.

Dated 18th Safar 1299 H. (9th January 1882).

What is written above is true.

(Sd.) MIR SAYYIAD GHOLAM.

The above deposition was made by Mir Sayyiad Jan and Mir Sayyiad Gholam, merchants of Kabul, in my presence. I sealed this after a close enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

Deposition of KHALIFA MUSTAFA SHAH, *Munshi of* AGHA MIR SAYYIAD JAN, *merchant,* in re MUHAMMAD HYAT KHAN'S *case.*

General Taj Muhammad Khan, brother of Naib Lall Muhammad Khan, came to the house of Agha Mir Sayyiad Jan, and said that his (Taj Muhammad's) brother, Naib Lall Muhammad Khan, was in prison; that he was trying to get him released; that Agha Sayyiad Jan was going to take from him (Taj Muhammad) a note of hand for Rs. 6,000 (Kabul currency); and that he (Sayyiad Jan) would give one in favor of Muhammad Hyat Khan. Taj Muhammad accordingly wrote a note of hand for Rs. 6,000 on the part of Naib Lall Muhammad Khan, his brother, sealed it with a seal which bore the name of Naib Lall Muhammad Khan, and which he had with him, and made it over to Agha Mir Sayyiad Jan, promising (to repay the money) in ten days. Agha Mir Sayyiad Jan ordered me to write out a note of hand for Rs. 6,000 (Kabul

currency) in his name payable to Muhammad Hyat in 15 days. In accordance with that order I wrote the deed, sealed it with Agha Mir Sayyiad Jan's seal, and gave it to the said General Taj Muhammad Khan. After a few days Lall Muhammad Khan gave a few tillas to Agha Sayyiad Jan, according to whose orders I returned to Naib Lall Muhammad Khan the note of hand which the Agha had kept with me. I know nothing more that I may state.

Dated 18th Safar 1299 H. (9th January 1882).

(Sd.) KHALIFA MUSTAFA SHAH.

The above deposition was made by Khalifa Mustafa Shah, a writer in the employ of Mir Sayyiad Jan, a merchant, in my presence. I sealed this after a close enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

Deposition of DADA SHER MUHAMMAD, *a merchant of Kabul,* in re MUHAMMAD HYAT KHAN'S *case.*

I know this much, that Agha Sayyiad Jan had some tillas with him when he took me to Sherpur. He entered the tent of Muhammad Hyat, and when he came out I asked him whether he had given them. He said he had. He did not give them in my presence. I am not aware (whether he gave them or not), but when he came out of Muhammad Hyat Khan's tent he had not the tillas with him, but he had them before.

Dated 18th Safar 1299 H. (9th January 1882).

(Sd.) DADA SHER MUHAMMAD.

The above deposition was made in my presence by Dada Sher Muhammad. I sealed this after a close enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

Deposition of MULLA AMMU, *a merchant of Deh-i-Afghanan,* in re MUHAMMAD HYAT KHAN'S *case.*

The fact is that I never in the city of Kabul or elsewhere gave anything to Muhammad Hayat Khan by way of bribe, nor has any one given him anything in my presence.

Dated 18th Safar 1299 H. (9th January 1882).

[] MULLA AMMU'S SEAL.

The above deposition was made in my presence by Mulla Ammu. I sealed this after a close enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

Deposition of MIR MUSA JAN, *a merchant.*

The fact is that I never gave a single pice to Muhammad Hayat Khan, neither by way of bribe nor by way of present, nor has any one given anything to him in my presence.

Dated 18th Safar 1299 H. (9th January 1882).

[] MIR MUSA JAN'S SEAL.

The above deposition was made in my presence by Mir Musa Jan, a merchant. I have sealed this after a careful enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

Deposition of MUHAMMAD SIDDIK KHAN, *merchant,* in re MUHAMMAD HYAT KHAN'S *case.*

The particulars of the case are that I, neither on my own part, nor on that of others, gave any bribe to Muhammad Hyat Khan, nor do I know whether he ever took any bribe from any one. What I have stated is true. I do not know anything more in this case.

Dated 18th Safar 1299 H. (9th January 1882).

(Sd.) MUHAMMAD SIDDIK.

The above deposition was given in my presence by Muhammad Siddik, a merchant. I have sealed this after a careful enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

Deposition of MULLA ABDUL HAKIM, *a merchant.*

I know nothing about Naib Lall Muhammad Khan (giving anything to Muhammad Hyat Khan).

Dated 18th Safar 1299 H. (9th January 1882).

[] MULLA ABDUL HAKIM'S SEAL.

The above deposition was made in my presence by Mulla Abdul Hakim, a merchant. I have sealed this after a careful enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

Deposition of HAJI KHODA DAD *alias* HAJI KHADDU, *a merchant,* in re MUHAMMAD HYAT KHAN'S *case.*

The fact is that no one gave anything to Muhammad Hyat Khan in the shape of bribe, &c., in my presence, nor have I myself given anything. I do not know anything more.

Dated 18th Safar 1299 H. (9th January 1882).

[] HAJI KHODA DAD'S SEAL.

Haji Khoda Dad made the above deposition in my presence. I have sealed this after a careful enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

Deposition of AGHA RAJAB ALI KHAN, *a merchant,* in re MUHAMMAD HYAT KHAN'S *case.*

I do not know anything about Muhammad Hyat Khan's corruption. I never recommended any one (to him), nor did I stand surety for any person. I have not myself given anything to him. What I have stated is true.

Dated 18th Safar 1299 H. (9th January 1882).

The above deposition was made in my presence by Agha Rajab Ali Khan. After a careful enquiry I have sealed this.

[] AMIR ABDUL RAHMAN'S SEAL.

Depositions of AGHA ABDUL MAJID, *a merchant, of his Agent* MIRZA GHOLAM MUHAMMAD, *and of* MISR KISHN SARRAF, *Nathu's partner.*

Your Highness has put questions to us in regard to Muhammad Hyat Khan's case. We deposed to the facts of the case before, and now again we state,

for your information, that Naib Lall Muhammad Khan bought a few tillas through Kishn Sarraf (one of the deponents), settled the accounts in the presence of Abdul Majid (another deponent), paid the price of the tillas to the said Misr, and took them away. The detail of the tillas are as follows:—

17th Zikada 1297	...	200 tillas =	Rs. 1,633	18 pice*
18th do. 1297	...	200 do. =	„ 1,683	do.
20th do. 1297	...	70 do. =	„ 569	do.

These are the facts. We do not know what transaction took place between him and Muhammad Hyat Khan.

Dated 18th Safar 1299 H. (9th January 1882).

[] ABDUL MAJID'S SEAL.

(Sd.) MIRZA GHOLAM MUHAMHAD.
Signature in Sarrafi Hindi.

The above depositions were made in my presence by Agha Abdul Majid, a merchant, by his agent Mirza Gholam Muhammad, and by Misr Kishn Sarraf. I have sealed this after a careful enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

Particulars of the payment of money by MUSTAUFI HABIBULLA KHAN to MUHAMMAD HYAT KHAN are as follows:—

At the time when Mustaufi Habibulla Khan was kept in custody by the British officers, he engaged Mirza Muhammad Ibrahim, a dependent of Muhammad Hyat Khan, to use his influence and to try to get him released. The Mirza spoke to Muhammad Hyat Khan about the Mustaufi's release, and settled the matter for 2,000 Bokharai tillas, which the Mustaufi promised to pay. According to this arrangement Muhammad Ismail, Wardak, Mustaufi's relation, made over 625 tillas to Mirza Muhammad Ibrahim in my presence, and after the release of the Mustaufi, he himself, as he said, gave 625 tillas (more) to Mirza Muhammad Ibrahim in the house of Nawab Gholam Hassan Khan. At that time Muhammad Ibrahim came from the Mustaufi and stated that he (the Mustaufi) had just given him 625 tillas; that he had received the same number before, making altogether 1,250 Bokharai tillas, equal to Rs. 10,000, each tilla being worth Rs. 8; and that he had also received Rs. 6,000 in cash at different times from Pastak, his (Mustaufi's) "Sandukdar" (an official who keeps money, jewels, &c., of great men), which amount, together with the value of the tillas, makes Rs. 16,000 in all. The facts of the matter are such as have been stated above. Pastak told me that he had given Rs. 6,000 (Kabul currency) to Mirza Muhammad Ibrahim, but this payment was not made before me.

Dated Safar 1299 H. (January 1882).

[] ABU BAKR'S SEAL.

The above deposition was made by Mulla Abu Bakr in my presence. I have sealed this after a careful enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

The particulars of the payment by MUSTAUFI HABIBULLA KHAN to MUHAMMAD HYAT KHAN is as follows:—

At the time when the Mustaufi was kept in custody by the British authorities, he engaged Mirza Muhammad Ibrahim, a dependent of Muhammad Hyat Khan, to act as a medium and to try to obtain his release. The Mirza had conversation with Muhammad Hyat Khan regarding the Mustaufi's

* Not certain whether these are pice or other fractions of the rupee.

release, and settled the matter for 2,000 Bokharai tillas. The Mustaufi promised to pay that amount. According to this arrangement Muhammad Ismail, Wardak, a relative of the Mustaufi, gave 625 tillas of Bokhara in my presence while the Mustaufi was in custody, and 625 (more) Bokharai tillas were paid in the house of Nawab Gholam Hassen Khan. I became aware of this (last payment) when I went to see the Mustaufi in Nawab Gholam Hassan Khan's house, where Muhammad Ibrahim came to me. I asked him where he had been. He said that he had taken 625 more Bokharai tillas from the Mustaufi. The tillas were with him at that time. He also said that he had received Rs. 10,000, and that he expected to get Rs. 6,000 more. This Rs. 6,000 was paid to him at different times through Pastak, Mustaufi's "Sandukdar." I asked the Mirza about this, and he told me that he had given the 2,000 tillas to Muhammad Hyat Khan which he had received from the Mustaufi. The above is what I know.

Dated Safar 1299 H. (January 1882).

(Sd.) ABDUR RASHID,
Physician.

The above deposition was made in my presence by Mirza Abdur Rashid, the physician. I have sealed this after a careful enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

When the Mustaufi was in prison by order of the British authorities, he asked Mirza Muhammad Ibrahim, a dependent of Muhammad Hyat Khan, to use his influence with the latter, and to try to get him released. The Mirza talked over the matter with Muhammad Hyat Khan and settled the affair for Rs. 16,000, which the Mustaufi promised to pay. When the Mustaufi was in custody, one of his relatives, Muhammad Ismail, Wardak, gave in my presence Rs. 5,000 worth of tillas to Muhammad Ibrahim. After his release the Mustaufi went to see Nawab Gholam Hassan Khan, whom also I went to see as he was then indisposed. Muhammad Ibrahim had also gone there. He told me there that he had received Rs. 5,000, the balance, from the Mustaufi. I do not know who paid the other 625 Bokharai tillas and Rs. 6,000. I know only about the Rs. 10,000. I do not know anything more.

Dated 19th Safar 1299 H. (10th January 1882).

[] ABDUL WAHID'S SEAL.

The above deposition was made by Mirza Abdul Wahid, a physician, in my presence. I have sealed this after a careful enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

I, Mir Ahmad Shah, do not know of any one giving in my presence anything by way of bribe to Muhammad Hyat Khan. As during the British occupation, and so long as Muhammad Hyat Khan was in Kabul, I was not charged with any offence. I gave him nothing in the shape of a bribe. He gave me Rs. 6,000 (English coin) and took (from me) in exchange Kabuli rupees at the rate of Rs. 213 over and above every Rs. 1,000, the rate fixed by the British Government.

Dated Safar 1299 H. (January 1882).

[] MIR AHMAD'S SEAL.

The above deposition was made in my presence by Mir Ahmad Shah Jan. I have sealed this after a close enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

Deposition of AGHA HABBU, *timber merchant.*

I never paid a single pice to the Deputy, Hyat Khan. I do not know of any one giving him anything.

Dated Monday, the 18th Safar 1299 H. (9th January 1882).

Signature of HABBU KHAN.

The above deposition was made in my presence by Habbu Khan, a timber merchant. I have sealed this after a close enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

Deposition of MIR ATA-ULLAH.

I know nothing about Muhammad Hyat Khan's case, nor have I any claim against him.

(Sd.) . MIR ATA-ULLAH.

The above deposition was given in my presence by Mir Ata-ullah. I have sealed this after a careful enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

I, Dewan Niranjan, Daftari, do not know anything regarding Muhammad Hyat Khan's case, nor have I any account (of the money given to him), but from what Naib Lall Muhammad Khan said, I learned that he (the latter) bought tillas for 6,000 Kabuli rupees, gave them to Muhammad Hyat Khan, and obtained his release after the Charasiah fight. This money was not given in my presence, nor did Muhammad Hyat Khan tell me anything about it.

DEWAN NIRANJAN'S SIGNATURE.

The above deposition was made by Dewan Niranjan Das in my presence. I have sealed this after a close enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

Dewan Hira, Daftari, states thus:—

I know nothing about Muhammad Hyat Khan's case, nor have I any account books to show that he had any transactions (with me).

(Sd.) HIRANAND.

The above deposition was given in my presence by Hiranand, Daftari. I have sealed this after a careful enquiry.

[] AMIR ABDUL RAHMAN'S SEAL.

Mirza Muhammad Tahir, Kizilbash, states that while Mustaufi Habibulla Khan was in confinement by order of the British authorities, he employed Mirza Muhammad Ibrahim, a subordinate of Muhammad Hyat Khan, as a medium of communication between himself and Muhammad Hyat Khan, in order to obtain his release, by offering him 2,000 Bokharai tillas, some of which were paid through the Mustaufi's servants to the Mirza, and some were paid to him by the Mustaufi himself after his release. According to Mirza Muhammad Ibrahim's own statement, and from what I heard from the Mustaufi himself and his men, he, the Mirza, received by these two payments Rs. 10,000 in tillas, and also Rs. 6,000 through Pastak, the Mustaufi's "Sandukdar," at different times, *viz.*, Rs. 16,000 Kabul currency in all. But the payments were not made in my presence. However, I heard from Mirza Muhammad Ibrahim, the Mustaufi, Pastak, and Mustaufi's other servants, that the whole amount referred to above was paid to him (the Mirza).

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

EXECUTION OF DEEDS, CONTRACTS, &c., ON BEHALF OF THE SECRETARY OF STATE.

Extract from the Proceedings of the Government of India in the Home Department (Judicial),—No. 364, under date Fort William, the 14th March 1882.

Read again the following correspondence relative to the execution of deeds, contracts, &c., on behalf of the Secretary of State:—

Letter from the Government of Madras, No. 2583, dated the 13th December 1876.
Home Department Resolution No. 989, dated the 23rd June 1877.
Letter from the Government of Madras, No. 1961, dated the 25th September 1878.
Letter to the Government of Madras, No. 1503, dated the 5th November 1878.
Letter from the Government of Madras, No. 594, dated the 19th March 1879.
Home Department Resolution No. 623, dated the 28th May 1879.

Read also—

Letter from the Government of Madras, No. 204, dated the 18th February 1882.

RESOLUTION.

In exercise of the power conferred by the thirty-third and thirty-fourth of Victoria, cap. fifty-nine, section two, the Governor General in Council is pleased to declare that the undermentioned contracts and other instruments referred to in the twenty-second and twenty-third of Victoria, cap. forty-one, section two, may be executed as follows in the territories administered by the Governor of Madras in Council:—

By the Director of Public Instruction	Contracts and other instruments relating to matters connected with the Educational Department.

ORDER.—Ordered, that this Resolution be communicated to the Government of Madras, and be published in the Supplement to the *Gazette of India*.

(True Extract.)

A. MACKENZIE,
Offg. Secretary to the Government of India.

GOVERNMENT

DEPARTMENT OF FIN

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Madras.	Ganjam	11 13	11 13	13 5	...	...	...	17 13	17 13	18 10	19 10	19 10	19 10	...	...	...	...	...	...
	Vizagapatam	16 0	16 0	14 0	...	...	...	9 13	9 8	13 6	12 6	12 2	15 13	25 14	23 13	34 10	23 13	22 13	33 11
	Godavery	18 0	14 6	12 10	...	...		14 13	14 13	12 14	19 0	19 0	18 0	30 11	30 11	25 0	...	...	...
	Kistna	10 13	10 13	8 13	...	...	...	20 5	17 5	17 5	22 0	17 14	18 11	32 3	32 3	25 0	...	...	...
	Nellore	9 0	12 10	9 0	...	...	...	15 13	15 13	14 5	17 0	17 0	16 0	33 10	29 13	27 13	...	27 13	24 6
	Cuddapah	15 6	14 11	11 13	...	...	...	12 6	12 6	10 11	14 8	14 2	12 6	31 10	30 13	36 11	37 0	37 0	34 2
	Bellary	19 3	19 3	14 6	...	...	...	11 13	11 13	12 13	13 0	13 0	14 0	35 0	35 0	40 3	30 2	26 5	32 14
	Kurnool	15 3	15 3	12 2	...	...	...	11 6	11 6	9 10	12 2	11 13	11 6	34 3	34 3	38 6	30 0	30 0	32 8
	Madras	11 2	11 0	8 8	...	...	...	14 3	14 2	13 2	15 13	15 6	14 11	23 0	23 0	23 0	29 11	29 11	23 2
	Chingleput	...	...	8 13	...	...	...	15 0	15 0	13 14	15 13	15 13	15 2	...	...	...	...	...	...
	North Arcot	11 0	11 0	10 8	...	...	...	15 14	15 14	16 14	16 14	16 14	18 3	31 13	31 13	23 11	33 0	29 11	31 5
	South Arcot	9 6	9 6	8 10	...	...	..	14 13	14 5	13 14	18 13	16 3	16 10	26 14	...	..	33 14	33 14	29 3
	Tanjore	9 8	8 13	8 2	...	...	...	19 2	18 5	16 10	20 6	20 0	17 2	42 14	39 11	29 6	37 11	37 0	33 5
	Trichinopoly	9 3	9 3	9 10	...	...	...	17 5	14 6	15 8	18 2	15 3	16 5	30 13	30 13	...	34 5	34 5	20 5
	Madura	10 2	10 14	10 2	...	..	...	16 0	16 0	14 6	17 11	17 11	15 10	27 8	38 14	23 8	30 14	35 5	29 6
	Tinnevelly	9 3	9 14	9 10	...	...	...	12 5	11 14	12 5	15 3	14 13	14 0	...	...	...	...	..	...
	Coimbatore	10 11	11 14	12 5	...	...	...	14 6	12 10	14 13	15 6	14 8	15 13	27 13	27 13	38 5	38 2	38 2	41 5
	Nilgiris	9 14	10 10	7 13	...	...	...	9 10	9 3	9 10	12 13	12 0	11 3	21 10	21 10	20 13	21 0	28 0	20 5
	Salem	11 0	11 0	11 0	...	...	...	14 10	14 10	14 0	17 14	17 14	16 14	27 5	25 8	23 11	23 0	23 0	22 14
	South Canara	9 0	9 0	10 5	...	...	...	10 11	10 11	8 11	15 11	15 11	15 11	...	...	...	...	...	...
	Malabar	9 6	9 6	10 2	...	...	...	16 10	16 10	16 3	17 3	17 3	18 3	...	...	...	...	...	...
Bombay.	Bombay	11 7	8 15	10 9	21 12	...	20 6	7 15	7 2	6 15	12 2	10 7	10 12	20 1	19 1	21 5	17 14	16 1	18 8
	Ahmedabad	15 8	16 0	18 0	19 0	21 0	40 0	8 0	8 0	8 0	10 0	10 0	12 0	20 0	20 0	32 0	15 8	16 0	27 0
	Kaira	13 5	13 5	14 9	24 9	24 9	40 0	9 2	9 2	9 6	15 4	15 4	14 9	20 0	20 0	35 9	15 4	15 4	22 14
	Surat	10 7	13 8	12 9	6 8	6 3	15 4	7 7	7 7	7 7	8 5	8 5	8 5	15 4	16 12	22 13	15 9	15 10	17 4
	Broach	14 1	14 1	16 13¼	...	...	...	9 9½	9 9½	8 14¼	13 0	13 0	11 6¾	17 8	17 8	21 5¼	16 0	16 0	18 13
	Tanna (Salsette)	10 5	10 5	10 5	...	...	...	8 2	8 2	7 13	11 4	11 4	10 0	18 10	18 10	12 0	17 11	18 0	17 11
	Colába (Alibag)	10 0	10 0	10 8	...	...	...	10 0	10 8	9 0	16 0	15 8	12 8	...	...	16 0	...	...	14 8
	Khandesh (Dhulia)	19 7	19 7	19 6½	...	...	...	7 4	7 4	7 4	10 15	10 15	12 12	27 3	27 3	27 3	23 6½	23 6½	22 8
	Násik	14 5	14 5	15 12	...	...	...	7 0	7 7	5 15	12 10	12 10	11 14	...	...	25 3	22 9	22 9	19 12
	Ahmednagar	5 10	13 11	16 6	...	...	...	10 5	8 13	8 2	12 0	11 1½	9 14	32 10	36 7	29 12	25 0	27 3	24 9
	Poona	12 10	11 8	11 8	...	...	...	11 0	11 0	9 13	12 4	12 4	11 0	26 2	30 7	21 12	20 11	23 0	18 6
	Sholápur	15 6	15 6	17 15	...	...	...	10 5	11 7	11 14	11 13	12 4	12 5	34 8	37 8	29 5	29 6	29 6	29 6
	Kaládgi (Bagalkot)	23 0	21 0	16 7	15 0	12 0	14 0	6 8	6 8	6 11	9 0	9 0	10 0	34 0	32 5	32 5	29 1	30 0	34 1
	Satara	12 1	12 1	10 11	...	...	...	9 11	9 11	7 8	11 7	11 7	8 9	27 14	29 4	17 11	23 5	26 1	18 3
	Belgaum	20 0	20 0	15 8	11 0	11 0	12 8	10 8	11 0	11 8	11 0	11 8	12 8	28 0	26 0	26 8	27 0	26 0	29 0
	Dharwar (Hubli)	23 0	23 0	19 0	...	...	...	11 0	11 0	14 0	12 0	12 0	17 0	24 0	25 3	43 0	24 0	24 0	42 0
	Ratnagiri	11 5	10 9	10 9	...	...	...	11 6	11 6	10 0	16 15	17 10	14 2	20 13	20 13	16 14	19 10	19 10	14 11
	Kanara (Karwar)	16 0	16 0	11 0	...	...	...	8 0	8 0	6 4	17 0	16 0	15 0	20 0	20 0	20 0	16 0	...	16 0
	Pánch Mahals (Godhra)	11 6	11 6	11 6	...	...	...	11 6	11 6	10 0	15 0	15 0	13 5	32 0	32 0	30 0	17 12	17 12	32 0
	Aden	8 0	8 0	8 0	...	...	...	6 3	6 3	6 3	7 0	7 0	7 0	11 3	11 3	9 5	9 5	9 5	8 6
	Asirgarh	15 0	15 0	15 0	...	...	...	10 8	10 0	9 0	14 0	12 0	12 0	39 0	39 12	34 0	36 0	36 12	30 0
	Baroda	12 5	12 0	11 7	14 14	14 14	17 2	8 0	8 0	8 0	12 0	12 0	13 11	...	...	...	14 14	15 7	22 11
	Disa	16 0	15 8	17 0	...	...	...	6 6	6 6	6 6	8 6	8 6	8 6	18 0	24 0	31 0	17 0	18 12	24 5
	Nimach	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Nasirabad	18 8	18 2¼	17 0	25 0	24 14	26 12¼	6 0	6 0	6 0	7 0	7 0	7 0	28 0	28 5	30 0	19 0	19 0	21 0
	Rájkot	14 0	15 0	18 0	...	...	...	6 0	5 12	5 8	11 0	11 0	12 0	19 0	20 0	25 0	16 0	18 4	21 0
	Upper Sindh Frontier	14 8	14 0	10 10½	21 0	21 0	16 0	10 0	10 0	8 0	20 0	20 0	10 0	32 8	31 8	16 13½	...	29 0	16 13
	Karachi	11 5	11 8	11 0	20 0	21 0	24 0	10 0	9 8	8 0	17 0	11 0	12 0	22 0	21 0	17 0	20 0	19 0	17 0
	Haidarabad (Nakur)	12 8	12 8	11 0	20 0	20 0	20 0	12 4	12 4	9 0	20 0	20 0	13 0	30 0	30 0	18 0	28 0	28 0	18 0
	Shikarpur	13 5	13 0½	10 10	23 0	22 10	17 13	12 4½	12 9	9 0	20 0	20 0	12 2	23 0	22 14	14 0	32 0	29 14	16 0
	Thar and Parkar (Umarkot)	13 0	13 4	13 0	...	...	...	...	...	...	11 1	10 8	9 0	...	...	...	21 2	21 5	16 8
Bengal.	*Western Districts.*																		
	Burdwan	13 8a	13 4	14 0	40 0	34 0	40 0	30 12	31 0	30 0	32 8	32 8	31 8	...	...	...	...	...	...
	Bancoorah	13 8b	13 12	14 8	14 0	13 8	18 0	25 0	30 0	25 0	40 0	38 0	32 8	...	...	...	...	...	...
	Beerbhoom	13 0c	12 0	17 0	...	...	...	24 0	24 0	21 0	31 0	31 8	27 0	...	...	...	...	...	...
	Midnapore	14 8	14 8	11 0	...	...	...	20 0	20 0	20 0	28 0	28 0	26 0	...	...	...	...	...	...
	Hooghly	15 0a	15 0	15 0	...	...	...	10 0	10 0	8 0	20 0	20 0	20 0	...	...	...	...	...	...
	Howrah	15 0	15 8	17 0	...	...	...	16 8	16 8	18 0	20 0	20 0	23 0	...	...	...	...	...	...

a In the inferior price rates as follows:—Wheat 14 to 17 seers, barley (in Cutwa) 40 seers, best rice 24·8 to 26 seers, common rice 29 to 33 seers, gram 27 to 27·12 seers, firewood 120 seers, and salt 10 to 19·4 seers.

b In the inferior price rates as follows:—Wheat 13 to 18 seers, barley 22 to 36 seers, best rice 22 to 32 seers, common rice 28 to 40 seers, maize or Indian-corn 18 to 52 seers, gram 14 to 22 seers, firewood 160 to 440 seers, and salt 9 to 12 seers.

OF INDIA.

ANCE AND COMMERCE

INDIA FOR THE 1st HALF OF FEBRUARY 1882.

IN SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Verugu, Sawee, Cheena, Coraloo, Murwa, Nuglee), Panicum Miliaceum, &c.			Gram.			Firewood			Salt									Districts.	Provinces.
									Wholesale.			Retail.							
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.					
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.					
38 2	38 2	36 8	26 10	33 5	43 5	215 13	215 13	215 13	...	...		12 0	12 0	12 0				Ganjam	Madras.
24 3	23 3	32 5	32 13	37 6	40 14	89 14	89 14	87 8	11 11	11 11	11 11	10 8	10 8	10 8				Vizagapatam	
36 6	40 0	36 6	33 10	35 11	43 0	94 6	194 6	194 6	12 8	13 8	12 8	12 8	12 8	12 8				Godavery	
39 8	39 3	41 3	30 13	28 8	36 8	115 13	115 13	115 13	12 14	12 14	13 6	12 13	12 13	12 13				Kistna	
34 10	31 13	29 2	23 2	25 3	26 3	93 5	93 5	93 5	12 11	12 11	13 3	12 11	12 11	12 11				Nellore	
33 0	38 0	29 3	39 10	37 13	29 3	194 6	194 6	194 6	14 6	14 6	13 14	13 14	13 14	13 8				Cuddapah	
31 0	31 0	34 14	31 6	30 8	40 6	97 3	97 3	97 3	12 13	12 13	13 6	12 8	12 8	13 2				Bellary	
...	...	...	33 0	33 0	33 0	186 10	186 10	..	12 14	12 14	13 5	12 8	12 8	12 8				Kurnool	
29 13	29 13	27 11	28 8	28 14	28 14	81 6	81 6	82 10	14 3	14 3	14 6	13 11	13 11	13 14				Madras	
27 6	27 6	27 11	26 8	26 8	26 8	77 13	77 13	77 13	14 5	14 5	14 5	13 14	13 14	13 14				Chingleput	
34 3	34 3	30 13	34 8	34 8	33 8	140 0	140 0	140 0	12 11	12 11	12 11	12 5	12 5	12 5				North Arcot	
34 8	32 10	30 3	31 2	34 13	22 14	201 11	201 11	201 11	15 11	15 5	15 11	15 5	14 13	15 5				South Arcot	
45 5	43 13	34 11	33 3	31 8	26 3	194 6	194 6	194 6	12 14	12 14	12 14	12 14	12 14	12 14				Tanjore	
39 5	36 11	31 6	30 13	35 6	27 11	97 3	97 3	97 3	14 10	14 10	13 13	13 13	13 13	13 0				Trichinopoly	
32 8	37 3	27 14	12 11	44 8	35 10	121 8	126 6	103 14	13 11	13 11	14 8	13 8	13 8	14 0				Madura	
...	...	..	28 10	26 5	27 2	81 10	81 10	81 10	15 3	15 3	14 13	14 13	14 13	14 5				Tinnevelly	
32 13	32 13	39 6	37 0	36 2	41 13	131 3	131 3	131 3	12 11	12 11	12 11	12 3	12 3	12 3				Coimbatore	
22 5	23 0	19 6	24 14	24 14	21 10	121 8	121 8	121 8	9 3	9 3	9 3	9 3	9 3	9 3				Nilgiris	
30 13	34 3	27 6	37 6	39 6	31 8	151 10	151 10	151 10	13 5	13 5	13 14	12 5	12 5	13 14				Salem	
22 0	21 2	21 2	22 3	24 3	24 3	109 5	109 5	109 5	13 2	13 2	13 2	12 2	12 2	12 3				South Canara	
23 6	23 6	23 6	27 11	31 2	29 6	121 8	121 8	121 8	11 11	11 11	12 2	10 13	10 13	11 3				Malabar	
15 10	15 7	13 9	18 10	18 10	18 10	61 7	58 0	61 6	12 9	12 9	12 9	11 2	11 2	12 9				Bombay	Bombay.
...	...	...	25 8	26 0	25 8	80 0	80 0	80 0	13 4	13 4	8 8	13 0	13 0	8 0				Ahmedabad	
...	...	...	18 13	18 13	22 14	80 0	80 0	80 0		..		12 13	12 13	9 6				Kaira	
...	...	..	17 5	16 12	17 4	80 0	80 0	80 0	11 4	11 4	13 5	11 4	11 4	11 13				Surat	
...	...	...	19 0	19 0	17 12½	106 0	106 0	106 0	12 12½	12 12½	12 12½	12 12½	12 12½	12 12½				Broach	
25 11	25 11	20 0	15 10	15 10	14 5	71 1	71 0	71 1	11 7	11 7	10 1	10 2	10 2	9 7				Tanna (Salsette)	
...	...	...	14 0	14 8	14 0	110 0	110 0	100 0	12 8	12 0	12 8	12 0	11 8	12 0				Colaba (Alibag)	
...	...	...	26 15	26 15	26 1	140 0	140 0	140 0	13 2	13 2	12 2	13 0	13 0	12 0				Khandesh (Dhulia)	
34 8	34 8	27 9	26 13	26 13	22 11	114 0	114 0	128 0	12 4	12 4	13 0	12 0	12 0	12 13				Násik	
...	...	...	25 6	25 4	24 8	106 6	106 6	106 4	12 3	12 8	12 2	12 1	12 4	11 12				Ahmednagar	
...	...	...	20 11	20 11	18 6	68 0	68 0	76 0	11 15	11 15	11 6	11 11	11 11	11 2				Poona	
...	...	...	23 12	23 4	24 13	106 0	98 0	91 1	12 0	12 0	11 8	11 12	11 12	11 4				Sholápur	
...	...	...	16 0	16 0	19 0	120 0	120 0	100 0	12 0	11 10	11 0	11 0	11 0	10 0				Kaladgi (Bagalkot)	
...	...	...	15 13	15 13	15 10	137 1	137 1	110 15	12 6	11 14	10 14	11 10	11 4	10 4				Satara	
35 0	34 0	31 8	17 0	17 0	18 8	70 0	70 0	250 0	11 0	11 0	12 8	10 0	10 0	12 0				Belgaum	
29 0	35 0	40 0	12 0	14 0	21 0	80 0	80 0	80 0	9 8	9 8	8 12	9 0	9 0	8 0				Dharwar (Hubli)	
25 14	25 14	16 7	16 13	16 13	14 0	120 0	120 0	180 0	11 0	11 0	10 6	11 0	11 0	10 6				Ratnágiri	
22 0	24 0	20 0	16 0	16 0	14 0	213 5	213 5	213 5	11 8	11 0	11 0	11 0	10 8	10 8				Kanara (Karwar)	
32 10	32 0	50 0	32 0	32 0	32 0	200 0	200 0	200 0	12 13	12 13	...	12 4	12 4	11 6				Pánch Mahals (Godhra)	
...	...	...	9 5	9 5	9 5	65 5	65 5	65 5	..	..	...	32 0	32 0	32 0				Aden	
...	...	...	31 0	32 0	21 0	160 0	200 0	160 0	10 0	10 0	10 0	10 0	10 0	10 0				Asirgarh	
...	...	...	16 14	18 0	20 14	85 0	85 0	80 0	12 9	12 9	11 7	12 9	12 9	11 7				Baroda	
...	...	...	16 0	17 8	20 4	137 8	137 8	137 8	11 8	11 8	9 0	10 8	10 8	8 0				Disa	
...	...	...	...	...	...	...	...	...	..	..	..	No return received						Nimach	
...	...	...	25 0	24 7½	25 14½	80 0	76 14	75 0	13 10*	13 10*	..	13 0*	12 12½	13 0*				Nasirabad	
...	...	...	24 0	23 8	27 0	80 0	80 0	90 0	50 0†	50 0†	40 0†	40 0†	40 0†					Rajkot	
40 0	40 0	8.	19 8	18 0	13 14½	160 0	160 0	160 0	10 0‡	10 0‡	7 4½‡	10 0‡	10 0‡	7 4½‡				Upper Sindh Frontier	
13 0	13 0	8 8	18 0	18 0	17 0	105 0	105 0	110 0	14 0	14 0	14 0	14 0	14 0	14 0				Karachi	
...	...	...	9 0	9 0	11 0	320 0	320 0	320 0	11 0	11 0	10 0	11 0	11 0	10 0				Hadarabad (Nakar)	
...	...	...	21 4	20 0	14 0	270 0	270 0	240 0	11 4	11 2	7 0	11 2	11 0	6 14				Shikarpur	
...	...	...	...	...	...	160 0	160 0	160 0	9 10	9 10	10 11	9 10	9 10	10 11				Tharand Parkar (Umarkot)	
									Prices per md. of 40 seers.									*Western Districts.*	Bengal.
									Rs. A. P.	Rs. A. P.	Rs. A. P.								
...	...	...	26 0	24 8	24 0	120 0	100 0	80 0	3 14 0	3 12 0	...	10 0	10 0	10 0				Burdwan	
...	...	...	21 0	20 8	20 0	320 0	320 0	320 0	4 3 0	4 4 0	...	9 0	9 0	9 0				Bancoorah	
...	...	...	21 0	24 0	18 0	180 0	180 0	200 0	4 3 0	4 5 0	...	9 8	9 4	9 0				Beerbhoom	
...	...	...	19 0	19 0	17 0	160 0	160 0	160 0	3 13 0	3 13 0	...	10 0	10 0	9 0				Midnapore	
...	...	...	21 0	22 0	18 0	100 0	120 0	120 0	3 13 0	4 0 0	...	9 0	9 0	9 0				Hooghly	
...	...	...	22 8	22 8	20 0	80 0	80 0	80 0	3 14 0	3 12 0	4 0 0	10 0	9 0	10 0				Howrah	

* Sambhur. † Common. ‡ In common use.

c In the interior prices range as follows:—Wheat 13-8 to 25 seers, best rice 24 to 32 seers, common rice 27 to 38 seers, gram 18 to 27 seers, firewood 80 to 200 seers, and salt 9 to 10-8 seers.

d In the interior prices range as follows:—Wheat 12 to 19 seers, barley 19 to 31-8 seers, best rice 17 to 31 seers, common rice 20 to 25 seers, gram 16 to 23 seers, firewood 100 to 160 seers, and salt 9 to 10 seers.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorgum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Bengal—*continued.*	*Central Districts*																		
	Calcutta	13 5	13 5	15 6	26 14	26 14	23 0	10 0	10 0	6 12	17 12	17 12	18 0	26 14	29 0	20 0	...	...	...
	24-Pergunnahs	13 5e	13 5	13 5	25 0	26 8	20 0	10 0	10 8	9 0	20 0	20 0	20 0	26 8	17 8	...	...	20 0	...
	Nudden	16 0f	16 13	18 13	32 0	32 0	35 9	22 15	17 4	20 0	24 10	24 10	22 14	...	...	...	...	...	...
	Jessore	14 4g	14 0	16 4	..	...	...	21 4	19 0	21 0	29 0	29 0	27 0	...	...	...	..	...	...
	Moorshedabad	17 0h	17 0	18 0	...	...	...	18 0	20 0	22 0	30 0	30 0	30 0	.	.	..	...	...	...
	Dinagepore	14 0i	13 0	16 0	24 0	24 0	26 8	25 12	24 0	21 9	30 0	31 4	33 9	...	.	...	...	...	...
	Rajshahye	13 8 to 16 0	13 8 to 16 8	13 12 to 18 12	48 12	48 12	27 8	22 8 to 24 0	12 8 to 14 0	16 0 to 21 9	26 0 to 32 0	28 2 to 30 0	21 0 to 30 0		.	...	...	...	..
	Rungpore	15 0j	15 0	18 0	...	...	...	15 0	15 0	15 0	22 8	22 8	25 11	...	..	..	...	...	..
	Bogra	21 6	12 12	24 6	.	...	...	20 4	21 0	24 3	31 14	33 12	39 6		.	..	.	...	..
	Pubna	22 8k	22 8	21 0		...	..	10 0	10 0	14 0	27 0	28 8	32 0	...	..	.	..	..	...
	Darjeeling	8 0l	8 0	8 0	8 0	8 0	8 0	6 0	5 0	5 0	15 0	13 0	13 0	...	..	..	...	...	...
	Julpaiguri	9 0m	9 4	8 12	20 0	20 0	...	13 0	14 5	16 0	23 0	22 0	23 0	.	...	...	...	...	..
	Eastern Districts																		
	Dacca	14 8n	13 5	13 5	40 0	40 0	45 0	27 0	25 0	26 8	35 0	32 0	32 0	...	...	...	...	...	..
	Furreedpore	No return received			...	..	...	...	..	...	...	...	..	...	...	...	...	...	...
	Backergunge	o	..		...	...	...	23 0	23 0	20 0	29 0	29 0	32 0	...	...	...	..	...	...
	Mymensingh	11 0p	9 12	11 8	...	...	...	20 0	22 12	20 0	30 0	30 0	25 0	..	.	...	...	...	...
	Tipperah	11 8	11 12	13 0	..	...	...	27 8	27 8	26 8	36 0	36 0	39 0	...	...	...	...	...	...
	Chittagong	9 0q	9 0	12 4	...	...	...	18 0	18 0	17 0	24 0	24 0	30 0	...	...	...	...	...	...
	Noakholly	... r	...	...	..	..	...	28 0	28 0	22 0	32 0	32 0	29 0	.	...	...	...	...	...
	Chittagong Hill Tracts	...	...	...	..	...	...	13 5	13 5	16 0	16 0	16 0	17 3	...	...	...	...	...	...
	Hill Tipperah	10 0	10 0	9 0	...	...	...	24 0	23 0	21 0	38 0	36 0	33 0	..	...	...	...	...	...
	Behar.																		
	Patna	19 0	19 0	24 0	50 0	40 0	40 0	13 6	12 0	16 0	28 0	20 0	26 10	..	...	...	...	...	...
	Gya	14 0s	16 0	22 0	35 0	36 0	40 0	11 8	11 8	14 8	22 0	23 0	25 0	31 0	32 0	...	...	...	...
	Shahabad	14 8t to 16 0	15 0 to 17 0	20 0 to 21 0	38 0	38 0	38 0	20 0 to 22 0	20 0 to 22 0	23 0	23 0 to 24 0	23 0 to 25 0	25 0	...	...	...	...	...	...
	Durbhunga	14 0	14 0	22 4	25 0	...	55 0	14 0	14 0	14 0	24 0	24 0	21 0	...	.	...	...	...	...
	Mozufferpore	12 0u	14 0	19 0	30 0	40 0	45 0	12 0	13 0	11 0	21 0	21 0	22 0		..	..	..	...	...
	Sarun	13 0	16 0	18 0	44 0	45 0	46 0	10 0	10 0	10 4	23 0	23 0	22 8	40 0	44 0	40 0	...	...	...
	Champaran	14 0v	17 0	21 0	50 0	50 0	46 0	12 0	12 0	14 0	28 0	28 0	23 0		...	...	...	..	..
	Monghyr	15 0w	17 0	18 14	55 0	45 0	42 0	13 0	18 0	16 12	22 0	24 0	22 0	...	..	..	..	...	...
	Bhagulpur	13 14x	13 14	15 12	37 14	46 0	50 0y	22 12	15 2	20 3	27 12	25 4	24 0	...	...	...	...	...	...
	Purneah	15 0y	16 0	18 0	40 0	40 0	40 0	26 0	29 0	26 0	32 0	32 0	32 0	..	..	...	...	...	...
	Maldah	16 0	22 0	16 0	..	...	...	20 0	23 0	15 0	26 0	28 0	27 0	..	...	...	...	...	...
	Sonthal Pergunnahs	11 0z	14 0	13 0	...	...	...	25 0	25 0	24 0	30 0	30 0	26 0	...	...	...	...	...	...
	Orissa.																		
	Cuttack	18 6	18 6	17 1	..	...	...	18 6	18 6	15 12	28 14	28 14	26 4	.	..	..	...	...	...
	Pooree	14 0	13 12	13 0	..	...	...	20 0	20 0	19 0	32 8	32 8	34 8	...	..	...	...	...	...
	Balasore	13 0	9 0	13 5	...	...	...	26 0	22 0	26 12	32 0	32 0	31 12	...	..	...	...	...	...
	Chota Nagpore—South-Western Frontier Agency.																		
	Hazaribagh	12 0z1	12 0	18 0	24 0	24 0	19 0	12 0	10 0	12 0	24 0	24 8	25 0			..	...	...	...
	Lohardugga	12 0	13 0	16 0	...	...	...	22 0	22 0	21 0	26 0	28 0	26 0	.	..	...	..	...	...
	Singhbhoom	21 0	21 0	16 0	40 0	40 0	32 0	32 0	32 0	32 0	36 0	36 0	36 0	..	.	..	...	...	...
	Manbhoom	13 0z2	12 0	13 0	...	...	24 0	21 0	21 0	21 0	33 0	32 0	34 0	...	...	...	...	...	...

e In the interior prices range as follow:—Wheat 13·5 seers and barley 25 seers (at Bhowanipore only), best rice 10 seers, common rice 19 to 32 seers, gram 22-8 seers, firewood 90 to 100 seers, and salt 9 seers.

f In the interior prices range as follow:—Wheat 15-12 to 27 seers, barley 32 to 40 seers, best rice 8-8 to 21-8 seers, common rice 24-10 to 30 seers, maize or Indian-corn (in Kishtia) 15 seers, gram 20 to 32 seers, firewood 80 to 200 seers, and salt 9-2 to 10 seers.

g In the interior prices range as follow:—Wheat 8 to 11 seers, best rice 9 to 26 seers, common rice 25 to 34 seers, gram 8 to 16 seers, firewood 100 to 160 seers, and salt 8 to 8-8 seers.

h In the interior prices range as follow:—Wheat 14 to 20 seers, barley 38 to 50 seers, best rice 18 to 25 seers, common rice 27 to 31 seers, gram 24 8 to 29 seers, firewood 100 to 140 seers, and salt 9 to 9-12 seers.

i In the interior prices range as follow:—Wheat 12 to 15 seers, barley (in Nilpore) 12 seers, best rice in (Boygunge) 26-4 seers, common rice 33-12 to 37-12 seers, gram 12 to 15 seers, firewood (in Boygunge) 140 seers and salt (in Boygunge) 8 seers.

j In the interior prices range as follow:—Wheat 12 to 18 seers, barley 15-8 seers (in Bagdogra only), best rice 15 to 24 seers, common rice 20 to 28 seers, lesser millet 32 seers (in Kurigram only), gram 12 to 12-12 seers, firewood 18 to 200 seers, and salt 8 to 9 seers.

k In Beauglungge prices are—Wheat 24 seers, best rice 10 seers, common rice 26-8 seers, gram 18 seers, and salt 9 seers.

l In the interior prices range as follow:—Wheat 7 seers, best rice 10 seers, common rice 18 to 26 seers, lesser millets 12 seers, maize 18 to 21 seers, gram 10 to 16 seers, firewood 160 seers, and salt 5-8 to 9 seers.

m In the interior prices range as follow:—Wheat (in Boda) 9 seers, best rice 13 to 17 seers, common rice 16 to 20-12 seers, gram 8 to 11-14 seers, firewood 64 seers, and salt 6 to 8 seers.

n In the interior prices range as follow:—Wheat 24 seers, barley 52-8 seers, best rice 16 to 28 seers, common rice 26 to 31 seers, gram 25 to 30 seers, firewood 80 to 120 seers, and salt 8 to 10 seers.

o In the interior prices range as follow:—Best rice 24 to 27 seers, common rice 28 to 34 seers, gram 10 to 20 seers, firewood 60 to 140 seers, and salt 8 seers.

p In the interior prices range as follow:—Wheat 10 to 13-4 seers, best rice 10 to 32 seers, common rice 21 to 40 seers, gram 10 to 16 seers, and salt 8 to 9-12 seers.

q In the interior prices range as follow:—Best rice 18 to 24 seers, common rice 24 to 34 seers, and salt 8 to 9 seers.

INDIA FOR THE 1st HALF OF FEBRUARY 1882—*continued.*

IN SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavarn, Veragu, Sawee, Cheena, Coraloo, Murhwa, Nagree, Panicum Miliaceum, &c.			Gram.			Firewood.			Salt. Wholesale prices per maund of 40 seers.			Salt. Retail.			Districts.	Provinces.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	Rs. A. P.	Rs. A. P.	Rs. A. P.	S. Ch.	S. Ch.	S. Ch.		
															Central Districts.	
...	...	...	24 12	24 12	20 0	90 0	90 0	90 0	4 0 0	4 0 0	4 0 0	8 0	8 0	10 0	Calcutta	Bengal—*continued.*
...	...	...	22 8	21 8	21 8	100 0	100 0	90 0	4 0 0	4 0 0	4 0 0	9 0	9 0	9 8	24-Pergunnahs	
...	...	...	29 0	29 0	26 10½	...	...	120 0	3 12 3	4 0 0	...	10 0	9 0	10 0	Nuddea	
...	...	...	17 0	22 0	18 4	110 0	110 0	110 0	4 0 0	4 0 0	...	8 0	8 0	8 0	Jessore	
...	...	...	33 0	33 0	29 0	120 0	120 0	120 0	4 0 0	4 0 0	...	9 0	9 4	9 8 to 10 0	Moorshedabad	
...	...	...	20 0	19 0	14 8	160 0	160 0	180 0	4 4 0	4 6 0	...	9 0	9 0	8 8	Dinagepore	
...	...	...	13 8 to 16 0	14 6 to 30 0	21 0 to 24 0	240 0	240 0	240 0	4 6 0	4 6 0	...	9 6	9 6	9 6	Rajshahye	
...	...	...	12 0	12 0	11 4	135 0	135 0	120 0	4 6 0	4 6 0	...	9 0	9 0	8 12	Rungpore	
...	...	...	15 0	15 0	18 0	67 8	67 8	67 8	4 4 0	4 4 4	...	8 10	8 10	8 10	Bogra	
...	...	...	21 0	20 8	17 8	200 0	200 0	200 0	4 1 6	4 2 0	4 1 6	9 9	9 10	9 8	Pubna	
9 0	9 0	9 0	8 0	8 0	8 0	160 0	160 0	160 0	6 0 0	6 0 0	...	6 0	5 0	5 0	Darjeeling	
...	...	...	16 0	13 5	11 5	128 0	128 0	64 0	4 4 0	4 2 0	...	9 0	9 0	8 0	Jalpaiguri	
															Eastern Districts.	
...	...	...	26 8	25 0	20 0	100 0	100 0	106 0	3 13 0	3 12 0	4 2 0	10 0	10 0	9 11	Dacca	
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Furreedpore	
...	...	...	21 0	21 0	18 0	100 0	100 0	100 0	4 8 0	4 8 0	...	8 0	8 0	8 8	Backergunge	
...	...	...	20 0	20 0	19 0	...	...	...	4 2 0	4 0 0	...	9 12	10 0	9 8	Mymensingh	
...	...	...	20 0	19 0	17 0	...	...	...	4 2 0	4 2 0	...	9 4	9 4	9 8	Tipperah	
...	...	...	16 0	16 0	14 0	80 0	80 0	80 0	3 11 0	3 11 0	3 14 0	10 0	10 0	10 0	Chittagong	
...	...	...	16 0	16 0	16 0	...	...	...	4 4 0	4 4 0	...	9 0	9 0	8 0	Noakholly	
...	...	...	...	...	...	320 0	320 0	320 0	5 0 0	5 0 0	...	8 0	8 0	8 0	Chittagong Hill Tracts	
...	...	...	13 0	13 0	9 0	...	...	...	4 4 0	4 4 0	...	8 0	8 0	8 0	Hill Tipperah	
															Behar.	
...	...	...	39 0	35 0	35 0	130 0	130 0	100 0	3 15 6	3 15 6	...	9 1	9 1	9 14	Patna	
...	...	45 0	32 0	35 0	32 0	140 0	140 0	160 0	4 3 0	4 3 0	...	9 0	9 0	9 0	Gya	
...	...	...	32 0 to 33 0	32 0 to 34 0	33 0	120 0	120 0	120 0	4 0 0	4 0 0	...	9 8	10 0	9 4	Shahabad	
40 0	40 0	40 0	26 0	26 0	37 0	160 0	160 0	180 0	4 6 10	4 6 10	...	8 0	8 0	9 4	Durbhunga	
...	...	...	27 0	30 0	25 0	140 0	140 0	140 0	4 4 0	4 4 0	...	9 0	9 0	9 8	Mozufferpore	
34 0	34 0	34 0	31 0	31 0	30 0	160 0	160 0	160 0	4 4 0	4 4 0	...	9 0	9 0	9 0	Sarun	
...	...	...	24 0	32 0	28 0	...	...	...	4 8 0	...	...	8 12	8 8	8 0	Chumparun	
...	...	...	32 0	32 0	31 8	120 0	120 0	126 0	5 0 0	4 8 0	...	8 0	9 8	8 6	Monghyr	
...	...	...	31 9	32 12	31 0½	137 8	137 8	132 13	3 13 6	3 13 6	...	9 7	9 7	9 6	Bhagalpur	
...	...	...	23 0	25 0	22 0	120 0	120 0	120 0	4 7 11⅓	4 11 0	...	8 0	9 0	8 0	Purneah	
...	...	...	20 0	22 0	20 0	130 0	120 0	100 0	4 6 0	4 5 0	...	9 0	9 0	9 0	Maldah	
...	...	...	20 0	20 0	20 0	200 0	200 0	200 0	4 8 0	4 8 0	...	8 0	8 0	8 0	Sonthal Pergunnahs	
															Orissa.	
14 7	14 7	14 7	23 10	23 10	27 9	160 0	160 0	160 0	3 8 0	3 8 0	...	11 0	11 0	11 0	Cuttack	
...	...	...	20 0	20 0	18 0	105 0	105 0	100 0	3 6 0	3 6 0	...	11 0	11 0	11 13	Pooree	
...	...	...	16 0	16 0	13 5	160 0	128 0	91 0	3 12 0	3 12 0	...	9 3	9 3	9 4	Balasore	
															Chota Nagpore—South-Western Frontier Agency.	
42 0	36 0	48 0	27 0	26 0	29 0	240 0	240 0	240 0	4 2 0	4 2 0	...	8 0	8 0	8 0	Hazaribagh	
46 0	46 0	56 0	16 0	16 0	20 0	120 0	140 0	160 0	5 0 0	5 0 0	...	7 8	7 8	8 0	Lohardugga	
...	...	...	21 0	21 0	16 0	160 0	160 0	160 0	5 8 3	5 8 3	...	7 0	7 0	7 0	Singbhoom	
60 0	60 0	64 0	20 0	19 8	20 0	120 0	120 0	130 0	4 6 0	4 6 0	4 0 0	8 8	8 8	9 0	Manbhoom	

r In the interior prices range as follow:—Best rice 20 to 35 seers, common rice 20 to 40 seers, and salt 6 to 10 seers.

s In Nowada prices are—Wheat 12 seers, barley 45 seers, common rice 20 seers, lesser millets 50 seers, maize or Indian-corn 45 seers, gram 30 seers, firewood 200 seers, and salt 8 seers.

t In the interior prices range as follow:—Wheat 14-8 to 16-8 seers, barley 32-8 to 37-8 seers, best rice 11 to 15 seers, common rice 18-8 to 24-8 seers, bulrush millet 31 seers, and great millet 30 seers, (in Buxar only), lesser millets 35 to 42-8 seers, maize 34 to 35 seers, gram 25 to 31 seers, firewood 95 to 320 seers, and salt 8 to 9 seers.

u In the interior prices range as follow:—Wheat 16 to 23-8 seers, barley 20 to 70 seers, best rice 12 to 30 seers, common rice 20 to 33 seers, lesser millets 45 to 70 seers, maize 40 to 75 seers, gram 26 to 40 seers, firewood 100 to 160 seers, and salt 8 to 10 seers.

v In the interior prices range as follow:—Wheat 16-8 to 22 seers, barley 50 to 80 seers, best rice 16 to 20-4 seers, common rice 25 to 33 seers, lesser millets 60 seers (in Gobindgunge), maize 50 to 65 seers, gram 24 to 40 seers, firewood 92 seers (in Bettiah only), and salt 8 to 9-8 seers.

w In Begusarai prices are—Wheat 16 seers, barley 65 seers, best rice 21 seers, common rice 25 seers, great millet 50 seers, lesser millets 60 seers, maize or Indian-corn 50 seers, gram 45 seers, firewood 160 seers, and salt 8 seers.

x In the interior prices range as follow:—Wheat 14 to 25 seers, barley 50 seers (in Soopool only), best rice 22-8 to 32 seers, common rice 30 to 37 seers, lesser millets 55 to 70 seers, gram 20 to 28 seers, firewood 160 seers, and salt 8 seers.

y In the interior prices range as follow:—Wheat 13 to 20 seers, barley 40 seers, best rice 16 to 28 seers, common rice 28 to 32 seers, gram 13 to 23 seers, firewood 64 to 120 seers, and salt 8 seers.

z In Godda Sub-Division the prices are—Wheat 12-8 seers, barley 20 seers, best rice 28 to 32 seers, common rice 37 seers, maize 55 seers, gram 25 seers, firewood 128 seers, and salt 8 seers.

z1 In the interior prices range as follow:—Wheat 13-8 to 14 seers, barley 30 to 40 seers, best rice 13 seers, common rice 23-8 to 25 seers, lesser millets 35 to 60 seers, maize or Indian-corn 30 to 42 seers, gram 25 to 30 seers, firewood 200 to 320 seers, and salt 8-8 to 9 seers.

z2 In the interior prices range as follow:—Wheat 14 to 16 seers, barley (in Jhalda) 24 seers, best rice 24 to 28 seers, common rice 25 to 33 seers, great millet (in Govindpore) 40 seers, lesser millets (in Govindpore) 60 seers, gram 16 to 22 seers, firewood 240 to 300 seers, and salt 8 seers.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Assam.	Sylhet	13 0	13 0	13 0	...	...	...	17 0	17 0	16 0	35 0	35 0	28 0	...	...	...	...	...	...
	Cachar	11 2	10 10	10 0	20 0	20 0	20 0	24 10	22 12	22 12	29 1	29 0	26 10	...	...	...	...	...	...
	Goálpárá	22 13	22 13	13 5	...	...	...	13 5	13 5	13 5	20 0	20 0	20 0	...	...	...	...	...	...
	Gáro Hills	4 0	4 0	4 0	...	...	...	5 0	5 0	5 0	20 0	20 0	20 0	...	...	...	...	...	...
	Kámróp	18 0	16 8	16 0	...	...	...	13 0	13 0	13 0	20 0	19 0	18 0	...	...	...	...	...	...
	Darrang	...	...	6 0	...	...	...	10 0	10 0	8 0	16 0	16 0	13 0	...	...	...	...	...	...
	Nowgong	...	...	...	...	...	...	13 8	13 8	12 0	16 0	16 0	16 0	...	...	...	...	...	...
	Sibságar	...	...	...	...	...	..	7 0	8 0	8 0	16 0	16 0	16 0	...	...	...	...	...	...
	Lakhimpur	8 0	8 0	...	9 0	9 0	...	10 0	10 0	...	14 0	14 0	...	...	...	...	...	...	...
	Khásí & Jaintiá Hills	10 0	10 0	6 12	...	...	...	9 0	9 0	8 0	10 0	10 0	9 0	...	...	...	...	...	...
	Nága Hills	...	...	...	...	...	...	4 0	4 0	5 0	8 0	...	...	...	...	...	...	...	...
N. W. Provinces.	Dehra Dún	19 8	19 8	17 0	28 0	27 0	28 0	12 0	12 0	12 0	13 8	13 0	13 0	24 0	24 0	24 0	27 0	25 0	24 0
	Saharanpur	21 9	19 6½	17 4	32 5½	30 3	25 14	10 12	8 10	8 10	13 7	12 15	11 14	26 15	25 14	24 14	30 3	25 14	22 8
	Muzaffarnagar	20 4	20 4	18 2	30 12	30 12	27 8	6 9	6 9	6 9	14 5	14 5	14 5	29 11	29 4	24 6	23 2	22 0	21 0
	Meerut	19 0	19 8	19 0	27 0	27 0	27 0	6 0	6 0	5 0	16 0	15 0	14 0	27 0	27 0	23 0	24 0	21 0	21 0
	Bulandshahr	20 8	20 2	21 0	27 4	27 8	29 8	6 0	6 0	6 0	10 5	10 0	11 2	26 0	26 0	26 0	23 0	23 0	26 8
	Aligarh	No return received			...	..	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kumaun	18 0	18 0	12 8	20 0	20 0	14 0	10 0	9 0	8 0	14 0	14 0	11 0	...	...	...	...	...	...
	Garhwál	21 0	21 0	17 8	25 0	22 0	20 0	10 0	10 0	9 0	16 0	16 0	14 8	..	...	...	(a)	(a)	(a)
	Bijnor	18 5	18 9	18 0	27 4	25 14	24 11	11 4	11 13	12 6	13 8	13 8	13 8	24 12	25 5	21 6	22 4	21 6	19 11
	Moradabad	20 0	19 6	20 10	24 6	23 12	28 12	7 8	7 8	8 2	15 10	14 6	15 0	26 14	27 8	23 12	23 12	22 8	23 2
	Budaun	18 12	18 9	20 1½	...	...	25 12½	9 9½	8 6	6 0	16 12½	15 14	15 9½	24 0	24 0	24 0	22 3	22 8	21 4½
	Bareilly	17 8	17 3	18 12	26 4	25 0	26 4	7 8	7 8	6 4	15 10	15 10	15 0	24 6	23 12	25 10	24 6	23 2	23 2
	Sháhjahánpur	19 4	19 6	20 6	27 12	29 0	29 0	9 4	9 4	7 0	17 4	16 12	17 0	26 4	27 8	26 0	25 2	25 8	25 0
	Tarái Pergunnahs	20 8	20 8	20 0	35 0	35 0	33 12	10 0	10 0	8 12	15 0	15 0	15 0	28 12	26 4	25 0	23 12	23 12	22 8
	Muttra	16 12	17 0	18 0	25 0	23 0	25 0	8 0	8 0	8 0	14 0	14 0	14 0	24 0	22 0	19 0	21 8	21 0	18 8
	Agra	17 8	17 0	18 0	25 0	24 0	23 0	6 0	6 0	4 0	14 0	14 0	13 8	24 0	23 0	22 8	24 0	21 0	23 0
	Farukhabad	18 15½	18 10	20 2	27 5	26 2	25 11	7 2½	7 2½	5 12½	16 9½	16 2½	14 5	24 15	24 6	23 5	24 14½	23 11	23 5
	Mainpuri	18 0	18 8	18 8	25 0	25 0	23 8	5 0	5 0	5 8	12 0	13 0	12 8	22 0	23 0	21 8	21 0	23 0	21 8
	Etáwah	18 0	18 8	19 0	25 8	25 8	24 0	6 0	6 0	6 0	14 8	14 8	14 0	25 0	23 0	23 0	21 0	23 0	22 8
	Etah	19 8	20 0	20 0	24 0	25 0	22 0	8 0	6 0	6 0	15 0	15 0	16 0	22 0	21 8	23 0	20 0	20 8	...
	Jalaun	22 0	21 0	20 0	20 0	20 0	23 0	10 0	10 0	7 0	14 0	14 0	12 0	29 0	29 0	23 0	27 0	26 0	20 0
	Jhánsí	25 2½	25 3	22 4	31 0	32 0	31 0	9 12½	9 8	7 8	17 0	17 0	13 0	30 4½	31 0	28 0	23 8	24 0	...
	Lalitpur	26 0	26 0	22 0	35 0	35 0	32 8	9 0	9 0	7 8	13 0	13 0	9 0	38 0	33 0	32 0	29 0	29 0	25 0
	Cawnpore	19 4	19 4	21 0	32 0	31 8	29 0	11 0	11 0	10 8	17 0	17 0	15 0	30 0	29 0	30 0	29 0	28 0	26 8
	Fatehpur	17 14	17 14	18 4	27 0	26 0	25 0	10 10	10 10	9 0	19 4	19 8	13 4	32 0	31 0	...	30 0	30 0	24 0
	Bánda	22 8	21 8	18 0	23 0	23 0	24 0	10 0	10 0	8 4	18 0	16 8	14 8	38 0	34 0	25 0	33 0	32 8	22 8
	Allahabád	18 0	18 0	19 0	27 8	27 0	27 8	11 0	11 0	11 0	17 8	19 0	17 0	33 0	35 0	27 0	31 0	30 8	24 8
	Hamirpur	20 12	21 9	17 2	...	22 8	25 14	13 8	13 5	11 2	16 10	16 0	15 12	31 4	32 2	25 4	30 6	30 1	24 12
	Jaunpur	18 5	19 1	21 8	33 14	35 5	35 5	8 7	8 7	7 12	17 10	18 5	16 15	32 7	34 9	32 7	25 6	25 6	24 0
	Gorakhpur	17 1½	18 0	21 9½	45 0	46 12½	50 6½	18 0	19 12½	16 3	21 9½	27 13	23 6½	45 0	50 6½	43 3	32 6½	34 8	39 9½
	Basti	19 0	19 0	23 8	46 0	44 0	46 0	17 0	17 0	18 8	23 0	23 0	21 0	54 0	54 0	50 0	...	...	...
	Azamgarh	17 11	17 11	19 3	35 6	33 14	32 7	11 0	10 1	8 14	19 3	17 11	15 8	41 5	41 5	36 14	...	...	...
	Mirzapur	15 8	13 8	17 0	27 0	26 0	28 0	10 0	10 0	10 0	20 0	18 0	16 0	28 0	27 0	30 0	26 0	26 0	28 0
	Benares	16 4	16 4	18 15½	26 10	28 3	29 5	13 0	12 12	12 7	18 15½	20 9½	20 9½	27 10	26 0	29 13	27 10	27 10	29 13
	Gházipur	16 1½	14 2½	21 11	30 15	29 10	34 2	11 0	11 0	10 15	18 10½	18 10	16 1	41 3	36 1	41 3	29 10	29 10	33 8
	Balia	16 4	16 4	19 8	33 12	33 12	41 0	10 0	10 0	9 8	22 8	22 8	22 0	37 8	...	...	...	...	...
	Pilibhít	18 4	17 8	...	28 4	28 5	..	15 0	15 0	...	17 8	17 8	...	25 8	24 13	...	23 8	22 1	...
Oudh.	Lucknow	16 6½	17 2½	18 8	28 3	28 4	27 5	6 0	6 0	6 0	16 8	17 0	15 8	29 3	28 4	28 4	27 0	27 13	23 15
	Unáo	17 5½	17 8	19 0	29 0	27 15	24 7	12 0	12 0	7 9	17 0	17 0	14 0	34 0	32 10	28 11	26 8½	26 5	24 0
	Bára Banki	17 4	17 12	19 4	28 0	28 0	26 0	10 0	10 0	9 0	19 0	19 0	15 0	35 0	35 0	32 0	27 0	27 0	22 0
	Sitapur	19 14	21 0	22 8	28 3	28 8	33 2	8 0	8 0	8 8	20 0	20 4	17 0	30 9½	30 0	32 0	28 8	28 8	28 12
	Baraui	17 2	17 8	19 3	26 4	27 4	31 8	7 8	7 8	4 11	13 2	13 2	15 0	24 14	25 13	...	23 7	23 7	...
	Kheri	19 4	20 8	22 0	27 0	31 0	35 0	7 0	7 0	7 0	17 0	17 0	17 0	35 0	34 0	34 0	...	27 0	30 0
	Fyzabad	17 0	17 0	18 8	28 0	27 12	30 0	13 0	11 8	10 4	17 8	17 8	15 8	35 0	39 8	29 8	...	25 0	25 0
	Bhárnich	15 0	15 0	20 0	37 0	34 0	38 0	9 0	9 0	9 0	18 0	17 8	18 0	45 0	45 0	42 0	16 0	16 0	16 0
	Gonda	18 9	18 8	21 12	32 12	32 12	33 8	18 8	18 8	16 14	21 8	21 8	18 8	45 0	45 0	41 0	29 8	29 8	32 0
	Rai Bareli	17 15	19 10	19 8	29 0	25 8	23 8	19 0	19 0	12 8	20 0	20 0	13 8	30 8	31 0	22 0	31 0	32 0	22 0
	Sultánpur	20 0	20 0	22 0	32 0	32 0	32 0	12 0	11 0	11 0	22 0	23 0	17 0	30 0	31 0	29 0	26 8	29 0	24 0
	Partabgarh	19 13	19 12	21 12	29 14	31 5	32 1	18 0	18 0	14 5	19 13	23 5	16 5	29 0	29 0	17 10	28 12	29 1	17 0
Punjab.	Delhi	19 0	19 0	18 4	27 0	26 8	25 0	...	...	...	14 0	13 8	14 0	26 0	24 0	24 0	23 0	20 8	20 8
	Gurgaon	20 0	20 0	19 8	28 0	28 0	25 8	...	...	...	13 0	14 0	13 0	24 0	25 0	24 0	25 0	23 0	22 0
	Karnal	20 8	20 4	18 0	35 0	34 4	28 0	...	...	...	13 0	13 0	12 0	32 0	31 0	26 0	25 0	25 0	22 0
	Hissar	20 0	20 0	16 0	31 0	32 0	26 0	...	...	...	10 0	10 0	10 0	36 0	36 0	24 0	30 0	30 0	20 8
	Rohtak	21 8	21 8	18 0	26 0	26 0	22 0	...	...	...	9 0	9 0	10 0	28 0	29 0	24 8	25 0	25 8	21 0
	Sirsa	20 8	20 0	16 8	45 0	50 0	33 0	...	...	...	14 0	14 0	12 0	46 0	40 0	26 0	36 0	36 0	21 0
	Umballa	23 8	22 0	16 4	35 0	34 0	24 8	...	...	...	14 8	14 0	12 8	34 0	31 0	24 12	27 0	24 0	22 8
	Ludhiana	25 0	25 0	17 8	43 0	44 0	27 0	...	...	...	12 0	12 0	12 0	38 0	38 0	26 0	26 0	26 0	21 0
	Simla	16 0	14 0	13 8	...	...	18 0	...	...	...	13 0	12 0	11 0	23 0	...	...	...	...	...
	Jullundur	23 0	23 8	15 8	36 0	36 0	25 0	...	...	...	8 0	8 0	8 0	33 8	33 8	22 0	26 0	24 0	20 0
	Hoshiarpur	25 0	23 0	17 0	40 0	36 0	24 0	...	...	...	12 0	13 0	12 0	28 0	29 0	22 0	25 0	24 0	18 0
	Kangra	22 0	22 0	16 0	34 0	34 0	22 0	...	...	...	15 0	15 0	13 0	...	...	...	...	...	...

* Jowar (large). † Choti Jowar. ‡ Kodon. § Makai, moth, sawan, and kodon. ‖ Lahara, kodon, sawan, and murwa. ¶ Marwa. ** Peas, arhar, and mash.

(a) Mandua—present, 30 seers, past 32 seers, and corresponding 24 seers.

INDIA FOR THE 1st HALF OF FEBRUARY 1882—*continued.*

IN SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Varagu, Sawee, Cheena, Coraloo, Murhwa, Nuglee). *Panicum Miliaceum, &c.*			Gram.			Firewood.			Salt.						Districts.	Provinces.
									Wholesale.			Retail.				
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch	S. Ch.	S. Ch.	S. Ch	S. Ch	S. Ch.	S. Ch	S. Ch.	S. Ch	Rs. A. per maund	Rs. A.	Rs. A.	S. Ch	S. Ch.	S. Ch.		
...	...	...	22 0	19 0	17 0	108 0	108 0	108 0	4 2	...	...	9 8	9 8	9 4	Sylhet	Assam.
...	...	...	22 2	20 0	15 4	80 0	80 0	64 0	4 0	...	...	9 6	9 6	8 14	Cachar	
...	...	...	10 0	14 9	13 5	120 0	120 0	80 0	4 8	...	...	8 14	8 14	8 0	Goálpárá	
...	...	...	8 0	8 0	8 0	160 0	160 0	160 0	6 4	...	...	5 5	5 5	5 5	Gáro Hills	
...	...	...	7 0	13 8	13 0	200 0	200 0	200 0	4 3	...	...	9 8	9 0	8 0	Kámrúp	
...	...	...	8 6	8 8	7 7	160 0	160 0	160 0	5 8	...	...	7 0	7 0	6 8	Darrang	
...	...	...	8 0	8 0	8 0	120 0	120 0	80 0	5 0	...	...	8 0	8 0	8 0	Nowgong	
...	...	...	10 0	10 0	8 0	120 0	120 0	120 0	5 4	...	...	7 0	7 0	6 8	Sibságar	
...	...	...	11 0	11 0	...	80 0	80 0	...	5 4	.	...	7 8	7 8	..	Lakhimpur	
...	...	...	.	...	...	...	..	...	7 8	...	...	5 5	5 5	5 12	Khási & Jaintiá Hills	
...	...	...	2 0	2 0	3 0	120 0	120 0	120 0	15 0	..	...	2 8	2 8	2 0	Nága Hills	
									S. Ch.	S. Ch.	S. Ch.					
...	...	...	24 8	25 0	19 8	160 0	160 0	160 0	...	...	...	10 8	10 8	10 8	Dehra Dún	N. W. Provinces.
...	...	...	29 2	24 15	19 14	150 0	150 0	129 0	...	...	...	10 4	10 4	10 3	Saharanpur	
...	...	...	26 14	27 8	18 11	132 0	132 0	132 0	...	...	...	...	...	...	Muzaffarnagar	
...	...	...	25 8	25 8	22 0	110 0	110 0	110 0	...	...	...	9 4	9 4	9 0	Meerut	
...	...	...	23 0	22 8	23 12	120 0	120 0	140 0	...	...	...	...	...	...	Bulandshahr	
...	...	...	...	...	...	...	...	..	...	...	...	No ret	urn rec	eived	Aligarh	
...	...	...	12 8	12 4	11 0	200 0	200 0	200 0	...	...	...	7 0	7 0	7 0	Kumaun	
...	...	...	9 0	9 0	6 0	240 0	240 0	160 0	...	...		7 8	7 0	7 8	Garhwál	
...	...	...	23 12	23 10	19 2	135 0	135 0	135 0	...	...	...	...	...	...	Bijnor	
...	...	...	23 12	20 10	20 10	125 0	125 0	120 0	...	...	...	...	...	...	Moradabad	
...	...	...	24 0	19 12½	21 14	192 0	192 0	192 0	...	...	...	10 12½	10 14	10 3	Budaun	
...	...	...	20 10	21 4	19 6	125 0	125 0	137 8	...	...	...	10 0	10 0	10 0	Bareilly	
...	...	...	20 0	20 0	24 4	160 0	160 0	160 0	...	...	...	10 8	10 8	10 8	Sháhjáhánpur	
...	...	...	20 0	20 0	19 4	120 0	120 0	120 0	...	...	...	10 0	10 0	10 0	Tarái Pergunnahs	
...	...	...	22 0	22 0	20 8	100 0	120 0	100 0	...	...	...	...	...	11 0	Muttra	
...	...	...	22 0	22 0	20 8	100 0	100 0	120 0	..	...	...	11 8	11 8	11 0	Agra	
...	...	...	22 2½	21 11	21 8	149 14	149 14	156 12	...	...	...	...	...	...	Farukhabad	
...	...	...	22 0	21 0	19 4	160 0	160 0	160 0	...	...	...	...	...	..	Mainpuri	
...	...	...	24 8	25 8	23 0	120 0	100 0	120 0	...	...	...	8 0	7 8	8 8	Etawah	
...	...	...	21 0	22 0	18 0	140 0	140 0	140 0	...	...	...	...	...	11 0	Etah	
...	...	...	28 0	27 0	22 0	140 0	140 0	120 0	...	...	...	...	...	...	Jalaun	
...	...	...	30 7	30 15	26 8	200 0	200 0	200 0	...	...	...	...	...	...	Jhánsi	
...	...	...	34 0	35 0	30 0	160 0	160 0	160 0	...	...	...	...	...	8 8	Lalitpur	
...	...	...	27 0	26 0	23 0	140 0	140 0	160 0	...	...	...	12 0	12 0	13 0	Cawnpore	
...	...	...	25 4	23 8	20 8	200 0	200 0	200 0	...	...	...	...	...	...	Fatehpur	
...	...	...	33 0	29 0	23 0	160 0	160 0	180 0	...	...	...	...	...	...	Banda	
...	...	...	28 0	26 8	23 10	120 0	120 0	125 0	...	...	...	8 8	8 12	8 8	Allahabad	
...	...	...	28 7	29 0	23 2	140 0	140 0	140 0	...	...	...	...	...	...	Hamírpur	
...	...	...	29 10	28 15	26 13	141 4	141 4	142 0	...	...	...	8 15	8 15	7 12	Jaunpur	
...	...	...	36 0	36 13	32 6½	160 0	200 0	120 0	..	...	...	8 6½	8 6½	8 6½	Gorakhpur	
...	...	...	32 0	32 0	29 8	140 0	140 0	140 0	...	...	...	8 0	8 0	8 0	Basti	
...	...	...	28 8	28 0	26 9	147 8	147 8	147 8	...	...	...	9 3	9 3	8 2	Azamgarh	
...	...	...	25 0	22 0	24 0	100 0	100 0	100 0	...	...	...	9 0	9 0	9 0	Mirzapur	
...	...	...	24 15	26 0	26 0	120 0	90 0	120 0	...	...	...	...	...	...	Benares	
...	...	...	29 10	27 1	30 14	103 0	103 0	180 0	...	...	...	9 10	9 10	9 1	Gházipur	
...	...	...	28 12	28 12	32 8	100 0	100 0	120 0	...	...	...	...	...	8 12	Balia	
...	...	...	22 8	22 8	..	150 0	150 0	...	...	...	...	10 3	10 0	...	Pilibhít	
14 12*	35 0	33 0	20 4	20 0	22 8	120 0	120 0	118 0	...	...	...	8 8	8 8	9 0	Lucknow	Oudh.
29 15†	27 5	26 1	22 0	21 8	22 2	160 0	160 0	160 0	...	...	...	9 0	9 0	9 0	Unáo	
4 0‡	41 0	32 0	26 0	26 0	27 0	130 0	130 0	120 0	...	...	...	9 8	9 8	9 0	Bara Banki	
6§	34 0	29 12	24 0	24 0	26 4	160 0	160 0	160 0	...	...	...	10 0	10 0	9 11	Sitapur	
A.	...	...	20 10	21 9	25 5	240 0	240 0	280 0	...	...	...	8 7	8 7	8 15	Hardui	
5 0‡	45 0	45 0	20 8	20 8	28 0	200 0	200 0	200 0	...	...	...	8 8	8 8	10 0	Kheri	
...	...	...	27 0	26 12	25 8	120 0	120 0	140 0	...	...	...	8 12	8 12	9 0	Fyzabad	
5 0‡	55 0	44 0	25 0	25 0	29 0	160 0	160 0	160 0	...	...	...	8 4	8 4	8 4	Bharaich	
3 4‖	43 4	42 0	26 4	26 4	30 4	200 0	200 0	240 0	...	...	...	9 10	9 10	9 4	Gonda	
7 8¶	40 0	...	18 8	20 0	20 4	160 0	160 0	160 0	...	...	...	8 0	8 0	8 0	Rai Bareli	
2 0¶	42 0	34 0	26 0	27 0	29 0	160 0	160 0	160 0	...	...	...	10 0	10 0	10 4	Sultánpur	
) 0**	30 4	28 0	20 0	20 6	22 0	200 0	200 0	200 0	...	...	...	8 13	8 10	8 5	Partábgarh	
...	...	...	24 0	23 8	21 8	80 0	80 0	85 0	11 8	11 8	...	10 8	10 8	10 12	Delhi	Punjab.
...	...	...	24 8	24 0	22 0	120 0	115 0	120 0	11 0	11 0	...	10 0	10 0	10 0	Gurgáon	
...	...	...	28 0	26 8	21 8	160 0	160 0	160 0	10 6	10 8	...	10 0	10 4	10 8	Karnal	
...	...	...	30 0	30 0	26 0	80 0	80 0	100 0	10 8	10 8	...	10 0	10 0	10 8	Hissar	
...	...	...	26 8	26 8	23 0	100 0	100 0	120 0	10 0	10 0	...	9 3	9 3	10 8	Rohtak	
...	...	...	43 0	40 0	26 0	120 0	120 0	120 0	10 8	10 8	...	10 0	10 0	10 0	Sirsa[a]	
...	...	...	31 0	28 0	20 8	160 0	160 0	160 0	11 10	11 10	...	11 8	11 8	11 4	Umballa[b]	
...	...	...	36 0	36 8	23 8	100 0	100 0	100 0	11 13	11 13	...	11 12	11 12	12 0	Ludhiana	
...	...	...	24 0	22 0	...	100 0	80 0	80 0	9 2	9 6	...	8 9	9 0	9 0	Simla[c]	
...	...	...	32 8	32 0	21 0	100 0	100 0	100 0	11 14	12 0	...	11 8	11 8	11 12	Jullundur	
...	...	...	31 0	31 0	21 0	100 0	100 0	120 0	11 12	11 12	...	11 8	11 8	11 8	Hoshiárpur[d]	
...	...	...	19 0	18 0	16 0	140 0	140 0	160 0	10 0	10 0	...	9 0	9 0	9 0	Kangra	

(a) Barley rising, jowar and gram falling. (b) Jowar and gram falling. (c) Firewood falling. (d) Barley falling.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowari), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Common, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Punjab—*continued.*	Amritsar	No return received			...	...	...	...	...	...	16 0	16 0	12 0	30 0	30 0	18 0	24 0	25 0	18 0
	Siálkot	22 0	21 8	14 8	36 0	34 8	22 0	...	...	...	16 0	16 0	14 0	26 0	26 0	20 8	14 0	14 0	13 0
	Gurdáspur	26 0	26 0	17 0	30 0	30 0	23 0	...	...	...	...	...	...	...	...	...	...	...	...
	Lahore	No return received			...	...	...	...	...	...	10 0	12 0	8 0	38 0	36 0	22 0	30 0	34 0	20 0
	Ferozepore [a]	20 8	22 0	15 0	38 0	38 0	25 0	...	...	...	16 0	16 0	11 0	30 0	30 0	19 0	20 0	16 0	16 0
	Gujránwála [b]	21 8	20 8	14 4	40 0	33 0	23 0	...	...	...	9 0	9 0	5 4	28 0	27 0	13 0	21 0	21 0	10 4
	Rawalpindi	17 8	17 0	8 12	29 0	27 0	13 0	...	...	...	...	...	...	...	...	...	...	...	...
	Jhelum	No return received			...	...	...	...	...	...	9 8	8 6	8 0	30 8	29 0	18 4	23 8	26 12	16 12
	Gujrát	22 8	21 8	13 10	34 0	33 0	19 4	...	...	...	13 0	13 0	9 0	23 0	22 0	15 8	21 0	20 0	13 8
	Shahpúr [c]	18 8	17 8	11 4	29 0	26 0	16 0	...	...	...	10 0	10 0	9 4	24 0	23 0	16 8	23 0	23 0	14 8
	Mooltan	16 8	16 0	12 0	24 0	24 0	19 0	...	...	...	10 0	10 0	8 0	28 0	26 0	16 0	24 0	23 0	16 8
	Jhang	20 0	19 0	12 12	33 0	32 0	20 0	...	...	...	5 8	5 8	5 8	25 0	25 0	17 0	25 0	24 0	15 0
	Montgomery	20 0	19 0	13 12	27 0	26 0	19 0	...	...	...	5 0	5 0	5 0	20 0	18 0	18 0	21 0	20 0	15 0
	Muzaffargarh	18 0	17 8	12 0	26 0	25 0	21 0	...	...	...	8 2	8 2	7 8	33 0	32 8	18 1	25 10	25 0	14 7
	Dera Ismail Khán	18 9	18 1	10 5	35 0	35 0	17 4	...	...	...	7 8	7 8	6 4	23 12	22 8	15 10	23 12	22 8	13 12
	Dera Ghazi Khán	16 14	17 2	11 4	23 12	23 12	16 14	...	...	...	...	...	...	...	...	...	...	...	...
	Bannu	No return received			...	...	...	...	...	...	9 0	8 4	6 0	24 10	23 2	9 12	14 8	13 13	...
	Peshawar	13 10	12 10	7 14	32 8	30 8	9 8	...	...	...	11 8	11 8	7 10	20 6	20 6	10 3	19 2	18 8	10 3
	Kohát	14 0	14 0	7 10	27 6	29 5	11 13	...	...	...	14 0	14 0	5 8	...	...	11 8	...	...	...
	Hazára	...	...	8 0	27 0	28 0	12 0	...	...	...									
Central Provinces.	Nágpur	19 12	19 12	22 4	...	...	...	7 8	9 12	9 12	17 4	17 4	16 4	30 12	30 12	26 12	...	...	...
	Bhandára	17 0	20 0	22 8	...	...	...	8 12	10 0	8 8	20 0	20 0	17 8	26 0	29 0	29 0	...	...	...
	Chanda	19 0	18 0	22 0	...	...	...	...	...	...	13 0	14 8	13 0	31 0	33 0	30 0	...	...	...
	Wardha	23 4	23 4	23 12	...	...	...	8 12	8 12	8 12	16 12	16 12	14 12	44 0	34 0	27 12	...	...	...
	Bálaghát	25 0	25 0	18 12	...	...	...	15 0	15 0	14 0	27 0	27 0	20 0	...	...	...	...	...	...
	Jubbulpore	21 0	20 0	21 0	16 0	15 0	17 0	12 0	12 0	13 8	18 0	19 0	23 0	27 0	29 0	40 0	21 0	21 8	26 [illegible]
	Saugor	25 0	25 0	25 0	...	...	40 0	8 8	8 8	8 8	10 0	10 0	10 0	...	...	45 0	...	...	32 0
	Damoh	29 0	29 0	26 4	...	...	...	13 8	13 8	13 0	14 8	14 8	15 0	...	...	55 0	...	...	...
	Seoni	23 0	24 8	20 0	...	...	...	13 8	12 8	13 0	18 8	18 8	18 0	...	...	...	...	...	...
	Mandla	23 8	23 0	22 8	...	...	...	15 0	16 0	16 0	23 8	22 8	22 8	...	...	...	...	...	...
	Betúl	18 8	18 8	22 0	...	...	...	12 0	12 0	12 0	13 0	13 0	14 0	28 0	28 0	40 0	...	...	...
	Chhindwára	24 0	23 0	16 0	...	...	...	10 0	10 0	10 0	14 0	14 0	14 0	31 0	31 0	30 0	...	...	...
	Hoshangabad	18 15	18 13	20 4	...	...	...	4 0	4 0	6 12	11 8	11 11	10 2	25 0	23 11	34 0	23 0	21 5	33 12
	Narsinghpur	20 8	21 8	21 8	...	...	...	10 0	10 8	13 0	12 0	12 8	14 8	40 0	40 0	41 0	32 0	32 0	33 8
	Nimar	17 8	19 0	24 0	...	...	...	...	...	...	12 8	12 8	11 8	35 14	35 14	37 8	28 9	33 1	29 4
	Raipur	33 8	32 0	38 0	...	...	...	23 4	20 0	21 4	47 0	14 8	38 0	...	...	...	...	...	...
	Sambalpur	25 0	28 0	21 0	...	...	...	33 0	35 0	30 0	52 0	5[illegible] 0	41 12	...	...	...	...	...	...
	Bilaspur	30 0	34 0	38 0	...	...	...	38 0	40 0	36 0	66 0	67 0	48 0	...	...	...	...	...	...
British Burma.	*Arakan Division.*																		
	Akyab	6 10	6 10	6 6	...	...	...	16 8	16 0	15 0	18 0	18 0	15 8	...	...	...	...	...	...
	Northern Arakan	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kyoukpyoo	...	...	...	...	...	...	18 1	18 0	18 3	19 9	19 9	19 11	...	...	...	...	...	...
	Sandowny	...	...	...	...	...	...	27 7	22 14	28 0	33 9	26 13	32 0	...	...	...	...	...	...
	Pegu Division.																		
	Rangoon town and Hanthawaddy	9 0	9 0	9 9	...	...	...	6 15	14 2	12 6	7 6	18 3	15 0	...	...	...	...	...	...
	Tharrawaddy	...	...	...	...	...	...	14 4	11 7	6 15	17 13	15 0	9 12	...	...	...	...	...	...
	Prome	10 6	10 6	9 8	...	...	...	16 12	14 15	12 9	18 5	17 2	15 2	...	...	...	...	...	...
	Irrawaddy Division.																		
	Henzada	...	...	...	...	...	...	17 15	17 15	12 4	17 5	26 0	15 12	...	...	...	...	...	...
	Tassein	...	...	...	...	...	...	16 3	9 1	12 6	18 6	16 7	13 6	...	...	...	...	...	...
	Thonegwa	...	...	...	...	...	...	13 11	13 11	10 8	18 6	18 6	7 11	...	...	...	...	...	...
	Thayetmyo	10 1	10 1	9 10	...	...	...	11 11	10 3	9 10	15 9	13 13	14 0	...	...	...	...	...	...
	Tenasserim Division.																		
	Moulmein town and Amherst	10 0	10 0	10 0	...	...	...	12 10	9 11	10 0	13 0	12 2	12 0	...	...	...	...	...	...
	Tavoy	...	...	...	...	...	...	13 12	13 12	11 7	21 0	21 0	16 0	...	...	...	...	...	...
	Mergui	...	...	...	...	...	...	16 4	16 4	15 1	20 3	20 3	16 12	...	...	...	...	...	...
	Toungoo	...	...	...	...	...	...	18 5	18 5	15 8	21 5	21 5	17 11	...	...	...	...	...	...
	Shwaygyin	...	...	...	...	...	...	12 12	12 12	11 3	13 13	13 13	14 0	...	...	...	...	...	...
	Salween	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hyderabad Assigned Districts.	Secunderabad	18 13	17 12	15 2	...	...	...	6 13	6 9	7 14	9 13	9 13	10 14	23 14	25 14	24 14	29 0	29 0	27 0
	Pomrum	19 7	18 15	18 5	...	...	...	7 6	7 6	8 1	9 13	9 6	9 14	30 3	30 14	23 12	...	...	...
	Chandarghat	11 0	11 0	9 0	...	...	...	6 8	6 8	6 0	8 8	8 8	9 0	25 0	25 0	21 0	36 0	33 0	30 0
	Amraoti	18 8	18 8	22 0	11 0	11 0	11 8	8 0	8 0	8 0	9 8	9 8	10 0	32 0	36 0	34 0	26 0	26 0	28 0
	Akola	19 0	19 0	20 0	...	...	...	8 0	8 0	6 8	10 0	10 0	9 8	40 0	40 0	32 0	27 0	27 0	23 0
	Ellichpur	18 0	18 0	18 0	12 0	12 0	12 0	8 0	8 0	8 0	12 0	12 0	12 0	30 0	35 0	27 0	28 0	30 0	28 0
	Buldana	20 0	20 0	23 0	...	...	...	...	...	...	11 0	11 0	11 0	34 0	34 0	38 0	34 0	34 0	38 0
	Wun	16 0	16 0	17 0	...	...	...	7 8	7 8	7 0	10 8	10 8	11 0	34 0	34 0	32 0	...	...	...
	Basim	23 0	23 0	24 0	...	...	...	5 0	5 0	5 0	12 0	12 8	12 0	32 0	40 0	12 0	...	...	...

a Bajra and firewood falling. b Barley and bajra falling. c Barley falling. d Salt not sold wholesale.

INDIA FOR THE 1st HALF OF FEBRUARY 1882—*continued.*

IN SEERS OF 80 TOLAHS.

Lesser Millets, Bagi, &c. (Kavaru, Veragu, Sawee, Cheena, Cornloo, Murhwa, Nuglee), *Panicum Miliaceum*, &c			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			Districts.	Provinces.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Amritsar	Punjab—*continued.*
...	...	...	26 0	28 0	17 0	120 0	120 0	120 0	12 4	12 4	...	12 0	12 0	12 8	Siálkot	
...	...	...	27 0	25 0	19 0	120 0	120 0	120 0	11 8	11 12	...	11 0	11 0	11 0	Gurdáspur	
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Lahore	
...	...	...	35 0	36 0	21 0	90 0	80 0	70 0	11 0	11 4	...	11 0	11 4	11 8	Ferozepore	
...	...	...	27 8	23 8	17 12	95 0	95 0	95 0	12 10	12 10	...	12 0	12 4	12 0	Gujránwála	
...	...	...	23 4	23 0	12 0	85 0	80 0	60 0	12 2	11 12	...	11 14	11 8	10 4	Ráwalpindi	
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Jhelum	
...	...	...	26 6	25 0	17 8	100 0	100 0	90 0	...*d*	...*d*	...	12 8	12 6	12 0	Gujrat	
...	...	...	22 0	23 0	14 12	320 0	320 0	320 0	14 0	14 0	...	13 0	13 0	14 0	Shahpúr	
...	...	...	24 0	24 0	16 4	90 0	90 0	80 0	13 0	12 12	...	12 12	12 8	12 4	Mooltan	
...	...	...	25 0	24 0	16 8	200 0	200 0	180 0	12 8	12 12	...	12 4	12 4	12 12	Jhang	
...	...	...	24 0	24 0	17 0	200 0	200 0	200 0	11 4	11 4	...	10 4	10 8	10 0	Montgomery	
...	...	...	20 0	19 0	14 8	100 0	100 0	100 0	...*d*	...*d*	...	12 0	11 8	11 8	Muzaffargarh	
...	...	...	28 7	28 12	13 11	100 0	100 0	106 0	62 8	62 8	...	60 0	60 0	47 8	Dera Ismail Khán	
...	...	...	25 0	24 6	15 10	125 0	125 0	125 0	37 12	37 12	...	31 14	31 14	25 0	Dera Gházi Khán	
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Bannu	
...	...	...	17 10	16 3	8 14	87 0	87 0	66 0	58 8	55 14	...	55 8	53 4	31 0	Pesháwar	
...	...	...	21 0	21 0	9 4	102 0	102 0	76 8	102 0	102 0	...	81 9	81 9	71 6	Kohát	
...	...	...	...	...	8 0	120 0	120 0	130 0	11 0	10 12	...	10 0	10 0	9 0	Házára	
			23 12	26 12	22 12	150 0	150 0	110 0	10 8	10 8	10 8	10 4	10 4	10 4	Nágpur	Central Provinces.
...	...	...	26 0	24 0	18 0	...	...	...	10 0	10 0	10 0	9 4	9 8	9 8	Bhandára	
...	...	...	21 0	22 0	21 0	360 0	360 0	360 0	...	...	...	10 0	10 0	10 0	Chánda	
...	...	...	22 8	22 8	19 12	135 0	135 0	135 0	10 12	10 12	10 12	10 8	10 8	10 8	Wardha	
...	...	...	35 0	35 0	22 0	275 0	275 0	275 0	9 10	9 10	...	9 8	9 0	9 8	Bálaghát	
...	...	...	38 0	36 0	31 0	120 0	120 0	120 0	9 4	9 0	...	8 12	8 8	9 4	Jubbulpore	
...	...	...	36 4	35 0	34 0	160 0	160 0	160 0	8 0	8 4	...	7 12	8 0	8 0	Saugor	
...	...	...	44 0	44 0	35 0	200 0	200 0	200 0	8 8	9 0	7 8	8 4	8 12	7 0	Damoh	
48 0	39 0	...	31 0	35 0	32 0	230 0	230 0	200 0	7 8	7 4	8 0	7 4	7 0	7 12	Seoni	
...	...	...	55 0	60 0	42 8	256 0	256 0	256 0	...	...	...	8 0	8 0	8 0	Mandla	
35 0	32 0	40 0	32 0	34 0	32 0	240 0	240 0	240 0	9 8	9 8	9 8	9 0	9 0	9 0	Betúl	
21 0	21 0	25 0	35 0	31 0	28 0	200 0	200 0	200 0	9 0	9 0	8 0	8 0	8 0	8 8	Chhindwára	
23 0	22 0	18 0	34 0	33 5	33 13	160 0	160 0	120 0	6 10	6 2	...	5 0	5 5	8 0	Hoshangabad	
...	...	...	40 0	41 0	31 8	160 0	160 0	160 0	9 0	9 0	8 14	8 8	8 8	8 12	Narsinghpur	
...	...	...	26 11	30 1	23 8	160 0	160 0	120 0	11 8	11 8	12 0	11 0	11 0	11 8	Nimár	
...	...	...	32 0	32 0	27 8	80 0	80 0	80 0	8 12	9 2	8 8	8 2	8 12	8 8	Raipur	
...	...	...	25 0	25 0	21 0	120 0	120 0	240 0	9 0	9 0	9 0	8 8	8 8	8 8	Sambalpur	
170 0	160 0	110 0	50 0	50 0	35 0	140 0	140 0	120 0	...	...	...	8 0	8 0	7 0	Biláspur	
															Arakan Division.	British Burma.
...	...	...	10 8	10 8	10 0	210 0	210 0	200 0	35 0	35 0	...	30 0	30 0	20 0	Akyab	
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Northern Arakan	
...	...	...	4 0	4 0	4 0	180 0	180 0	280 0	100 0	88 0	...	40 0	36 0	16 2	Kyoukpyoo	
...	...	...	...	...	...	469 11	469 11	...*	...	...	...	30 0	35 7	23 0	Sandoway	
															Pegu Division.	
...	...	...	18 5	18 5	21 11	324 0	324 0	50 0	50 11	50 11	36 4	22 10	22 10	23 3	Rangoon town and Hanthawaddy	
...	...	...	8 14	8 4	17 5	535 11	535 11	...†	22 5	22 5	...	14 5	14 5	14 10	Tharrawaddy	
...	...	...	7 12	7 12	14 4	139 11	139 11	...‡	29 9	29 9	...	18 10	18 10	...	Prome	
															Irrawaddy Division.	
...	...	...	...	...	...	183 8	183 8	..§	29 0	32 4	...	29 8	32 4	28 0	Henzada	
...	...	...	10 6	10 6	13 6	139 4	139 4	227 8	39 0	39 0	24 8	28 4	35 6	21 0	Bassein	
...	...	...	13 7	14 15	9 0	184 5	184 8	...‖	50 0	50 0	...	44 5	14 5	14 0	Thonegwa	
...	...	...	9 4	10 2	16 2	245 0	245 0	250 0	25 6	25 6	16 0	18 15	18 15	14 0	Thayetmyo	
															Tenasserim Division.	
...	...	...	11 1	11 1	7 8	220 0	220 0	250 0	50 13	35 8	18 0	22 12	19 1	13 0	Moulmein town and Amherst	
...	...	...	...	...	...	399 3	399 3	293 5	24 2	24 2	16 10	16 1	16 1	13 5	Tavoy	
...	...	...	...	...	...	428 0	428 0	428 0	30 6	24 5	28 1	29 3	15 3	18 4	Mergui	
...	...	...	11 5	11 5	13 12	24 0	24 0	303 0	32 0	30 12	15 8	18 12	18 12	15 8	Toungoo	
...	...	...	...	...	...	250 0	250 0	...	27 3	29 8	27 2	18 14	18 14	19 10	Shwaygyin	
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Salween	
27 0	25 14	25 14	22 3	22 3	23 0	130 0	130 0	125 0	9 10	9 9	9 11	9 3	9 2	9 4	Secunderabad	Hyderabad Assigned Districts.
...	...	...	25 1	25 1	25 1	116 14	116 14	116 14	...	...	...	9 10	9 10	9 10	Bolarum	
...	...	...	23 0	23 0	24 0	80 0	80 0	80 0	...	...	...	8 12	8 12	8 12	Chudderghat	
...	...	...	26 0	27 0	24 0	64 0	64 0	80 0	11 0	11 0	11 0	10 8	10 8	10 0	Amraoti	
7 0	7 0	8 0	27 0	27 0	28 0	64 0	64 0	64 0	9 0	9 0	9 8	8 0	8 0	9 0	Akola	
...	...	...	25 0	28 0	27 0	64 0	64 0	64 0	...	...	...	9 0	9 0	9 0	Ellichpur	
...	...	...	34 0	34 0	38 0	...	...	...	...	...	...	9 0	9 0	10 0	Buldána	
...	...	...	18 0	18 0	20 0	100 0	100 0	100 0	...	...	...	8 0	8 0	8 0	Wun	
...	...	...	32 0	32 0	25 0	64 0	64 0	64 0	8 8	8 8	9 8	8 0	8 0	9 0	Básim	

* Rs. 2 per 100 billets. † Rs. 1 per cart-load. ‡ Rs. 1-8 per cart-load. § 53 billets per rupee. ‖ 100 logs, 18 inches long and 5 inches girth, for Rs. 10.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Mysore.	Bangalore	12 7	11 7	9 12	13 14	13 10	10 9	10 3	10 2	10 1	12 1	11 10	11 11	26 3	24 8	25 4	...	...	...
	Kolar	...	...	...	11 2	12 0	9 4	12 14	12 14	11 7	15 3	15 12	15 7	...	...	...	...	...	...
	Túmkúr	15 0	14 0	12 8	14 0	14 0	12 0	12 0	12 0	13 0	12 8	13 0	15 0	...	...	...	...	...	...
	Mysore	10 8	11 0	8 4	...	...	...	10 8	10 12	12 8	11 0	11 4	13 12	20 0	20 0	40 0	...	...	...
	Hassan	11 0	11 8	11 0	12 0	12 0	12 0	11 0	11 8	14 0	12 0	12 0	16 0	...	...	...	...	...	...
	Shimoga	14 11	15 12	12 10	18 14	18 14	15 12	11 9	11 9	14 11	14 11	14 11	17 14	26 4	29 6	39 14	...	...	...
	Kadur	16 0	16 0	10 0	15 0	15 0	...	12 0	12 0	18 0	15 0	15 0	22 0	...	...	...	...	...	...
	Chitaldroog	14 0	14 0	12 0	18 0	16 0	16 0	11 0	11 0	12 0	12 0	12 0	13 0	32 0	34 0	44 0	28 0	28 0	32 0
Coorg	Coorg	8 8	8 6	7 8	10 4	9 12	7 13	11 1	10 14	12 9	15 6	14 8	18 2	...	...	...	...	...	...
Rajpootana.	Jeypore	16 8	16 0	14 8	21 8	22 0	22 0	7 0	7 0	6 0	9 0	9 0	8 4	20 0	20 0	24 0	21 8	22 0	21 0
	Kishengurh	17 0	16 0	16 8	25 8	25 0	27 8	10 0	7 8	7 0	12 0	12 0	8 8	26 0	27 8	30 0	23 0	21 8	22 0
	Kerrowlee	17 8	16 8	*	17 8	17 8	*	13 0	12 8	*	14 0	13 8	*	21 8	21 0	*	17 4	16 8	*
	Ulwur	17 5	17 7	16 4	22 5	22 13	22 13	8 0	8 0	8 0	12 11	12 4	11 4	22 9	19 7	23 1	20 6	19 4	20 6
	Bhurtpore (City)	17 0	17 0	16 8	21 0	21 0	22 0	6 8	6 8	6 12	7 0	9 0	7 2	21 8	21 8	21 4	20 0	20 0	19 4
	Ajmere	16 0	17 0	15 0	24 0	25 0	25 0	5 0	5 0	5 0	8 0	8 0	8 0	24 0	25 0	28 0	21 0	24 0	20 0
	Deolee Cantonment	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Erinpura	17 4	17 4	15 0	31 0	31 0	20 8	...	...	...	8 0	8 0	6 0	25 0	25 0	17 0	23 0	23 0	20 8
	Sirohee	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Abu	16 0	16 0	15 4	24 0	24 0	24 0	5 12	5 10	5 4	8 8	8 4	7 2	...	...	...	18 4	18 8	19 10
	Anadra	18 0	17 12	17 8	28 0	28 0	29 0	6 0	6 0	5 12	8 8	8 8	7 12	...	...	...	21 0	21 0	23 0
	Hilly Tracts of Meywar	25 0	25 0	22 0	38 0	35 0	44 0	...	...	...	22 0	23 0	17 0	...	...	...	...	...	...
	Meywar (Oodeypore)	15 10	15 7	14 13½	18 12	18 12	23 0	10 15	11 5½	10 15	...	...	...	...	...	...	...	...	...
	Bánawára (Meywar Agency)	26 4	25 0	28 12	...	...	...	7 8	7 8	6 4	18 12	18 12	20 0	...	...	...	...	...	...
	Partábgarh („)	19 1	19 1	20 0	...	...	...	9 1	9 1	8 12	14 6	14 6	13 12	...	...	...	...	...	...
	Marwar (Jodhpore)	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Bikaneer	13 0	12 4	10 0	...	...	...	3 0	2 15	2 14	7 4	7 0	6 8	...	...	...	20 4	20 9	14 [illegible]
	Boondee	24 0	23 0	23 0	31 8	31 0	37 8	10 8	9 12	7 8	11 8	10 0	10 8	28 0	27 8	37 8	...	...	25 0
	Kotah	21 8	21 8	20 8	24 8	24 8	32 0	8 0	8 0	7 12	10 0	10 0	8 12	26 4	26 4	33 8	16 0	16 0	20 0
	Tonk	17 8	17 5	18 0	21 0	21 12	29 5	7 8	7 8	7 4	11 0	10 13	9 4	24 4	24 3	32 2	22 8	21 12	33 10
	Jhallawar	19 2½	18 12	19 1	23 14	23 14	19 14½	...	...	...	8 13	8 13½	7 1	22 0	22 0	24 15	17 1	17 1	17 1
	Shahpoora	21 0	19 3	18 2	24 0	24 6	28 6	10 4	9 14	10 4	13 0	14 2	12 8	24 0	24 1	30 0	19 4	18 0	23 4
	Dholpur	17 9	17 8	16 13	23 9	20 6	20 14	10 2	9 0	7 14	13 8	12 6	11 13	22 8	20 10	20 0	20 10	21 3	19 13
Central India.	Indore	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Gwalior																		
	Goona																		
	Baghelkhand (Sutna)																		

* Not received.

INDIA FOR THE 1st HALF OF FEBRUARY 1882—*concluded.*

IN SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Voragu, Sawee, Cheena, Coraloo, Murhwa, Nugleo), *Panicum Miliaceum, &c.*			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			Districts.	Provinces.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch	S. Ch.	S. Ch	S. Ch		
23 10	25 13	31 1	36 0	36 13	37 5	90 0	90 0	90 0	10 8	10 8	10 8	10 0	10 0	10 0	Bangalore	Mysore
29 0	32 0	35 1	42 3	39 15	38 12	172 6	172 6	172 6	11 1	11 1	11 5	10 13	10 13	11 1	Kolar	
25 0	28 0	45 0	39 0	41 0	45 0	340 0	340 0	340 0	10 0	10 0	10 8	9 8	9 8	10 0	Túmkúr	
20 0	20 0	30 0	33 0	33 0	32 0	84 0	84 0	78 0	8 4	8 4	8 4	8 0	8 0	8 2	Mysore	
22 0	24 0	36 0	22 0	28 0	40 0	500 0	500 0	600 0	...	...	...	8 8	8 0	8 8	Hassan	
25 12	25 3	44 2	29 6	31 8	41 0	480 0	480 0	480 0	...	...	...	8 15	8 6	8 6	Shimoga	
22 0	22 0	28 0	22 0	22 0	25 0	64 0	64 0	60 0	...	...	...	8 0	8 0	9 0	Kadur	
34 10	44 0	56 0	28 0	32 0	44 0	100 0	100 0	100 0	8 0	8 0	8 0	8 0	8 0	8 0	Chitaldroog	
28 6	22 10	33 14	26 9	25 13	33 4	110 0	110 0	110 0	...	...	...	8 12	8 9	8 12	Coorg	Coorg
...	...	...	21 0	18 8	21 8	...	...	...	...	...	...	12 0	12 0	11 0	Jeypore	Rajpootana
...	...	...	23 0	22 0	26 8	...	...	...	...	...	...	13 0	13 6	12 8	Kishengurh	
...	...	...	18 0	18 0	*	...	...	...	...	...	...	10 8	10 8	*	Kerrowlee	
...	...	...	21 10	21 1	21 2	...	...	...	12 13	12 13	...	12 10	12 10	11 10	Ulwur	
...	...	...	20 8	20 8	19 0	...	...	...	...	...	...	11 0	11 0	11 6	Bhurtpore (City)	
...	...	...	24 0	24 0	24 0	70 0	70 0	60 0	...	...	...	12 0	12 0	11 0	Ajmere	
...	...	...	...	...	...	...	...	...	...	...	No	return	receiv	ed	Deoli Cantonment	
...	...	...	20 0	20 0	18 4	170 0	170 0	160 0	...	...	...	12 0	12 0	11 0	Erinpura	
...	...	...	...	...	...	...	...	...	...	...	No	return	receiv	ed	Sirohee	
23 8	23 8	[illegible] 8	17 0	16 4	14 0	160 0	160 0	160 0	...	...	...	10 8	10 8	10 8	Abu	
...	...	...	17 12	17 0	16 0	...	...	...	...	...	...	11 8	11 8	11 8	Anadra	
...	...	...	32 0	32 0	34 0	†	†	†	...	...	...	9 0	8 8	8 0	Hilly Tracts of Meywar	
...	...	...	17 15½	18 12	23 7	200 0	200 0	200 0	...	...	...	8 9½	8 12½	8 9½	Meywar (Oodeypore)	
...	...	...	42 8	40 0	37 8	...	...	...	...	...	...	9 6	9 6	8 2	Banswára (Meywar Agency)	
...	...	...	25 10	25 10	31 4	...	...	...	...	...	...	9 6	9 6	9 1	Partabgarh (")	
...	...	...	...	...	...	...	...	...	...	...	No	return	receiv	ed	Marwar (Jodhpore)	
...	...	...	17 0	16 4	15 8	...	...	...	...	...	...	11 8	11 8	11 8	Bikaneer	
...	...	...	31 0	28 0	31 8	170 0	160 0	160 0	...	...	...	11 0	11 0	10 8	Boondee	
...	...	...	26 4	26 4	25 0	240 0	240 0	240 0	11 4	11 6	...	11 0	11 0	10 8	Kotah	
...	...	...	20 8	21 5	29 14	110 0	100 0	120 0	...	...	...	11 8	11 8	11 8	Tonk	
...	...	...	22 1½	22 1½	23 1½	...	...	...	...	...	...	8 13½	8 13½	8 10	Jhallawar	
...	...	...	22 8	21 0	21 12	160 0	160 0	160 0	...	...	...	12 0	11 12	11 3	Shahpoora	
...	...	...	22 10	20 13	19 7	...	...	...	...	...	...	10 11	10 11	10 11	Dholpur	
...	...	...	...	...	...	...	...	...	...	...	No	return	receiv	ed	Indore, Gwalior, Goona, Baghelkhand (Sutna)	Central India.

† Eight pies per bundle.

T. C. HOPE,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT OF FOOD-GRAINS FOR THE 2nd HALF OF DECEMBER 1881 AND 1st AND 2nd HALVES OF JANUARY 1882, PUBLISHED IN PAGES 82, 83, 122, 123, 156, 157, 158, 159, 160 AND 161 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 28th JANUARY AND 11th AND 25th FEBRUARY 1882.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of last year.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of last year.	Rice. Best sort. Present fortnight.	Rice. Best sort. Past fortnight.	Rice. Best sort. Corresponding fortnight of last year.	Rice. Common. Present fortnight.	Rice. Common. Past fortnight.	Rice. Common. Corresponding fortnight of last year.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of last year.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of last year.	Lesser Millets, Ragi, &c. (Kavaru, Veragoo, Sawee, Cheena, Coraloo, Murhwa, Nuglee, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c. Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of last year.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of last year.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of last year.	Salt. Wholesale prices per maund of 40 seers. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of last year.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of last year.	Average wages per month. Able-bodied Agricultural Labourer.	Average wages. Syce or Horse-keeper.	Average wages. Common Mason, Carpenter, or Blacksmith.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	Rs. A.	Rs. A.	Rs. A.	S. C.	S. C.	S. C.	Rs. A. P.	Rs. A. P.	Rs. A. P.
	2nd half of December 1881.																																					
Assam	Sylhet	13 0	13 0	13 0	...	...	...	17 0	17 0	16 10	35 0	35 0	28 0	...	...	...	...	...	...	...	...	...	19 0	19 0	16 0	108 0	108 0	108 0	...	...	...	9 8	9 8	9 0	9 0 0	6 to 7	12 to 30
	Cachar	9 6	11 2	10 0	16 0	20 0	16 0	16 0	22 0	15 17	12 21	5 32	0 20	0	...	...	...	...	...	...	...	...	16 0	17 12	15 4	80 0	80 0	64 0	...	...	...	8 10	8 14	8 14	6 0 0	7 0	0 15 to 20
	Goalpara	26 11	22 15	13 5	...	...	...	13 15	13 5	13 5	20 0	20 0	20 0	...	...	...	...	...	...	...	...	...	14 9	13 5	13 5	120 0	120 0	80 0	...	...	...	8 14	8 10	8 0	6 to 10	7 to 10	10 to 20
	Garo Hills	4 0	4 0	4 0	...	...	...	5 0	5 0	5 0	22 0	22 0	19 0	...	...	...	...	...	...	...	...	...	6 8	6 8	6 8	160 0	160 0	160 0	...	...	...	5 5	5 5	5 5	7-8 to 8	7-8 to 10	7-8 a b c
	Kamroop	16 0	16 0	13 0	...	...	...	13 0	13 0	13 0	19 0	19 0	16 0	...	...	...	...	...	...	...	...	...	12 8	12 8	11 0	200 0	200 0	100 0	...	...	...	9 0	9 0	8 0	7 0 0	8 0 0	12 0 0
	Darrang	...	...	6 0	...	...	...	10 0	10 8	8 0	16 0	16 0	13 0	...	...	...	...	...	...	...	...	...	8 9	8 5	8 10	160 0	160 0	160 0	...	...	...	7 0	7 0	7 8	6 to 7	8 to 10	8 to 20
	Nowgong	...	...	...	...	...	...	11 8	11 8	14 0	16 0	16 0	16 0	...	...	...	...	...	...	...	...	...	8 0	8 0	8 0	80 0	80 0	80 0	...	...	...	8 0	8 0	8 0	7 to 9	7 to 10	8 to 30
	Sibsagar	...	...	...	...	...	...	7 0	7 0	10 0	18 0	18 0	16 0	...	...	...	...	...	...	...	...	...	10 0	10 0	8 0	120 0	120 0	120 0	...	...	...	7 0	7 0	6 8	7 to 8	8 to 12	12 to 17
	Lakhimpur	10 0	9 0	...	9 0	9 0	...	10 0	10 0	...	16 0	16 0	...	...	...	...	...	...	...	...	...	...	12 0	12 0	...	80 0	80 0	...	...	...	...	7 8	7 8	...	7 to 8	10 0 0	16 to 30
	Khasi and Jaintia Hills	10 0	8 0	6 12	...	5 8	...	9 0	9 0	8 0	11 0	10 0	9 0	...	...	...	...	...	...	...	...	...	...	8 0	...	...	120 0	...	...	...	...	5 5	5 5	5 12	7 to 25	8 to 12	15 to 30
	Naga Hills	...	...	...	...	...	...	4 0	4 0	5 0	...	...	...	...	...	...	...	...	...	...	...	...	2 0	2 0	3 0	160 0	160 0	120 0	...	...	...	2 8	2 8	2 0	9 to 15	9 to 10	25 to 30
	1st half of January 1882.																																					
Assam	Sylhet	13 0	13 0	13 0	...	...	...	17 0	17 0	16 0	35 0	35 0	28 0	...	...	...	...	...	...	...	...	...	19 0	19 0	16 0	108 0	108 0	108 0	4 2	...	...	9 8	9 8	9 0	...	...	...
	Cachar	10 10	9 6	10 5	...	16 0	20 0	21 5	16 0	21 5	25 10	21 5	26 10	...	...	...	...	...	...	...	...	...	16 0	16 0	16 0	80 0	80 0	64 0	4 4	...	...	9 2	8 10	9 5	...	...	...
	Goalpara	22 14	26 11	13 5	...	...	...	12 15	13 15	13 5	17 12	20 0	20 0	...	...	...	...	...	...	...	...	...	14 9	14 9	13 5	120 0	120 0	80 0	4 10	...	...	8 10	8 14	8 0	...	...	...
	Garo Hills	4 0	4 0	4 0	...	...	...	5 0	5 0	5 0	20 0	22 0	22 0	...	...	...	...	...	...	...	...	...	...	6 8	8 0	160 0	160 0	160 0	6 4	...	...	5 5	5 5	5 5	...	...	...
	Kamrup	16 0	16 0	16 0	...	...	...	13 0	13 0	13 0	19 0	19 0	16 0	...	...	...	...	...	...	...	...	...	12 8	12 8	10 0	200 0	200 0	200 0	4 4	...	...	9 0	9 0	8 0	...	...	...
	Darrang	...	...	6 0	...	...	...	9 0	10 0	8 0	16 0	16 0	13 0	...	...	...	...	...	...	...	...	...	8 9	8 9	7 4	160 0	160 0	160 0	5 8	...	...	7 0	7 0	6 8	...	...	...
	Nowgong	...	...	...	...	...	...	13 8	11 8	12 0	16 0	16 0	16 0	...	...	...	...	...	...	...	...	...	8 0	8 0	8 0	120 0	80 0	80 0	5 0	...	...	8 0	8 0	8 0	...	...	...
	Sibsagar	...	...	...	...	...	...	8 0	7 0	8 0	16 0	18 0	12 0	...	...	...	...	...	...	...	...	...	10 0	10 0	8 0	120 0	120 0	120 0	5 4	...	...	7 0	7 0	6 8	...	...	...
	Lakhimpur	8 0	10 0	8 8	10 0	9 0	...	10 0	10 0	6 0	16 0	16 0	13 0	...	...	...	...	...	...	...	...	...	12 0	12 0	10 0	80 0	80 0	160 0	5 4	...	...	7 8	7 8	6 0	...	...	...
	Khasi and Jaintia Hills	10 0	10 0	6 8	...	...	...	9 0	9 0	8 0	10 0	11 0	8 8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	7 8	...	...	5 5	5 5	5 12	...	...	...
	Naga Hills	...	...	...	...	...	...	4 0	4 0	5 0	...	...	...	...	...	...	...	...	...	...	...	...	2 0	2 0	3 0	160 0	160 0	120 0	15 0	...	...	2 8	2 8	2 0	...	...	...

| January 1882. | | |

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF FASL RABI, N.-W. PROVINCES, 1882, UP TO 31st JANUARY 1882.

Canal Division.	Water distributed during January 1882. Depth in canal at regulating gauge in feet: Full supply.	Actual average throughout.	Gross consumption, cubic feet per second: Allotted discharge.	Actual average throughout.	Total area of irrigation during current fasl.	Total area for the corresponding period of last year.
Upper Ganges. Northern	10·00	...	740	450	49,166	13,499
Upper Ganges. Anúpshahr	6·80	...	700	776	62,929	35,179
Upper Ganges. Meerut	8·30	...	969	600	90,138	38,901
Upper Ganges. Bulandshahr	7·35	...	972	600	94,050	63,335
Upper Ganges. Aligarh	5·50	...	994	600	128,556	114,073
Lower Ganges. Narora	...	...	...	320	21,763	13,587
Lower Ganges. Mainpuri	...	...	...	554	57,467	48,804
Lower Ganges. Cawnpore	6·20	...	958	640	102,173	100,000
Lower Ganges. Etáwah	4·80	...	771	975	134,561	133,349
Lower Ganges. Bhognipur	...	...	...	566	42,230	32,766
Total, Upper and Lower Ganges Canals	...	...	6,104	6,081	783,033	593,516
Eastern Jumna Canal	...	...	1,250	491	127,979	91,986
Agra Canal	...	...	2,000	720	74,246	87,639
Rohilkhand	...	...	...	377	46,775	24,791
Bijnor	...	...	...	...	2,120	1,001
Dun	...	...	...	138	7,012	4,292
Jhánsi	...	...	...	...	318	167
Hamírpur	...	...	...	...	90	441
Total	...	...	...	...	1,041,573	803,833

Zila.	Land irrigated (approximate): Wheat.	Barley.	Gram.	Other food-grains.	Miscellaneous.	Total.	Rainfall: Total from 1st October 1881 to 31st January 1882.	Average of ten previous years for the same period.
Sahárnpur	56,319	571	697	581	1,678	59,846	2·0	1·1
Muzaffarnagar	83,935	1,165	1,656	2,774	3,266	92,846	1·3	·86
Meerut	137,017	6,581	1,882	11,749	1,474	158,703	1·6	·76
Bulandshahr	68,764	22,297	1,863	13,796	1,923	108,643	·25	·32
Aligarh	58,072	22,198	3,[illegible]27	6,399	3,845	93,541	·2	·22
Muttra	7,056	6,398	7,251	5,175	5,840	31,720	...	·12
Agra	7,985	3,032	1,949	6,381	2,822	22,169	·2	·16
Etah	33,668	16,084	1,825	3,603	3,175	58,355	·2	·24
Mainpuri	56,652	27,846	1,136	2,368	3,374	91,376	·2	·31
Fatehgarh	20,805	17,334	184	1,936	1,834	42,093	·1	·38
Etáwah	49,484	38,130	4,007	312	4,973	96,906	...	·21
Cawnpore	38,780	60,950	875	2,027	2,765	105,397	...	·41
Delhi	61	33	59	162	...	315	·3	·60
Gurgaon	7,284	3,188	4,818	7,761	297	23,348	·3	·58
Dehra Dún	6,084	135	85	413	295	7,012	2·9	1·4
Bijnor	1,504	79	61	444	32	2,120	1·5	1·0
Tarái	3,500	...	...	750	...	4,250	·8	·84
Pilibhit	4,000	...	...	375	...	4,375	·3	·71
Bareilly	22,001	...	...	16,149	...	38,150	4	·53
Jhánsi	93	14	100	111	...	318	·7	·27
Hamírpur	...	78	...	...	12	90	...	·34
Total	663,114	226,113	31,475	83,266	37,605	1,041,573	...	...
Total for the same period last year	449,334	222,473	19,459	53,841	58,726	803,833	...	...
Increase	213,780	3,640	12,016	29,425	...	237,740	...	...
Decrease	...	...	...	...	21,121	...	...	...

Remarks.

			Cubic feet per second.
Entering head of Ganges Canal			4,878
" Lower Ganges Canal			2,125
			7,003
Expended—			
Ganges Canal		3,026	
Lower Ganges Canal		3,055	
		6,081	
Escapes—			
Anúpshahr Branch	76		
Meerut ditto	160		
Bulandshahr ditto	42		
Nadrai	67		
By percolation M 34, Narora Division	97		
Beawar escape head	34		
Jeyrah	9		
Cawnpore Branch	368		
Etawah ditto	1		
Bhognipur ditto	78		
		922	
			7,003

Executive Engineer, Mainpuri Division, reports that the demand for water was slack (except on Cawnpore Branch) since the 12th of the month, when from one to two tenths of rain fell over the division. Light showers fell on the 31st, but rain was recorded only at two stations.

Executive Engineer, Agra Canal, reports that showers fell on the 11th and 31st, and that the demand was moderate.

Executive Engineer, Rohilkhand Canals, reports that water continued in great demand for rabi, the irrigation of which is now almost over, but that there is a considerable demand for sugarcane paleo.

Executive Engineer, Dún Canals, reports that there was a good demand for water up to the 10th, when rain fell for the first time this cold weather and all demand ceased.

ALLAHABAD,
The 23rd February 1882.

G. H. D. WALKER,
Asst. Secy. to Govt., N.-W. P. and Oudh,
P. W. D., Irrigation Branch.

STATEMENT OF TRAFFIC ON THE AGRA CANAL FOR THE MONTH OF JANUARY 1882.

Nature of Traffic.	AGRA CANAL. Principal items of Traffic. Up.		Down.		Total up and down.	
	Mds.	No.	Mds.	No.	Mds.	No.
Grains—						
Wheat	...	...	3,250	...	3,250	...
Gram	...	...	8,021	...	8,021	...
Rice	...	...	...	...	...	...
Paddy or dhan	...	...	...	...	...	...
Bejhar or mixed grain	...	...	...	...	...	...
Dal—						
Urd	...	...	...	...	...	...
Mung	...	...	2,825	...	2,825	...
Arhar	...	...	...	...	...	...
Masuri	...	...	...	...	...	...
Júár	...	...	985	...	985	...
Bájra	...	—	150	...	150	...
Maize or Indian-corn	...	...	...	...	...	...
Barley	...	...	...	...	...	...
Total	...	...	15,231	...	15,231	...
Cotton	...	...	1,858	...	1,858	...
Oilseeds	...	...	...	...	...	...
Salt	...	...	...	...	...	...
Metals	...	...	...	...	...	...
Building materials	18,975	...	...	...	18,975	...
Miscellaneous goods	45	...	500	...	545	...
Firewood	...	...	1,925	...	1,925	...
Bamboos	...	...	...	...	...	...
Timber—						
Poles and unsquared timber	...	...	...	...	...	...
Karis and squared timber	...	...	...	...	...	...
Logs	...	...	...	...	...	...
Miscellaneous timber	...	...	...	...	...	...
Live-stock	...	...	...	...	...	...
Grand Total	19,020	...	19,514	...	38,534	...
Total during corresponding period of last year	16,175	...	22,567	...	38,742	...
Increase	2,845	...	...	...	...	...
Decrease	...	...	3,053	...	208	...

Remarks.

Particulars.	Agra Canal. 1881.	1882.
Tonnage, including weight of timber and bamboos	1,384	1,416
Ton mileage	158 292	154,751
Value of goods . . . . . Rs.	1,38,966	68,342
Number of passengers	...	...

G. H. D. WALKER,
Asst. Secy to Govt., N.-W. P. and Oudh,
P. W. D., Irrigation Branch.

ALLAHABAD,
The 23rd February 1882.

STATEMENT OF TRAFFIC ON UPPER AND LOWER GANGES CANALS FOR THE MONTH OF JANUARY 1882.

	UPPER GANGES CANAL. Principal items of local traffic.						LOWER GANGES CANAL. Principal items of local traffic.						UPPER AND LOWER GANGES CANALS. Principal items of through traffic.						UPPER AND LOWER GANGES CANALS. Principal items of local and through traffic.						Remarks.
	Up.		Down.		Total up and down.		Up.		Down.		Total up and down.		Up.		Down.		Total up and down.		Up.		Down.		Total up and down.		
Grains.	Mds.	Nos	Mds.	Nos.	Mds.	Nos	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	
Wheat	1,683	...	1,940	...	3,623	...	...	...	1,491	...	1,491	...	...	...	747	...	747	...	1,683	...	4,178	...	5,861	...	
Gram	25	...	...	...	25	...	2,552	...	...	...	2,552	...	1,927	...	...	...	1,927	...	4,504	...	...	...	4,504	...	
Rice	...	...	...	...	...	...	276	...	...	...	276	...	1,225	...	13	...	1,238	...	1,501	...	13	...	1,514	...	
Paddy or dhan	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Bejhar or mixed grain	...	...	192	...	192	...	2,706	...	...	...	2,706	...	1,742	...	804	...	2,546	..	4,448	...	996	...	5,444	...	
Dal ... Urd	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	..	...	..	...	...	...	...	...	
Dal ... Mung	300	...	20	...	320	...	100	...	...	...	100	...	...	...	1,110	...	1,110	...	400	...	1,130	...	1,530	...	
Dal ... Arhar	60	...	...	...	60	...	...	...	...	...	...	...	267	...	...	...	267	...	327	...	...	...	327	...	
Dal ... Masuri	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Juár	...	...	901	...	901	...	11,033	...	...	...	11,033	...	5,947	...	112	.	6,059	...	16,980	...	1,013	...	17,993	...	
Bájra	...	...	...	..	...	...	236	...	...	...	236	...	292	...	...	..	292	...	528	...	...	...	528	...	
Maize or Indian-corn	...	...		...	...	...	11,424	...	...	...	11,424	...	13.845	...	1,012	...	14,857	...	25,269	...	1,012	...	26,281	...	
Barley	...	...	...	..	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	..	...	...	
Total	2,068	...	3,053	...	5,121	...	28,327	..	1,491	...	29,818	...	25,245	...	3,798	...	29,043	...	55,640	...	8,342	...	63,982	...	
Cotton	...	...	...	..	...	...	...	...	11,988	...	11,988	..	...	..	16,358	...	16,358	...	...	...	28,346	...	28.346	...	
Oilseeds	...	...	...	...	...	...	...	...	130	...	130	...	...	...	304	...	304	...	...	...	434	...	434	...	
Salt	102	...	...	...	102	.	...	...	187	...	187	...	...	...	23,983	...	23,983	...	102	...	24,170	...	24,272	...	
Metals	...	...	...	...	...	...	173	...	300	...	473	...	902	...	633	...	1,535	...	1,075	...	933	...	2,008	...	
Building materials	13.675	...	7,980	...	21,655	...	107	...	..	...	107	...	...	...	1,115	...	1,115	...	13,782	...	9,095	...	22.877	...	
Miscellaneous goods	3,978	...	6,786	...	10,764	...	1,484	...	3.844	...	5,328	...	20,706	...	6,406	...	27,112	...	26.168	...	17,036	...	43.204	...	
Firewood	...	...	13.458	...	13,458	...	...	...	5,650	...	5,650	...	...	...	...	...	.	...	...	...	19,108	...	19,108	...	
Bamboos	...	...	8,574	171 480	8,574	171,480	...	..	140	2,800	140	2,800	...	...	1,914	38 280	1,914	38,280	...	...	10,628	212,560	10,628	212,560	
Timber. Poles and unsquared timber.	...	...	4,840	4,840	4,840	4,840	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4,840	4,840	4,840	4,840	
Timber. Karis and squared timber.	40	40	1,340	1,340	1,380	1,380	90	90	...	...	90	90	...	...	...	...	...	...	130	130	1,340	1,340	1,470	1,470	
Timber. Logs	...	...	...	...	...	...	...	...	.	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	
Miscellaneous timber	100	200	...	...	100	200	...	...	...	...	...	...	...	...	...	...	...	..	100	200	...	...	100	200	
Live-stock	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.	..	...	...	...	...	...	...	..	
Grand Total	19,963	240	46,031	177,660	65,994	177,900	30,181	90	23,730	2,800	53,911	2,890	46,853	...	54,511	48,280	101,364	38,280	96.997	330	124,272	218,740	221,269	219,070	
Total during corresponding period of last year.	...	...	...	...	...	...	..	..	..	...	...	...	...	...	...	...	...	...	91,764	1,006	119,221	144,187	210,985	145,193	
Increase	..		...	...	..	...	...	..	...	...	...	...	...	...	...	...	...	...	5,233	...	5,051	74,553	10,284	73,877	
Decrease	...		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	676	...	...	...	...	

Particulars.	Upper Ganges Canal (local).		Lower Ganges Canal (local).		Upper and Lower Ganges Canals (through).		Total Upper and Lower Ganges Canals.	
	1881.	1882.	1881.	1882.	1881.	1882.	1881.	1882.
Tonnage, including weight of timber and bamboos	...	2.424	...	1,981	...	3,724	7.814	8,129
Ton mileage	...	152,872	...	232,402	...	862,143	1,108.266	1,247,417
Value of goods . . . . . Rs.	...	40,256	...	2,82,739	...	5,21,600	6,61,678	8,44,595
Number of passengers	...	...	...	...	...	20	8	20

ALLAHABAD,
The 23rd February 1882.

G. H. D. WALKER,
Asst. Secy. to Govt., N.-W. P. & Oudh, P. W. D., Irrigation Branch.

The Gazette of India.

PUBLISHED BY AUTHORITY.

Nº 12.} CALCUTTA, SATURDAY, MARCH 25, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 12.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Fort William, the 22nd March 1882.

No. 474.—Under the provisions of section 17 of the Indian Arms Act, 1878, the Governor General in Council is pleased to direct that the following endorsement shall be added on Forms VI and VII prescribed in Home Department Notification No. 518, dated 6th March 1879, so far as those forms relate to licenses to sell arms, ammunition, and military stores:—

This license only covers sales of arms, ammunition, or military stores effected upon the premises shewn on the face of the license.

Under the provisions of section 17 of the Indian Arms Act, 1878, the Governor General in Council is pleased to make the following Rule to be added, as Rule 3(a), to the Rules framed under section 17 of the Indian Arms Act, 1878, and published in Home Department Notification No. 518, dated the 6th March 1879:—

3(a). A person licensed to possess arms, ammunition, or military stores, or who is exempted from the liability to take out such a license, is entitled to transport to his residence, from the premises of a licensed dealer, arms, ammunition, or military stores without a separate transport license, so long as the articles purchased are in reasonable quantity and for his own use. A licensed dealer in arms, ammunition, and military stores may supply the order of any such person, and may without a separate transport license send or despatch, in any way desired, to the residence of the purchaser the articles ordered by any such person, so long as they fulfil the requirements of Rule 3, and are legibly addressed to the person for whom they are intended.

EXAMINATIONS.

The 22nd March 1882.

No. 37.—APPOINTMENT.—Major L. J. H. Grey, C.S.I., Bengal Staff Corps, to officiate as Secretary to the Board of Examiners during the absence on furlough of Major H. S. Jarrett, or until further orders.

MEDICAL.

The 22nd March 1882.

No. 106.—The services of Surgeon J. Armstrong are placed temporarily at the disposal of the Government of the North-Western Provinces and Oudh.

JUDICIAL.

The 20th March 1882.

No. 416.—The Hon'ble G. G. Morris, a Judge of the High Court of Judicature at Fort William in Bengal, has obtained furlough for five

months and twenty days, with effect from the 27th instant.

This cancels Home Department Notification No. 389, dated the 17th idem.

The 22nd March 1882.

No. 431.—Under the provisions of the Act of Parliament 24 and 25 Vic., Cap. 104, Section 7, the Governor General in Council is pleased to appoint Mr. W. Macpherson, Officiating District and Sessions Judge, 24-Pergunnahs, to officiate as a Judge of the High Court of Judicature at Fort William in Bengal, *vice* the Hon'ble James O'Kinealy, appointed to officiate as a Judge of that Court during the absence of the Hon'ble G. G. Morris, on furlough.

PORT BLAIR.

The 22nd March 1882.

No. 104.—In exercise of the power conferred by Section 3 of Act XIV of 1874 (The Scheduled Districts Act), the Chief Commissioner of the Andaman and Nicobar Islands is pleased, with the previous sanction of the Governor General in Council, to declare that the following Acts are in force in the Chief Commissionership of the Andaman and Nicobar Islands :—

Act I of 1859 (An Act for the amendment of the law relating to merchant seamen).

Act VI of 1864 (An Act to authorise the punishment of whipping in certain cases).

No. 105.—In exercise of the power conferred by Section 5 of Act XIV of 1874 (The Scheduled Districts Act), the Chief Commissioner of the Andaman and the Nicobar Islands is pleased, with the previous sanction of the Governor General in Council, to extend the following Regulation and Act to the Chief Commissionership of the Andaman and Nicobar Islands :—

Regulation III of 1818 (A Regulation for the confinement of State Prisoners).

Act XXXIV of 1850 (An Act for the better custody of State Prisoners).

No. 108.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of the Andaman and Nicobar Islands is pleased, with the previous sanction of the Governor General in Council, to extend Act XV of 1856 (an Act to remove all legal obstacles to the marriage of Hindu widows) to the Chief Commissionership of the Andaman and Nicobar Islands.

ECCLESIASTICAL.

The 22nd March 1882.

No. 46.—The services of the Reverend A. L. Mitchell, Chaplain of Nowgong, are placed at the disposal of the Government of the North-Western Provinces and Oudh.

A. MACKENZIE,

Officiating Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.—GENERAL.

Fort William, the 18th March 1882.

No. 424 *G. G.*—Major F. A. Wilson, B.S.C., Officiating Political Agent of the 2nd Class, is posted as Agent to the Governor General with the King of Oudh, and Superintendent of Political Pensions, *vice* Major W. F. Prideaux, with effect from the date of taking charge.

THOMAS HOPE,

for Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Fort William, the 24th March 1882.

No. 1692.

C. P. C.

PAGE 34.

Section 75 (b).

After "Province" *in this Section insert* "the survey of India."

No. 1742.

C. P. C.

PAGE 2.

Section 6.

For the words "an officer" *substitute* "any specially deserving officer."

R. LOGAN,

for Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 24th March, 1882.

APPOINTMENTS.

No. 142.—PERSONAL STAFF—

His Excellency the Viceroy and Governor General is pleased to appoint Lieutenant C. Herbert, Bengal S.C., Wing Officer and Adjutant, Deoli Irregular Force, to be an extra Aide-de-Camp on His Excellency's personal staff. Dated 13th March, 1882.

No. 143.—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Edward King Elliot Spence, South Lancashire Regiment, Wing Officer, 35th Native Infantry,—4th October, 1879.

No. 144.—COMMISSARIAT DEPARTMENT—

Colonel J. B. Cox, Assistant Commissary-General, 2nd class, (on furlough) to be Assistant Commissary-General, 1st class, with effect from the 11th August, 1881, *vice* Colonel H. A. Taylor, Assistant Commissary-General, 1st class, retired.

G. G. O. No. 547 of 1881 is cancelled so far as it refers to Major W. G. Smith.

No. 145.—PUNJAB FRONTIER FORCE—

No. 2 Mountain Battery.

Lieutenant E. A. Smith, R.A., 2nd Subaltern, to be 1st Subaltern, *vice* Lieutenant H. J. Lyster, R.A., vacated on promotion to Captain.

Lieutenant C. P. Triscott, R.A., to be 2nd Subaltern, *vice* Lieutenant Smith.

No. 3 Mountain Battery.

Lieutenant J. F. Manifold, R.A., Officiating 2nd Subaltern, No. 2 Mountain Battery, to be 2nd Subaltern, *vice* Lieutenant A. Mansel, R.A., vacated on promotion to Captain.

This cancels G. G. O. No. 77 of 1882.

5th Punjab Infantry.

Lieutenant F. B. Mein, Manchester Regiment, a candidate for the Bengal Staff Corps, to be Officiating Wing Officer, on probation, with effect from date of joining.

No. 146.—HYDERABAD CONTINGENT—

6th Infantry.

Lieutenant-Colonel H. A. Justice, Wing Commander and 2nd-in-Command, to be Commandant, *vice* Colonel E. W. Dun, vacated on succeeding to the Colonel's allowance.

Captain J. N. S. Kirkwood, Wing Officer and Adjutant, to be Wing Commander and 2nd-in-Command, *vice* Lieutenant-Colonel Justice.

Lieutenant E. C. M. Lushington, Officiating Wing Officer, and Officiating Adjutant, to be Wing Officer and Adjutant, *vice* Captain Kirkwood.

PROMOTIONS.

No. 147.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Major.

Captain John Albert Little,—18th March, 1882.

BREVET.

To be Colonels.

Lieutenant-Colonel Robert Macdonald Chambers, Bombay Infantry,—1st July, 1881.

Lieutenant-Colonel Charles Kenneth Mackenzie Walter, Bengal S.C.,—20th March, 1882.

No. 148.—INDIAN ARMY—

The undermentioned Lieutenant-Colonels of Her Majesty's Indian Forces are promoted to the rank of Colonel by brevet, from the 1st July, 1881, under the provisions of Article 3, Clause (*g*), of the Royal Warrant of the 10th November, 1881, subject to Her Majesty's approval:—

Robert Augustus Carew Hunt, Bombay Infantry.

Charles Sheppey Sturt, Bombay Infantry.

No. 149.—NATIVE ARMY—

16th Native Infantry.

Havildar Rampalat Mahto, to be Jemadar, *vice* Bhagwandin Misser, deceased,—31st December, 1881.

22nd Native Infantry.

Jemadar Bekum Dass, to be Subadar, *vice* Secunder Khan, invalided; Havildar Reejah, to be Jemadar, *vice* Bekum Dass, promoted,—8th January, 1882.

28th Regiment, Native Infantry.

Jemadar Wurriam Singh, to be Subadar, *vice* Joonhir Singh, deceased; Havildar Ameer Khan, to be Jemadar, *vice* Wurriam Singh, promoted,—29th September, 1881.

No. 150.—PUNJAB FRONTIER FORCE—

(Queen's Own) Corps of Guides.

Havildar Akhu Khan, to be Jemadar, *vice* Umra, dismissed,—5th October, 1881.

No. 2 Mountain Battery.

Jemadar Sheikh Himmutt, from No. 5 Garrison Battery, to be Subadar, *vice* Nuzzur Khan, deceased,—5th April, 1881.

FURLOUGH AND LEAVE.

No. 151.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel (Brevet Colonel) H. Melvill, Cavalry, Commandant, 7th Bengal Cavalry, (p. a.) for two years, under rule IX of the regulations of 1868.

Lieutenant-Colonel H. McD. DeW. Douglas, Bengal S.C., (p. a.) for two years, under rule IX of the regulations of 1868.

Major (Brevet Colonel and Local Major-General) *Sir* C. M. MacGregor, K.C.B., C.S.I, C.I.E., Bengal S.C., Quartermaster-General in India, (p. a.) for 182 days, under rule IX of the regulations of 1868.

Major W. H. Beckett, General List, Infantry Executive Engineer, 1st grade, Military Works Branch, Public Works Department, (p. a.) for one year and 132 days, under rule IX of the regulations of 1868.

Major G. J. Skinner, Bengal S.C., Wing Commander and 2nd-in-Command, 3rd Native Infantry, (p. a.) for one year and 23 days, under rule IX of the regulations of 1868.

Major H. S. Jarrett, Bengal S.C., Secretary to the Board of Examiners, Fort William, and Assistant Secretary to the Government of India in the Legislative Department, (p. a.) for 360 days, under rule IX of the regulations of 1868.

Major J. E. P. Mosley, Bengal S.C., Wing Officer, 3rd Punjab Infantry, Commandant, Beluch Guides, (p. a.) for 312 days, under rule VIII, clause (2), and rule IX of the regulations of 1868.

Major H. H. P. Cowper, General List, Cavalry, Military Accountant, 1st class, 2nd grade, (m. c.) for one year, under rules IX and XV of the regulations of 1868.

Major W. H. Meiklejohn, General List, Infantry, Wing Officer, 20th Native Infantry, (p. a.) for one year, under rule IX of the regulations of 1868.

Captain C. C. Egerton, Bengal S.C., Squadron Commander, 3rd Punjab Cavalry, (p. a.) for two years, under rule IX of the regulations of 1868.

Lieutenant E. G. Barrow, Bengal S.C., Wing Officer and Adjutant, 7th Native Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

Lieutenant S. D. Gordon, Bengal S.C., Squadron Officer, 19th Bengal Lancers, (p. a.) for one year, under rule I of the regulations of 1875.

Lieutenant B. Scott, R.E., Assistant Engineer, 1st grade, Punjab, Public Works Department, (p. a.) for 182 days, under rule IX of the regulations of 1868.

Conductor W. J. Fortey, Ordnance Department, Overseer, Small Arm Ammunition Factory, Dum Dum, (m. c.) for one year, under rule VI of the regulations of 1875.

Sub-Conductor J. F. Mantz, Ordnance Department, (m. c.) for one year, under rule VI of the regulations of 1875.

Sub-Conductor J. Inglis, Assistant Barrack Master, temporary Barrack Master, 2nd class, Military Works Branch, Public Works Department, (m. c.) for one year, under rule I of the regulations of 1875.

No. 152.—The undermentioned officers have been granted extension of furlough by the Right Hon'ble the Secretary of State for India:—

Lieutenant-Colonel J. N. B. Hewett, Bengal S.C., (m. c.) for four months.

Major J. T. Whish, Bengal S.C., (m. c.) for six months.

Captain S. H. P. Graves, Bengal S.C., (m. c.) for three months.

LONDON GAZETTE.

No. 153.—The following extract is published for general information:—

"London Gazette," dated the 21st February, 1882, page 710.

WAR OFFICE, PALL MALL,
21st February, 1882.

The undermentioned Officers to be Colonels:—

Lieutenant-Colonel Mark Henry Heathcote, C.B., Bengal Staff Corps. Dated 1st July, 1881.

* * * *

RETIREMENTS.

No. 154.—The undermentioned officers are permitted to retire from the service, with effect from the dates specified, subject to Her Majesty's approval:—

Lieutenant-Colonel Otway Mayne Graham, Bengal S.C.,—30th March, 1882.

Deputy Surgeon-General William Henry Adley,—1st April, 1882.

No. 155.—Surgeon-Major Edric Selous has been permitted to retire from the service, with effect from the 1st February, 1882, subject to Her Majesty's approval.

REWARDS.

No. 156.—GOOD SERVICE PENSIONS—

It is hereby announced that, on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer a good service pension on the undermentioned officer, with effect from the date specified.

From the 21st February, 1881, in room of Colonel J. A. M. Macdonald, C.B., succeeded to the Colonel's allowance.

COLONEL JAMES BLAIR, V.C., BOMBAY CAVALRY

Dates of Commissions.

Cornet	10th June, 1844.
Lieutenant	19th March, 1848.
Captain	23rd October, 1857.
Brevet Major ...	10th June, 1864.
Major	23rd August, 1869.
Brevet Lieutenant-Colonel	10th June, 1870.
Lieutenant-Colonel ...	30th July, 1874.
Brevet Colonel ...	10th June, 1875.

Appointments.

2nd-in-Command, 2nd Light Cavalry, from 1st December, 1862, to 20th March, 1867.

Officiating Commandant, 2nd Light Cavalry, from 21st March, 1867, to 10th May, 1867.

Commanded Neemuch Brigade, from 11th May, 1867, to 19th June, 1867.

Officiating Commandant, 2nd Light Cavalry, from 20th June, 1867, to 10th November, 1867.

Commanded Neemuch Brigade, from 11th November, 1867, to 23rd November, 1867.

Officiating Commandant, 2nd Light Cavalry, from 24th November, 1867, to 16th December, 1868.

2nd-in-Command, 2nd Light Cavalry, from 17th December, 1868, to 26th May, 1871.

Officiating Commandant, 2nd Light Cavalry, from 27th May, 1871, to 20th September, 1871.

2nd-in-Command, 2nd Light Cavalry, from 21st September, 1871, to 27th October, 1871.

Officiating Commandant, 2nd Light Cavalry, from 28th October, 1871, to 26th November, 1873.

2nd-in-Command, 2nd Light Cavalry, from 27th November, 1873, to 7th April, 1874.

Officiating Commandant, Poona Horse, from 8th April, 1874, to 20th December, 1874.

Commandant, 1st Lancers, from 21st December, 1874, to date.

War Services.

Served at Nimbhara and Jeerun (severely wounded); at the siege of Neemuch; siege and assault of Kotah and pursuit of Tantia Topee in 1858 and 1859 (Victoria Cross, medal and clasp); commanded a force of cavalry, infantry and guns at Purtabghur in pursuit of Ferozeshah.

W. M. LEES, *Colonel,*
Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 24th March, 1882.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned Commissioned Officer, on the date specified, was received in the Military Department from 18th to 24th March, 1882:—

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
York and Lancaster Regiment.	Captain C. W. A. Arthur ...	7th March, 1882	Morar.		

Statement of Deposits on account of Estates from 10th to 24th March, 1882.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India	Date to which claims will be received.
					Rs. A. P.		
Mark Kimber (a) ...	Sergeant	Bengal Ordnance Department.	16th June, 1881.	Intestate	1,403 2 1	...	24th May, 1882.

(a) *Next-of-kin*:—
Father—William Kimber.
Address—Carisbrook, Isle of Wight.

W. M. LEES, *Colonel,*
Offg. Secretary to the Government of India.

MILITARY (MARINE) DEPARTMENT.

Fort William, the 22nd March, 1882.

No. 15.—The services of Mr. J. Patterson, Assistant Engineer, 2nd class, are dispensed with.

W. M. LEES, *Colonel,*
Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 25, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 11th March 1882.

From the 8th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 1st April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

Parts II and III and the Supplement will continue to be published in Calcutta.

From the 1st January 1882, Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts will be Rs. 5 per annum, payable in advance. When sent by post, Rs. 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

	Rs.	A.	P.
Subscription for *Gazette* and Supplement per annum	15	0	0
Postage	5	8	0
Subscription for Supplement only	6	0	0
Postage	3	0	0
For a single copy of the *Gazette*	0	8	0
For a single copy of the Supplement	0	8	0

Postage on single copies varies according to weight.

E. J. DEAN.

Publisher, Gazette of India.

NOTICE.

The Office of Superintendent of Government Printing having been removed to No. 166, Dhurrumtollah Street, all communications intended for that Office should be sent to that address.

E. J. DEAN,

Supdt. of Govt. Printing, India.

NOTICE TO MARINERS.

No. 9 of 1882.

BAY OF BENGAL—CHITTAGONG COAST.

ENTRANCE TO THE CHITTAGONG OR KORNAFULI RIVER.

Changes in the river bar.

Notice is hereby given that considerable changes are reported to have taken place in the bar at the entrance to the Chittagong or Kornafuli river.

Mariners are cautioned not to attempt to enter the river without a pilot.

By direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I.N.)*,

Superintendent, Marine Survey of India.

Marine Survey Department,
Calcutta,
The 14th March 1882.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 84 and 859.

INDIAN MARINE SURVEY Charts, Nos. 126 and 115*a*. Also Taylor's Sailing Directory, Vol. I, page 484.

If this Notice is received on board-ship, the substance of it should be inserted on the Chart affected by it, and introduced into the Sailing Directions to which it relates.

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 18th March 1882.

No. 267.—Mr. H. Niven, Lithographic Printer, is granted leave to Europe on medical certificate for twelve months, under Section 127, Chapter X, of the Civil Leave Code.

The 22nd March 1882.

No. 268.—Mr. L. Pocock, Surveyor, 4th Grade, is granted three months' privilege leave, under Section 136, Chapter X, of the Civil Leave Code, with effect from such date as his services can be spared from the Mysore Survey.

J. T. WALKER, *Lieut.-Genl., R.E.,*
Surveyor General of India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 4th March 1882.

No. 456.—Captain J. Burne, 2nd Assistant Agent, Governor General, for Central India, held charge of the current duties of the Office of Agent, Governor General, for Central India, in addition to his own, from the 2nd to the 17th November 1881, inclusive, and from the 1 th January to the 3rd February 1882, inclusive, during the absence of Sir Lepel Griffin, K.C.S.I., Agent, Governor General, on special duty at Agra and Calcutta.

By Order,
DONALD ROBERTSON,
1st Asst. Agent, Govr. Genl.,
for Central India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D., Railway Branch.

NOTIFICATIONS.

Indore, the 17th March 1882.

No. 1.—Mr. C. J. Ledger, Executive Engineer, Nerbudda Division, Bhopal State Railway, has been granted nineteen days' privilege leave, of which he availed himself on 16th January and returned to duty on the afternoon of 3rd February 1882.

No. 2.—Mr. E. J. Shadbolt, Assistant Engineer, 1st Grade, held charge of the office of Executive Engineer, Nerbudda Division, from 16th January to 3rd February 1882, during the absence of Mr. Ledger on privilege leave.

Establishment.

The 20th March 1882.

No. 4.—Mr. R. E. Nelson, Executive Engineer, 4th Grade, received charge of Indore Division from Mr. J. Knight on the afternoon of the 13th instant.

No. 5.—Mr. T. Knight, Executive Engineer, 2nd Grade, is appointed Personal Assistant to the Superintending Engineer, Central India, from the afternoon of the 13th instant, on which he made over charge of the Indore Division.

This cancels Notification No. 2, dated 16th ultimo, appointing Mr. T. Knight as Executive Engineer, Gwalior Division.

No. 6.—Mr. R. Ewing, Executive Engineer, 4th Grade, is appointed to officiate as Executive Engineer, Gwalior Division.

No. 7.—Mr. H. E. Grant, Assistant Engineer, 3rd Grade, is transferred to Mhow Division, but will continue to hold charge of Gwalior Division until relieved by Mr. Ewing.

By Order,
C. S. THOMASON, *Colonel, R.E.,*
Secy. to Agent, Govr. Genl.,
for Central India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 16th March 1882.

No. 659 *G.*—This Office Notification No. 531 G., dated 3rd March 1882, granting Surgeon D. Ffrench Mullen, M.D., in medical charge, Meywar Bhil Corps, thirty days' privilege leave, is hereby cancelled.

No. 679 *G.*—With reference to Foreign Department Notification No. 111 G. G., dated 27th January 1882, Lieutenant-Colonel P. W. Bannerman and Captain A. C. Talbot, respectively, made over and received charge of the office of Resident, Eastern Rajputana States, on the afternoon of the 28th February 1882.

By Order,
F. T. HEWSON,
for *1st Asst. Agent to the Govr. Genl.*

CHIEF AND FINANCIAL COMMISSIONER, AJMIR-MERWARA.

NOTIFICATION.

Mount Abu, the 18th March 1882.

No. 189.—The following rules already published in the *Gazette of India*, Part II, dated 18th June 1881, are again inserted for information, together with certain subsidiary rules in *italics* :—

I.—For the purposes of these rules stamps are divided into two classes—

Class 1.—Adhesive stamps sold to the public for use by them in the case of instrument mentioned in Section 10 of Act I of 1879.

Class 2.—All other stamps under Act I of 1879.

II.—Stamps in class 1 may be sold by any person, stamps in class 2 shall be sold by ex-officio and licensed vendors in accordance with these rules.

III.—The treasurer of each district and such ministerial officers at tahsils as may be authorized by the Assistant Commissioner shall be ex-officio vendors; such persons as may be licensed by the Assistant Commissioner or any other officer empowered by the Local Government to grant licenses shall be licensed vendors.

The Assistant Commissioner or other officer so authorized shall make such arrangements for the appointment of licensed vendors as will insure that intending purchasers shall only have to apply to the treasury when the stamp they require is one for which licensed vendors do not get discount.

The Assistant Commissioner, Ajmere, will appoint the Tahsildar at each sub-treasury in the interior of the district to be an ex-officio vendor of stamps; an officer shall also be appointed at Kekri as an ex-officio vendor of general stamps.

Licenses for the vend of general stamps shall be given only by the Assistant Commissioner of Ajmere, care being taken to guard against monopolies of vend.

The Assistant Commissioner of Merwara shall nominate persons to be licensed vendors in Merwara, but the Assistant Commissioner, Ajmere, shall grant the licenses; any difference of opinion between the Assistant Commissioners on this point shall be referred to the Commissioner of Ajmere, whose decision shall be final.

IV.—Ex-officio vendors shall sell such stamps as they may be directed by the Local Government to sell. Licensed vendors shall sell such stamps as are indicated in their licenses. They should ordinarily be restricted to the sale of stamps of value not exceeding Rs. 10 each.

Ex-officio vendors shall supply the public and licensed vendors with stamps of either class mentioned in Rule I, and allow discount at the rates and under the conditions hereinafter prescribed for purchases made from Government.

The Collector is authorized to allow stamps of a higher denomination than Rs. 10 and not exceeding Rs. 25 to be sold by a licensed vendor at any place where, with reference to the requirements of the public, it may appear to him necessary.

No discount shall be given on purchases of stamps of class 2 when the stamp exceeds Rs. 50 in value, nor on stamps when less than the minimum quantity mentioned above is purchased at one time.

V.—Every license should be issued in the annexed form A, and renewed every year, and it may at any time be cancelled by the authority granting it.

VI.—Subject to Rule VIII every person who purchases from Government by payment of ready money stamps in class 1 shall receive the same at such discount, not exceeding the following rates, as may be prescribed by the Local Government:—

Stamps not exceeding in value 8 annas each	$6\frac{1}{4}$ per cent.
Stamps exceeding in value 8 annas each, but not exceeding in value Rs. 5 each	$3\frac{1}{8}$ per cent.
Stamps exceeding in value Rs. 5 each but not exceeding in value Rs. 50 each	$1\frac{9}{16}$ per cent.

(A) When any instrument is to be written on an impressed sheet, if the amount of duty with which such instrument is chargeable does not exceed one hundred rupees, a single sheet shall be used, unless,—

where the application for the required stamp is made at a treasury, the officer in charge of such treasury, or

where such application is made to a stamp vendor, the vendor,

certifies that he is unable to furnish a single stamp of the required value.

(B) When the amount of duty chargeable in respect of any instrument exceeds one hundred rupees, or a Treasury Officer or stamp vendor has certified under clause (A) that he is unable to furnish a single stamp of the required value, the number of sheets used for indicating the payment of duty shall not exceed the number which the Treasury Officer or the stamp vendor certifies in either case to be the smallest number which he can furnish so as to make up the required amount.

(C) No certificate shall be made under clause (A) or clause (B) by a stamp vendor in any case in which the stamp duty required exceeds the highest value of the stamps which such vendor is authorized to sell.

When an instrument has to be written on more than one impressed sheet owing to a sheet of proper value not being available and when more than one sheet is therefore furnished under the certificate of the Treasury Officer or stamp vendor as ordered in Rule VI, the instrument must be so written that each of such sheets shall contain a portion thereof.

The following rates of discount are prescribed as payable to any person purchasing from Government by payment of ready money.

Stamps in class 1 subject to the conditions attached to Rule VIII:—

	Per cent.
Stamps not exceeding in value 8 annas each	*Rs. 6 4 0*
Stamps exceeding in value 8 annas each, but not exceeding in value Rs. 5 each	*" 2 0*
Stamps exceeding in value Rs. 5 each, but not exceeding in value Rs. 50 each	*" 1 9 0*

VII.—Subject to Rule VIII every licensed vendor who purchases from Government by payment of ready money stamps of class 2 shall receive the stamps at such discount not exceeding the following:—

Vendors licensed at places where stamps are sold by Government ...	3 per cent.
Vendors licensed at other places ...	5 "

The following rates of discount are prescribed by the Chief Commissioner as payable to any licensed vendor who purchases from Government by payment of ready money, provided an aggregate value of not less than Rs. 10 is purchased at one time.

	Per cent.
Vendors licensed at places where stamps are sold by Government	*Rs. 3 2 0*
Vendors licensed at other places ...	*" 6 4 0*

VIII.—No discount shall be given on account of the purchases of any stamp exceeding Rs. 50 in value, nor on any stamp applied on material furnished by the purchaser himself, nor if there be purchased at one time less than the quantity which may be prescribed by the Local Government in respect of any class or value of stamps.

When a licensed vendor is supplied with stamps without payment in ready money, the rate of discount shall be half the rates given in Rule VI.

Stamps exceeding Rs. 5 shall not be supplied without payment.

Class 2 stamps—

At the sudder station	...	*Rs. 2 0 0*
Elsewhere...	...	... *„ 3 0 0*

In each case when stamps are supplied without payment, the sanction of the Assistant Commissioner shall be obtained by the Treasury Officer and security of double the value of stamps so given shall be taken from the licensed vendor.

IX.—The Local Government may authorize licensed vendors to be supplied with stamps of either class without requiring payment in ready money. Such licensed vendors may receive commission on these stamps sold by them at a rate to be prescribed by the Local Government not exceeding 2 per cent. In this case sufficient security shall be taken from the licensed vendors for the payment of any sum due by them to Government.

X.—Every licensed vendor shall at all times have affixed, in a conspicuous position outside the place of sale, a sign-board bearing the name of the vendor with the words "licensed vendor of stamps" in English and in the vernacular language of the district. He shall also have, in the place of vend, the Acts of the Legislature and their Schedules referring to the stamps sold by him, together with these rules in English and vernacular, placed so that they can readily be seen and read by purchasers.

XI.—Every ex-officio or licensed vendor shall write on the back of every stamp of class 2 which he sells a serial number, the date of sale, the name and residence of the purchaser, and the value of the stamp in words as well as figures. To this endorsement his own signature shall be attached. At the same time he shall make corresponding entries in a register to be kept by him in such form as the Local Government may prescribe. No such vendor shall knowingly make a false endorsement on the stamp sold, or a false entry in his register.

Every ex-officio or licensed vendor shall keep a register in the following form which shall be written up daily :—

REGISTER OF DAILY SALES OF STAMPS.

Date of sale.	Description of stamps.	Serial No. of stamp.	Value of stamp in words.	Name of purchaser. Father's name.	Residence of purchaser.	Purpose for which required.	REMARKS.

The Treasury Officer will satisfy himself that this register is properly kept up by each licensed or ex-officio vendor.

XII.—Every licensed vendor shall, without delay, deliver any stamp which he has in his possession for sale on demand by any person tendering the value in any currency which would be accepted on behalf of Government by the Assistant Commissioner of the district.

A licensed vendor shall not demand or accept for any stamp any consideration exceeding the value of such stamp.

XIII.—No vendor shall sell any stamps the use of which has been ordered by competent authority to be discontinued.

XIV.—Every vendor shall keep and render such accounts as may be prescribed by the Local Government, and shall allow the Assistant Commissioner or any officer duly authorized by such Assistant Commissioner or by the Local Government at any time to inspect the accounts and register which he is required to keep under Rule XI, and to examine the store of stamps in his possession.

XV.—Every vendor shall, at any time on the demand of the Assistant Commissioner or other officer duly authorized by the Local Government, deliver up all stamps of class 2 remaining in his possession, and if such stamps have been paid for, shall receive back the value thereof, less any discount which may have been allowed.

The Assistant Commissioners of Ajmere and Merwara, Cantonment Magistrate, Nusseerabad, and Deputy Magistrate, Kekri, are authorized to call on any vendor to deliver up stamps of class 2.

FORM A.

License for vend of stamps under Act I of 1879 for the year to
son of , resident of .

You are hereby authorized, agreeably to the provisions of Section , Act of 18 , to sell general stamps under the conditions herein set forth.

1. Stamped papers and adhesive stamps of value not exceeding Rs. each that you may obtain from a treasury, shall alone be sold.

2. You will note on the back of every impressed bi-color stamp you sell, the serial number, date of sale, name and residence of the purchaser, and the value of the stamp in words as well as figures, and attach your signature to this endorsement. These particulars you will also note in your sale register to be kept in such form as may be from time to time prescribed.

3. You shall not knowingly make a false endorsement on a stamp sold, or a false entry in your register.

4. You are required to deliver any stamp in your possession for sale that may be demanded on tender of its value in any currency which would be accepted on behalf of Government by the Collector of the District.

5. You shall not sell any stamps that may be declared obsolete.

6. You shall not demand or accept for any stamp other than the actual value denoted thereon.

7. You shall at all times have affixed in a conspicuous position outside the place of sale, a signboard bearing your name with the words "licensed vendor of stamps" in English and in the vernacular language of the district. You shall also have in the place of vend the Acts of the Legislature and their Schedules referring to the stamps sold by you, together with the rules for regulating the sale of general stamps framed under Section of the General Stamp Act, in English and in the said vernacular, placed so that they can be readily seen and read by purchasers.

8. You shall keep and render such accounts as may be prescribed by the Local Government, and shall allow the Collector of the District or any officer duly authorized by such Collector or by the Local Government at any time to inspect the accounts and register which you are required to keep under Rule XI, and to examine the store of stamps in your possession.

9. You shall be liable, for any infractions of these conditions, to the penalties prescribed in Section , Act of 18 .

Assistant Commissioner.

By Order,

F. T. HEWSON,

for *1st Asst. to the Chief & Financial Commr.*

MILITARY DEPARTMENT—
Military Works.

NOTIFICATIONS.

Presidency & Oudh Command.

Lucknow, the 20th March 1882.

No. 4.—With reference to Inspector General of Military Works' Notification No. 4, dated the 2nd March 1882, Lieutenant T. Digby, R.E., Assistant Engineer, 1st Grade, reported his arrival at Lucknow on the forenoon of the 2nd March 1882, and is posted to the Allahabad Division, Military Works, which he joined on the forenoon of the 4th March 1882.

No. 5.—This Office Notification No. 2, dated the 25th February 1882, transferring 1st Grade Assistant Engineer Lieutenant H. J. W. Jerome, R.E., from Lucknow to Allahabad Division, Military Works, is hereby cancelled.

The 22nd March 1882.

No. 6.—Lieutenant E. C. Stanton, R.E., Assistant Engineer, 2nd Grade, attached to Saugor Division, Military Works, is transferred to Lucknow Division, Military Works.

No. 7.—Lieutenant G. M. Porter, R.E., Assistant Engineer, 1st Grade, attached to the Lucknow Division, Military Works, is transferred to the Saugor Division, Military Works.

No. 8.—Lieutenant H. J. W. Jerome, R.E., Assistant Engineer, 1st Grade, is transferred from Lucknow Division, Military Works, and posted to the Head-quarters Office of the Command, to be Assistant to Superintending Engineer.

H. MoV. CRICHTON, *Major, R.E.,*

Supdg. Engr., Presdy. & Oudh Command, Military Works.

ARMY CLOTHING DEPARTMENT.

NOTICE.

Alipur, the 22nd March 1882.

The services of a fully qualified master shoemaker are required at the Army Clothing Agency, Alipur. Applications accompanied by attested copies of testimonials (which will not be returned) and stating salary expected should be addressed to the Officiating Superintendent of Army Clothing, Alipur.

W. H. MACKESY, *Lieut.-Col.,*

Offg. Supdt. and Agent for Army Clothing.

Report of a Deserter from the 2nd Battalion, Royal Warwickshire Regiment of Foot, dated at Fort William, Calcutta, this 20th day of March 1882.

Number, Rank, and Name,—No. 708, Private Henry Haynes.
Age,—26 years 4 months.
Size,—5 feet 7½ inches.
Colour of—Complexion, fresh; Hair, brown; Eyes, grey.
Date of Desertion,—15th March 1882.
Place of Desertion,—Fort William, Calcutta.
Date of Enlistment,—12th December 1876.

At what Place Enlisted,—Birmingham.
Parish and County in which Born,—Stratford on Avon, Warwick.
Marks,—
Trade,—Chandelier-maker.
Coat or Jacket,— } Regimental white clothing.
Waistcoat,— ... } Regimental white clothing.
Breeches or Trowsers,— ... } Regimental white clothing.
REMARKS,—
Under 6 years' service.

L. B. HOLE, *Lieut.-Colonel,*

Comdg. 2nd Battn., Rl. Warwickshire Regt. of Foot.

Report of a Deserter from the 2nd Battalion, Royal Warwickshire Regiment of Foot, dated at Fort William, Calcutta, this 20th day of March 1882.

Number, Rank, and Name,—No. 1882, Private Fred. Allen.
Age,—27 years 11 months.
Size,—5 feet 10½ inches.
Colour of—Complexion, fresh; Hair, brown; Eyes, grey.
Date of Desertion,—16th March 1882.
Place of Desertion,—Fort William, Calcutta.
Date of Enlistment,—16th November 1878.

At what Place Enlisted,—Warwick.
Parish and County in which Born,—St. Mary's, Stafford, Stafford.
Marks,—Scar on back of neck and on each hip.
Trade,—Furnace-man.
Coat or Jacket,— } Regimental white clothing.
Waistcoat,— ... } Regimental white clothing.
Breeches or Trowsers,— ... } Regimental white clothing.
REMARKS,—
Under 4 years' service.

L. B. HOLE, *Lieut.-Colonel,*

Comdg. 2nd Battn., Rl. Warwickshire Regt. of Foot.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON — General Treasury.	Currency Department.	BALANCE OF BULLION — Under Assay.	Assayed.	Held on account of the Currency Department.
1882	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Mar. 13	2,00,000	1,28,861	88	2,99,205	62,54,760	22,24,026
" 14	2,86,610	1,33,048	99,136	4,91,870	61,34,839	21,82,810
" 15	...	1,54,733	...	4,91,870	60,20,649	20,24,906
" 16	...	1,54,192	...	4,91,870	58,24,493	18,87,558
" 17	...	1,60,953	...	4,91,870	57,05,049	17,04,083
" 18	...	73,911	...	4,91,870	56,06,353	16,28,000

CALCUTTA MINT,
The 20th March 1882.

J. F. TENNANT, *Col., R.E.,*

Mint Master.

COMPTROLLER GENERAL'S OFFICE.

Account of Security Deposits held by the Comptroller General in trust for Civil Officers on the 31st December 1881, published in conformity with paragraph 12 of Financial Notification, No. 276, dated 30th April 1880.

No.	Name of Person or Fund on whose behalf held.	Amount of Investment. 4 per cent. 1832-33 Siccas.	4 per cent., 1865.	4½ per cent., 1870.	4½ per cent., 1879.	Total.	Name of Officer to whom interest is sent.
I	Bhopal Water Works Endowment Fund	...	3,24,000	...	...	3,24,000	Political Agent in Bhopal.
II & VII	Security of Treasurer	...	2,500	...	...	2,500	Resident in Nepal.
III	Ditto Store-keeper	...	5,000	...	..	5,000	Executive Commissariat Officer, Port Blair.
XV	Ditto Treasurer	...	2,000	...	...	2,000	Treasury Officer, Port Blair.
IV	Jeypore College	...	1,000	...	...	1,000	Treasury Officer, Ajmere.
"	Chaplain, Naseerabad	...	100	...	...	100	Ditto ditto.
IV & IX	Mayo College Accumulated and Endowment Fund	...	6,22,400	...	...	6,22,400	Ditto ditto.
IV & XXI	Mayo Memorial Fund	...	8,800	...	500	9,300	Ditto ditto.
IV	Ajmere Dispensary Fund	...	4,000	...	...	4,000	Ditto ditto.
"	Mosuda ditto	...	1,500	..	..	1,500	Ditto ditto.
"	Todgosh ditto	...	1,500	...	...	1,500	Ditto ditto.
"	Police Clothing Fund	...	5,000	...	...	5,000	Ditto ditto.
XII	For the repairs of late Captain Balden's Tomb in the Cemetery at Naseerabad	...	100	...	...	100	Ditto ditto.
XVII	Ajmere Government College	...	2,400	...	...	2,400	Commissioner, Ajmere-Merwara.
V & XVI	Security of Mutsuddy of Resident's Office	...	1,500	...	...	1,500	Extra Assistant Commissioner, Hyderabad.
VIII, XVIII & XXVII	Investments of value of lost Currency Notes held on account of various individuals	...	38,000	..	200	38,200	Head Commissioner of Issue of Paper Currency.
X	Rani Hurra Soondry Dabee	...	1,000	...	...	1,000	Comptroller General.
"	On account of Wards of the Military Orphan Society	3,500	7,800	4,500	...	15,800	Ditto.
"	Security of Cashier, Military Orphan Fund Office	...	1,000	...	...	1,000	Ditto.
"	Ditto Government Printing Office	500	4,600	...	...	5,100	Ditto.
"	Madhub Chunder Chatterjee, No. 12, Shambazar Street, Calcutta	..	1,000	...	...	1,000	Ditto.
"	Persian Famine Relief Fund	...	12,000	...	...	12,000	Ditto.
XI, XX & X XVI	Minor Appachattolana Subboppah	...	5,900	...	600	6,500	Superintendent, Coorg.
XI	" Bellingowdah	...	1,300	...	...	1,300	Ditto.
"	" Soobramanya Vidia	..	1,100	...	...	1,100	Ditto.
"	" Chamarasa	...	1,200	...	...	1,200	Ditto.
"	" Mallappah	...	500	...	.	500	Ditto.
"	" Vengataramiah	...	1,100	...	...	1,100	Ditto.
"	" Santhappah	...	500	...	...	500	Ditto.
"	" Rungiah	...	600	...	...	600	Ditto.
XXVI	" Shivacharada Thapatanally Sidlingapah	...	...	...	700	700	Ditto.
XI	Abkari Contractors	...	33,100	5,000	...	38,100	Ditto.
"	Civil Dispensary, Mercara	...	3,000	...	...	3,000	Ditto.
XIII	Dispensary Funds, Verajundrapet	...	1,900	...	..	1,900	Ditto.
"	Municipal Funds, do.	...	1,100	...	..	1,100	Ditto.
XIX	Northbrook Medal Fund	...	2,000	..	...	2,000	Master of the Mint, Calcutta, and Director of Public Instruction, Punjab.
XXII	Estate of Haji Hani Haneefa Bhai, widow of Hajee Curreem	...	48,500	...	...	48,500	Cantonment Magistrate and Court of Wards, Secunderbad.
XXVIII	Messrs. Nowroji Pestonji & Co., Government Salt Agent	...	1,00,000	...	...	1,00,000	Assistant Commissioner of Inland Customs, Sambhar.
XXVII	Taj Mehal's Pension Fund	...	4,03,800	...	...	4,03,800	
		4,000	16,52,800	9,500	2,000	16,68,300	
	In deposit with Comptroller General in stock certificates	...	11,46,100	9,500	700	11,56 300	
	In Government Promissory Notes not yet converted into stock	4,000	1,02,900	...	1,300	1,08,200	
	In Government Promissory Notes received for safe custody only, under Financial Department No. 3214 of 27th October 1880	...	4,03,800	...	...	4,03,800	
		4,000	16,52,800	9,500	2,000	16,68,300	

COMPTROLLER GENERAL'S OFFICE,

The 17th February 1882.

J. WESTLAND,

Comptroller General.

TATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th March 1882.

PARTICULARS.	3½ per cent. Transfer Loan of 1853-54.	4 per cent. Loans										4½ per cent. Loans				Transfer Loan of 1879, seven shillings per cent. Portion.	5 per cent. Debenture Loan of 1867-68.	5 per cent. Loan of 1856-57.	GRAND TOTAL.
		Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Reduced 4 per cent. Loan of 1881.	TOTAL.	Of 1870.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	TOTAL.				
Balance of 28th February 1882 . .	54,100	38,506	3,413	13,80,693	31,84,600	2,32,87,800	1,03,78,400	2,93,84,637	2,90,11,800	73,500	9,67,43,049	48,04,500	1,07,40,300	9,94,42,300	11,49,87,100	1,10,500	32,98,000	61,200	21,53,53,949
4½ per cent. of 1878 Stock transferred to 4½ per cent. of 1879 Stock in London	...	...	...	...	...	...	...	...	...	...	...	...	...	5,20,200	5,20,200	...	...	...	5,20,200
Add—																			
Amount enfaced at Madras between 1st and 15th March 1882 . .	...	...	...	...	1,000	10,100	...	10,700	...	...	21,800	...	...	...	...	...	...	...	21,800
Amount enfaced at Bombay between 1st and 15th March 1882 . .	...	...	...	...	...	...	...	...	...	...	...	...	1,000	5,000	6,000	...	...	...	6,000
Amount enfaced at Calcutta between 1st and 15th March 1882 . .	...	...	...	...	23,500	2,09,200	16,400	2,07,100	1,56,800	...	6,13,000	...	17,800	39,900	57,600	...	...	...	6,70,600
	54,100	38,506	3,413	13,80,693	32,09,100	2,35,07,100	1,03,94,800	2,96,02,437	2,91,68,300	73,500	9,73,77,849	48,04,500	1,07,59,100	10,00,07,300	11,55,70,900	1,10,500	32,98,000	61,200	21,64,72,549
Deduct—																			
Amount written off in the London Registers	...	...	...	...	51,500	1,88,700	37,000	2,99,000	1,00,400	...	6,76,600	...	5,30,200	52,000	5,82,200	...	...	...	12,58,800
Balance on 15th March 1882 . . .	54,100	38,506	3,413	13,80,693	31,57,600	2,33,18,400	1,03,57,800	2,93,03,437	2,90,67,900	73,500	9,67,01,249	48,04,500	1,02,28,900	9,99,55,300	11,49,88,700	1,10,500	32,98,000	61,200	21,52,13,742

NOTE.—From 9th June 1867 to 15th Jan. 1882, enfaced from India 4,461 lakhs; re-transferred from London, 3,702 lakhs.

,, 16th Jan. 1882 to 31st	,,	,,	,,	29	,,	,,	14 ,,
,, 1st Feb. ,, to 15th Feb.	,,	,,	,,	11	,,	,,	3 ,,
,, 16th ,, ,, to 28th	,,	,,	,,	25	,,	,,	5 ,,
,, 1st Mar. ,, to 15th Mar.	,,	,,	,,	13	,,	,,	12 ,,
				4,538 lakhs.			3,736 lakhs.
				3,736 ,,			
Balance against India				802 lakhs.			

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 17th March 1882.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

Statement of the Affairs of the Bank of Bengal for the week ending 21st March 1882.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	30,11,966	4	4
Public Deposits at Head Office (Rs. 78,72,333 10 7)	2,30,95,978	1	6
Public Deposits at Branches (Rs. 1,52,23,644 6 11)			
Other Deposits at Head Office and Branches	2,35,56,564	1	10
Bank Post Bills, &c.	9,92,619	6	1
Sundries	10,96,272	4	10
RUPEES	7,17,53,400	2	7

ASSETS.	Rs.	A.	P.
Government Securities	67,79,048	8	0
Other authorized Investments	43,56,015	0	0
Loans on Government and other authorized Securities	75,44,974	11	3
Accounts of Credit on Government and other authorized Securities	99,85,993	8	1
Bills discounted and purchased	2,21,59,416	11	1
Balances with other Banks	7,00,587	5	1
Bullion	6,97,885	12	0
Dead Stock	11,91,536	14	6
Stamps	7,793	11	0
Sundries	4,61,100	12	4
	5,38,84,352	13	4
Cash and Currency Notes at Head Office (Rs. 73,21,662 13 3)	1,78,69,047	5	3
Cash and Currency Notes at Branches (Rs. 1,05,47,384 8 0)			
RUPEES	7,17,53,400	2	7

By order of the Directors.

BANK OF BENGAL,
Calcutta, 23rd March 1882.

J. GORDON,
Chief Acctt. & Depy. Secretary.

W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
166	D 16—16012	10	Mr. J. G. Garstin, Agra.
167	D 12—28590	5	Mr. S. J. Simpson, Muttra.
	D 18—86311	100	
48	D 11—65827 *	10	Roop Narain, Calcutta.
	„ —60122 *		

* Mismatched.

ALLAHABAD,
The 22nd March 1882.

GODREZJEE D. PUDUMJEE, *A. A. G.,*
In charge of Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
366	O 89—74871	1,000	Tiluk Bhagut Doolum Ram.
	O 71—79094	500	
	„ —67144	500	
	O 97—49555	100	
	„ —38521	100	
	„ —46778	100	
	„ —01998	100	
	„ —90344	100	
	O 96—65690	100	
	„ —93596	100	
367	O 96—72896	100	Ram Gopaul Gandhi.
	O 97—08040	100	
	O 96—90978	100	
	O 65—21265	50	

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
323	P 13—44130	5	Kali Kumar Chowdhury.
324	O 71—91223	500	Fata Ram and Sunker Das.
325	O 89—88718	1,000	Bolakee Chand.
326	O 25—40114	20	Mr. C. W. Eliatamby Pillay.
327	P 7—23153	10	Hari Mohan Chatterjee.
212	L 61—52022	10	Mr. Dunjee Coopa Marvadi.
	„ —52021		
224	O 94—42366	10	The Telegraph Master, Mussoorie.
	N 2—39120		
225	O 37—89665	5	Mr. R. L. Biss.
	„ —93251		
226	O 26—38946	20	The Collector of Moorshedabad.
	„ —38947		
227	L 10—53853	5	Kanayalal Tewari.
	„ —53859		

CALCUTTA,
The 24th March 1882.

R. A. STERNDALE,
Asst. Comptlr. Gent., Paper Currency.

Lahore Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
96	E 9—07639	5	Inder Narain, Lahore.
99	A 18—50801	10	Mr. W. G. Doyle, Lahore.
98	E 8—20625	5	Ardasur Byramji, Lahore.
	E 18—37253	10	
	E 17—73812	20	
	„ —70199	20	
	E 12—75569	20	

LAHORE.
The 18th March 1882.

H. J. BRERETON,
for Depy. Commr. of Paper Currency.

Madras Circle.

NOTE PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		Rs.	
142	B 47—90884	5	B. Srinivasa Iengar, Bulipette, Bangalore.

FORT SAINT GEORGE,
The 18th March 1882.

H. S. GROVES,
Assistant Accountant General,
in charge of Paper Currency Dept.,
for Commissioner.

COMMISSARIAT NOTICE.

Owing to a reduction of establishment the following Government elephants are for sale :—

1 male on view at Saugor.

1 male on view at Dinapore.

2. Descriptive rolls of these elephants have been distributed to chiefs, noblemen and heads of Civil Departments through Local Governments, Administrations, &c.

3. For particulars and offers for purchase of the elephants at Saugor, address the Executive Commissariat Officer, Jabalpur, and that for the one at Dinapore, the Executive Commissariat Officer there.

W. R. BUNBURY, *Major*,

for *Depy. Commissary General, Lower Circle.*

DEPY. COMSY. GENL.'S OFFICE,
CALCUTTA;
The 19th January 1882.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 3rd March 1882.

From the 6th March to the 15th April, the Presidency Post Master, Calcutta, will receive applications for express passenger Dâks between Umballa and Simla.

A printed copy of the Rules can be obtained from the Post Master on application.

G. J. HYNES,

Asst. Dir. Genl. of Post Office of India.

The 21st March 1882.

No. 13579.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, N. W. PROVINCES.

Mr. James Goss is appointed to be a Superintendent of the 1st Grade, and is attached to the Bareilly Division.

Mr. J. W. Buckner is appointed to be Post Master of Allahabad.

Mr. J. A. Collins is appointed to be Post Master of Cawnpore.

Mr. C. E. Mountford is appointed to be Post Master of Agra.

POSTAL CIRCLE, BEHAR.

Lalla Jowala Proshad is appointed to officiate as a Superintendent of the 4th Grade.

Lalla Rajnarain Lal is appointed to be an Examiner of Head Office Accounts.

Mr. H. L. Swinburne, a Superintendent of the 4th Grade, Punjab, is transferred to Behar, and is posted to the Bhaugulpur Division.

G. J. HYNES,

for *Depy. Dir. Genl. of the Post Office of India.*

The 24th March 1882.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1882.	
Persian Gulf	7 P. M.	1st April	From Bombay.
Madras, Ceylon and the Intermediate Ports	7 "	31st Mar.	Str. *Henzada.*
Madras and Ceylon	7 "	26th "	P. & O. Str. *Nizam.*
Foreign Mails *viâ* Bombay	7 "	28th "	From Bombay.
Do. Book Post and Pattern Packets	7 "	27th "	From Bombay.
Rangoon, Moulmein, and Straits	7 "	30th "	Str. *Purulia.*
Persian Gulf	7 "	25th "	From Bombay.
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	7 "	30th "	Str. *Busheer.*
Madras, Ceylon, Batavia, Singapore, and China	7 "	30th "	French Str. *Tibre.*

N.B.—The Letter Box will close at 7 P. M. precisely; after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 19th March 1882.

A. Z. (Chowringhee).
Adams, Henry DeBurgh.
Alexander, Mrs. H.
Arrakiel, Mrs.
Bailey, Surgeon J.
Bennett, Vernon E.
Birch, Mrs. D.
Bowser, W.
Budd, Peter Sutton.
Bulloch, Mrs.
Cairns, J. G.
Carter, H.
Chapman, G. C.
Clarke, Mrs. M.
Coopers, D.
Curtis, Arthur C.
David, Mrs. L.
Davidson, Mrs. L. M.
Davies, Mrs. L. M.
DeCruze, D. H.
Dunnington & Co.
Editor of the *Bengal Advertiser.*
Ezekiel, Miss S.
Fabian, G.
Ferguson, Captain J. A.
Ford, F.
Freeman, Mrs. H.
Fletcher & Co., P.
Forbes & Co., F.
"Gazette."
Galloway, A. S.
Graham, Mrs. H.
Grant, W. M.
Heriot, Maitland.
Henry, Robert.
Higgins, Mrs. P.
Jones, A. H.
Jones, H. R.
Jonston, H. W.
Jordon, O. A.
Joseph, T.
Judge, C. K.
Knight, John C.
Lawrence, Mrs. C.
Mackenzie, Major A. K. J.
Maxwell & Co.
Mitchell, A. R.
Morrally, Mrs. R. C.
Parker, Monsieur C.
Philips, Miss E.
Rabeiro, G.
Ramsay, James.
Roberts, R.
Russell, Dr. C.
Scott, M.
Shelid, W.
Smallwood, G.
Smart, Mrs. C.
Smith, Lieut. J. H.
Spurr, T.
Stock, O. S.
Stuart, C. H.
Thomas, Mrs. T. H.
Thompson & Co., John.
Walkerdine, Mrs.
White, W. M.
Wilson, J. R.
Winton, Monsieur D. L.
Wither, L. Bigg.

Letters marked "Care of Post Office, to be kept till called for."

A. G.
Archer, R.
Atkinson, J.
B.
Bairnsfather, Lieut. T. H.
Bates, Nelson John.
Beamki, Sijnore G. P.
Bennett, Henry.
Bennison, Geo. J. S.
Berrill, G. F.
Brandill, Lieut.-Col. B. R.
Briscoe, J. D.
Brown, John.
Buchanan, J. E.
C. B.
Cahill, James.
Carter, R. G.
Casserly, W. J.
Chapman, G. C.
Constantine, George.
Cumine, Miss.
Curlander, Solomon.
Dauks, W. T.
Dawson, Frank.
"Diamond."
Dicken, Major P. L.
Duff, J. C.
Duncan, Dr. W.
Durant, Surgeon-Major.
Eastwood, E. P.
E. D. P. O.
Forest, William Deue.
Fowler, Captain W. J.
Gheenburge, M. M.
Hankiewz, Charles.
Hansen, W. T.
Hare, Mrs.
Harry, Thomas.
Hiss, H.
Howard, W.
Hudson, William.
Ison, H.
Jackson, E.
Jackson, G.
Jacky, Monsieur R.
James, E.
Jex, Henry.
Johnston, R. T.
Jones, F.
Jones, Thos.
Kennedy, P. J.
Khambatta, P. A.
Lambert, Dr. E.
Leicester, A. B.
Lepper, Charles H.
Lord, S.
Macdonald, Alexander.
Macnab, Henry.
Macpherson, W. G.
Maitland, T.
Mason, —.
McCormack, T.
McCulloch, R. W.
McIntyre, A.
McVey, Hugh.
Michie, A.
Morgan, William.
Morrison, W.
M. S. U. Y.
Mullic, H (Editor of *Berar Samachar.*)
Murphey, F. Brown.
Pinglay, A. B.
Pollock, W. N.
Radcliffe, Vernon B.
Robinson, William.
Roper, E. J.
Saunders, Geo.
Scarth, M.
Schaun, R.
Sevastopulo, N. E.
Shaphord, Mrs. G. A.
Sheels, H. J.
Shillingford, Miss M. H.
Smith, Chas. C. D.
Smith, H. Gordon.
Spencer, Mrs.
Stephens, Arthur.
Stuart, William.
Thomas, M.
Vance, Gilbert.
Vande, Polis Jenkhur W. G.
Wall, W. M.
Ward, Major.
Williams, W.
W. J. H.
X. Y. Z.

Registered Letters.

Burridge, E. J.
Finch, Mr.
Fraser, C.
Lluis, Mrs. J.
Moffat, T. H.
Morris, Mr. T. A.
Robinson, Mr.
Shillingford, Miss M. H.
Weben, Martha.
Webb, Mrs. Clara.

E. HUTTON,

Presidency Post Master.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8*; per eight ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin *Rs. 5-8*; per eight ounce tin *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه دوا کوئينائين کا خوب قائم مقام هی اور کلکته ے بوٹانکل گارڈن يعنے کمپني باغ ے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات ے اور سيواے ونکے جو کوئي ايک مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس ے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ ے ٹين کا سوله روپيه آٹهه آنه

اور عوام‌الناس بوٹانکل گارڈن يعنے کمپني باغ ے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس ے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ ے ٹين کا بيس روپيه

يهه دوا کلکته ے بڑے بڑے ولايتي اور ديسي دواخانونمين بکتي هی ماسيواے قيمت مذکورۂ بالا ے محصول ڈاک چار اور آٹهه اونس ے ٹين کا آٹهه آنه ; اور ايک پونڈ ے ٹين کا بارہ آنه

Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them:—

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1878, 4to., 149 pages text, 380 pages tables, 3 plates, 4 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to., 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to., 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to., 62 pages, 8 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 87 pages, 4 plates ...	2	0	0
Report on the Madras Cyclone, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	2	8	0

HENRY F. BLANFORD,
Meteorological Reporter to Government of India.

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The "Indian Law Reports," published under the authority of the Governor General in Council, will appear in monthly parts, published as soon as possible after the first of each month at Calcutta, Madras, Bombay, and Allahabad, and will comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court will be reported in the Series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court will be reported in the Calcutta Series. The Parts of each Series can be had separately, or all four Parts can be had stitched into one wrapper at the option of subscribers and purchasers. It will be observed from the following statement of the terms of subscription and sale, that a considerable reduction is allowed to persons taking the complete set:

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THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

A few sets of the Bengal Law Reports (Volumes 1 to 15) are available at Messrs. Thacker, Spink & Co., Calcutta, at Rs. 375 a set.

Charts, &c., issued at the Marine Survey Department, Calcutta, by order of the Government of India, and sold at the Office of the Marine Survey Department, 4-4 London's Buildings, Hastings Street, Calcutta, where Admiralty Charts can also be obtained.

☞ **All Charts are corrected up to the date of issue.**

Indian Ocean—

Indian Ocean—Curves of equal magnetic variation. *Annas 8.*
Indian Ocean, Suez to Penang, including Zanzibar and Madagascar (Engraved). Physical and track chart. *Re. 1.*
Arabian Sea, Western portion, with plans of Babel Mandeb Strait and Zanzibar Harbour. *Re. 1-8.*
Arabian Sea, Eastern portion, with plans of Kurrachee, Bombay, Colombo, Galle and Madras. *Re. 1-8.*

India, West Coast—

Kurrachee to Vingorla. *Re. 1-12.*
Vingoria to Cape Comorin. *Re. 1-12.*
Port of Sálaya or Sernia. *Re. 1.*
Cutch Mándvi. *Re. 1.*
Veráwal Roads. *Re. 1.*
Sketch of the Entrance to Rajpuri River. *Annas 8.*
Ratnagiri, including Mirya and Kalbadavie Bays. *Re. 1.*
Kundari Island to Chaul. *Re. 1.*
Chaul and Entrance to Kundalika River. *Re. 1.*
Rajapur Bay and Viziadurg with adjacent Coast. *Re. 1.*
Jaygad and Entrance to Shavitri River. *Re. 1.*
Dabhol and Entrance to Washisti River. *Re. 1.*
Bankot and Entrance to Shavitri River.
Goa and Marmagao Roadsteads. *Annas 12.*
Sadashivgad Bay, including the port of Karwar and Beitkul Cove.
Narakel Anchorage. *Annas 8.*
Quilon Roads. *Annas 8.*
Lakadive Group—Cherbaniani Reef, Chitlac and Kiltan Islands. *Annas 12.*
Byramgore Reef or Chereapani, and Angria Bank. *Annas 8.*
Kolachel Roadstead, with plan of Enciam Rocks. *Re. 1-8.*

India, East Coast—Bay of Bengal, Ceylon, &c.—

Cape Comorin to Coconada, including the Island of Ceylon. *Re. 1-12.*
Tuticorin Roadstead and Harbour. *Re. 1.*
Approaches to Jafnapatam. *Re. 1.*
Paumben Pass. *Re. 1.*
Approaches to Paumben Pass. *Re. 1.*
Mullaittivu or Moeletivoe. *Annas 8.*
Batticaloa Roadstead. *Annas 8.*
Colombo Harbour and its Approaches. *Re. 1.*
Approaches to Point de Galle Harbour, Ceylon. *Re. 1.*
Bay of Bengal, Western Sheet. *Rs. 2.*
Bay of Bengal, Eastern Sheet. *Rs. 2.*
Coromandel Coast. Sheet No. 2, from Latitude 15° to 16° 30′ N. *Re. 1.*
Sheet No. 3, from Latitude 13° to 15° N. *Re. 1.*
Sheet No. 4. *Re. 1.*
Madras Roadstead. *Re. 1.*
Orissa Coast, Narsapoor Point to Palmyras Point, adapted to the latest determinations of the G. T. S. and observations by Commander A. D. Taylor, I.N. *Re. 1.*
Coconada to Bassein River. *Re. 1-12*
Coringa or Coconada Bay, showing the Northern Godavery Mouths. *Re. 1-8.*
False Point Harbour and Approaches. *Re. 1.*
Hooghly River.—Luff Point to Anchoring Creek, showing the James and Mary Shoals and Entrance to the Roopnarain River. *Re. 1-8.*
False Point to Mutlah River, showing the Approaches to Sandheads. *Re. 1.*
Mutlah River to the Chittagong Coast. *Re. 1.*
Chittagong or Kornafuli River. *Re. 1.*

Coast of Burma, &c.—

Bassein River to Pulo Penang, including the Andaman and Nicobar Islands. *Re. 1-12.*
Corongo Island to White Point, including the Gulf of Martaban. *Re. 1.*
Preparis North Channel and Entrance to Bassein River. *Re. 1.*
Rangoon River Approaches. *Re. 1.*
Port of Rangoon in eight sheets. *Re. 5.*
Entrance to Salween (Maulmain) River. *Re. 1.*
Port of Maulmain. *Re. 1.*
Coast of Tenasserim—Tavoy River, from a sketch by Lieutenant R. Moresby, with Corrections and Additions. *Re. 1.*
Stewart's Sound. *Re. 1.*
Port Mouat, Andamans.

Siam—Malay Peninsula, West Coast—

Hayes Island to the Pilgrims. *Re. 1.*
Kopah Inlet. *Re. 1.*
Salang Island (Junkseylon). *Re 1.*
Junkseylon, East Coast.—Puket or Tonkah Harbour. *Re. 1.*

Gulf of Siam—

Siam Gulf, West Coast, Hilly Cape to Lacon Bight. *Re. 1.*
Siam Gulf, West Coast, Lacon Bight to Lem Chang P'ra. *Re. 1.*
Patani Bay. *Annas 8*
Singora Roadstead and Inner Harbour. *Re. 1.*
Lacon Roads. *Re. 1.*
Samuie Strait. *Re. 1.*
Langsuen Roads. *Re 1.*

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. *Rs. 16; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1876, together with a Chart showing the positions in which they occurred. *Rs. 2.*

Ditto ditto for 1877. *Rs. 2.*
Ditto ditto for 1878. *Rs. 2.*
Ditto ditto for 1879. *Rs. 2.*
Ditto ditto for 1880. *Rs. 2.*

List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude; the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile, Compression $\frac{1}{293}$. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Table of Natural Scales, 1877. *Annas 4.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Catalogue of Original and other documents deposited in the Marine Survey Department, 1881. *Not for sale.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8 *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pámban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour, Red Sea. *Annas 4.*
„ 13. Red Sea. Navigation, inshore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*

No. 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Rás Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880. *Annas 4.*
„ 23. Coast of Orissa. False Point Harbour and Approaches. *Annas 4.*
„ 24. India, West Coast, Harbours of Karwar and Bankot. *Annas 4.*

Notices to Mariners.

Price 1 anna for each Issue.

Notices to Mariners issued during the year 1875—

No. 1. Fixed Light on Green Island, Hong Kong, China.
„ 2. Malwan Rock, Malwan.
„ 3. Fixed white Light at Dwarka, Kattywar.
„ 4. Mooram Shulli Tivo Island, and Devil's Point, Gulf of Mannar.
„ 5. (1) Fixed Light at Vizagapatam.
(2) Coral Shoal of Caltura, Ceylon.
(3) Rock off Barberyn Island.
„ 6. Foundering of the Buoy Vessel *Mata Mata*, Rangoon.
„ 7. (1) Revolving Light near Acheen Head, Malacca Strait.
(2) Auxiliary Light to above.

Notices to Mariners issued during the year 1876—

No. 1. Temporary discontinuance of Hope Island Light during repairs to Light-house column, Coromandel Coast.
„ 2. Exhibition of Hope Island Light, Coromandel Coast.
„ 3. Prohibited anchorage near the British Indian Submarine Telegraph Cable, Madras.
„ 4. (1) Pulo Brasse auxiliary Light, Malacca Strait.
(2) Island between Pulo Nias and Sumatra.
„ 5. Vessels trading to Réunion, Indian Ocean.
„ 6. Replacement of the Buoy on the western edge of Dolphin Shoal, Chittagong Coast.
„ 7. China Bakeer Light, Martaban Gulf.
(2) Intended exhibition of Light on the Oyster Reef, Akyab.
„ 8. Fixed white Light at Veraval.
„ 9. Buoyage of Kyouk Phyou, British Burma.
„ 10. Fixed white Light at Bet or Beyt (Gulf of Cutch) Kattywar.
„ 11. Fixed white Light at Porbandar, Kattywar.
„ 12. (1) Displacement of the Buoy in Narakel Roadstead, Cochin.
(2) Buoy marking the Smooth-water anchorage to the southward of Alipee (Aulapolay), Travancore.
„ 13. (1) Intended Light on Pulo Pisang, Malacca Strait.
(2) Sunken reef in Siberoet Strait, Sumatra, West Coast.
„ 14. Deposit of stone mound at the end of the breakwater Colombo, Ceylon.
„ 15. Period of exhibition of the *blue* Light during the South-west monsoon, from the Eastern Channel Light-vessel at the entrance to River Hooghly.
„ 16. Rock near west end of Pulo Brasse.
„ 17. (1) Beacon on two fathom patch off Batticaloa Road, Ceylon.
(2) Suspension of Light at Vizagapatam.
„ 18. Directions for Kurrachee Harbour.
„ 19. Beacon on two fathom patch off Batticaloa Road, Ceylon.
„ 20. Fixed Light at Calingapatam Point, Coromandel Coast.

Notices to Mariners issued during the year 1877—

No. 1. Alteration in Manora Point Light, Kurrachee.
„ 2. Dangers at Goa and Marmagao Roadstead.
„ 3. Existence of rocky patches, Beypore.
„ 4. Pooree Port limits, Orissa Coast.
„ 5. Extension of the Hajamri Mouth of the River Indus.
„ 6. Red Lights at Port Victoria, Mahé, Seychelles.
„ 7. Light at Port Berbereh, Gulf of Aden.
„ 8. Rock off Hingie Island, Bassein River.
„ 9. Rock off Pegu Coast.
„ 10. Coral Patch near Sultan Shoal, Singapore Strait.
„ 11. "Intermediate" Light-ship, entrance to River Hooghly.
„ 12. Position of Cochin Light-house.
„ 13. Position of Raleigh Rock, and additional beacons Bombay.
„ 14. Buoy, marking Gindurah Rock, Galle.
„ 15. Alteration in Manora Point Light, Kurrachee; and discovery of a bank near Towak Island, Red Sea.
„ 16. Dangerous rocks in Forrest Strait, Mergui Archipelago, and Richelieu Rock off Kopah Inlet.
„ 17. Alteration in position of "Intermediate" Light-ship, entrance to River Hooghly.
No. 18. Destruction of the Krishna Shoal Light-house.
„ 19. Correct position of Santipilly Light-house.
„ 20. Anchorage Buoys in Madras Roadstead.
„ 21. Light-vessel near Krishna Shoal, Burma.
„ 22. Additional information, Krishna Shoal Light-vessel and Light at Pooree.
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 25, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

Mr. James Stevenson has been admitted a partner in our firm as from 1st February.

GRAHAM & CO.

The 10th March 1882.

NOTICE.

The following Resolution, passed at the Tenth Annual General Meeting of the Subscribers to the Hindu Family Annuity Fund, held on the 28th January 1882, is published for general information, agreeably to Rule 57.:—

"That the Directors be authorized to draw Rs. 5,063 during the year 1882-83, as provided in Rule 55, from the Deposit Account with the Government of India."

BULLORAM MULLICK,
Chairman.

PRANKISSEN BOSE,
Secretary.

PROMISSORY NOTES.

Lost or Stolen

On the 23rd January 1882, the Government Promissory Notes Nos. $\frac{13367}{8059}$, for Rs. 1,000, and $\frac{13365}{8059}$, for Rs. 4,000, each of the 4 per cent. of 1835-36, originally standing in the name of Rajchunder Sur, after whose death power under Act XXVII of 1860 lay with Koonja Bihari Sur, and lastly such power lies jointly with Haridhan Sur and Srimatya Haridasi, the proprietors, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietors.

HARIDHAN SUR & SRIMATYA HARIDASI,
Katrong, District Hooghly.

The 9th March 1882.

Lost, Stolen, or Mislaid.

The Government Promissory Note, No. 086068, of the 4 per cent. Loan of 1842-43, for Rs. 500, originally standing in the name of the Bank of Bengal, and last endorsed to Caetano Gabriel de Souza, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Offices, Bombay and Calcutta, and application is about to be made for the issue of a duplicate in favour of the proprietor.

CAETANO GEL. DE SOUZA,
Badem, Serula, Goa,
or care of Mr. J. J. de Souza,
113, Cavel Street, Bombay.

BOMBAY,
The 18th February 1882.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 25, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th March, 1882, and is hereby promulgated for general information:—

ACT No. XI OF 1882.

THE INDIAN TARIFF ACT, 1882.

CONTENTS.

PREAMBLE.

SECTIONS.

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   Local extent.
   Commencement.
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   Saving clause.
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6. Excise-duty on spirit distilled in British India.
7. Duty on spirit, opium and salt when protected by a certificate.
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9. Power to cancel notifications.

SCHEDULE I.—ACTS REPEALED.

SCHEDULE II.—IMPORT TARIFF.

SCHEDULE III.—EXPORT TARIFF.

An Act to amend the law relating to Customs Duties, and for other purposes.

Preamble.

WHEREAS it is expedient to amend the law relating to the duties of customs on goods imported and exported by sea, and to provide for the levy of duties on goods crossing the frontier of certain Foreign European Settlements in India and of the territories of certain Native Chiefs and for fixing a maximum duty of excise on spirit manufactured in British India; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Indian Tariff Act, 1882"

Local extent.

It extends to the whole of British India except Aden;

Commencement.

and it shall come into force on the passing thereof.

Repeal of Acts.

2. The Acts mentioned in the first schedule hereto annexed are repealed to the extent specified therein:

Saving clause.

But all notifications published, and rules and orders made, under any of such Acts, and now in force, shall, so far as they are consistent herewith, be deemed to have been respectively published and made hereunder:

All references made to the Indian Tariff Act, 1875, in Acts or Regulations passed before this Act comes into force, shall be deemed to be made to this Act:

And nothing herein contained authorizes the levy of duties of customs on any article carried from one port in British India to another, except salt, opium and spirit.

Duties specified in schedules to be levied.

3. There shall be levied and collected, in every port to which this Act applies, the duties specified in the second and third schedules hereto annexed.

Export of pepper from Cochin.

4. On all pepper exported by sea from the port of Cochin there shall be levied such duty not exceeding nine rupees per khandi as the Governor of Fort Saint George in Council from time to time determines; and at the close of each year, or as soon thereafter as may be convenient, the Customs-collector at the said port shall, after deducting the expenses of collection, pay the duty collected under this section to the Governments of Travancore and Cochin in such proportion and in such manner as the Governor of Fort Saint George in Council from time to time directs.

5. Duties of customs shall be levied at the rates respectively prescribed in the second and third schedules hereto annexed on goods passing by land out of or into—

Duties on goods crossing frontiers

(a) Foreign European Settlements situate on the line of coast within the limits of the Presidency of Fort Saint George;

of Foreign European Settlements in Presidency of Madras,

(b) any territory declared, under the power next hereinafter conferred, to be foreign territory.

of foreign territory.

Subject to the control of the Governor General in Council, the Governor of Fort St. George in Council and the Governor of Bombay in Council may, from time to time, by notification in the local official Gazette, respectively declare that the territory of any Native Chief, situate within, or bordering on, the territories respectively administered by such Governors, but not subject to the jurisdiction of the Courts and Civil authorities of such territories, shall be deemed, for the purposes of this section, to be foreign territory.

Power to declare territory foreign.

The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare that the territory of any other Native Chief, shall be deemed, for the purposes of this section, to be foreign territory.

6. And whereas it is expedient that the duty of excise on spirit distilled in British India should bear a due proportion to the customs-duty on spirit imported into British India, it is hereby further enacted as follows:—

Excise-duty on spirit distilled in British India.

Subject to any general rules or special orders which the Governor General in Council may, from time to time, make in this behalf, the Local Government may, from time to time, by notification in the local official Gazette, fix the duty of excise leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, at any rate not exceeding the rate fixed for imported spirit by the second schedule hereto annexed;

and all provisions now in force as to the levy of duty now chargeable on spirit shall apply to spirit upon which the duty declared under this section has not been paid.

In Act No. XVI of 1863, section one, for the words "calculated at ten" the words "not exceeding five" shall be substituted.

7. Spirit, opium and salt imported from any port in British India, and protected by the certificate of an officer empowered in that behalf by the Governor General in Council or the Local Government, are chargeable with only the amount, if any, by which the duty leviable thereon under the second schedule hereto annexed exceeds the duty shown by such certificate to have been already paid in respect thereof.

Duty on spirit, opium and salt when protected by a certificate.

The amount, if any, paid to the Government as the price of such opium or salt is not duty within the meaning of this section.

8. So far as regards the Presidency of Fort St. George, the unrepealed provisions of Act No. VI of 1844, and so far as regards the Presidency of Bombay, the unrepealed provisions of Act No. XXIX of 1857, relating to the levy of duties and to dutiable goods, shall, *mutatis mutandis*, apply to duties levied and goods liable to duty under or by virtue of section five, clause (b).

Application of certain provisions as to duties and goods.

9. All notifications published hereunder may be cancelled by the authority publishing the same.

Power to cancel notifications.

SCHEDULE I.

ACTS REPEALED.

Number and year.	Short Title.	Extent of Repeal.
XI of 1869 ...	The Land Customs (Madras and Bombay) Act, 1869	So much as has not been repealed.
XVI of 1875 ...	The Indian Tariff Act, 1875	Ditto.
XI of 1878 ...	The Indian Arms Act, 1878	Section 8 and the second Schedule.

SCHEDULE II.

IMPORT TARIFF.

No.	Names of Articles.	Per	Tariff valuation.	Duty. Rs.	As.
1	ARMS, AMMUNITION AND MILITARY STORES— Fire-arms and parts thereof—				
	1. Fire-arms other than pistols, for each	.....	.....	50	0
	2. Barrels for the same, whether single or double, for each ...	.....	.....	30	0
	3. Pistols, for each	.....	.....	15	0
	4. Barrels for the same, whether single or double, for each ...	.....	.....	10	0
	5. Springs used for fire-arms, for each	.....	.....	8	0
	6. Gunstocks, sights, blocks and rollers, for each ...	.....	.....	5	0
	7. Revolver-breeches, for each cartridge they will carry ...	.....	.....	2	8

No.	Names of Articles.	Per	Tariff valuation.	Rate of Duty.
	8. Extractors, nippers, heel-plates, pins, screws, tangs, bolts, thumb-pieces, triggers, trigger-guards, hammers, pistons, plates, and all other parts of a fire-arm not herein otherwise provided for, and all tools used for cleaning or putting together or loading the same, for each	.....	.....	Rs. As. 1 8
	9. Machines for making or loading or closing cartridges, for each	.....	.....	10 0
	10. Machines for capping cartridges, for each	.....	.....	2 8
	Exception I.—Articles falling under the 5th, 6th, 8th, 9th, or 10th head of the above list, when they appertain to a fire-arm falling under the 1st or 3rd head, and are fitted into the same case with such fire-arm, are free.			
	Exception II.—Arms forming part of the regular equipment of an officer entitled to wear diplomatic, military or police uniform, and a revolver or a pair of pistols accompanying a military officer, are free.			
	Proviso 1.—No duty in excess of ten per cent. *ad valorem* shall be levied upon any of the articles mentioned in the above list when they are imported in reasonable quantity, for his own private use, by any person lawfully entitled to possess the same.			
	Proviso 2.—When any articles which have been otherwise imported, and upon which duty has been levied or is leviable under this number, are purchased retail from the importer by a person lawfully entitled as aforesaid, in reasonable quantity for his own private use, the importer may apply to the Customs-collector for a refund or remission (as the case may be) of so much of the duty thereon as is in excess of ten per cent. *ad valorem;* and if such collector is satisfied as to the identity of the articles, and that such importer is in other respects entitled to such refund or remission, he shall grant the same accordingly.			
	Gunpowder, common ...	lb.	Rs. A. 0 5	10 per cent.
	„ sporting ...	lb.	1 0	
	All other sorts	.....	*Ad valorem*	
2	LIQUORS—			
	Ale, beer and porter, except when condensed or concentrated	Impl. Gallon or six quart bottles ...	.....	One anna.
	Cider, and other fermented liquors			
	Liqueurs	Ditto ...	.....	Rs. 4.
	Spirit intended to be used exclusively in arts or manufactures, or in chemistry, and which has been rendered effectually and permanently unfit for human consumption	.....	*Ad valorem*	5 per cent.
	Spirit, when used in drugs, medicines or chemicals in a proportion less than twenty per cent. of spirit of the strength of London proof	.....	*Ad valorem*	5 per cent.
	Spirit when so used in a proportion of twenty per cent. and upwards	Impl. Gallon or six quart bottles of the strength of London proof.	.....	Rs. 4, and the duty to be increased in proportion as the strength of the spirit exceeds London proof.
	Spirit, perfumed, in wood, or in bottles containing more than four ounces	Ditto ...	.....	
	Spirit, other sorts	Ditto ...	.....	

No.	Names of Articles.	Per	Tariff valuation.	Rate of Duty.
	Wines—			
	Champagne and all other sparkling wines ...	Impl. gallon or six quart bottles.	.....	Rs. 2-8.
	All other sorts of wines ...	Ditto ...	.....	Re. 1.
3	OPIUM NOT COVERED BY A GOVERNMENT PASS	Ser of 80 tolas	.....	Rs. 24.
4	SALT	Indian maund of 82⅔ lbs. avoirdupois weight.	.....	The rate at which excise duty is for the time being leviable on salt manufactured in the place where the import takes place.

SCHEDULE III.

EXPORT TARIFF.

Name of Article.	Per	Tariff valuation.	Rate of Duty.
RICE whether husked or unhusked	Indian maund of 82⅔ lbs. avoirdupois weight.	...	3 annas.

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th March, 1882, and is hereby promulgated for general information:—

ACT No. XII OF 1882.

THE INDIAN SALT ACT, 1882.

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THE SCHEDULE—ENACTMENTS REPEALED.

An Act for regulating the duty on Salt, and for other purposes.

Preamble.

WHEREAS it is expedient to amend the law relating to the levy of duty on salt, and to the import and transit of salt, and the manufacture of salt and saltpetre, into, over and in British India; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Commencement.

1. This Act may be called "The Indian Salt Act," 1882; and it shall come into force at once.

Local extent.

This section, sections two, seven and eight, and so much of this Act as refers to offences against any of its provisions or against any rules made under it, extend to the whole of British India;

The rest of this Act extends to the territories for the time being respectively administered by the Lieutenant-Governors of the North-Western Provinces and the Panjáb and the Chief Commissioners of Oudh, the Central Provinces and Ajmír and Mairwára, to the Province of Sindh, to the Districts of the Patna Division, and to British territory under the jurisdiction of the Agent to the Governor General in Central India;

Power to extend Act.

and any portion of this Act, other than the portions specified in the second paragraph of this section, may be extended, by order of the Governor General in Council published in the *Gazette of India*, to any part of British India other than the territories, Province and Districts mentioned in the third paragraph of this section.

Repeal of enactments.

2. The enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column thereof; but all rules made, licenses and passes granted, prices and duties fixed, notifications published and powers conferred under any such enactment and now in force shall, so far as they are consistent with this Act, be deemed to have been respectively made, granted, fixed, published and conferred hereunder.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"the said territories":

the expression "the said territories" means the territories to which the section of this Act, in which that expression occurs, for the time being extends;

"Assistant Commissioner":

"Assistant Commissioner" means an Assistant Commissioner of Northern India Salt-revenue, and also includes any person invested by the Local Government with the powers of an Assistant Commissioner under this Act;

"Salt-revenue officer":

"Salt-revenue officer" means any officer of the Northern India Salt Department, and also includes any person invested by the Local Government with any of the powers of a Salt-revenue officer under this Act;

"Saltpetre":

"Saltpetre" includes rasí, sajjí and all other substances manufactured from saline earth, and khárí-nún and every form of sulphate or carbonate of soda; and

"Manufacture of salt."

"manufacture of salt" includes the separation or purification of salt obtained in the manufacture of saltpetre, the separation of salt from earth or other substance so as to produce alimentary salt, and the excavation or removal of natural saline deposits or efflorescence.

Powers of Commissioner of Division by whom to be exercised.

4. The powers and duties conferred and imposed by this Act on a Commissioner of a Division may, in places where there is no such Commissioner, be exercised and performed by such officer as the Governor General in Council may from time to time appoint in this behalf.

Commissioner of Northern India Salt-revenue.

5. At the head of the administration of the salt-revenue under this Act there shall be an officer, called the Commissioner of Northern India Salt-revenue, who shall be appointed, and may be suspended or removed, by the Governor General in Council.

CHAPTER II.

MANUFACTURE AND REFINING OF SALT AND SALTPETRE.

Power of Governor General in Council—

6. The Governor General in Council may, from time to time, by rule—

to regulate manufacture and refining of salt and saltpetre;

(*a*) prohibit absolutely, or subject to such conditions as he thinks fit, the manufacture of salt, or the manufacture or refining of saltpetre, throughout the whole or any portion of the said territories;

to fix fees for licenses;

(*b*) fix fees for the following licenses, not exceeding in the case of each such license the amount hereinafter mentioned:—

	Rs.
License to manufacture and refine saltpetre and to separate and purify salt in the process of such manufacture and refining ...	50
License to manufacture saltpetre ...	2
License to manufacture sulphate of soda (*khárí-nún*) by solar heat in evaporating pans	10
License to manufacture sulphate of soda (*khárí-nún*) by artificial heat	2
License to manufacture other saline substances	2

to regulate the collection of duties;

(*c*) determine the manner, time and place in and at which, and the persons by whom, any duty imposed hereunder shall be collected in the said territories;

to regulate possession of salt in vicinity of places where saltpetre is manufactured;

(*d*) define an area no point in which shall be more than one hundred yards from the nearest point of any place in which salt is stored or sold by or on behalf of Government, or of any manufactory and its appurtenances in or on which saltpetre is manufactured or refined, and regulate the possession, storage and sale of salt within such area;

to regulate possession of salt in vicinity of places where salt is manufactured.

(*e*) define an area round any other place in which salt is manufactured, and regulate the possession, storage and sale of salt within such area.

CHAPTER III.

DUTY AND PRICE OF SALT.

Power of Governor General in Council—

7. The Governor General in Council may from time to time by rule consistent with this Act—

to impose a duty on manufacture of salt;

(a) impose a duty, not exceeding three rupees per maund of 82⅔ pounds avoirdupois, on salt manufactured in, or imported by land into, any part of British India;

to reduce or remit duties;

(b) reduce or remit any duty so imposed, and re-impose any duty so reduced or remitted;

to fix minimum price of salt excavated, &c., by Government.

(c) fix the minimum price at which salt excavated, manufactured or sold by or on behalf of the Government of India shall be sold.

In calculating the amount of duty payable under this section, fractions of quarter maunds may be reckoned as quarter maunds.

Power of Local Government to fix minimum price of salt excavated, &c.

8. Subject to any general rules or special orders which the Governor General in Council may from time to time make in this behalf, the Local Government may from time to time, by notification in the local official Gazette, fix the minimum price at which salt excavated, manufactured or sold by or on behalf of such Local Government shall be sold.

CHAPTER IV.

OFFENCES AGAINST THE SALT-REVENUE.

Penalties.

9. Whoever commits any of the following offences (namely):—

(a) does anything in contravention of this Act or of any rule made hereunder;

(b) evades payment of any duty or charge payable under this Act or any such rule; or

(c) attempts to commit, or abets within the meaning of the Indian Penal Code the commission of, any of the offences mentioned in clauses (a) and (b) of this section,

shall for every such offence be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both;

and the convicting Magistrate, on the application of the Assistant Commissioner or Salt-revenue officer, may declare to be confiscated all works, materials and implements constructed or prepared for the purpose of manufacturing or refining salt or saltpetre contrary to the provisions of this Act or any such rule.

Punishment on second and subsequent convictions.

10. Any person convicted of an offence under section nine, after having been previously convicted of an offence under that section or section 11 of the Inland Customs Act, 1875, or under any enactment repealed by that Act, shall be punished with imprisonment for a term which may extend to six months, in addition to the punishment which may be inflicted for a first offence under section nine;

and every such person shall, upon every subsequent conviction of an offence under section nine, be liable to imprisonment for a term which may extend to six months, in addition to any term of imprisonment to which he was liable at his last previous conviction.

Charge by whom to be preferred.

11. A charge of an offence under section nine, or under section 11 of the Inland Customs Act, 1875, shall not be entertained except on the complaint of an Assistant Commissioner or other Salt-revenue officer not inferior in rank to a Sub-Inspector,

Limitation.

and no such complaint shall be admitted unless it is preferred within six months after the commission of the offence to which it refers.

Jurisdiction.

All such offences shall be tried by a Magistrate exercising powers not less than those of a Magistrate of the second class.

Confiscation of articles in respect of which offence committed.

12. All salt or saltpetre in respect of which any offence mentioned in section nine has been committed, together with the vessels, packages or coverings in which such salt or saltpetre is contained, and the animals and conveyances used in carrying it, shall be liable to confiscation.

When the article seized exceeds five sers in weight, the Commissioner of the Division in which the seizure takes place may, if satisfied on the report of any Salt-revenue officer, or on such inquiry as he thinks fit to make, that such offence has been committed, declare such article to be confiscated or impose such lesser penalty in lieu of confiscation as to him may seem fit.

If the article seized does not exceed five sers in weight, the Assistant Commissioner shall possess the same powers in regard to its disposal as by this section are conferred on the Commissioner of the Division in regard to quantities exceeding five sers, and may also confiscate any vessel, package or covering in which such article is contained.

Whenever such Commissioner declares under this section any article to be confiscated, he may also declare to be confiscated any vessel, package or covering in which such article is contained, and any animal or conveyance used in carrying it.

Power to levy additional duty as penalty.

13. The Governor General in Council may, from time to time, by rule, direct that any Salt-revenue officer, not inferior in rank to an Assistant Inspector, if satisfied in such manner as such rule may prescribe that any offence mentioned in section nine has been committed in respect of any dutiable salt, shall, instead of making a complaint to a Magistrate, or instituting proceedings with a view to confiscation, impose as a penalty an additional duty on such salt not exceeding the duty leviable thereon under Chapter III of this Act.

The imposition of every such penalty shall be at once reported, if the salt, in respect of which an offence has been committed, exceeds five sers in weight, to the Commissioner of the Division in which such penalty is imposed, and, if such salt does not exceed five sers in weight, to the Assistant Commissioner,

and shall require the sanction of the Commissioner or Assistant Commissioner, as the case may be, to whom it is so reported.

Punishment for connivance at offences mentioned in section nine.

14. Any zamíndár or other proprietor of land, and any agent of a zamíndár or proprietor of land, who wilfully connives at any offence mentioned in section nine, shall for every such offence be punishable by any Magistrate exercising powers not less than those of a Magistrate of the second class with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

CHAPTER V.

POWERS OF STOPPAGE, SEARCH, SEIZURE AND ARREST.

Power to search places where article is manufactured under license.

15. Any Salt-revenue officer empowered in this behalf by the Local Government may at any time enter and search any place in which any article is manufactured or refined under a license granted under this Act or any rule made hereunder.

Power to detain suspected person and to seize goods liable to confiscation.

16. Any Salt-revenue officer may stop and detain any person whom he has reason to believe to be liable to punishment under this Act;

and may seize any salt or saltpetre in respect of which there is reason to believe that any offence mentioned in section nine has been committed, or that any duty is payable, together with the vessels, packages or coverings in which such salt or saltpetre is contained, and the animals or conveyances used in carrying it.

Power to arrest.

17. Any Salt-revenue officer may arrest any person whom he has reason to believe to have committed any such offence as last aforesaid.

Procedure of officer having reason to believe unlawful manufacture.

18. Whenever any Salt-revenue officer, not inferior in rank to a Sub-Inspector, has reason to believe that salt or saltpetre is being unlawfully manufactured, refined or stored in an unlicensed place,

such officer shall first record in writing (so far as may be practicable) (*a*) the name, residence, and calling of the informant (if any); (*b*) the locality and description of the house, boat or place where the officer believes that the salt or saltpetre is being so manufactured, refined or stored; (*c*) the name of the person by or for whom the salt or saltpetre is so manufactured, refined or stored; and (*d*) the supposed quantity and description of the salt or saltpetre, with the grounds for believing the same to be unlawfully manufactured, refined or stored;

and may then summon in writing the officer in charge of the Police-station within whose jurisdiction the house, boat or place to be searched is situate to attend him;

Power to enter and search.

and may then, after sunrise and before sunset (but always in the presence of an officer of Police not inferior in rank to a head constable), enter and search any house, boat or place in which there is reason to believe that salt or saltpetre is being so manufactured, refined or stored;

and, in case of resistance, may break open any door, and force and remove any other obstacle to such entry;

and may seize and carry away all salt and saltpetre so manufactured, refined or stored, and all materials used in the manufacture or refinement of such salt or saltpetre;

and may also detain and search and, if he thinks proper, arrest the occupier of the said house, boat or place, together with all persons concerned in the manufacture, refinement, or storing of such salt or saltpetre, or in the concealing thereof.

If the place so entered is an apartment in the actual occupancy of a woman who, according to the custom of the country, does not appear in public, the officer entering the same shall be guided by the rules prescribed for such cases in the Code of Criminal Procedure.

Before conducting a search under this section, the officer conducting it shall call upon two or more respectable inhabitants (if any) of the locality in which the house, boat or place is situate to attend and witness the search, and the search shall be made in the presence of such inhabitants (if any), and also (if practicable) of the occupant of the house, boat or place searched.

Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

Failure of Police-officer to attend.

19. Any officer in charge of a Police-station who, on application in writing made by a Salt-revenue officer to attend for any of the purposes specified in section eighteen, refuses or fails within a reasonable time so to attend or to depute a subordinate officer, not inferior in rank to a head constable, so to attend, shall for every such offence be punished with fine which may extend to five hundred rupees.

Report of arrest, seizure and search.

20. Whenever a Salt-revenue officer under the rank of Assistant Commissioner arrests under this Act any person,

or seizes any article as liable to confiscation under this Act,

or enters any house, boat or place for the purpose of searching for any such article,

he shall (unless generally empowered by the Assistant Commissioner to send the person arrested to the Magistrate) within forty-eight hours next after such arrest, seizure or entry make a full report of all the particulars of such arrest, seizure or entry to his official superior for the information of the Assistant Commissioner.

Every officer making any arrest under this Act, or his official superior, shall, if generally empowered in this behalf by the Assistant Commissioner, either send with all convenient despatch the person arrested to the Magistrate having jurisdiction to deal with the case, or order the discharge of such person.

Every officer of Police attending any search made under section eighteen shall report the same to his official superior.

Procedure in respect of articles seized.

21. Whenever the Assistant Commissioner is informed of the seizure of any article exceeding five sers in weight as liable to confiscation under this Act, he shall, with all conveni-

ent despatch, report the circumstances of the case to the Commissioner of the Division in which such seizure is made, who may thereupon proceed under section twelve.

If the article seized does not exceed five sers in weight, such Assistant Commissioner may dispose of the case himself under the said section.

Procedure on detention of article subject to additional duty.

22 Any article in respect of which a penalty is imposed under section thirteen may be detained pending the receipt of the order of the Commissioner of the Division or the Assistant Commissioner, as the case may be, on the report required by the same section:

Provided that, if the owner of any article so detained deposits the amount of such penalty with, and pays all ordinary duty and charges payable on such article to, the Salt-revenue officer detaining the same, such article shall be at once released.

When an article is so detained it shall on the receipt of the said order be dealt with in accordance with the rules made in this behalf hereunder.

When an article has been released under the second paragraph of this section, and the Commissioner of the Division or Assistant Commissioner, as the case may be, reduces, or declines to sanction, the penalty imposed in respect of such article, the amount refundable to the owner shall be paid to him on his applying therefor to the Assistant Commissioner within six months, to be computed (where the order has been made by the Commissioner of the Division) from the day on which the Assistant Commissioner has received such order, and (where the order has been made by the Assistant Commissioner) from the date of such order.

When any penalty the amount of which has been deposited under the second clause of this section is sanctioned,

or when any sum refundable under this section has not been claimed within the said period of six months,

the amount so in deposit, or the sum so refundable, shall be forfeited to Her Majesty, unless the Commissioner of Northern India Salt-revenue otherwise directs.

Procedure in respect of person arrested.

23. Whenever the Assistant Commissioner is informed of the arrest of any person, he shall (unless such person has been dealt with under the penultimate paragraph of section twenty) either send with all convenient despatch the person arrested to the Magistrate having jurisdiction to deal with the case, or order the immediate discharge of such person.

Officers required to assist Salt-revenue officers.

24. All officers of Police, and all officers of Government engaged in the collection of land-revenue, are hereby empowered and required to assist the Salt-revenue officers in the execution of this Act.

Vexatious search, seizure, &c., by Salt-revenue officer.

25. Any Salt-revenue officer who—

(*a*) without reasonable ground of suspicion searches or causes to be searched any house, boat or place;

(*b*) vexatiously and unnecessarily detains, searches or arrests any person;

(*c*) vexatiously and unnecessarily seizes the moveable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Act;

(*d*) commits as such officer any other act to the injury of any person, when such officer has not reason to believe that such act is required for the execution of his duty,

shall for every such offence be punishable, by a Magistrate exercising powers not less than those of a Magistrate of the second class, with fine which may extend to five hundred rupees.

Any person wilfully and maliciously giving false information and so causing a search to be made under this Act shall be punishable, by a Magistrate exercising the same powers, with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to two years, or with both.

Power to regulate seizures and disposal of things seized.

26. The Governor General in Council may from time to time make rules consistent with this Act to regulate the seizure, disposal and destruction of things liable to be seized under this Act.

Such rules may, among other matters, provide—

(*a*) that the owner or person having the charge of any animal seized and detained shall provide from day to day for its keep while detained, and that, if he omits to do so, such animal may be sold by public auction, and the expenses (if any) incurred on account of it defrayed from the proceeds of the sale;

(*b*) that when anything is seized and an order for its release is subsequently passed, and the owner does not, within a period to be fixed by such rules, appear to claim such thing and tender the duty, penalties and charges (if any) due in respect thereof, it may be sold by public auction, and such duty, penalties and charges defrayed from the proceeds of the sale;

(*c*) that the surplus-proceeds of a sale under clause (*a*) or clause (*b*) of this section shall, unless the owner of the thing seized establishes his claim to such proceeds within a period, not less than three months, to be fixed by such rules, be forfeited to Her Majesty.

CHAPTER VI.

MISCELLANEOUS.

Power to prohibit import and transit of salt.

27. The Governor General in Council may, from time to time, by rule, prohibit absolutely, or subject to conditions, the importation of salt into, or the transit of salt over, the said territories or any part thereof.

Except in the case of a prohibition under this section, nothing in this Act shall affect the transit of salt into or from any of the said territories, from or into any other part of British India.

Further matters for which Governor General in Council may make rules.

28. In addition to the rules which the Governor General in Council is hereinbefore empowered to make, he may from time to time make rules consistent with this Act to regulate the following matters, namely:—

(*a*) the persons by whom, and the time, place and manner at or in which, anything to be done under this Act shall be done;

(*b*) the cases in which and the officers to whom, and the conditions subject to which, orders given by Salt-revenue officers under this Act shall be appealable;

(*c*) the fee to be charged on account of any license, pass, certificate, dákhilá, rawána or other such document issued under this Act;

and generally to carry out the provisions herein contained.

Publication of rules.

29. All rules made under this Act shall be published in the *Gazette of India*, and shall thereupon have the force of law.

Power to confer powers of Assistant Commissioner and Salt-revenue officers.

30. Subject to the provisions herein contained, and to any rules for the time being in force made by the Governor General in Council, the Local Government or the Commissioner of Northern India Salt-revenue may invest any person with the powers of an Assistant Commissioner under this Act, or with all or any of the powers hereinbefore conferred on Salt-revenue officers.

Amendment of Madras Act VI of 1871.

31. For section 11 of the Madras Salt Excise Act, 1871, the following shall be substituted:—

Levy of duty on salt.

"11. The excise-duty on salt manufactured in any district, or part of a district, to which this Act may be extended, shall be paid under such orders as the Board of Revenue from time to time makes in this behalf; but no such duty shall be leviable until the salt is about to be removed from the place of storage, and no salt shall be so removed without a permit authorizing its removal from store, and such permit shall specify the quantity to be removed and the excise-duty levied or due thereon."

SCHEDULE.

(*See section 2.*)

ENACTMENTS REPEALED.

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
VIII of 1875	The Inland Customs Act, 1875.	The whole.
II of 1876 ...	The Burma Land and Revenue Act, 1876.	Section 39, clause (*b*), and in clause (*c*) of the same section the words and letter "under clause (*b*)."
XVIII of 1877	The Salt Act, 1877	The whole.

REGULATION.

III of 1877	The Ajmír Laws Regulation, 1877.	Sections 36 and 37,

ACT OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
VII of 1864	The Salt Act, 1864	Section nine.

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th March, 1882, and is hereby promulgated for general information :—

ACT No. XIII OF 1882.

An Act to amend the law relating to Kánúngos and Patwáris in the North-Western Provinces and Oudh.

Preamble.

WHEREAS it is expedient to amend, in manner hereinafter appearing, the law relating to Kánúngos and Patwáris in the North-Western Provinces; It is hereby enacted as follows :—

Short title. Commencement.

1. This Act may be called "The Kánúngos and Patwáris Act, 1882;" and shall come into force at once.

Repeal of sections of Act No. XIX of 1873 and Act No. VIII of 1879.

2. Sections 29, 30 and 31 of the North-Western Provinces Land-Revenue Act, 1873, and sections 4 and 5 of the North-Western Provinces Land-Revenue Act, 1879, are hereby repealed.

Notwithstanding such repeal any landlord may recover from a tenant any rate, or any portion of a rate, accruing due before the thirtieth day of June, 1882, and which he is entitled to recover, under any rule made under section 29 of the said North-Western Provinces Land-Revenue Act, 1873, from such tenant.

Disposal of balance of provincial fund constituted by Act No. XIX of 1873.

3. The existing balance of the provincial fund constituted by section 29 of the said North-Western Provinces Land-Revenue Act, 1873, shall be disposed of in such manner as the Local Government, with the previous sanction of the Governor General in Council, may from time to time direct.

Information to be furnished by owner or occupier of land.

4. For the purpose of preparing the registers or accounts prescribed by the said North-Western Provinces Land-Revenue Act, 1873, or by any rule made thereunder, every owner or occupier of land in any patwárí's circle, and the agent of every such owner or occupier, shall furnish to the patwárí of such circle, the kánúngo or such person as the Collector of the district may appoint in this behalf, such information, at such times, as the Local Government may from time to time by rule prescribe.

Explanation.—"Owner" in this section includes also a superior and an inferior proprietor, and a lessee, mortgagee or conditional vendee, in possession.

And whereas it is also expedient to amend the law relating to Kánúngos and Patwáris in Oudh; It is hereby further enacted as follows :—

Repeal of sections 203 to 215 (both inclusive) of Act No. XVII of 1876.

5. Sections 203 to 215 (both inclusive) of the Oudh Land-Revenue Act, 1876, are hereby repealed; but all appointments and rules made under any of the said sections and now in force shall, so far as they are consistent herewith, be deemed to have been made hereunder.

Power to fix number and limits of patwáris' circles.

6. With the previous sanction of the Chief Commissioner, the Deputy Commissioner shall fix the number of patwáris' circles in his district and the respective limits of such circles, and may, with the like sanction, from time to time alter the number and limits so fixed.

Patwárí to be appointed for each circle.

For each such circle the Deputy Commissioner shall appoint a patwárí.

Power to make rules for selection, &c., of patwáris.

7. The Chief Commissioner may, from time to time, make rules consistent with this Act—

(*a*) regulating the selection, appointment, suspension, dismissal, duties and supervision of patwáris;

(*b*) prescribing the fines which may be imposed on patwáris, and on persons appointed temporarily to perform their duties, for neglect of their duty.

Kánúngos and patwáris to be public servants, and their records public records.

8. Every kánúngo and patwárí, and every person appointed temporarily to perform the duties of any such officer, shall be deemed to be a public servant within the meaning of the Indian Penal Code,

and all official records and papers kept by any such officer or person shall be deemed to be public records and the property of Government.

Information to be furnished by owner or occupier of land.

9. For the purpose of preparing the registers or accounts prescribed by the said Oudh Land-Revenue Act, 1876, or by any rule made

thereunder, every owner or occupier of land in any patwárí's circle, and the agent of every such owner or occupier, shall furnish to the patwárí of such circle, the kánúngo or such person as the Deputy Commissioner may appoint in this behalf, such information, at such times, as the Chief Commissioner may from time to time by rule prescribe.

Explanation.—"Owner" in this section includes also a superior and an inferior proprietor, and a lessee, mortgagee or conditional vendee, in possession.

Suits for recovery of patwárí-cess barred.

10. No suit shall be brought by a landlord against a tenant for the recovery of any cess or rate accruing due after the thirtieth day of June, 1882, and payable, in money or in kind, by such tenant on account of the remuneration of a patwárí.

Local extent.

11. Sections one and ten and this section extend to the territories respectively administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh. Sections two, three and four extend to the territories administered by the said Lieutenant-Governor, and sections five to nine (both inclusive) extend to the territories administered by the said Chief Commissioner.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 17th March, 1882, and is hereby promulgated for general information :—

ACT No. XIV OF 1882.

THE CODE OF CIVIL PROCEDURE.

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THE FIRST SCHEDULE.—Acts repealed.

THE SECOND SCHEDULE.—Chapters and sections of this Code extending to Provincial Courts of Small Causes.

THE THIRD SCHEDULE.—Bombay Enactments.

THE FOURTH SCHEDULE.—Forms of Pleadings and Decrees.

An Act to consolidate and amend the laws relating to the Procedure of the Courts of Civil Judicature.

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature; It is hereby enacted as follows:—

PRELIMINARY.

Short title. Commencement.

1. This Act may be cited as "The Code of Civil Procedure:" and it shall come into force on the first day of June, 1882.

Local extent.

This section and section 3 extend to the whole of British India. The other sections extend to the whole of British India except the Scheduled Districts as defined in Act No. XIV of 1874.

Interpretation-clause.

2. In this Act, unless there be something repugnant in the subject or context—

"chapter:" "chapter" means a chapter of this Code:

"district:" "District Court." "district" means the local limits of the jurisdiction of a principal Civil Court of original jurisdiction (hereinafter called a 'District Court'), and includes the local limits of the ordinary original civil jurisdiction of a High Court: every Court of a grade inferior to that of a District Court and every Court of Small Causes shall, for the purposes of this Code, be deemed to be subordinate to the High Court and the District Court:

"pleader:" "pleader" means every person entitled to appear and plead for another in Court, and includes an advocate, a vakíl and an attorney of a High Court:

"Government Pleader:" "Government Pleader" includes also any officer appointed by the Local Government to perform all or any of the functions expressly imposed by this Code on the Government Pleader:

"Collector:" "Collector" means every officer performing the duties of a Collector of land-revenue:

"decree:" "decree" means the formal expression of an adjudication upon any right claimed, or defence set up, in a Civil Court when such adjudication, so far as regards the Court expressing it, decides the suit or appeal. An order rejecting a plaint, or directing accounts to be taken, or determining any question mentioned or referred to in section 244, but not specified in section 588, is within this definition: an orders pecified in section 588 is not within this definition:

"order:" "order" means the formal expression of any decision of a Civil Court which is not a decree as above defined:

"judgment:" "judgment" means the statement given by the Judge of the grounds of a decree or order:

"Judge:" "Judge" means the presiding officer of a Court:

"judgment-debtor:" "judgment-debtor" means any person against whom a decree or order has been made:

"decree-holder:" "decree-holder" means any person in whose favour a decree or any order capable of execution has been made, and includes any person to whom such decree or order is transferred:

"written:" "written" includes printed and lithographed, and "writing" includes print and lithography:

"signed:" "signed" includes marked, when the person making the mark is unable to write his name; it also includes stamped with the name of the person referred to:

"foreign Court:" "foreign Court" means a Court situate beyond the limits of British India and not having authority in British India nor established by the Governor General in Council:

"foreign judgment:" "foreign judgment" means the judgment of a foreign Court:

"public officer." "public officer" means a person falling under any of the following descriptions (namely):—

every Judge;

every covenanted servant of Her Majesty;

every commissioned officer in the military or naval forces of Her Majesty while serving under Government;

every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of Justice to perform any of such duties;

every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

every officer of Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of Government, or to make any survey, assessment or contract on behalf of Government, or to execute any revenue-process, or to investigate, or to report on, any matter affecting the pecuniary interests of Government, or to make, authenticate or keep any

document relating to the pecuniary interests of Government, or to prevent the infraction of any law for the protection of the pecuniary interests of Government, and every officer in the service or pay of Government, or remunerated by fees or commission for the performance of any public duty.

"Government."

And in any part of British India in which this Code operates, "Government" includes the Government of India as well as the Local Government.

Enactments repealed.

3. The enactments specified in the first schedule hereto annexed are hereby repealed to the extent mentioned in the third column thereof. But all notifications published, declarations and rules made, places appointed, agreements filed, scales prescribed and forms framed under any such enactment, shall, so far as they are consistent with this Code, be deemed to be respectively published, made, appointed, filed, prescribed and framed hereunder.

References in previous Acts.

And when in any Act, Regulation or notification passed or issued prior to the day on which this Code comes into force, reference is made to Act No. VIII of 1859, Act No. XXIII of 1861, or the 'Code of Civil Procedure,' or to Act No. X of 1877, or to any other Act hereby repealed, such reference shall, so far as may be practicable, be read as applying to this Code or the corresponding part thereof.

Saving of procedure in suits instituted before 1st June, 1882.

Save as provided by section 99A, nothing herein contained shall affect any proceedings prior to decree in any suit instituted or appeal presented before the first day of June, 1882, or any proceedings after decree that may have been commenced and were still pending at that date.

Appeals pending on 29th July, 1879.

Every appeal pending on the twenty-ninth day of July, 1879, which would have lain if this Code had been in force on the date of its presentation, shall be heard and determined as if this Code had been in force on such date; and every order passed before the same day, purporting to transfer a case to a Collector under section 320, and every notification published before the same day, purporting to be issued under section 360, shall be deemed to have been respectively passed and issued in accordance with law.

Saving of certain Acts affecting Central Provinces, Burma, Panjáb and Oudh.

4. Save as provided in the second paragraph of section 3, nothing herein contained shall be deemed to affect the following enactments (namely):—

The Central Provinces Courts Act, 1865:

The Burma Courts Act, 1875:

The Panjáb Courts Act, 1877:

The Oudh Civil Courts Act, 1879:

or any law heretofore or hereafter passed under the Indian Councils Act, 1861, by a Governor or a Lieutenant-Governor in Council, prescribing a special procedure for suits between landholders and their tenants or agents,

or any law heretofore or hereafter passed under the Indian Councils Act, 1861, by a Governor or a Lieutenant-Governor in Council, providing for the partition of immoveable property.

And where under any of the said Acts concurrent civil jurisdiction is given to the Commissioner and the Deputy Commissioner, the Local Government may declare which of such officers shall for the purposes of this Code be deemed to be the District Court.

Sections extending to Provincial Small Cause Courts.

5. The chapters and sections of this Code specified in the second schedule hereto annexed extend (so far as they are applicable) to Courts of Small Causes constituted under Act No. XI of 1865, and to all other Courts (other than the Courts of Small Causes in the towns of Calcutta, Madras and Bombay) exercising the jurisdiction of a Court of Small Causes. The other chapters and sections of this Code do not extend to such Courts.

Saving of jurisdiction and procedure—

6. Nothing in this Code affects the jurisdiction or procedure—

(a) of Military Courts of Request;

(a) of Military Courts of Request;

(b) of officers appointed to try small suits in Bombay;

(b) of a single officer duly appointed in the Presidency of Bombay to try small suits in military bázárs at cantonments and stations occupied by the troops of that Presidency; or

(c) of Village Munsifs and Village Panchayats in Madras;

(c) of Village Munsifs or Village Panchayats under the provisions of the Madras Code;

(d) of Recorder of Rangoon sitting as Insolvent Court.

(d) of the Recorder of Rangoon sitting as an Insolvent Court in Rangoon, Maulmain, Akyab or Bassein,

or shall operate to give any Court jurisdiction over suits of which the amount or value of the subject-matter exceeds the pecuniary limits (if any) of its ordinary jurisdiction.

Saving of certain Bombay laws.

7. With respect to

(a) the jurisdiction exercised by certain jágírdárs and other authorities invested with powers under the provisions of Bombay Regulation XIII of 1830 and Act XV of 1840 in the cases therein mentioned; and

(b) cases of the nature defined in the enactments specified in the third schedule hereto annexed,

the procedure in such cases and in the appeals to the civil Courts allowed therein, shall be according to the rules laid down in this Code, except where those rules are inconsistent with any specific provisions contained in the enactments mentioned or referred to in this section.

Presidency Small Cause Courts.

8. Save as provided in sections 3, 25, 86, 223, 225, 386, and chapter XXXIX, this Code shall not extend to any suit or proceeding in any Court of Small Causes established in the towns of Calcutta, Madras and Bombay.

But the Local Government may, by notification published in the official Gazette, extend to any

such Court this Code or any part thereof, except so far as relates to appeals and reviews of judgment.

Divison of Code.

9. This Code is divided into ten Parts as follows:—

The first Part:	Suits in General.
The second Part:	Incidental Proceedings.
The third Part:	Suits in particular Cases.
The fourth Part:	Provisional Remedies.
The fifth Part:	Special Proceedings.
The sixth Part:	Appeals.
The seventh Part:	Reference to and Revision by the High Court.
The eighth Part:	Review of Judgment.
The ninth Part:	Special Rules relating to the Chartered High Courts.
The tenth Part:	Certain Miscellaneous Matters.

PART I.

OF SUITS IN GENERAL.

CHAPTER I.

OF THE JURISDICTION OF THE COURTS AND RES JUDICATA.

No person exempt from jurisdiction by reason of descent or place of birth.

10. No person shall, by reason of his descent or place of birth, be in any civil proceeding exempted from the jurisdiction of any of the Courts.

Courts to try all civil suits unless specially barred.

11. The Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is barred by any enactment for the time being in force.

Explanation.—A suit in which the right to property or to an office is contested is a suit of a civil nature, notwithstanding that such right may depend entirely on the decision of questions as to religious rites or ceremonies.

Pending suits.

12. Except where a suit has been stayed under section 20, the Court shall not try any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit for the same relief between the same parties, or between parties under whom they or any of them claim, pending in the same or any other Court, whether superior or inferior, in British India having jurisdiction to grant such relief, or in any Court beyond the limits of British India established by the Governor General in Council and having like jurisdiction, or before Her Majesty in Council.

Explanation.—The pendency of a suit in a foreign Court does not preclude the Courts in British India from trying a suit founded on the same cause of action.

Res judicata.

13. No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court of jurisdiction competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.

Explanation I.—The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.

Explanation II.—Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.

Explanation III.—Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purpose of this section, be deemed to have been refused.

Explanation IV.—A decision is final within the meaning of this section when it is such as the Court making it could not alter (except on review) on the application of either party or reconsider of its own motion. A decision liable to appeal may be final within the meaning of this section until the appeal is made.

Explanation V.—Where persons litigate *bonâ fide* in respect of a private right claimed in common for themselves and others, all persons interested in such right shall, for the purpose of this section, be deemed to claim under the persons so litigating.

Explanation VI.—Where a foreign judgment is relied on, the production of the judgment duly authenticated is presumptive evidence that the Court which made it had competent jurisdiction, unless the contrary appear on the record; but such presumption may be removed by proving the want of jurisdiction.

When foreign judgment no bar to suit in British India.

14. No foreign judgment shall operate as a bar to a suit in British India—

(*a*) if it has not been given on the merits of the case:

(*b*) if it appears on the face of the proceedings to be founded on an incorrect view of international law or of any law in force in British India:

(*c*) if it is in the opinion of the Court before which it is produced contrary to natural justice:

(*d*) if it has been obtained by fraud:

(*e*) if it sustains a claim founded on a breach of any law in force in British India.

CHAPTER II.

OF THE PLACE OF SUING.

Court in which suit to be instituted.

15. Every suit shall be instituted in the Court of the lowest grade competent to try it.

Suits to be instituted where subject-matter situate.

16. Subject to the pecuniary or other limitations prescribed by any law, suits

(a) for the recovery of immoveable property,

(b) for the partition of immoveable property,

(c) for the foreclosure or redemption of a mortgage of immoveable property,

(d) for the determination of any other right to or interest in immoveable property,

(e) for compensation for wrong to immoveable property,

(f) for the recovery of moveable property actually under distraint or attachment,

shall be instituted in the Court within the local limits of whose jurisdiction the property is situate:

Provided that suits to obtain relief respecting, or compensation for wrong to, immoveable property held by or on behalf of the defendant may, when the relief sought can be entirely obtained through his personal obedience, be instituted either in the Court within the local limits of whose jurisdiction the property is situate, or in the Court within the local limits of whose jurisdiction he actually and voluntarily resides, or carries on business, or personally works for gain.

Explanation.—In this section 'property' means property situate in British India.

Suits to be instituted where defendants reside or cause of action arose.

17. Subject to the limitations aforesaid, all other suits shall be instituted in a Court within the local limits of whose jurisdiction—

(a) the cause of action arises, or

(b) all the defendants, at the time of the commencement of the suit, actually and voluntarily reside, or carry on business, or personally work for gain; or

(c) any of the defendants, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain: provided that either the leave of the Court is given, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution.

Explanation I.—Where a person has a permanent dwelling at one place and also a lodging at another place for a temporary purpose only, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary lodging.

Explanation II.—A Corporation or Company shall be deemed to carry on business at its sole or principal office in British India or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

Illustrations.

(a) A is a tradesman in Calcutta. B carries on business in Dehli. B, by his agent in Calcutta, buys goods of A, and requests A to deliver them to the East Indian Railway Company. A delivers the goods accordingly in Calcutta. A may sue B for the price of the goods either in Calcutta, where the cause of action has arisen, or in Dehli, where B carries on business.

(b) A resides at Simla, B at Calcutta, and C at Dehli. A, B and C being together at Benares, B and C make a joint promissory-note payable on demand, and deliver it to A. A may sue B and C at Benares, where the cause of action arose. He may also sue them at Calcutta, where B resides, or at Dehli, where C resides; but in each of these cases, if the non-resident defendant objects, the suit cannot be maintained without the leave of the Court.

Suits for compensation for wrongs to person or moveables.

18. In suits for compensation for wrong done to person or moveable property, if the wrong was done within the local limits of the jurisdiction of one Court and the defendant resides, or carries on business, or personally works for gain, within the local limits of the jurisdiction of another Court, the plaintiff may at his option sue in either of the said Courts.

Illustrations.

(a) A, residing in Dehli, beats B in Calcutta. B may sue A either in Calcutta or in Dehli.

(b) A, residing in Dehli, publishes in Calcutta statements defamatory of B. B may sue A either in Calcutta or in Dehli

(c) A, travelling on the line of a Railway Company whose principal office is at Howrah, is upset and injured at Allahabad by negligence imputable to the Company. He may sue the Company either at Howrah or at Allahabad.

Suits for immoveable property situate in single district, but within jurisdictions of different Courts.

19. If the suit be to obtain relief respecting, or compensation for wrong to, immoveable property situate within the limits of a single district, but within the jurisdiction of different Courts, the suit may be instituted in the Court within whose jurisdiction any portion of the property is situate; provided that, in respect of the value of the subject-matter of the suit, the entire claim be cognizable by such Court.

Suits for immoveable property situate in different districts.

If the immoveable property be situate within the limits of different districts, the suit may be instituted in any Court, otherwise competent to try it, within whose jurisdiction any portion of the property is situate.

Power to stay proceedings where all defendants do not reside within jurisdiction.

20. If a suit which may be instituted in more than one Court is instituted in a Court within the local limits of whose jurisdiction the defendant or all the defendants does not or do not actually and voluntarily reside, or carry on business, or personally work for gain, the defendant or any defendant may, after giving notice in writing to the other parties of his intention to apply to the Court to stay proceedings, apply to the Court accordingly;

and if the Court, after hearing such of the parties as desire to be heard, is satisfied that justice is more likely to be done by the suit being instituted in some other Court, it may stay proceedings either finally or till further order, and make such order as it thinks fit as to the costs already incurred by the parties or any of them.

In such case, if the plaintiff so requires, the Court shall return the plaint with an endorsement thereon of the order staying proceedings.

Every such application shall be made at the earliest possible opportunity, and in all cases before the issues are settled; and any defendant not so applying shall be deemed to have acquiesced in the institution of the suit.

Application when to be made.

21. Where the Court, under section 20, stays proceedings, and the plaintiff re-institutes his suit in another Court, the plaint shall not be chargeable with any court-fee; provided that the proper fee has been levied on the institution of the suit in the former Court, and that the plaint has been returned by such Court.

Remission of court-fee where suit instituted in another Court.

22. Where a suit may be instituted in more Courts than one, and such Courts are subordinate to the same appellate Court, any defendant, after giving notice in writing to the other parties of his intention to apply to such Court to transfer the suit to another Court, may apply accordingly; and the appellate Court, after hearing the other parties, if they desire to be heard, shall determine in which of the Courts having jurisdiction the suit shall proceed.

Procedure where Courts in which suit may be instituted subordinate to same appellate Court.

23. Where such Courts are subordinate to different appellate Courts, but are subordinate to the same High Court, any defendant, after giving notice in writing to the other parties of his intention to apply to the High Court to transfer the suit to another Court having jurisdiction, may apply accordingly. If the suit is brought in any Court subordinate to a District Court, the application, together with the objections, if any, filed by the other parties, shall be submitted through the District Court to which such Court is subordinate. The High Court may, after considering the objections, if any, of the other parties, determine in which of the Courts having jurisdiction the suit shall proceed.

Procedure where they are not so subordinate.

24. Where such Courts are subordinate to different High Courts, any defendant may, after giving notice in writing to the other parties of his intention to apply to the High Court within whose jurisdiction the Court in which the suit is brought is situate, apply accordingly.

Procedure where they are subordinate to different High Courts.

If the suit is brought in any Court subordinate to a District Court, the application, together with the objections, if any, filed by the other parties, shall be submitted through the District Court to which such Court is subordinate;

and such High Court shall, after considering the objections, if any, of the other parties, determine in which of the several Courts having jurisdiction the suit shall proceed.

25. The High Court or District Court may, on the application of any of the parties, after giving notice to the parties and hearing such of them as desire to be heard, or of its own motion without giving such notice, withdraw any suit whether pending in a Court of first instance or in a Court of appeal subordinate to such High Court or District Court, as the case may be, and try the suit itself, or transfer it for trial to any other such subordinate Court competent to try the same in respect of its nature and the amount or value of its subject-matter.

Transfer of suits.

For the purposes of this section, the Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court.

The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

CHAPTER III.

OF PARTIES AND THEIR APPEARANCES, APPLICATIONS AND ACTS.

26. All persons may be joined as plaintiffs in whom the right to any relief claimed is alleged to exist, whether jointly, severally or in the alternative, in respect of the same cause of action. And judgment may be given for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to, without any amendment. But the defendant, though unsuccessful, shall be entitled to his costs occasioned by so joining any person who is not found entitled to relief, unless the Court in disposing of the costs of the suit otherwise directs.

Persons who may be joined as plaintiffs.

27. Where a suit has been instituted in the name of the wrong person as plaintiff, or where it is doubtful whether it has been instituted in the name of the right plaintiff, the Court may, if satisfied that the suit has been so commenced through a *bonâ fide* mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person or persons to be substituted or added as plaintiff or plaintiffs upon such terms as the Court thinks just.

Court may substitute or add plaintiff for or to plaintiff suing.

28. All persons may be joined as defendants against whom the right to any relief is alleged to exist, whether jointly, severally or in the alternative, in respect of the same matter. And judgment may be given against such one or more of the defendants as may be found to be liable, according to their respective liabilities, without any amendment.

Persons who may be joined as defendants.

29. The plaintiff may, at his option, join as parties to the same suit all or any of the persons severally, or jointly and severally, liable on any one contract, including parties to bills of exchange, hundís and promissory notes.

Joinder of parties liable on same contract.

30. Where there are numerous parties having the same interest in one suit, one or more of such parties may, with the permission of the Court, sue or be sued, or may defend, in such suit, on behalf of all parties so interested. But the Court shall in such case give, at the plaintiff's expense, notice of the institution of the suit to all such parties either by personal service or (if from the number of parties or any other cause such service is not reasonably practicable) by public advertisement, as the Court in each case may direct.

One party may sue or defend on behalf of all in same interest.

31. No suit shall be defeated by reason of the misjoinder of parties, and the Court may in every suit deal with the matter in controversy so far as regards the rights and interests of the parties actually before it.

Suit not to fail by reason of misjoinder.

Nothing in this section shall be deemed to enable plaintiffs to join in respect of distinct causes of action.

32. The Court may, on or before the first hearing, upon the application of either party, and on such terms as the Court thinks just, order that the name of any party, whether as plaintiff or as defendant, improperly joined, be struck out;

Court may dismiss or add parties.

and the Court may at any time, either upon or without such application, and on such terms as the Court thinks just, order that any plaintiff be made a defendant or that any defendant be made a plaintiff, and that the name of any person who ought to have been joined whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

No person shall be added as a plaintiff, or as the next friend of a plaintiff, without his own consent thereto.

Consent of person added as plaintiff or next friend.

Any person on whose behalf a suit is instituted or defended under section 30 may apply to the Court to be made a party to such suit.

Parties to suits instituted or defended under section 30.

All parties whose names are so added as defendants shall be served with a summons in manner hereinafter mentioned, and (subject to the provisions of the Indian Limitation Act, 1877, section 22) the proceedings as against them shall be deemed to have begun only on the service of such summons.

Defendants added to be served.

The Court may give the conduct of the suit to such plaintiff as it deems proper.

Conduct of suit.

33. Where a defendant is added, the plaint, if previously filed, shall, unless the Court direct otherwise be amended in such manner as may be necessary, and an amended copy of the summons shall be served on the new defendant and the original defendants.

Where defendant added, plaintiff to amend.

34. All objections for want of parties, or for joinder of parties who have no interest in the suit, or for misjoinder as co-plaintiffs or co-defendants, shall be taken at the earliest possible opportunity, and in all cases before the first hearing; and any such objection not so taken shall be deemed to have been waived by the defendant.

Time for taking objections as to non-joinder or misjoinder.

35. When there are more plaintiffs than one, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any proceeding under this Code: and in like manner when there are more defendants than one, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any such proceeding.

Each of several plaintiffs or defendants may authorize any other to appear, &c., for him.

The authority shall be in writing signed by the party giving it, and shall be filed in Court.

Authority to be in writing signed and filed.

Recognized Agents and Pleaders.

36. Any appearance, application or act in or to any Court, required or authorized by law to be made or done by a party to a suit or appeal in such Court, may, except when otherwise expressly provided by any law for the time being in force, be made or done by the party in person, or by his recognized agent, or by a pleader duly appointed to act on his behalf:

Appearances, &c., may be in person, by recognized agent or by pleader.

Provided that any such appearance shall be made by the party in person, if the Court so direct.

37. The recognized agents of parties by whom such appearances, applications and acts may be made or done are—

Recognized agents.

(*a*) persons holding general powers-of-attorney from parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application or act is made or done, authorizing them to make and do such appearances, applications and acts on behalf of such parties;

Persons holding powers-of-attorney from parties out of jurisdiction.

(*b*) mukhtárs duly certificated under any law for the time being in force, and holding special powers-of-attorney authorizing them to do, on behalf of their principals, such acts as may legally be done by mukhtárs;

Certificated mukhtárs.

(*c*) persons carrying on trade or business for and in the names of parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application or act is made or done, in matters con-

Persons carrying on trade or business for parties out of jurisdiction.

nected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, applications and acts.

Recognized agents in Panjáb, Oudh and Central Provinces.

Nothing in the former part of this section applies to the territories now administered respectively by the Lieutenant-Governor of the Panjáb, and the Chief Commissioners of Oudh and the Central Provinces; but in those territories the recognized agents of parties by whom such appearances, applications and acts may be made and done shall be such persons as the Local Government may from time to time, by notification in the official Gazette, declare in this behalf.

Service of process on recognized agent.

38. Processes served on the recognized agent of a party to a suit or appeal shall be as effectual as if the same had been served on the party in person, unless the Court otherwise directs.

The provisions of this Code for the service of process on a party to a suit shall apply to the service of process on his recognized agent.

Appointment of pleader.

39. The appointment of a pleader to make or do any appearance, application or act as aforesaid shall be in writing, and such appointment shall be filed in court.

When so filed, it shall be considered to be in force until revoked with the leave of the Court, by a writing signed by the client and filed in court, or until the client or the pleader dies, or all proceedings in the suit are ended so far as regards the client.

No advocate of any High Court established by Royal Charter shall be required to present any document empowering him to act.

Service of process on pleader.

40. Processes served on the pleader of any party or left at the office or ordinary residence of such pleader, relative to a suit or appeal, and whether the same be for the personal appearance of the party or not, shall be presumed to be duly communicated and made known to the party whom the pleader represents; and, unless the Court otherwise directs, shall be as effectual for all purposes in relation to the suit or appeal as if the same had been given to or served on the party in person.

Agent to receive process.

41. Besides the recognized agents described in section 37, any person residing within the jurisdiction of the Court may be appointed an agent to accept service of process.

His appointment to be in writing and to be filed in court.

Such appointment may be special or general and shall be made by an instrument in writing signed by the principal, and such instrument, or, if the appointment be general, a duly attested copy thereof, shall be filed in court.

CHAPTER IV.

OF THE FRAME OF THE SUIT.

Suit how to be framed.

42. Every suit shall, as far as practicable, be so framed as to afford ground for a final decision upon the subjects in dispute, and so to prevent further litigation concerning them.

Suit to include whole claim.

43. Every suit shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action; but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court.

Relinquishment of part of claim.

If a plaintiff omit to sue in respect of, or intentionally relinquish, any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

Omission to sue for one of several remedies.

A person entitled to more than one remedy in respect of the same cause of action may sue for all or any of his remedies; but if he omits (except with the leave of the Court obtained before the first hearing) to sue for any of such remedies, he shall not afterwards sue for the remedy so omitted.

For the purpose of this section, an obligation and a collateral security for its performance shall be deemed to constitute but one cause of action.

Illustration.

A lets a house to B at a yearly rent of Rs. 1,200. The rent for the whole of the years 1881 and 1882 is due and unpaid. A sues B only for the rent due for 1882. A shall not afterwards sue B for the rent due for 1881.

Only certain claims to be joined with suit for recovery of land.

44. *Rule a.*—No cause of action shall, unless with the leave of the Court, be joined with a suit for the recovery of immoveable property, or to obtain a declaration of title to immoveable property, except—

(*a*) claims in respect of mesne profits or arrears of rent in respect of the property claimed,

(*b*) damages for breach of any contract under which the property or any part thereof is held, and

(*c*) claims by a mortgagee to enforce any of his remedies under the mortgage.

Claims by or against executor, administrator or heir.

Rule b.—No claim by or against an executor, administrator or heir as such, shall be joined with claims by or against him personally, unless the last mentioned claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor, administrator or heir, or are such as he was entitled to, or liable for, jointly with the deceased person whom he represents.

Plaintiff may join several causes of action.

45. Subject to the rules contained in chapter II and in section 44, the plaintiff may unite in the same suit several causes of action

against the same defendant or the same defendants jointly; and any plaintiffs having causes of action in which they are jointly interested against the same defendant, or the same defendants jointly, may unite such causes of action in the same suit.

Court may order separation.

But if it appear to the Court that any such causes of action cannot be conveniently tried or disposed of together, the Court may, at any time before the first hearing, of its own motion or on the application of any defendant, or at any subsequent stage of the suit, if the parties agree, order separate trials of any such causes of action to be had, or make such other order as may be necessary or expedient for the separate disposal thereof.

When causes of action are united, the jurisdiction of the Court as regards the suit shall depend on the amount or value of the aggregate subject-matters at the date of instituting the suit, whether or not an order has been made under the second paragraph of this section.

Defendant may apply to confine suit.

46. Any defendant alleging that the plaintiff has united in the same suit several causes of action which cannot be conveniently disposed of in one suit may at any time before the first hearing, or, where issues are settled, before any evidence is recorded, apply to the Court for an order confining the suit to such of the causes of action as may be conveniently disposed of in one suit.

Court on hearing application may exclude some causes and order amendment.

47. If, on the hearing of such application, it appears to the Court that the causes of action are such as cannot all be conveniently disposed of in one suit, the Court may order any of such causes of action to be excluded, and may direct the plaint to be amended accordingly, and may make such order as to costs as may be just.

Every amendment made under this section shall be attested by the signature of the Judge.

CHAPTER V.

OF THE INSTITUTION OF SUITS.

Suits to be commenced by plaint.

48. Every suit shall be instituted by presenting a plaint to the Court or such officer as it appoints in this behalf.

Language of plaint.

49. The plaint must be distinctly written in the language of the Court; provided that, if such language is not English, the plaint may (with the permission of the Court) be written in English; but in such case, if the defendant so require, a translation of the plaint into the language of the Court shall be filed in court.

Particulars to be contained in plaint.

50. The plaint must contain the following particulars:—

(*a*) the name of the Court in which the suit is brought;

(*b*) the name, description and place of residence of the plaintiff;

(*c*) the name, description and place of residence of the defendant, so far as they can be ascertained;

(*d*) a plain and concise statement of the circumstances constituting the cause of action, and where and when it arose;

(*e*) a demand of the relief which the plaintiff claims; and

(*f*) if the plaintiff has allowed a set-off or relinquished a portion of his claim, the amount so allowed or relinquished.

In money-suits.

If the plaintiff seeks the recovery of money, the plaint must state the precise amount, so far as the case admits.

In a suit for mesne profits, and in a suit for the amount which will be found due to the plaintiff on taking unsettled accounts between him and the defendant, the plaint need only state approximately the amount sued for.

Where plaintiff sues as representative.

When the plaintiff sues in a representative character, the plaint should shew, not only that he has an actual existing interest in the subject-matter but that he has taken the steps necessary to enable him to institute a suit concerning it.

Illustrations.

(*a*) A sues as B's executor. The plaint must state that A has proved B's will.

(*b*) A sues as C's administrator. The plaint must state that A has taken out administration to C's estate.

(*c*) A sues as guardian of D, a Muhammadan minor. A is not D's guardian according to Muhammadan law and usage. The plaint must state that A has been specially appointed D's guardian.

Defendant's interest and liability to be shewn.

The plaint must shew that the defendant is or claims to be interested in the subject-matter, and that he is liable to be called upon to answer the plaintiff's demand.

Illustration.

A dies, leaving B his executor, C his legatee, and D a debtor to A's estate. C sues D to compel him to pay his debt in satisfaction of C's legacy. The plaint must shew that B has causelessly refused to sue D, or that B and D have colluded for the purpose of defrauding C, or other such circumstances rendering D liable to C.

Grounds of exemption from limitation-law.

If the cause of action arose beyond the period ordinarily allowed by any law for instituting the suit, the plaint must shew the ground upon which exemption from such law is claimed.

Plaints to be signed and verified.

51. The plaint shall be signed by the plaintiff and his pleader (if any), and shall be verified at the foot by the plaintiff or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case.

Provided that if the plaintiff is, by reason of absence or for other good cause, unable to sign

the plaint, it may be signed by any person duly authorized by him in this behalf.

Contents of verification.

52. The verification must be to the effect that the same is true to the knowledge of the person making it, except as to matters stated on information and belief, and that as to those matters he believes it to be true.

Verification to be signed and attested.

The verification shall be signed by the person making it.

When plaint may be rejected, returned for amendment, or amended.

53. The plaint may, at the discretion of the Court and at or before the first hearing, be rejected, returned for amendment within a time to be fixed by the Court, or amended then and there, upon such terms as to the payment of costs occasioned by the amendment as the Court thinks fit,

(a) if it does not state correctly and without prolixity the several particulars hereinbefore required to be specified therein; or

(b) if it contains any particulars other than those so required; or

(c) if it is not signed and verified as hereinbefore required; or

(d) if it does not disclose a cause of action; or

(e) if it is not framed in accordance with section 42; or

(f) if it is wrongly framed by reason of nonjoinder or misjoinder of parties, or because the plaintiff has joined causes of action which ought not to be joined in the same suit:

Proviso.

Provided that a plaint cannot be altered so as to convert a suit of one character into a suit of another and inconsistent character.

Attestation of amendment.

When a plaint is amended, the amendment shall be attested by the signature of the Judge.

When plaint shall be rejected.

54. The plaint shall be rejected in the following cases:—

(a) if the relief sought is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so:

(b) if the relief sought is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so:

(c) if the suit appears from the statement in the plaint to be barred by any positive rule of law:

(d) if the plaint, having been returned for amendment within a time fixed by the Court, is not amended within such time.

Procedure on rejecting plaint.

55. When a plaint is rejected, the Judge shall record with his own hand an order to that effect with the reason for such order.

When rejection of plaint does not preclude presentation of fresh plaint.

56. The rejection of the plaint on any of the grounds hereinbefore mentioned shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

When plaint shall be returned to be presented to proper Court.

57. The plaint shall be returned to be presented to the proper Court in the following cases:

(a) if a suit has been instituted in a Court whose grade is lower or higher than that of the Court competent to try it, where such Court exists, or where no option as to the selection of the Court is allowed by law:

(b) if, in a suit relating to immoveable property, but not coming under the proviso to section 16, it appears that no part of such property is situate within the local limits of the jurisdiction of the Court to which the plaint is presented:

(c) if, in any other case, it appears that the cause of action did not arise, and that none of the defendants are dwelling or carrying on business, or personally working for gain, within such local limits.

Procedure on returning plaint.

On returning a plaint, the Judge shall, with his own hand, endorse thereon the date of its presentation and return, the name of the party presenting it, and a brief statement of the reason for returning it.

Procedure on admitting plaint.

58. The plaintiff shall endorse on the plaint, or annex thereto, a memorandum of the documents (if any) which he has produced along with it; and, if the plaint be admitted, shall present as many copies on plain paper of the plaint as there are defendants, unless the Court by reason of the length of the plaint or the number of the defendants, or for any other sufficient reason, permits him to present a like number of concise statements of the nature of the claim made, or of the relief or remedy required, in the suit, in which case he shall present such statements.

Concise statements.

If the plaintiff sues, or the defendant or any of the defendants is sued, in a representative capacity, such statements shall show in what capacity the plaintiff or defendant sues or is sued.

The plaintiff may, by leave of the Court, amend such statements so as to make them correspond with the plaint.

The chief ministerial officer of the Court shall sign such memorandum and copies or statements if, on examination, he finds them to be correct.

Register of suits

The Court shall also cause the particulars mentioned in section 50 to be entered in a book to be kept

for the purpose and called the Register of civil suits. Such entries shall be numbered in every year according to the order in which the plaint is admitted.

Production of document on which plaintiff sues. Delivery of document or copy.

59. If a plaintiff sues upon a document in his possession or power, he shall produce it in court when the plaint is presented, and shall at the same time deliver the document or a copy thereof to be filed with the plaint.

List of other documents.

If he rely on any other documents (whether in his possession or power or not) as evidence in support of his claim, he shall enter such documents in a list to be added or annexed to the plaint.

Statement in case of documents not in his possession or power.

60. In the case of any such document not in his possession or power, he shall, if possible, state in whose possession or power it is.

Suits on lost negotiable instruments.

61. In case of any suit founded upon a negotiable instrument, if it be proved that the instrument is lost, and if an indemnity be given by the plaintiff, to the satisfaction of the Court, against the claims of any other person upon such instrument, the Court may make such decree as it would have made if the plaintiff had produced the instrument in court when the plaint was presented, and had at the same time delivered a copy of the instrument to be filed with the plaint.

Production of shop-book.

62. If the document on which the plaintiff sues be an entry in a shop-book or other book in his possession or power, the plaintiff shall produce the book at the time of filing the plaint, together with a copy of the entry on which he relies.

Original entry to be marked and returned.

The Court, or such officer as it appoints in this behalf, shall forthwith mark the document for the purpose of identification; and, after examining and comparing the copy with the original and attesting the copy if found correct, shall return the book to the plaintiff and cause the copy to be filed.

Inadmissibility of document not produced when plaint filed.

63. A document which ought to be produced in court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint, and which is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

Nothing in this section applies to documents produced for cross-examination of the defendant's witnesses, or in answer to any case set up by the defendant, or handed to a witness merely to refresh his memory.

CHAPTER VI.

OF THE ISSUE AND SERVICE OF SUMMONS.

Issue of Summons.

Summons.

64. When the plaint has been registered, and the copies or concise statements required by section 58 have been filed, a summons may be issued to each defendant to appear and answer the claim on a day to be therein specified,

(*a*) in person, or

(*b*) by a pleader duly instructed and able to answer all material questions relating to the suit, or

(*c*) by a pleader accompanied by some other person able to answer all such questions.

Every such summons shall be signed by the Judge or such officer as he appoints, and shall be sealed with the seal of the Court:

Provided that no such summons shall be issued when the defendant has appeared at the presentation of the plaint and admitted the plaintiff's claim.

Copy or statement annexed to summons.

65. Every such summons shall be accompanied with one of the copies or concise statements mentioned in section 58.

Court may order defendant or plaintiff to appear in person.

66. If the Court sees reason to require the personal appearance of the defendant, the summons shall order him to appear in person in court on the day therein specified.

If the Court sees reason to require the personal appearance of the plaintiff on the same day, it may make an order for such appearance.

No party to be ordered to appear in person unless resident

67. No party shall be ordered to appear in person unless he resides

(*a*) within the local limits of the Court's ordinary original jurisdiction, or

(*b*) without such limits and at a place less than fifty, or, where there is railway-communication for five-sixths of the distance between the place where he resides and the place where the Court is situate, two hundred miles from the court-house.

within 50 or, where there is railway, 200 miles.

Summons to be either to settle issues or for final disposal.

68. The Court shall determine, at the time of issuing the summons, whether it shall be for the settlement of issues only, or for the final disposal of the suit; and the summons shall contain a direction accordingly:

Provided that, in every suit heard by Courts of Small Causes, the summons shall be for the final disposal of the suit.

Fixing day for appearance of defendant.

69. The day for the appearance of the defendant shall be fixed by the Court with reference to its current business, the place of residence of the defendant and the time necessary

for the service of the summons; and the day shall be so fixed as to allow the defendant sufficient time to enable him to appear and answer on such day.

What shall be deemed 'sufficient time' must be determined with reference to the circumstances of the case.

Summons to order defendant to produce documents required by plaintiff or relied on by defendant.

70. The summons to appear and answer shall order the defendant to produce any document in his possession or power, containing evidence relating to the merits of the plaintiff's case, or upon which the defendant intends to rely in support of his case.

On issue of summons for final disposal, defendant to be directed to produce his witnesses.

71. When the summons is for the final disposal of the suit, it shall direct the defendant to produce, on the day fixed for his appearance, the witnesses upon whose evidence he intends to rely in support of his case.

Service of Summons.

Delivery of summons for service.

72. The summons shall be delivered to the proper officer of the Court, to be served by him or one of his subordinates.

Mode of service.

73. Service of the summons shall be made by delivering or tendering a copy thereof signed by the Judge or such officer as he appoints in this behalf, and sealed with the seal of the Court.

Service on several defendants.

74. When there are more defendants than one, service of the summons shall be made on each defendant:

Provided that, if the defendants are partners, and the suit relates to a partnership transaction or to an actionable wrong in respect of which relief is claimable from the firm, the service may be made, unless the Court directs otherwise either (*a*) on one defendant for himself and for the other defendants, or (*b*) on any person having the management of the business of the partnership at the principal place, within the local limits of the Court's ordinary original civil jurisdiction, of such business.

Service to be on defendant in person when practicable, or on his agent.

75. Whenever it may be practicable, the service shall be made on the defendant in person, unless he have an agent empowered to accept the service, in which case service on such agent shall be sufficient.

Service on agent by whom defendant carries on business.

76. In a suit relating to any business or work against a person who does not reside within the local limits of the jurisdiction of the Court from which the summons issues, service on any manager or agent, who, at the time of service, personally carries on such business or work for such person within such limits, shall be deemed good service.

For the purpose of this section, the master of a ship is the agent of his owner or charterer.

Service on agent in charge, in suits for immoveable property.

77. In a suit to obtain relief respecting, or compensation for wrong to, immoveable property, if the service cannot be made on the defendant in person, and the defendant have no agent empowered to accept the service, it may be made on any agent of the defendant in charge of the property.

When service may be on male member of defendant's family.

78. If in any suit the defendant cannot be found and if he have no agent empowered to accept the service of the summons on his behalf, the service may be made on any adult male member of the family of the defendant who is residing with him.

Explanation.—A servant is not a member of the family within the meaning of this section.

Person served to sign acknowledgment.

79. When the serving-officer delivers or tenders a copy of the summons to the defendant personally, or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.

Procedure when defendant refuses to accept service, or cannot be found.

80. If the defendant or other person refuses to sign the acknowledgment, or if the serving-officer cannot find the defendant, and there is no agent empowered to accept the service of the summons on his behalf, nor any other person on whom the service can be made,

the serving officer shall affix a copy of the summons on the outer door of the house in which the defendant ordinarily resides and then return the original to the Court from which it issued, with a return endorsed thereon or annexed thereto, stating that he has so affixed the copy and the circumstances under which he did so.

Endorsement of time and manner of service.

81. The serving-officer shall, in all cases in which the summons has been served under section 79, endorse or annex, or cause to be endorsed or annexed, on or to the original summons, the time when and the manner in which the summons was served.

Examination of serving-officer.

82. When a summons is returned under section 80, the Court shall examine the serving-officer on oath touching his proceedings, and may make such further enquiry in the matter as it thinks fit; and shall either declare that the summons has been duly served or order such service as it thinks fit.

Substituted service.

Where the Court is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding the service, or that for any other reason the summons cannot be served in the ordinary way, the Court shall order the summons to be served by affixing a copy thereof in some conspicuous place in the Court-house, and

also upon some conspicuous part of the house, if any, in which the defendant is known to have last resided, or in such other manner as the Court thinks fit.

Effect of substituted service.

83. The service substituted by order of the Court shall be as effectual as if it had been made on the defendant personally.

When service substituted, time for appearance to be fixed.

84. Whenever service is substituted by order of the Court, the Court shall fix such time for the appearance of the defendant as the case may require.

Service of summons when defendant resides within jurisdiction of another Court and has no agent to accept service.

85. If the defendant resides within the jurisdiction of any Court other than the Court in which the suit is instituted, and has no agent resident within the local limits of the jurisdiction of the latter Court empowered to accept the service of the summons, such Court shall send the summons, either by one of its officers or by post, to any Court, not being a High Court, having jurisdiction at the place where the defendant resides, by which it can be conveniently served, and shall fix such time for the appearance of the defendant as the case may require.

The Court to which the summons is sent shall, upon receipt thereof, proceed as if it had been issued by such Court, and shall then return the summons to the Court from which it originally issued, together with the record (if any) made under this paragraph.

Service, within Presidency-towns and Rangoon, of process issued by Provincial Courts.

86. Whenever any process issued by any Court established beyond the limits of the towns of Calcutta, Madras, Bombay and Rangoon is to be served within any such town, it shall be sent to the Court of Small Causes within whose jurisdiction the process is to be served,

and such Court of Small Causes shall deal with such process in the same manner as if the process had been issued by itself,

and shall then return the process to the Court from which it issued.

Service on defendant in jail.

87. If the defendant be in jail, the summons shall be delivered to the officer in charge of the jail in which the defendant is confined, and such officer shall cause the summons to be served upon the defendant.

The summons shall be returned to the Court from which it issued, with a statement of the service endorsed thereon and signed by the officer in charge of the jail and by the defendant.

Procedure if jail be in different district.

88. If the jail in which the defendant is confined is not in the district in which the suit is instituted, the summons may be sent by post or otherwise to the officer in charge of such jail, and such officer shall cause the summons to be served upon the defendant, and shall return the summons to the Court from which it issued, with a statement of the service endorsed thereon, and signed as provided in section 87.

Service when defendant resides out of British India and has no agent to accept service.

89. If the defendant resides out of British India, and has no agent in British India empowered to accept the service, the summons shall be addressed to the defendant at the place where he is residing, and forwarded to him by post if there be postal communication between such place and the place where the Court is situate.

Service through British Resident or Agent of Government.

90. If there be a British Resident or Agent of Government in or for the territory in which the defendant resides, the summons may be sent to such Resident or Agent, by post or otherwise, for the purpose of being served upon the defendant; and if the Resident or Agent returns the summons with an endorsement under his hand that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be conclusive evidence of the service.

Substitution of letter for summons.

91. The Court may, notwithstanding anything hereinbefore contained, substitute for the summons a letter signed by the Judge or such officer as he appoints in this behalf, when the defendant is, in the opinion of the Court, of a rank which entitles him to such mark of consideration.

The letter shall contain all the particulars required to be stated in the summons, and subject to the provisions contained in section 92, shall be treated in all respects as a summons.

Mode of sending such letter.

92. When a letter is so substituted for a summons, it may be sent to the defendant by post or by a special messenger selected by the Court, or in any other manner which the Court thinks fit; unless the defendant has an agent empowered to accept service of summons, in which case the letter may be delivered or sent to such agent.

Service of Process.

Process to be served at expense of party issuing.

93. Every process issued under this Code shall be served at the expense of the party on whose behalf it is issued, unless the Court otherwise directs.

Costs of service.

The court-fee leviable for such service shall be levied within a time to be fixed by the Court before the process is issued.

Notices and orders in writing how served.

94. All notices and orders required by this Code to be given to or served on any person shall be in writing, and shall be served in the manner hereinbefore provided for the service of summons.

Postage.

Postage.

95. Postage, where chargeable on any notice, summons or letter issued under this Code and forwarded by post, and the fee for registering the same, shall be paid within a time to be fixed by the Court before the communication is forwarded:

Provided that the Local Government, with the previous sanction of the Governor General in Council, may remit such postage, or fee, or both, or may prescribe a scale of court-fees to be levied in lieu thereof.

CHAPTER VII.

OF THE APPEARANCE OF THE PARTIES AND CONSEQUENCE OF NON-APPEARANCE.

Parties to appear on day fixed in summons for defendant to appear and answer.

96. On the day fixed in the summons for the defendant to appear and answer, the parties shall be in attendance at the court-house in person or by their respective pleaders, and the suit shall then be heard, unless the hearing be adjourned to a future day fixed by the Court.

Dismissal of suit where summons not served in consequence of plaintiff's failure to pay fee for issuing.

97. If, on the day so fixed for the defendant to appear and answer, it be found that the summons has not been served upon him in consequence of the failure of the plaintiff to pay the court-fee leviable for such service, the Court may order that the suit be dismissed:

Proviso.

Provided that no such order shall be passed, although the summons has not been served upon the defendant, if, on the day fixed for him to appear and answer, he attends in person or by agent, when he is allowed to appear by agent.

If neither party appears, suit to be dismissed.

98. If on the day fixed for the defendant to appear and answer, or on any other subsequent day to which the hearing of the suit is adjourned, neither party appears, the suit shall be dismissed, unless the Judge, for reasons to be recorded under his hand, otherwise directs.

In such case plaintiff may bring fresh suit;

99. Whenever a suit is dismissed under section 97 or section 98, the plaintiff may (subject to the law of limitation) bring a fresh suit; or if, within the period of thirty days from the date of the order dismissing the suit, he satisfies the Court that there was a sufficient excuse for his not paying the court-fee required within the time allowed for the service of the summons, or for his non-appearance, as the case may be, the Court shall pass an order to set aside the dismissal and appoint a day for proceeding with the suit.

or Court may restore suit to its file.

Dismissal of suit where plaintiff, after summons returned unserved, fails for a year to apply for fresh summons.

99A. If, after a summons has, whether before or after the first day of June, 1882, been issued to the defendant, or to one of several defendants, and returned unserved, the plaintiff fails for a period of one year from such return to apply for the issue of a fresh summons and to satisfy the Court that he has used his best endeavours to discover the residence of the defendant who has not been served, or that such defendant is avoiding service of process, the Court may dismiss the suit as against such defendant.

In such case the plaintiff may (subject to the law of limitation) bring a fresh suit.

Procedure if only plaintiff appears,

100. If the plaintiff appears and the defendant does not appear, the procedure shall be as follows:

when summons duly served,

(*a*) if it is proved that the summons was duly served, the Court may proceed *ex parte*:

when summons not duly served,

(*b*) if it is not proved that the summons was duly served, the Court shall direct a second summons to be issued and served on the defendant:

when summons served, but not in due time.

(*c*) if it is proved that the summons was served on the defendant, but not in sufficient time to enable him to appear and answer on the day fixed in the summons, the Court shall postpone the hearing of the suit to a future day to be fixed by the Court, and shall direct notice of such day to be given to the defendant.

If it is owing to the plaintiff's default that the summons was not served in sufficient time, the Court shall order him to pay the costs occasioned by such postponement.

Procedure where defendant appears on day of adjourned hearing, and assigns good cause for previous non-appearance.

101. If the Court has adjourned the hearing of the suit *ex parte*, and the defendant, at or before such hearing, appears and assigns good cause for his previous non-appearance, he may, upon such terms as the Court directs as to costs or otherwise, be heard in answer to the suit, as if he had appeared on the day fixed for his appearance.

Procedure where defendant only appears.

102. If the defendant appears and the plaintiff does not appear, the Court shall dismiss the suit, unless the defendant admits the claim, or part thereof, in which case the Court shall pass a decree against the defendant upon such admission, and, where part only of the claim has been admitted, shall dismiss the suit so far as it relates to the remainder.

Decree against plaintiff by default bars fresh suit.

103. When a suit is wholly or partially dismissed under section 102, the plaintiff shall be precluded from bringing a fresh suit in respect of the same cause of action. But he may apply for an order to set the dismissal aside; and, if it be proved that he was prevented by any

sufficient cause from appearing when the suit was called on for hearing, the Court shall set aside the dismissal upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

No order shall be made under this section unless the plaintiff has served the defendant with notice in writing of his application.

Procedure where defendant residing out of British India does not appear.

104. If, on the day fixed for the hearing of a suit against a defendant residing out of British India, who has no agent empowered to accept service of summons, or on any day to which the hearing has been adjourned, the defendant does not appear, the plaintiff may apply to the Court for permission to proceed with his suit, and the Court may direct that the plaintiff be at liberty to proceed with his suit in such manner and subject to such conditions as the Court thinks fit.

Procedure in case of non-attendance of one or more of several plaintiffs.

105. If there be more plaintiffs than one, and one or more of them appear, and the others do not appear, the Court may, at the instance of the plaintiff or plaintiffs appearing, permit the suit to proceed in the same way as if all the plaintiffs had appeared, and pass such order as it thinks fit.

Procedure in case of non-attendance of one or more of several defendants.

106. If there be more defendants than one, and one or more of them appear, and the others do not appear, the suit shall proceed, and the Court shall, at the time of passing judgment, make such order as it thinks fit with respect to the defendants who do not appear.

Consequence of non-attendance, without sufficient cause shewn, of party ordered to appear in person.

107. If a plaintiff or defendant, who has been ordered to appear in person under the provisions of section 66 or section 436, does not appear in person, or shew sufficient cause to the satisfaction of the Court for failing so to appear, he shall be subject to all the provisions of the foregoing sections applicable to plaintiffs and defendants, respectively, who do not appear.

Of setting aside Decrees ex parte.

Setting aside decree *ex parte* against defendant.

108. In any case in which a decree is passed *ex parte* against a defendant, he may apply to the Court by which the decree was made for an order to set it aside;

and if he satisfies the Court that the summons was not duly served, or that he was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order to set aside the decree upon such terms as to costs, payment into court or otherwise, as it thinks fit, and shall appoint a day for proceeding with the suit.

No decree to be set aside without notice to opposite party.

109. No decree shall be set aside on any such application as aforesaid, unless notice thereof in writing has been served on the opposite party.

CHAPTER VIII.

OF WRITTEN STATEMENTS AND SET-OFF.

Written statements.

110. The parties may, at any time before or at the first hearing of the suit, tender written statements of their respective cases, and the Court shall receive such statements and place them on the record.

Particulars of set-off to be given in written statement.

111. If in a suit for the recovery of money the defendant claims to set-off against the plaintiff's demand any ascertained sum of money legally recoverable by him from the plaintiff, and if in such claim of the defendant against the plaintiff both parties fill the same character as they fill in the plaintiff's suit, the defendant may, at the first hearing of the suit, but not afterwards unless permitted by the Court, tender a written statement containing the particulars of the debt sought to be set-off.

Inquiry.

The Court shall thereupon inquire into the same, and if it finds that the case fulfils the requirements of the former part of this section, and that the amount claimed to be set-off does not exceed the pecuniary limits of its jurisdiction, the Court shall set-off the one debt against the other.

Effect of set-off.

Such set-off shall have the same effect as a plaint in a cross-suit so as to enable the Court to pronounce a final judgment in the same suit, both on the original and on the cross claim; but it shall not affect the lien, upon the amount decreed, of any pleader in respect of the costs payable to him under the decree.

Illustrations.

(*a*) A bequeaths Rs. 2,000 to B, and appoints C his executor and residuary legatee. B dies and D takes out administration to B's effects. C pays Rs. 1,000 as surety for D. Then D sues C for the legacy. C cannot set-off the debt of Rs. 1,000 against the legacy, for neither C nor D fills the same character with respect to the legacy as they fill with respect to the payment of the Rs. 1,000.

(*b*) A dies intestate and in debt to B. C takes out administration to A's effects, and B buys part of the effects from C. In a suit for the purchase-money by C against B, the latter cannot set-off the debt against the price, for C fills two different characters, one as the vendor to B, in which he sues B, and the other as representative to A.

(*c*) A sues B on a bill of exchange. B alleges that A has wrongfully neglected to insure B's goods and is liable to him in compensation which he claims to set-off. The amount not being ascertained cannot be set-off.

(*d*) A sues B on a bill of exchange for Rs. 500. B holds a judgment against A for Rs. 1,000. The two claims being both definite pecuniary demands may be set-off.

(e) A sues B for compensation on account of a trespass. B holds a promissory note for Rs. 1,000 from A and claims to set-off that amount against any sum that A may recover in the suit. B may do so, for as soon as A recovers, both sums are definite pecuniary demands.

(f) A and B sue C for Rs. 1,000. C cannot set-off a debt due to him by A alone.

(g) A sues B and C for Rs. 1,000. B cannot set-off a debt due to him alone by A.

(h) A owes the partnership-firm of B and C Rs. 1,000. B dies leaving C surviving. A sues C for a debt of Rs. 1,500 due in his separate character. C may set-off the debt of Rs. 1,000.

No written statement to be received after first hearing.

112. Except as provided in the last preceding section, no written statement shall be received after the first hearing of the suit:

Provisoes.

Provided that the Court may at any time require a written statement, or additional written statement, from any of the parties, and fix a time for presenting the same:

Provided also that a written statement, or an additional written statement, may, with the permission of the Court, be received at any time for the purpose of answering written statements so required and presented.

Procedure when party fails to present written statement called for by Court.

113. If any party from whom a written statement is so required fails to present the same within the time fixed by the Court, the Court may pass a decree against him, or make such order in relation to the suit as it thinks fit.

Frame of written statements.

114. Written statements shall be as brief as the nature of the case admits, and shall not be argumentative, but shall be confined as much as possible to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he either admits or believes he will be able to prove.

Every such statement shall be divided into paragraphs, numbered consecutively, and each paragraph containing as nearly as may be a separate allegation.

Written statements to be signed and verified.

115. Written statements shall be signed and verified in the manner hereinbefore provided for signing and verifying plaints, and no written statement shall be received unless it be so signed and verified.

Power of Court as to argumentative, prolix or irrelevant written statements.

116. If it appears to the Court that any written statement, whether called for by the Court or spontaneously tendered, is argumentative or prolix, or contains matter irrelevant to the suit, the Court may amend it then and there, or may, by an order to be endorsed thereon, reject the same, or return it to the party by whom it was made for amendment within a time to be fixed by the Court, imposing such terms as to costs or otherwise as the Court thinks fit.

Attestation of amendments.

When any amendment is made under this section, the Judge shall attest it by his signature.

Effect of rejection.

When a statement has been rejected under this section, the party making it shall not present another written statement, unless it be expressly called for or allowed by the Court.

CHAPTER IX.

OF THE EXAMINATION OF THE PARTIES BY THE COURT.

Ascertainment whether allegations in plaint and written statements admitted or denied.

117. At the first hearing of the suit, the Court shall ascertain from the defendant or his pleader whether he admits or denies the allegations of fact made in the plaint, and shall ascertain from each party or his pleader whether he admits or denies such allegations of fact as are made in the written statement (if any) of the opposite party, and as are not expressly or by necessary implication admitted or denied by the party against whom they are made. The Court shall record such admissions and denials.

Oral examination of party, or companion of himself or his pleader.

118. At the first hearing of the suit, or at any subsequent hearing, any party appearing in person or present in Court, or any person able to answer any material questions relating to the suit by whom such party or his pleader is accompanied, may be examined orally by the Court; and the Court may, if it thinks fit, put in the course of such examination questions suggested by either party.

Substance of examination to be written.

119. The substance of the examination shall be reduced to writing by the Judge, and shall form part of the record.

Consequence of refusal or inability of pleader to answer.

120. If the pleader of any party who appears by a pleader refuses or is unable to answer any material question relating to the suit which the Court is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Court may postpone the hearing of the suit to a future day, and direct that such party shall appear in person on such day.

If such party fails without lawful excuse to appear in person on the day so appointed, the Court may pass a decree against him, or make such order in relation to the suit as it thinks fit.

CHAPTER X.

OF DISCOVERY AND OF THE ADMISSION, INSPECTION, PRODUCTION, IMPOUNDING AND RETURN OF DOCUMENTS.

Power to deliver interrogatories.

121. Any party may at any time by leave of the Court deliver through the Court interrogatories in

writing for the examination of the opposite party, or where there are more opposite parties than one, any one or more of such parties, with a note at the foot thereof stating which of such interrogatories each of such persons is required to answer:

Provided that no party shall deliver more than one set of interrogatories to the same person without the permission of the Court, and that no defendant shall deliver interrogatories for the examination of the plaintiff unless such defendant has previously tendered a written statement and such statement has been received and placed on the record.

Service of interrogatories.

122. Interrogatories delivered under section 121 shall be served on the pleader (if any) of the party interrogated, or in the manner hereinbefore provided for the service of summons, and the provisions of sections 79, 80, 81 and 82 shall, in the latter case, apply so far as may be practicable.

Inquiry into propriety of exhibiting interrogatories.

123. The Court, in adjusting the costs of the suit, shall, at the instance of any party, inquire or cause inquiry to be made into the propriety of delivering such interrogatories; and if it thinks that such interrogatories have been delivered unreasonably, vexatiously or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be borne by the party in fault.

Service of interrogatories on officer of corporation or company.

124. If any party to a suit be a body corporate or a joint stock company, whether incorporated or not, or any other body of persons empowered by law to sue or be sued, whether in its own name or in the name of any officer or other person, any opposite party may apply to the Court for an order allowing him to deliver interrogatories to any member or officer of such corporation, company or body, and an order may be made accordingly.

Power to refuse to answer interrogatories as irrelevant, &c.

125. Any party called upon to answer interrogatories, whether by himself or by any such member or officer, may refuse to answer any interrogatory on the ground that it is irrelevant, or is not put *bonâ fide* for the purposes of the suit, or that the matter inquired after is not sufficiently material at that stage of the suit, or on any other like ground.

Time for filing affidavit in answer.

126. Interrogatories shall be answered by affidavit to be filed in court within ten days from the service thereof or within such further time as the Judge may allow.

Procedure where party omits to answer sufficiently.

127. If any person interrogated omits or refuses to answer, or answers insufficiently, any interrogatory, the party interrogating may apply to the Court for an order requiring him to answer or to answer further, as the case may be. And an order may be made requiring him to answer or to answer further either by affidavit or by *vivâ voce* examination as the Judge may direct: Provided that the Judge shall not require an answer to any interrogatory which in his opinion need not have been answered under section 125.

Power to demand admission of genuineness of documents.

128. Either party may, by a notice through the Court, within a reasonable time not less than ten days before the hearing, require the other party to admit (saving all just exceptions to the admissibility of such document in evidence) the genuineness of any document material to the suit.

The admission shall also be made in writing signed by the other party or his pleader and filed in court.

If such notice be not given, no costs of proving such document shall be allowed, unless the Judge otherwise orders.

If such notice is not complied with within four days after its being served, and the Judge thinks it reasonable that the admission should have been made, the party refusing shall bear the expense of proving such document, whatever may be the result of the suit.

Power to order discovery of document.

129. The Court may, at any time during the pendency therein of any suit, order any party to the suit to declare by affidavit all the documents which are or have been in his possession or power relating to any matter in question in the suit, and any party to the suit may, at any time before the first hearing, apply to the Court for a like order.

Affidavit in answer to such order.

Every affidavit made under this section shall specify which, if any, of the documents therein mentioned the declarant objects to produce, together with the grounds of such objection.

Power to order production of documents during suit.

130. The Court may, at any time during the pendency therein of any suit, order the production by any party thereto of such of the documents in his possession or power relating to any matter in question in such suit or proceeding as the Court thinks right; and the Court may deal with such documents when produced in such manner as appears just.

Notice to produce for inspection documents referred to in plaint, &c.

131. Any party to a suit may at any time before or at the hearing thereof give notice through the Court to any other party to produce any specified document for the inspection of the party giving such notice or of his pleader, and to permit such party or pleader to take copies thereof.

Consequence of non-compliance with such notice.

No party failing to comply with such notice shall afterwards be at liberty to put any such document in evidence on his behalf in such suit, unless he satisfies the Court that such document relates only to his own title, or that he had some other and sufficient cause for not complying with such notice.

Party receiving such notice to deliver notice when and where inspection may be had.

132. The party to whom such notice is given shall, within ten days from the receipt thereof, deliver through the Court to the party giving the same a notice stating a time within three days from such delivery at which the documents, or such of them as he does not object to produce, may be inspected at his pleader's office or some other convenient place, and stating which, if any, of the documents he objects to produce, and on what grounds.

Application for order of inspection.

133. If any party served with notice under section 131 omits to give notice under section 132 of the time for inspection, or objects to give inspection, or names an inconvenient place for inspection, the party desiring it may apply to the Court for an order of inspection.

Application to be founded on affidavit.

134. Except in the case of documents referred to in the plaint, written statement or affidavit of the party against whom the application is made, or disclosed in his affidavit of documents, such application shall be founded upon an affidavit shewing (*a*) of what documents inspection is sought, (*b*) that the party applying is entitled to inspect them, and (*c*) that they are in the possession or power of the party against whom the application is made.

Power to order issue or question on which right to discovery depends to be first determined.

135. If the party from whom discovery of any kind or inspection is sought objects to the same or any part thereof, and if the Court is satisfied that the right to such discovery or inspection depends on the determination of any issue or question in dispute in the suit, or that for any other reason it is desirable that any such issue or question should be determined before deciding upon the right to the discovery or inspection, the Court may order that the issue or question be determined first and reserve the question as to the discovery or inspection.

Consequences of failure to answer or give inspection.

136. If any party fails to comply with any order under this chapter, to answer interrogatories or for discovery, production or inspection, which has been duly served, he shall, if a plaintiff, be liable to have his suit dismissed for want of prosecution, and if a defendant, to have his defence, if any, struck out, and to be placed in the same position as if he had not appeared and answered;

and the party interrogating or seeking discovery, production or inspection may apply to the Court for an order to that effect, and the Court may make such order accordingly.

Any party failing to comply with any order under this chapter, to answer interrogatories or for discovery, production or inspection, which has been served personally upon him, shall also be deemed guilty of an offence under section 188 of the Indian Penal Code.

Court may send for papers from its own records or from other Courts.

137. The Court may of its own accord, and may in its discretion upon the application of any of the parties to a suit, send for, either from its own records or from any other Court, the record of any other suit or proceeding, and inspect the same.

Every application made under this section shall (unless the Court otherwise directs) be supported by an affidavit of the applicant or his pleader, shewing how the record is material to the suit in which the application is made, and that the applicant cannot without unreasonable delay or expense obtain a duly authenticated copy of the record or of such portion thereof as the applicant requires, or that the production of the original is necessary for the purposes of justice.

Nothing contained in this section shall be deemed to enable the Court to use in evidence any document which under the Indian Evidence Act, 1872, would be inadmissible in the suit.

Documentary evidence to be in readiness at first hearing.

138. The parties or their pleaders shall bring with them and have in readiness at the first hearing of the suit, to be produced when called for by the Court, all the documentary evidence of every description in their possession or power, on which they intend to rely, and which has not already been filed in court, and all documents which the Court at any time before such hearing has ordered to be produced.

Effect of non-production of documents.

139. No documentary evidence in the possession or power of any party which should have been, but has not been, produced in accordance with the requirements of section 138, shall be received at any subsequent stage of the proceedings unless good cause be shown to the satisfaction of the Court for the non-production thereof. And the Judge receiving any such evidence shall record his reasons for so doing.

Documents to be received by Court.

140. The Court shall receive the documents respectively produced by the parties at the first hearing, provided that the documents produced by each party be accompanied by an accurate list thereof prepared in such form as the High Court may from time to time direct.

Rejection of irrelevant or inadmissible documents.

The Court may at any stage of the suit reject any document which it considers irrelevant or otherwise inadmissible, recording the grounds of such rejection.

No documents to be placed on record unless proved. Proved documents to be marked and filed.

141. No document shall be placed on the record unless it has been proved or admitted in accordance with the law of evidence for the time being in force. Every document so proved or admitted shall be endorsed with the number and title of the suit, the name of the person producing it, and the date on which it was produced. The Judge shall then endorse with his own hand a

statement that it was proved against or admitted by (as the case may be) the person against whom it is used. The document shall then be filed as part of the record:

Entries in shop-books.

Provided that, if the document be an entry in a shop-book or other book, the party on whose behalf such book is produced may furnish a copy of the entry, which may be endorsed as aforesaid, and shall be filed as part of the record, and the Court shall mark the entry, and shall then return the book to the person producing it.

All documents produced at the first hearing and not so proved or admitted shall be returned to the parties respectively producing them.

Rejected documents to be marked,

142. When a document so proved or admitted is relied on as evidence by either party, but the Court considers it inadmissible, it shall be further endorsed with the addition of the word "rejected," and the endorsement shall be signed by the Judge.

and returned.

The document shall then be returned to the party who produced it.

Court may order any document to be impounded.

143. Notwithstanding anything contained in sections 62, 141 and 142, the Court may, if it sees sufficient cause, direct any document or book produced before it in any suit to be impounded and kept in the custody of an officer of the Court, for such period and subject to such conditions as the Court thinks fit.

When document admitted in evidence may be returned.

144. In suits in which an appeal is not allowed, when the suit has been disposed of, and in suits in which an appeal is allowed, when the time for preferring an appeal from the decree has elapsed, or, if an appeal has been preferred, then after the appeal has been disposed of, any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit, and placed on the record, shall, unless the document is impounded under section 143, be entitled to receive back the same:

When document may be returned before time limited.

Provided that a document may be returned at any time before either of such events, if the person applying for such return delivers to the proper officer a certified copy of such document to be substituted for the original:

Certain documents not to be returned.

Provided also that no document shall be returned which, by force of the decree, has become void or useless.

Receipt to be given for returned document.

On the return of a document which has been admitted in evidence, a receipt shall be given by the party receiving it, in a receipt-book to be kept for the purpose.

Provisions as to documents applied to material objects.

145. The provisions herein contained as to documents shall, so far as may be, apply to all other material objects producible as evidence.

CHAPTER XI.

OF THE SETTLEMENT OF ISSUES.

Framing of issues.

146. Issues arise when a material proposition of fact or law is affirmed by the one party and denied by the other.

Material propositions are those propositions of law or fact which a plaintiff must allege in order to show a right to sue.

Each material proposition affirmed by one party and denied by the other must form the subject of a distinct issue.

Issues are of two kinds: (*a*) issues of fact, (*b*) issues of law.

At the first hearing of the suit, the Court shall, after reading the plaint and the written statements, if any, and after such examination of the parties as may appear necessary, ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues on which the right decision of the case appears to the Court to depend.

When issues both of law and of fact arise in the same suit, and the Court is of opinion that the case may be disposed of on the issues of law only, it shall try those issues first, and for that purpose may, if it thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

Nothing in this section requires the Court to frame and record issues when the defendant at the first hearing of the suit makes no defence.

Allegations from which issues may be framed.

147. The Court may frame the issues from all or any of the following materials:—

(*a*) allegations made on oath by the parties, or by any persons present on their behalf, or made by the pleaders of such parties or persons;

(*b*) allegations made in the plaint or in the written statements (if any) tendered in the suit, or in answer to interrogatories delivered in the suit;

(*c*) the contents of documents produced by either party.

Court may examine witnesses or documents before framing issues.

148. If the Court be of opinion that the issues cannot be correctly framed without the examination of some person not before the Court, or without the inspection of some document not produced in the suit, it may adjourn the framing of the issues to a future day, to be fixed by the Court, and may (subject to the rules contained in the Indian Evidence Act) compel the attend-

ance of any person or the production of any document by the person in whose hands it may be, by summons or other process.

Power to amend, add and strike out issues.

149. The Court may at any time before passing a decree amend the issues or frame additional issues on such terms as it thinks fit, and all such amendments or additional issues as may be necessary for determining the controversy between the parties shall be so made or framed.

The Court may also, at any time before passing a decree, strike out any issues that appear to it to be wrongly framed or introduced.

Questions of fact or law may by agreement be stated in form of issue.

150. When the parties to a suit are agreed as to the question of fact or of law to be decided between them, they may state the same in the form of an issue, and enter into an agreement in writing

(*a*) that upon the finding of the Court in the affirmative or the negative of such issue, a sum of money specified in the agreement, or to be ascertained by the Court, or in such manner as the Court may direct, shall be paid by one of the parties to the other of them, or that one of them be declared entitled to some right or subject to some liability specified in the agreement,

(*b*) that upon such finding some property specified in the agreement and in dispute in the suit shall be delivered by one of the parties to the other of them, or as that other may direct, or

(*c*) that upon such finding one or more of the parties shall do or abstain from doing some particular act, specified in the agreement, and relating to the matter in dispute.

Court, if satisfied that agreement was executed in good faith, may pronounce judgment.

151. If the Court be satisfied, after making such inquiry as it deems proper,

(*a*) that the agreement was duly executed by the parties,

(*b*) that they have a substantial interest in the decision of such question as aforesaid, and

(*c*) that the same is fit to be tried and decided,

it may proceed to record and try the issue, and state its finding or opinion thereon in the same manner as if the issue had been framed by the Court;

and may, upon the finding or decision on such issue, pronounce judgment according to the terms of the agreement;

and upon the judgment so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

CHAPTER XII.

DISPOSAL OF THE SUIT AT THE FIRST HEARING.

If parties not at issue on any question of law or fact.

152. If at the first hearing of a suit it appears that the parties are not at issue on any question of law or of fact, the Court may at once pronounce judgment.

If one of several defendants be not at issue with plaintiff.

153. Where there are more defendants than one, and any one of the defendants is not at issue with the plaintiff on any question of law or fact, the Court may at once pronounce judgment for or against such defendant, and the suit shall proceed only against the other defendants.

If parties at issue on questions of law or fact,

154. When the parties are at issue on some question of law or of fact, and issues have been framed by the Court as hereinbefore provided, if the Court be satisfied that no further argument or evidence than the parties can at once supply is required upon such of the issues as may be sufficient for the decision of the suit, and that no injustice will result from proceeding with the suit forthwith, the Court may proceed to determine such issues,

Court may determine issue, and pronounce judgment.

and, if the finding thereon is sufficient for the decision, may pronounce judgment accordingly, whether the summons has been issued for the settlement of issues only or for the final disposal of the suit:

Provided that, where the summons has been issued for the settlement of issues only, the parties or their pleaders are present and none of them object.

If the finding is not sufficient for the decision, the Court shall postpone the further hearing of the suit, and shall fix a day for the production of such further evidence, or for such further argument, as the case requires.

If either party fails to produce his evidence, Court may pronounce judgment, or adjourn suit.

155. If the summons has been issued for the final disposal of the suit, and either party fails without sufficient cause to produce the evidence on which he relies, the Court may at once pronounce judgment,

or may, if it thinks fit, after framing and recording issues under section 116, adjourn the suit for the production of such evidence as may be necessary to its decision upon such issues.

CHAPTER XIII.

OF ADJOURNMENTS.

Court may grant time, and adjourn hearing.

156. The Court may, if sufficient cause be shown, at any stage of the suit grant time to the parties or to any of them, and may from time to time adjourn the hearing of the suit.

Costs of adjournment.

In all such cases the Court shall fix a day for the further hearing of the suit, and may make such order as it thinks fit with respect to the costs occasioned by the adjournment:

Provided that, when the hearing of evidence has once begun, the hearing of the suit shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the hearing to be necessary for reasons to be recorded by the Judge with his own hand.

Procedure if parties fail to appear on day fixed.

157. If, on any day to which the hearing of the suit is adjourned, the parties or any of them fail to appear, the Court may proceed to dispose of the suit in one of the modes directed in that behalf by Chapter VII, or make such other order as it thinks fit.

Court may proceed notwithstanding either party fails to produce evidence, &c.

158. If any party to a suit to whom time has been granted fails to produce his evidence, or to cause the attendance of his witnesses, or to perform any other act necessary to the further progress of the suit, for which time has been allowed, the Court may, notwithstanding such default, proceed to decide the suit forthwith.

CHAPTER XIV.

OF THE SUMMONING AND ATTENDANCE OF WITNESSES.

Summons to attend to give evidence or produce documents.

159. The parties may, after the summons has been delivered for service on the defendant, whether it be for the settlement of issues only, or for the final disposal of the suit, obtain, on application to the Court or to such officer as it appoints in this behalf, before the day fixed for such settlement or disposal, as the case may be, summonses to persons whose attendance is required either to give evidence or to produce documents.

Expenses of witnesses to be paid into court on applying for summons.

160. The party applying for a summons shall, before the summons is granted and within a period to be fixed by the Court, pay into court such a sum of money as appears to the Court to be sufficient to defray the travelling and other expenses of the person summoned, in passing to and from the court in which he is required to attend, and for one day's attendance.

Scale of expenses.

If the Court be subordinate to a High Court, regard shall be had, in fixing the scale of such expenses, to the rules (if any) laid down by competent authority.

Tender of expenses to witness.

161. The sum so paid into Court shall be tendered to the person summoned, at the time of serving the summons, if it can be served personally.

Procedure where insufficient sum paid in.

162. If it appear to the Court or to such officer as it appoints in this behalf that the sum paid into Court is not sufficient to cover such expenses, the Court may direct such further sum to be paid to the person summoned as appears to be necessary on that account; and, in case of default in payment, may order such sum to be levied by attachment and sale of the moveable property of the party obtaining the summons; or the Court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid.

Expenses if witness detained more than one day.

If it be necessary to detain the person summoned for a longer period than one day, the Court may, from time to time, order the party at whose instance he was summoned to pay into Court such sum as is sufficient to defray the expenses of his detention for such further period, and, in default of such deposit being made, may order such sum to be levied by attachment and sale of the moveable property of the party at whose instance he was summoned; or the Court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid.

Time, place and purpose of attendance to be specified in summons.

163. Every summons for the attendance of a person to give evidence or produce a document shall specify the time and place at which he is required to attend, and also whether his attendance is required for the purpose of giving evidence or to produce a document, or for both purposes; and any particular document which the person summoned is called on to produce shall be described in the summons with reasonable accuracy.

Summons to produce document.

164. Any person may be summoned to produce a document, without being summoned to give evidence; and any person summoned merely to produce a document shall be deemed to have complied with the summons, if he cause such document to be produced instead of attending personally to produce the same.

Power to require persons present in Court to give evidence.

165. Any person present in Court may be required by the Court to give evidence or to produce any document then and there in his actual possession or power.

Summons how served.

166. Every summons to a person to give evidence or produce a document shall be served as nearly as may be in manner hereinbefore prescribed for the service of summons on the defendant; and the rules contained in Chapter VI as to proof of service shall apply in the case of all summonses served under this section.

Time for serving summons.

167. The service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the person summoned, to allow him a reasonable time for preparation and for travelling to the place at which his attendance is required.

Attachment of property of absconding witness.

168. If the serving-officer certify to the Court that the summons for the attendance of a person, either to give evidence or to produce a document, cannot be served, the Court shall examine the serving-officer on oath touching the non-service:

and upon being satisfied that such evidence or production is material, and that the person for whose attendance the summons has been issued is absconding or keeping out of the way for the purpose of avoiding the service of the summons, may issue a proclamation requiring him to attend to give evidence, or produce the document, at a time and place to be named therein; and a copy of such proclamation shall be affixed on the outer door of the house in which he ordinarily resides.

If he does not attend at the time and place named in such proclamation, the Court may in its discretion, at the instance of the party on whose application the summons was issued, make an order for the attachment of the property of the person whose attendance is required, to such amount as the Court thinks fit, not exceeding the amount of the costs of attachment and of the fine which may be imposed under section 170:

Provided that no Court of Small Causes shall make an order for the attachment of immoveable property.

If witness appears, attachment may be withdrawn.

169. If, on the attachment of his property, such person appears and satisfies the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court shall direct that the property be released from attachment, and shall make such order as to the costs of the attachment as it thinks fit.

Procedure if witness fails to appear.

170. If such person does not appear, or, appearing, fails to satisfy the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court may impose upon him such fine not exceeding five hundred rupees as the Court thinks fit, having regard to his condition in life and all the circumstances of the case, and may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of the said fine, if any:

Provided that, if the person whose attendance is required pays into Court the costs and fine as aforesaid, the Court shall order the property to be released from attachment.

Court may of its own accord summon as witnesses strangers to suit.

171. Subject to the rules of this Code as to attendance and appearance and to the provisions of the Indian Evidence Act, 1872, if the Court at any time thinks it necessary to examine any person other than a party to the suit and not named as a witness by a party to the suit, the Court may, of its own motion, cause such person to be summoned as a witness to give evidence, or to produce any document in his possession, on a day to be appointed, and may examine him as a witness or require him to produce such document.

Duty of persons summoned to give evidence or produce document.

172. Subject as last aforesaid, whoever is summoned to appear and give evidence in a suit must attend at the time and place named in the summons for that purpose, and whoever is summoned to produce a document must either attend to produce it, or cause it to be produced, at such time and place.

When they may depart.

173. No person so summoned and attending shall depart unless and until (*a*) he has been examined or has produced the document and the Court has risen, or (*b*) he has obtained the Court's leave to depart.

Consequences of failure to comply with summons.

174. If any person on whom a summons to give evidence or produce a document has been served fails to comply with the summons, or if any person so summoned and attending departs in contravention of section 173, the Court may order him to be arrested and brought before the Court:

Provided that no such order shall be made when the Court has reason to believe that the person so failing had a lawful excuse for such failure.

When any person so brought before the Court fails to satisfy it that he had a lawful excuse for not complying with the summons, the Court may sentence him to fine not exceeding five hundred rupees.

Explanation.—Non-payment or non-tender of a sum sufficient to defray the expenses mentioned in section 160 shall be deemed a lawful excuse within the meaning of this section.

Procedure when witness apprehended cannot give evidence or produce documents.

If any person so apprehended and brought before the Court cannot, owing to the absence of the parties or any of them, give the evidence or produce the document which he has been summoned to give or produce, the Court may require him to give reasonable bail or other security for his appearance at such time and place as it thinks fit, and on such bail or security being given, may release him.

Procedure when witness absconds.

175. If any person so failing to comply with a summons absconds or keeps out of the way, so that he cannot be apprehended and brought before the Court, the provisions of sections 168, 169 and 170 shall, *mutatis mutandis*, apply.

176. No one shall be bound to attend in person to give evidence or to be examined in Court unless he resides—

Persons bound to attend in person.

(a) within the local limits of its ordinary original jurisdiction, or

(b) without such limits and at a place less than fifty or (where there is railway-communication for five-sixths of the distance between the place where he resides and the place where the Court is situate) two hundred miles distant from the Court-house.

177. If any party to a suit present in Court refuses, without lawful excuse, when required by the Court, to give evidence or to produce any document then and there in his actual possession or power, the Court may in its discretion either pass a decree against him, or make such order in relation to the suit as the Court thinks fit.

Consequence of refusal of party to give evidence when called on by Court.

178. Whenever any party to a suit is required to give evidence or to produce a document, the rules as to witnesses contained in this Code shall apply to him so far as they are applicable.

Rules as to witnesses to apply to parties summoned.

CHAPTER XV.

OF THE HEARING OF THE SUIT AND EXAMINATION OF WITNESSES.

179. On the day fixed for the hearing of the suit, or on any other day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

Statement and production of evidence by party having right to begin.

Explanation.—The plaintiff has the right to begin unless where the defendant admits the facts alleged by the plaintiff and contends that either in point of law or on some additional facts alleged by the defendant the plaintiff is not entitled to any part of the relief which he seeks, in which case the defendant has the right to begin.

Rules as to right to begin.

180. The other party shall then state his case and produce his evidence (if any).

Statement and production of evidence by other party.

The party beginning is then entitled to reply.

Reply by party beginning.

Where there are several issues, the burden of proving some of which lies on the other party, the party beginning may, at his option, either produce his evidence on those issues or reserve it by way of answer to the evidence produced by the other party. In the latter case, the party beginning may produce evidence on those issues after the other party has produced all his evidence, and the other party may then reply specially on the evidence so produced by the party beginning; but the party beginning will then be entitled to reply generally on the whole case.

181. The evidence of the witnesses in attendance shall be taken orally in open Court in the presence, and under the personal direction and superintendence, of the Judge.

Witnesses to be examined in open Court.

182. In cases in which an appeal is allowed, the evidence of each witness shall be taken down in writing, in the language of the Court, by or in the presence and under the personal direction and superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over in the presence of the Judge and of the witness, and also in the presence of the parties or their pleaders, and the Judge shall, if necessary, correct the same and shall sign it.

How evidence shall be taken in appealable cases.

183. If the evidence is taken down under section 182 in a language different from that in which it was given, and the witness does not understand the language in which it is taken down, the evidence as taken down in writing shall be interpreted to him in the language in which it was given.

When deposition to be interpreted.

184. In cases in which the evidence is not taken down in writing by the Judge, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what each witness deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record.

Memorandum when evidence not taken down by Judge.

185. Where English is not the language of the Court, but all the parties to the suit who appear in person, and the pleaders of such as appear by pleaders, do not object to have such evidence as is given in English taken down in English, the Judge may so take it down with his own hand.

When evidence may be taken in English.

186. The Court may of its own motion or on the application of any party or his pleader take down, or cause to be taken down, any particular question and answer, or any objection to any question, if there appear any special reason for so doing.

Any particular question and answer may be taken down.

187. If any question put to a witness be objected to by a party or his pleader, and the Court allows the same to be put, the Judge shall take down the question, the answer, the objection and the name of the person making it, together with the decision of the Court thereon.

Questions objected to and allowed by Court.

188. The Court may record such remarks as it thinks material respecting the demeanour of any witness while under examination.

Remarks on demeanour of witnesses.

189. In cases in which an appeal is not allowed, it shall not be necessary to take down the evidence of the witnesses in writing at length; but the Judge, as the examination of each witness proceeds, shall make a memorandum of the substance of what he deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record.

Memorandum of evidence in unappealable cases.

190. If the Judge be rendered unable to make a memorandum as above required by this chapter, he shall cause the reason of such inability to be recorded, and shall cause the memorandum to be made in writing from his dictation in open Court.

Judge unable to make such memorandum to record reason of his inability

Every memorandum so made shall form part of the record.

191. Where the Judge taking down any evidence, or causing any memorandum to be made under this chapter, dies or is removed from the Court before the conclusion of the suit, his successor may, if he thinks fit, deal with such evidence or memorandum as if he himself had taken it down or caused it to be made.

Power to deal with evidence taken down by Judge removed before conclusion of suit.

192. If a witness be about to leave the jurisdiction of the Court, or if other sufficient cause be shown to the satisfaction of the Court why his evidence should be taken immediately, the Court may, upon the application of either party or of the witness, at any time after the institution of the suit, take the evidence of such witness in manner hereinbefore provided.

Power to examine witness immediately.

Where such evidence is not taken forthwith and in the presence of the parties, such notice as the Court thinks sufficient, of the day fixed for the examination, shall be given to the parties.

The evidence so taken shall be read over to the witness, and, if he admits it to be correct, shall be signed by him, and may then be read at any hearing of the suit.

193. The Court may at any stage of the suit recall any witness who has been examined and who has not departed in accordance with section 173, and may (subject to the provisions of the Indian Evidence Act, 1872) put such questions to him as the Court thinks fit.

Court may recall and examine witness.

CHAPTER XVI.

OF AFFIDAVITS.

194. Any Court of first instance and any appellate Court may at any time for sufficient reason order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as the Court thinks reasonable:

Power to order any point to be proved by affidavit.

Provided that where it appears to the Court that either party *bonâ fide* desires the production of a witness for cross-examination, and that such witness can be produced, an order shall not be made authorizing the evidence of such witness to be given by affidavit.

195. Upon any application evidence may be given by affidavit, but the Court may at the instance of either party order the attendance for cross-examination of the declarant.

Power to order attendance of declarant for cross-examination.

Such attendance shall be in Court unless the declarant is exempted under this Code from personal appearance in court, or the Court otherwise directs.

196. Affidavits shall be confined to such facts as the declarant is able of his own knowledge to prove, except on interlocutory applications, on which statements of his belief may be admitted, provided that reasonable grounds thereof be set forth.

Matters to which affidavits shall be confined.

The costs of every affidavit which shall unnecessarily set forth matters of hearsay or argumentative matter, or copies of or extracts from documents, shall (unless the Court otherwise directs) be paid by the party producing the same.

197. In the case of any affidavit under this Code—

Oath of declarant by whom to be administered.

(*a*) any Court or Magistrate, or

(*b*) any officer whom a High Court may appoint in this behalf, or

(*c*) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf,

may administer the oath of the declarant.

CHAPTER XVII.

OF JUDGMENT AND DECREE.

198. The Court, after the evidence has been duly taken and the parties have been heard either in person or by their respective pleaders or recognized agents, shall pronounce judgment in open Court, either at once or on some future day, of which due notice shall be given to the parties or their pleaders.

Judgment when pronounced.

199. A Judge may pronounce a judgment written by his predecessor but not pronounced.

Power to pronounce judgment written by Judge's predecessor.

200. The judgment shall be written in the language of the Court, or in English, or in the Judge's mother-tongue.

Language of judgment.

201. Whenever the judgment is written in any language other than that of the Court, the judgment shall, if any of the parties so

Translation of judgment.

require, be translated into the language of the Court, and the translation shall also be signed by the Judge or such officer as he appoints in this behalf.

Judgment to be dated and signed.

202. The judgment shall be dated and signed by the Judge in open Court at the time of pronouncing it, and shall not be altered or added to, save to correct verbal errors or to supply some accidental defect not affecting a material part of the case, or on review.

Judgments of Small Cause Courts.

203. The judgments of the Courts of Small Causes need not contain more than the points for determination and the decision thereupon.

Judgments of other Courts.

The judgments of all other Courts shall contain a concise statement of the case, the points for determination, the decision thereon, and the reasons for such decision.

Court to state its decision on each issue.

Exception.

204. In suits in which issues have been framed, the Court shall state its finding or decision, with the reasons thereof, upon each separate issue, unless the finding upon any one or more of the issues be sufficient for the decision of the suit.

Date of decree.

205. The decree shall bear date the day on which the judgment was pronounced; and, when the Judge has satisfied himself that the decree has been drawn up in accordance with the judgment, he shall sign the decree.

Contents of decree.

206. The decree must agree with the judgment: it shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claims, as stated in the register, and shall specify clearly the relief granted or other determination of the suit.

The decree shall also state the amount of costs incurred in the suit, and by what parties and in what proportions such costs are to be paid.

Power to amend decree.

If the decree is found to be at variance with the judgment, or if any clerical or arithmetical error be found in the decree, the Court shall, of its own motion or on that of any of the parties, amend the decree so as to bring it into conformity with the judgment or to correct such error: provided that reasonable notice has been given to the parties or their pleaders of the proposed amendment.

Decree for recovery of immoveable property.

207. When the subject-matter of the suit is immoveable property, and such property is identified by boundaries or by numbers in a record of settlement or survey, the decree shall specify such boundaries or numbers.

Decree for delivery of moveable property.

208. When the suit is for moveable property, if the decree be for the delivery of such property, it shall also state the amount of money to be paid as an alternative if delivery cannot be had.

In suits for money, decree may order certain interest to be paid on principal sum adjudged.

209. When the suit is for a sum of money due to the plaintiff, the Court may, in the decree, order interest at such rate as the Court deems reasonable to be paid on the principal sum adjudged, from the date of the suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the institution of the suit, with further interest at such rate as the Court deems reasonable on the aggregate sum so adjudged, from the date of the decree to the date of payment, or to such earlier date as the Court thinks fit.

Decree may direct payment by instalments.

210. In all decrees for the payment of money, the Court may for any sufficient reason order that the amount shall be paid by instalments, with or without interest.

Order, after decree, for payment by instalments.

And after the passing of any such decree the Court may, on the application of the judgment-debtor and with the consent of the decree-holder, order that the amount decreed be paid by instalments on such terms as to the payment of interest, the attachment of the property of the defendant, or the taking of security from him, or otherwise, as it thinks fit:

Save as provided in this section and section 206, no decree shall be altered at the request of parties.

In suits for land, Court may decree payment of mesne profits with interest.

211. When the suit is for the recovery of possession of immoveable property yielding rent or other profit, the Court may provide in the decree for the payment of rent or mesne profits in respect of such property from the institution of the suit until the delivery of possession to the party in whose favour the decree is made, or until the expiration of three years from the date of the decree (whichever event first occurs), with interest thereupon at such rate as the Court thinks fit.

Explanation.—'Mesne profits' of property mean those profits which the person in wrongful possession of such property actually received, or might with ordinary diligence have received, therefrom, together with interest on such profits.

Court may determine amount of mesne profits prior to suit, or may reserve inquiry.

212. When the suit is for the recovery of possession of immoveable property and for mesne profits which have accrued on the property during a period prior to the institution of the suit, and the amount of such profits is disputed, the Court may either determine the amount by the decree itself, or may pass a decree for the property and direct an inquiry into the amount of mesne profits, and dispose of the same on further orders.

Administration-suit.

213. When the suit is for an account of any property and for its due administration under the de-

cree of the Court, the Court, before making the decree, shall order such accounts and inquiries to be taken and made, and give such other directions, as it thinks fit.

In the administration by the Court of the property of any person who dies after this Code comes into force, if such property proves to be insufficient for the payment in full of his debts and liabilities, the same rules shall be observed as to the respective rights of secured and unsecured creditors and as to debts and liabilities proveable, and as to the valuation of annuities and future and contingent liabilities respectively, as may be in force for the time being with respect to the estates of persons adjudged insolvent;

and all persons who in any such case would be entitled to be paid out of such property may come in under the decree for its administration, and make such claims against the same as they may respectively be entitled to by virtue of this Code.

Applications under section 265 of the Indian Contract Act, 1872, shall be deemed to be suits within the meaning of this section.

Suit to enforce right of pre-emption.

214. When the suit is to enforce a right of pre-emption in respect of a particular sale of property, and the Court finds for the plaintiff, if the amount of purchase-money has not been paid into court, the decree shall specify a day on or before which it shall be so paid, and shall declare that on payment of such purchase-money, together with the costs (if any) decreed against him, the plaintiff shall obtain possession of the property, but that if such money and costs are not so paid, the suit shall stand dismissed with costs.

Suit for dissolution of partnership.

215. When the suit is for the dissolution of a partnership, the Court, before making its decree, may pass an order fixing the day on which the partnership shall stand dissolved, and directing such accounts to be taken and other acts to be done as it thinks fit.

Suit for account between principal and agent.

215A. When a suit is for an account of pecuniary transactions between a principal and agent, and in all other suits not hereinbefore provided for, where it is necessary, in order to ascertain the amount of money due to or from any party, that an account should be taken, the Court shall, before making its decree, pass an order directing such accounts to be taken as it thinks fit.

Decree when set-off is allowed.

216. If the defendant has set-off the amount of a debt against the claim of the plaintiff, and such set-off has been allowed, the decree shall state what amount is due to the plaintiff and what amount (if any) is due to the defendant, and shall be for the recovery of any sum which appears to be due to either party.

Effect of decree as to sum awarded to defendant.

The decree of the Court with respect to any sum awarded to the defendant shall have the same effect, and be subject to the same rules in respect of appeal or otherwise, as if such sum had been claimed by the defendant in a separate suit against the plaintiff.

Certified copies of judgment and decree to be furnished.

217. Certified copies of the judgment and decree shall be furnished to the parties on application to the Court, and at their expense.

CHAPTER XVIII.

OF COSTS.

Costs of applications.

218. When disposing of any application under this Code, the Court may give to either party the costs of such application, or may reserve the consideration of such costs for any future stage of the proceedings.

Judgment to direct by whom costs to be paid.

219. The judgment shall direct by whom the costs of each party are to be paid, whether by himself or by any other party to the suit, and whether in whole or in what part or proportion.

Power of Court as to costs.

220. The Court shall have full power to give and apportion costs of every application and suit in any manner it thinks fit, and the fact that the Court has no jurisdiction to try the case is no bar to the exercise of such power:

Provided that, if the Court directs that the costs of any application or suit shall not follow the event, the Court shall state its reasons in writing.

Every order relating to costs made under this Code and not forming part of a decree may be executed as if it were a decree for money.

Costs may be set-off against sum admitted or found to be due.

221. The Court may direct that the costs payable to one party by another shall be set-off against a sum which is admitted or is found in the suit to be due from the former to the latter.

Interest on costs.
Payment of costs out of subject-matter.

222. The Court may give interest on costs at any rate not exceeding six per cent. per annum, and may direct that costs, with or without interest, be paid out of, or charged upon, the subject-matter of the suit.

CHAPTER XIX.

OF THE EXECUTION OF DECREES.

A.—Of the Court by which Decrees may be executed.

Court by which decree may be executed.

223. A decree may be executed either by the Court which passed it or by the Court to which it is sent for execution under the provisions hereinafter contained.

The Court which passed a decree may, on the application of the decree-holder, send it for execution to another Court,

(*a*) if the person against whom the decree is passed actually and voluntarily resides or carries on business, or personally works for gain, within the local limits of the jurisdiction of such other Court, or

(*b*) if such person has not property within the local limits of the jurisdiction of the Court which passed the decree sufficient to satisfy such decree and has property within the local limits of the jurisdiction of such other Court, or

(*c*) if the decree directs the sale of immoveable property situate outside the local limits of the jurisdiction of the Court which passed it, or

(*d*) if the Court which passed the decree considers for any other reason, which it shall record in writing, that the decree should be executed by such other Court.

The Court which passed a decree may of its own motion send it for execution to any Court subordinate thereto.

The Court to which a decree is sent under this section for execution shall certify to the Court which passed it the fact of such execution, or, where the former Court fails to execute the same, the circumstances attending such failure.

If the decree has been passed in a case cognizable by a Court of Small Causes and the Court which passed it wishes it to be executed in Calcutta, Madras, Bombay or Rangoon, such Court may send to the Court of Small Causes in Calcutta, Madras, Bombay or Rangoon, as the case may be, the copies and certificate respectively mentioned in clauses (*a*), (*b*) and (*c*) of section 224; and such Court of Small Causes shall thereupon execute the decree as if it had been passed by itself.

If the Court to which a decree is to be sent for execution is situate within the same district as the Court which passed such decree, such Court shall send the same directly to the former Court. But, if the Court to which the decree is to be sent for execution is situate in a different district, the Court which passed it shall send it to the District Court of the district in which the decree is to be executed.

Procedure when Court desires that its own decree shall be executed by another Court.

224. The Court sending a decree for execution under section 223 shall send

(*a*) a copy of the decree;

(*b*) a certificate setting forth that satisfaction of the decree has not been obtained by execution within the jurisdiction of the Court by which it was passed, or, where the decree has been executed in part, the extent to which satisfaction has been obtained and what part of the decree remains unexecuted; and

(*c*) a copy of any order for the execution of the decree, and, if no such order has been made, a certificate to that effect.

Court receiving copies of decree, &c., to file same without proof.

225. The Court to which a decree is so sent shall cause such copies and certificate to be filed, without any further proof of the decree or order for execution, or of the copies thereof, or of the jurisdiction of the Court which passed it, unless the former Court, for any special reasons to be recorded under the hand of the Judge, requires such proof.

Execution of decree or order by Court to which it is sent.

226. When such copies are so filed, the decree or order may, if the Court to which it is sent be the District Court, be executed by such Court or by any subordinate Court which it directs to execute the same.

Execution by High Court of decree transmitted by other Court.

227. If the Court to which the decree is sent for execution be a High Court, the decree shall be executed by such Court in the same manner as if it had been made by such Court in the exercise of its ordinary original civil jurisdiction.

Powers of Court in executing transmitted decree.

228. The Court executing a decree sent to it under this chapter shall have the same powers in executing such decree as if it had been passed by itself. All persons disobeying or obstructing the execution of the decree shall be punishable by such Court in the same manner as if it had passed the decree. And its orders in executing such decree shall be subject to the same rules in respect of appeal as if the decree had been passed by itself.

Appeal from orders in executing such decrees.

Decrees of Courts established by Government of India in Native States.

229. A decree of any Court established by the authority of the Governor General in Council in the territories of any Foreign Prince or State, which cannot be executed within the jurisdiction of the Court by which it was made, may be executed in manner herein provided within the jurisdiction of any Court in British India.

B.—Of Application for Execution.

Application for execution.

230. When the holder of a decree desires to enforce it, he shall apply to the Court which passed the decree or to the officer, if any, appointed in this behalf, or if the decree has been sent under the provisions hereinbefore contained to another Court, then to such Court or to the proper officer thereof.

The Court may in its discretion refuse execution at the same time against the person and property of the judgment-debtor.

Where an application to execute a decree for the payment of money or delivery of other property has been made under this section and granted, no subsequent application to execute the same decree shall be granted after the expiration of

twelve years from any of the following dates (namely)—

(a) the date of the decree sought to be enforced or of the decree (if any) on appeal affirming the same, or

(b) where the decree or any subsequent order directs any payment of money, or the delivery of any property, to be made at a certain date—the date of the default in making the payment or delivering the property in respect of which the applicant seeks to enforce the decree.

Nothing in this section shall prevent the Court from granting an application for execution of a decree after the expiration of the said term of twelve years, where the judgment-debtor has, by fraud or force, prevented the execution of the decree at some time within twelve years immediately before the date of the application.

Notwithstanding anything herein contained, proceedings may be taken to enforce any decree within three years after the passing of this Code, unless when the period prescribed for taking such proceedings by the law in force immediately before the passing of this Code shall have expired before the completion of the said three years.

Application by joint decree-holder.

231. If a decree has been passed jointly in favour of more persons than one, any one or more of such persons, or his or their representatives, may apply for the execution of the whole decree for the benefit of them all, or, where any of them has died, for the benefit of the survivors and the representative in interest of the deceased.

If the Court sees sufficient cause for allowing the decree to be executed on an application so made, it shall pass such order as it deems necessary for protecting the interests of the persons who have not joined in the application.

Application by transferee of decree.

232. If a decree be transferred by assignment in writing, or by operation of law, from the decree-holder to any other person, the transferee may apply for its execution to the Court which passed it; and, if that Court thinks fit, the decree may be executed in the same manner and subject to the same conditions as if the application were made by such decree-holder:

Provided as follows:—

(a) where the decree has been transferred by assignment, notice in writing of such application shall be given to the transferor and the judgment-debtor, and the decree shall not be executed until the Court has heard their objections (if any) to such execution:

(b) where a decree for money against several persons has been transferred to one of them, it shall not be executed against the others.

Transferee to hold subject to equities enforceable against original holder.

233. Every transferee of a decree shall hold the same subject to the equities (if any) which the judgment-debtor might have enforced against the original decree-holder.

If judgment-debtor die before execution, application may be made against his representative.

234. If a judgment-debtor dies before the decree has been fully executed, the holder of the decree may apply to the Court which passed it to execute the same against the legal representative of the deceased.

Such representative shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of; and for the purpose of ascertaining such liability, the Court executing the decree may, of its own motion or on the application of the decree-holder, compel the said representative to produce such accounts as it thinks fit.

Contents of application for execution of decree.

235. The application for the execution of a decree shall be in writing verified by the applicant or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case, and shall contain in a tabular form the following particulars (namely)—

(a) the number of the suit;

(b) the names of the parties;

(c) the date of the decree;

(d) whether any appeal has been preferred from the decree;

(e) whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree;

(f) whether any and what previous applications have been made for execution of the decree and with what result;

(g) the amount of the debt or compensation, with the interest, if any, due upon the decree, or other relief granted thereby;

(h) the amount of costs, if any, awarded;

(i) the name of the person against whom the enforcement of the decree is sought; and

(j) the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, by the arrest and imprisonment of the person named in the application, or by the attachment of his property, or otherwise as the nature of the relief sought may require.

Application for attachment of moveable property to be accompanied with inventory.

236. Whenever an application is made for the attachment of any moveable property belonging to the judgment-debtor but not in his possession, the decree-holder shall annex to the application an inventory of the property to be attached, containing a reasonably accurate description of the same.

Further particulars when application is for attachment of immoveable property.

237. Whenever an application is made for the attachment of any immoveable property belonging to the judgment-debtor, it shall contain at the foot a de-

scription of the property sufficient to identify it, and also a specification of the judgment-debtor's share or interest therein to the best of the belief of the applicant and so far as he has been able to ascertain the same.

Every such description and specification shall be verified in manner hereinbefore provided for the verification of plaints.

When application must be accompanied by extract from Collector's register.

238. If the property be land registered in the Collector's office, the application for attachment shall be accompanied by an authenticated extract from the register of such office, specifying the persons registered as proprietors of, or as possessing any transferable interest in, the land or its revenue, or as liable to pay revenue for such land, and the shares of the registered proprietors.

C.—Of staying Execution.

When Court may stay execution.

239. The Court to which a decree has been sent for execution under this chapter shall, upon sufficient cause being shewn, stay the execution of such decree for a reasonable time, to enable the judgment-debtor to apply to the Court by which the decree was made, or to any Court having appellate jurisdiction in respect of the decree or the execution thereof, for an order to stay the execution, or for any other order relating to the decree or execution which might have been made by such Court of first instance or appellate Court if execution had been issued thereby, or if application for execution had been made thereto;

and in case the property or person of the judgment-debtor has been seized under an execution, the Court which issued the execution may order the restitution or discharge of such property or person pending the result of the application for such order.

Power to require security from, or impose conditions upon, judgment-debtor.

240. Before passing an order under section 239 to stay execution, or for the restitution of property or the discharge of the judgment-debtor, the Court may require such security from, or impose such conditions upon, the judgment-debtor as it thinks fit.

Liability of judgment-debtor discharged to be retaken.

241. No discharge under section 239 of the property or person of a judgment-debtor shall prevent it or him from being retaken in execution of the decree sent for execution.

Order of Court which passed decree or of appellate Court to be binding upon Court applied to.

242. Any order of the Court by which the decree was passed, or of such Court of appeal as aforesaid, in relation to the execution of such decree, shall be binding upon the Court to which the decree was sent for execution.

Stay of execution pending suit between decree-holder and judgment-debtor.

243. If a suit be pending in any Court against the holder of a decree of such Court, on the part of the person against whom the decree was passed, the Court may (if it think fit) stay execution on the decree, either absolutely or on such terms as it thinks fit, until the pending suit has been decided.

D.—Questions for Court executing Decree.

Questions to be decided by Court executing decree.

244. The following questions shall be determined by order of the Court executing a decree and not by separate suit (namely)—

(*a*) questions regarding the amount of any mesne profits as to which the decree has directed inquiry;

(*b*) questions regarding the amount of any mesne profits or interest which the decree has made payable in respect of the subject-matter of a suit, between the date of its institution and the execution of the decree, or the expiration of three years from the date of the decree;

(*c*) any other questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree.

Nothing in this section shall be deemed to bar a separate suit for mesne profits accruing between the institution of the first suit and the execution of the decree therein, where such profits are not dealt with by such decree.

E.—Of the Mode of executing Decrees.

Procedure on receiving application for execution of decree.

245. The Court, on receiving an application for the execution of a decree, shall ascertain whether such of the requirements of sections 235, 236, 237 and 238 as may be applicable to the case have been complied with; and if they have not been complied with, the Court may reject the application, or may allow it to be amended then and there, or within a time fixed by the Court. If the application be not so amended, it shall be rejected.

Every amendment made under this section shall be attested by the signature of the Judge.

Procedure on admitting application.

When the application is admitted, the Court shall enter in the register of the suit a note of the application and the date on which it was made, and shall order execution of the decree according to the nature of the application:

Provided that, in the case of a decree for money, the value of the property attached shall, as nearly as may be, correspond with the amount for which the decree has been made.

Cross-decrees.

246. If cross-decrees between the same parties for the payment of money be produced to the Court, execution shall be taken out only by the party who holds a decree for the larger sum, and for so much only as remains after deducting the smaller sum, and satisfaction for the smaller sum shall be entered on the decree for the larger sum as well as satisfaction on the decree for the smaller sum.

If the two sums be equal, satisfaction shall be entered upon both decrees.

Explanation I.—The decrees contemplated by this section are decrees capable of execution at the same time and by the same Court.

Explanation II.—This section applies where either party is an assignee of one of the decrees and as well in respect of judgment-debts due by the original assignor as in respect of judgment-debts due by the assignee himself.

Explanation III.—This section does not apply unless

the decree-holder in one of the suits in which the decrees have been made is the judgment-debtor in the other and each party fills the same character in both suits; and

the sums due under the decrees are definite.

Illustrations.

(*a*) A holds a decree against B for Rs. 1,000. B holds a decree against A for the payment of Rs. 1,000 in case A fails to deliver certain goods at a future day. B cannot treat his decree as a cross-decree under this section.

(*b*) A and B, co-plaintiffs, obtain a decree for Rs. 1,000 against C, and C obtains a decree for Rs. 1,000 against B. C cannot treat his decree as a cross-decree under this section.

(*c*) A obtains a decree against B for Rs. 1,000. C, who is a trustee for B, obtains a decree on behalf of B against A for Rs. 1,000. B cannot treat C's decree as a cross-decree under this section.

Cross-claims under same decree.

247. When two parties are entitled under the same decree to recover from each other sums of different amounts, the party entitled to the smaller sum shall not take out execution against the other party; but satisfaction for the smaller sum shall be entered on the decree.

When the amounts are equal, neither party shall take out execution, but satisfaction for each sum shall be entered on the decree.

Notice to show cause why decree should not be executed.

248. The Court shall issue a notice to the party against whom execution is applied for, requiring him to show cause, within a period to be fixed by the Court, why the decree should not be executed against him,

(*a*) if more than one year has elapsed between the date of the decree and the application for its execution, or

(*b*) if the enforcement of the decree be applied for against the legal representative of a party to the suit in which the decree was made:

Proviso.

Provided that no such notice shall be necessary

in consequence of more than one year having elapsed between the date of the decree and the application for execution, if the application be made within one year from the date of any decree passed on appeal from the decree sought to be executed, or of the last order against the party against whom execution is applied for, passed on any previous application for execution, or

in consequence of the application being against the legal representative of the judgment-debtor, if upon a previous application for execution against the same person the Court has ordered execution to issue against him.

Explanation.—In this section the phrase "the Court" means the Court by which the decree was passed, unless the decree has been sent to another Court for execution, in which case it means such other Court.

Procedure after issue of notice.

249. If the person to whom notice is issued under the last preceding section does not appear, or does not shew cause to the satisfaction of the Court why the decree should not be executed, the Court shall order the decree to be executed.

If he offers any objection to the enforcement of the decree, the Court shall consider such objection and pass such order as it thinks fit.

Warrant when to issue.

250. When the preliminary measures (if any) required by the foregoing provisions have been taken, the Court, unless it sees cause to the contrary, shall issue its warrant for the execution of the decree.

Date, signature, seal and delivery.

251. Such warrant shall be dated the day on which it is issued, signed by the Judge or such officer as the Court appoints in this behalf, sealed with the seal of the Court, and delivered to the proper officer to be executed.

And a day shall be specified in such warrant on or before which it must be executed, and the proper officer shall endorse thereon the day and manner in which it was executed, or, if it was not executed, the reason why it was not executed, and shall return it with such endorsement to the Court from which it issued.

Decree against representative of deceased for money to be paid out of deceased's property.

252. If the decree be against a party as the legal representative of a deceased person, and the decree be for money to be paid out of the property of the deceased, it may be executed by the attachment and sale of any such property:

If no such property remains in the possession of the judgment-debtor, and he fails to satisfy the Court that he has duly applied such property of the deceased as is proved to have come into his possession, the decree may be executed against the judgment-debtor to the extent of the property not duly applied by him, in the same manner as if the decree had been against him personally.

Decree against surety.

253. Whenever a person has, before the passing of a decree in an original suit, become liable as surety for the performance of the same or of any part thereof, the decree may be executed against him to the extent to which he has rendered himself liable, in the same manner as a decree may be executed against a defendant:

Provided that such notice in writing as the Court in each case thinks sufficient has been given to the surety.

Decree for money.

254. Every decree or order directing a party to pay money, as compensation or costs, or as the alternative to some other relief granted by the decree or order, or otherwise, may be enforced by the imprisonment of the judgment-debtor, or by the attachment and sale of his property in manner hereinafter provided, or by both.

Decree for mesne profits or other matter, amount of which to be subsequently ascertained.

255. If the decree be for mesne profits or any other matter the amount of which in money is to be subsequently determined, the property of the judgment-debtor may, before the amount due from him under the decree has been ascertained, be attached as in the case of an ordinary decree for money.

Power to direct immediate execution of decree for money not exceeding Rs. 1,000.

256. When a decree is passed for a sum of money only, and the amount decreed does not exceed the sum of one thousand rupees, the Court may, when passing the decree, on the oral application of the decree-holder, order immediate execution thereof by the issue of a warrant directed either against the person of the judgment-debtor if he is within the local limits of the jurisdiction of the Court, or against his moveable property within the same limits.

Modes of paying money under decree.

257. All money payable under a decree shall be paid as follows (namely)—

(*a*) into the Court whose duty it is to execute the decree; or

(*b*) out of Court to the decree-holder; or

(*c*) otherwise as the Court which made the decree directs.

Agreement to give time to judgment-debtor.

257A. Every agreement to give time for the satisfaction of a judgment-debt shall be void unless it is made for consideration and with the sanction of the Court which passed the decree, and such Court deems the consideration to be under the circumstances reasonable.

Agreement for satisfaction of judgment-debt.

Every agreement for the satisfaction of a judgment-debt, which provides for the payment, directly or indirectly, of any sum in excess of the sum due or to accrue due under the decree, shall be void unless it is made with the like sanction.

Any sum paid in contravention of the provisions of this section shall be applied to the satisfaction of the judgment-debt; and the surplus, if any, shall be recoverable by the judgment-debtor.

Payment to decree-holder.

258. If any money payable under a decree is paid out of Court, or the decree is otherwise adjusted in whole or in part to the satisfaction of the decree-holder, or if any payment is made in pursuance of an agreement of the nature mentioned in section 257 A, the decree holder shall certify such payment or adjustment to the Court whose duty it is to execute the decree.

The judgment-debtor also may inform the Court of such payment or adjustment, and apply to the Court to issue a notice to the decree-holder to show cause, on a day to be fixed by the Court, why such payment or adjustment should not be recorded as certified; and if, after due service of such notice, the decree-holder fails to appear on the day fixed, or having appeared fails to show cause why the payment or adjustment should not be recorded as certified, the Court shall record the same accordingly.

No such payment or adjustment shall be recognized by any Court unless it has been certified as aforesaid.

Decrees for specific moveables, or recovery of wives.

259. If the decree be for any specific moveable, or for any share in a specific moveable, or for the recovery of a wife, it may be enforced by the seizure, if practicable, of the moveable or share, and by the delivery thereof to the party to whom it has been adjudged, or to such person as he appoints to receive delivery on his behalf, or by the imprisonment of the judgment-debtor, or by attaching his property or by both imprisonment and attachment if necessary.

When any attachment under this section has remained in force for six months, if the judgment-debtor has not obeyed the decree and the decree-holder has applied to have the attached property sold, such property may be sold, and out of the proceeds the Court may award to the decree-holder, in cases where any amount has been fixed under section 208, such amount, and, in other cases, such compensation, as it thinks fit, and shall pay the balance, if any, to the judgment-debtor on his application.

If the judgment-debtor has obeyed the decree and paid all costs of executing the same which he is bound to pay, or if, at the end of six months from the date of the attachment, no application to have the property sold has been made, or, if made, has been refused, the attachment shall cease to exist.

Decree for specific performance or restitution of conjugal rights.

260. When the party against whom a decree for the specific performance of a contract, or for restitution of conjugal rights or for the performance of or abstention from any other particular act, has been made, has had an opportunity of obeying the decree or injunction and has wilfully failed to obey it, the decree may be enforced by his imprisonment, or by the attachment of his property, or by both.

When any attachment under this section has remained in force for one year, if the judgment-debtor has not obeyed the decree and the decree-holder has applied to have the attached property sold, the property may be sold; and out of the proceeds the Court may award to the decree-holder such compensation as it thinks fit, and may pay the balance, if any, to the judgment-debtor on his application.

If the judgment-debtor has obeyed the decree and paid all costs of executing the same which he is bound to pay, or if, at the end of one year from the date of the attachment, no application to have the property sold has been made and granted, the attachment shall cease to exist.

Decree for execution of conveyances, or endorsement of negotiable instruments.

261. If the decree be for the execution of a conveyance, or for the endorsement of a negotiable instrument, and the judgment-debtor neglects or refuses to comply with the decree, the decree-holder may prepare the draft of a conveyance or endorsement in accordance with the terms of the decree, and deliver the same to the Court.

The Court shall thereupon cause the draft to be served on the judgment-debtor in manner hereinbefore provided for serving a summons, together with a notice in writing stating that his objections, if any, thereto shall be made within such time (mentioning it) as the Court fixes in this behalf.

The decree-holder may also tender a duplicate of the draft to the Court for execution, upon the proper stamp-paper if a stamp is required by law.

On proof of such service, the Court, or such officer as it appoints in this behalf, shall execute the duplicate so tendered, or may, if necessary, alter the same, so as to bring it into accordance with the terms of the decree and execute the duplicate so altered:

Provided that, if any party object to the draft so served as aforesaid, his objections shall, within the time so fixed, be stated in writing and argued before the Court, and the Court shall thereupon pass such order as it thinks fit, and execute, or alter and execute, the duplicate in accordance therewith.

Form and effect of execution of conveyance by Court.

262. The execution of a conveyance, or the endorsement of a negotiable instrument, by the Court under the last preceding section may be in the following form: "*C. D.*, Judge of the Court of (*or as the case may be*), for *A.B.*, in a suit by *E. F.*, against *A.B.*," or in such other form as the High Court may from time to time prescribe, and shall have the same effect as the execution of the conveyance or endorsement of the instrument by the party ordered to execute or endorse the same.

Decree for immoveable property.

263. If the decree be for the delivery of any immoveable property, possession thereof shall be delivered over to the party to whom it has been adjudged, or to such person as he appoints to receive delivery on his behalf, and, if need be, by removing any person bound by the decree who refuses to vacate the property.

Delivery of immoveable property when in occupancy of tenant.

264. If the decree be for the delivery of any immoveable property in the occupancy of a tenant or other person entitled to occupy the same and not bound by the decree to relinquish such occupancy, the Court shall order delivery to be made by affixing a copy of the warrant in some conspicuous place on the property, and proclaiming to the occupant by beat of drum, or in such other mode as is customary, at some convenient place, the substance of the decree in regard to the property:

Provided that, if the occupant can be found, a notice in writing containing such substance shall be served upon him, and in such case no proclamation need be made.

Partition of estate or separation of share.

265. If the decree be for the partition or for the separate possession of a share of an undivided estate paying revenue to Government, the partition of the estate or the separation of the share shall be made by the Collector and according to the law, if any, for the time being in force for the partition, or the separate possession of shares, of such estates.

F.—Of Attachment of Property.

Property liable to attachment and sale in execution of decree.

266. The following property is liable to attachment and sale in execution of a decree (namely), lands, houses or other buildings, goods, money, bank-notes, cheques, bills of exchange, hundís, promissory-notes, Government-securities, bonds or other securities for money, debts, shares in the capital or joint stock of any railway, banking or other public Company or Corporation, and, except as hereinafter mentioned, all other saleable property, moveable or immoveable, belonging to the judgment-debtor or over which, or the profits of which, he has a disposing power which he may exercise for his own benefit, and whether the same be held in the name of the judgment-debtor or by another person in trust for him or on his behalf:

Provided that the following particulars shall not be liable to such attachment or sale (namely)—

(*a*) the necessary wearing apparel of the judgment-debtor, his wife and children;

(*b*) tools of artizans, and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle as may in the opinion of the Court be necessary to enable him to earn his livelihood as such;

(*c*) the materials of houses and other buildings belonging to and occupied by agriculturists;

(*d*) books of account;

(*e*) mere rights to sue for damages;

(*f*) any right of personal service;

(*g*) stipends and gratuities allowed to military and civil pensioners of Government, and political pensions;

(*h*) the salary of a public officer or of any servant of a Railway Company, when such salary does not exceed twenty rupees *per mensem*, and one moiety of the salary of any such officer or servant when his salary exceeds that amount;

(*i*) the pay and allowances of persons to whom the Native Articles of War apply;

(*j*) the wages of labourers and domestic servants;

(*k*) an expectancy of succession by survivorship or other merely contingent or possible right or interest;

(*l*) a right to future maintenance.

Explanation.—The particulars mentioned in clauses (*g*), (*h*), (*i*) and (*j*) are exempt from attachment or sale whether before or after they are actually payable:

Provided also that nothing in this section shall be deemed

(*a*) to exempt the materials of houses and other buildings from attachment or sale in execution of decrees for rent, or

(*b*) to affect the Army Act, 1881, or any similar law for the time being in force.

Power to summon and examine persons as to property liable to be seized.

267. The Court may, of its own motion or on the application of the decree-holder, summon any person whom it thinks necessary, and examine him in respect to any property liable to be seized in satisfaction of the decree, and may require the person summoned to produce any document in his possession or power relating to such property, and, before issuing the summons of its own motion, shall declare the person on whose behalf the summons is so issued.

Attachment of debt, share and other property not in possession of judgment-debtor.

268. In the case of (*a*) a debt not secured by a negotiable instrument, (*b*) a share in the capital of any public Company or Corporation, (*c*) other moveable property not in the possession of the judgment-debtor, except property deposited in, or in the custody of, any Court, the attachment shall be made by a written order prohibiting,

(*a*) in the case of the debt, the creditor from recovering the debt and the debtor from making payment thereof until the further order of the Court;

(*b*) in the case of the share, the person in whose name the share may be standing, from transferring the same or receiving any dividend thereon;

(*c*) in the case of the other moveable property except as aforesaid, the person in possession of the same from giving it over to the judgment-debtor.

A copy of such order shall be fixed up in some conspicuous part of the court-house, and another copy of the same shall be sent, in the case of the debt, to the debtor, in the case of the share, to the proper officer of the Company or Corporation, and in the case of the other moveable property (except as aforesaid), to the person in possession of the same.

A debtor prohibited under clause (*a*) of this section may pay the amount of his debt into Court, and such payment shal lischarge him as effectually as payment to the party entitled to receive the same.

In the case of the salary of a public officer or the servant of a Railway Company, the attachment shall be made by a written order requiring the officer whose duty it is to disburse the salary to withhold every month such portion as the Court may direct, until the further orders of the Court.

A copy of every such order shall be fixed up in a conspicuous part of the court-house and shall be served on the officer so required.

Every such officer may from time to time pay into court any portion so withheld, and such payment shall discharge the Government or the Railway Company, as the case may be, as effectually as payment to the judgment-debtor.

Attachment of moveable property in possession of judgment-debtor.

269. If the property be moveable property in the possession of the judgment-debtor, other than the property mentioned in the first proviso to section 266, the attachment shall be made by actual seizure, and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinates, and shall be responsible for the due custody thereof:

Proviso.

Provided that when the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody will exceed its value, the proper officer may sell it at once.

Power to make rules for maintenance of attached live-stock.

The Local Government may from time to time make rules for the maintenance and custody, while under attachment, of live-stock and other moveable property, and the officer attaching property under this section shall, notwithstanding the provisions of the former part of this section, act in accordance with such rules.

Attachment of negotiable instruments.

270. If the property be a negotiable instrument not deposited in a Court, nor in the custody of a public officer, the attachment shall be made by actual seizure, and the instrument shall be brought into court and held subject to the further orders of the Court.

Seizure of property in building.

271. No person executing any process under this Code directing or authorizing seizure of moveable property shall enter any dwelling-house after sunset and before sunrise, or shall break open any outer door of a dwelling-house. But, when any such person has duly gained access to any dwelling-house, he may unfasten and open the door of any room in which he has reason to believe any such property to be:

Seizure of property in zanánás.

Provided that, if the room be in the actual occupancy of a woman, who according to the customs of the country does not appear in public, the person executing the process shall give notice to her that she is at liberty to with-

draw; and after allowing a reasonable time for such woman to withdraw, and giving her every reasonable facility for withdrawing, he may enter such room for the purpose of seizing the property, using at the same time every precaution, consistent with these provisions, to prevent its clandestine removal.

Attachment of property deposited in Court or with Government officer.

272. If the property be deposited in, or be in the custody of, any Court or public officer, the attachment shall be made by a notice to such Court or officer, requesting that such property, and any interest or dividend becoming payable thereon, may be held subject to the further orders of the Court from which the notice issues:

Proviso.

Provided that, if such property is deposited in, or is in the custody of, a Court, any question of title or priority arising between the decree-holder and any other person, not being the judgment-debtor, claiming to be interested in such property by virtue of any assignment, attachment or otherwise, shall be determined by such Court.

Attachment of decree for money.

273. If the property be a decree for money passed by the Court which passed the decree sought to be executed, the attachment shall be made by an order of the Court directing the proceeds of the former decree to be applied in satisfaction of the latter decree.

If the property be a decree for money passed by any other Court, the attachment shall be made by a notice in writing to such Court under the hand of the Judge of the Court which passed the decree sought to be executed, requesting the former Court to stay the execution of its decree until such notice is cancelled by the Court from which it was sent. The Court receiving such notice shall stay execution accordingly, unless and until

(*a*) the Court which passed the decree sought to be executed cancels the notice, or

(*b*) the holder of the decree sought to be executed applies to the Court receiving such notice to execute its own decree.

On receiving such application, the Court shall proceed to execute the decree and apply the proceeds in satisfaction of the decree sought to be executed.

Attachment of other decrees.

In the case of all other decrees the attachment shall be made by a notice in writing, under the hand of the Judge of the Court which passed the decree sought to be executed, to the holder of the decree sought to be attached, prohibiting him from transferring or charging the same in any way; and, when such decree has been passed by any other Court, also by sending to such Court a like notice in writing to abstain from executing the decree sought to be attached until such notice is cancelled by the Court from which it was sent. Every Court receiving such notice shall give effect to the same until it is so cancelled.

Decree-holders to give information.

The holder of any decree attached under this section shall be bound to give the Court executing the same such information and aid as may reasonably be required.

Attachment of immoveable property.

274. If the property be immoveable, the attachment shall be made by an order prohibiting the judgment-debtor from transferring or charging the property in any way, and all persons from receiving the same from him by purchase, gift or otherwise.

The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be fixed up in a conspicuous part of the property and of the Court-house.

When the property is land paying revenue to Government, a copy of the order shall also be fixed up in the office of the Collector of the District in which the land is situate.

Order for withdrawal of attachment after satisfaction of decree.

275. If the amount decreed with costs and all charges and expenses resulting from the attachment of any property be paid into Court, or if satisfaction of the decree be otherwise made through the Court, or if the decree is set aside or reversed, an order shall be issued, on the application of any person interested in the property, for the withdrawal of the attachment.

Private alienation of property after attachment to be void.

276. When an attachment has been made by actual seizure or by written order duly intimated and made known in manner aforesaid, any private alienation of the property attached, whether by sale, gift, mortgage or otherwise, and any payment of the debt or dividend, or a delivery of the share, to the judgment-debtor during the continuance of the attachment, shall be void as against all claims enforceable under the attachment.

Court may direct coin or currency-notes attached to be paid to party entitled.

277. If the property attached is coin or currency-notes, the Court may, at any time during the continuance of the attachment, direct that such coin or notes, or a part thereof sufficient to satisfy the decree, be paid over to the party entitled under the decree to receive the same.

Investigation of claims to, and objections to attachment of, attached property.

278. If any claim be preferred to, or any objection be made to the attachment of, any property attached in execution of a decree, on the ground that such property is not liable to such attachment, the Court shall proceed to investigate the claim or objection with the like power as regards the examination of the claimant or objector, and in all other respects, as if he was a party to the suit:

Provided that no such investigation shall be made where the Court considers that the claim or objection was designedly or unnecessarily delayed.

If the property to which the claim or objection applies has been advertised for sale, the Court ordering the sale may postpone it pending the investigation of the claim or objection.

Postponement of sale.

279. The claimant or objector must adduce evidence to show that at the date of the attachment he had some interest in, or was possessed of, the property attached.

Evidence to be adduced by claimant.

280. If upon the said investigation the Court is satisfied that, for the reason stated in the claim or objection, such property was not, when attached, in the possession of the judgment-debtor or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the judgment-debtor at such time, it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, or partly on his own account and partly on account of some other person, the Court shall pass an order for releasing the property, wholly or to such extent as it thinks fit, from attachment.

Release of property from attachment.

281. If the Court is satisfied that the property was, at the time it was attached, in possession of the judgment-debtor as his own property and not on account of any other person, or was in the possession of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him, the Court shall disallow the claim.

Disallowance of claim to release of property attached.

282. If the Court is satisfied that the property is subject to a mortgage or lien in favour of some person not in possession, and thinks fit to continue the attachment, it may do so, subject to such mortgage or lien.

Continuance of attachment subject to claim of incumbrancer.

283. The party against whom an order under section 280, 281 or 282 is passed may institute a suit to establish the right which he claims to the property in dispute, but, subject to the result of such suit, if any, the order shall be conclusive.

Saving of suits to establish right to attached property.

284. Any Court may order that any property which has been attached, or such portion thereof as may seem necessary to satisfy the decree, shall be sold, and that the proceeds of such sale, or a sufficient portion thereof, shall be paid to the party entitled under the decree to receive the same.

Power to order property attached to be sold and proceeds to be paid to person entitled.

285. Where property not in the custody of any Court has been attached in execution of decrees of more Courts than one, the Court which shall receive or realize such property and shall determine any claim thereto and any objection to the attachment thereof, shall be the Court of highest grade, or, where there is no difference in grade between such Courts, the Court under whose decree the property was first attached.

Property attached in execution of decrees of several Courts.

G.—Of Sale and Delivery of Property.

(a) General Rules.

286. Sales in execution of decrees shall be conducted by an officer of the Court or by any other person whom the Court may appoint, and, except as provided in section 296, shall be made by public auction in manner hereinafter mentioned.

Sales by whom conducted and how made.

287. When any property is ordered to be sold by public auction in execution of a decree, the Court shall cause a proclamation of the intended sale to be made in the language of such Court. Such proclamation shall state the time and place of sale, and shall specify as fairly and accurately as possible—

Proclamation of sales by public auction.

(*a*) the property to be sold;

(*b*) the revenue assessed upon the estate or part of the estate, when the property to be sold is an interest in an estate or a part of an estate paying revenue to Government;

(*c*) any incumbrance to which the property is liable;

(*d*) the amount for the recovery of which the sale is ordered; and

(*e*) every other thing which the Court considers material for the purchaser to know in order to judge of the nature and value of the property.

For the purpose of ascertaining the matters so to be specified, the Court may summon any person whom it thinks necessary, and examine him in respect to any such matters, and require him to produce any document in his possession or power relating thereto.

The High Court shall, as soon as may be after this Code comes into force, make rules for the guidance of the Courts in exercise of their duties under this section. The High Court may from time to time alter any rules so made. All such rules shall be published in the local official Gazette and shall thereupon have the force of law. As regards his own Court and the Court of Small Causes at Rangoon, the Recorder of Rangoon shall be deemed to be a "High Court" within the meaning of this paragraph.

Rules to be made by High Court.

Nothing in this section shall apply to cases in which the execution of the decree has been transferred to the Collector.

288. No Judge or other public officer shall be answerable for any error, misstatement or omission in any proclamation under section 287, unless the same has been committed or made dishonestly.

Indemnity of Judges, &c.

289. The proclamation shall be made, in manner prescribed by section 274, on the spot where the property

Mode of making proclamation.

is attached, and a copy thereof shall then be fixed up in the court-house and, in the case of land paying revenue to Government, also in the Collector's office.

If the Court so direct, such proclamation shall also be published in the local official Gazette and in some local newspaper, and the costs of such publication shall be deemed to be costs of the sale.

Time of sale.

290. Except in the case of property mentioned in the proviso to section 269, no sale under this chapter shall, without the consent in writing of the judgment-debtor, take place until after the expiration of at least thirty days in the case of immoveable property, and of at least fifteen days in the case of moveable property, calculated from the date on which the copy of the proclamation has been fixed up in the court-house of the Judge ordering the sale.

Power to adjourn sale.

291. The Court may in its discretion adjourn any sale under this chapter (other than a sale by the Collector) to a specified day and hour, and the officer conducting any such sale may in his discretion adjourn the sale, recording his reasons for such adjournment: Provided that when the sale is made in, or within the precincts of, the court-house, no such adjournment shall be made without the leave of the Court. Whenever a sale is adjourned under this section for a longer period than seven days, a fresh proclamation under section 289 shall be made, unless the judgment-debtor consents to waive it.

Stoppage of sale on tender of debt and costs, or on proof of payment.

Every such sale shall be stopped if, before the lot is knocked down, the debt and costs (including the costs of the sale) are tendered to such officer, or proof is given to his satisfaction that the amount of such debt and costs has been paid into the Court that ordered the sale.

Officers concerned in execution-sales not to bid for or buy property sold.

292. No officer having any duty to perform in connection with any sale under this chapter shall either directly or indirectly bid for, acquire or attempt to acquire, any interest in any property sold at such sale.

Defaulting purchaser answerable for loss by re-sale.

293. The deficiency of price (if any) which may happen on a re-sale under this Code by reason of the purchaser's default, and all expenses attending such re-sale, shall be certified to the Court by the officer holding the sale,

and shall, at the instance of either the judgment-creditor or the judgment-debtor, be recoverable from the defaulter under the rules contained in this chapter for the execution of a decree for money.

Decree-holder not to bid for or buy property without permission.

294. No holder of a decree in execution of which property is sold shall, without the express permission of the Court, bid for or purchase the property.

If decree-holder purchase, amount of decree may be taken as payment.

When a decree-holder purchases with such permission, the purchase-money and the amount due on the decree may, if he so desires, be set-off against one another, and the Court executing the decree shall enter up satisfaction of the decree in whole or in part accordingly.

When a decree-holder purchases, by himself or through another person, without such permission, the Court may, if it thinks fit, on the application of the judgment-debtor or any other person interested in the sale, by order set aside the sale; and the costs of such application and order, and any deficiency of price which may happen on the re-sale, and all expenses attending it, shall be paid by the decree-holder.

Proceeds of execution-sale to be divided rateably among decree-holders.

295. Whenever assets are realized by sale or otherwise in execution of a decree, and more persons than one have, prior to the realization, applied to the Court by which such assets are held for execution of decrees for money against the same judgment-debtor, and have not obtained satisfaction thereof, the assets, after deducting the costs of the realization, shall be divided rateably among all such persons:

Provided as follows:—

Proviso where property is sold subject to mortgage

(*a*) when any property is sold subject to a mortgage or charge, the mortgagee or incumbrancer shall not as such be entitled to share in any surplus arising from such sale:

(*b*) when any property liable to be sold in execution of a decree is subject to a mortgage or charge, the Court may, with the assent of the mortgagee or incumbrancer, order that the property be sold free from the mortgage or charge, giving to the mortgagee or incumbrancer the same right against the proceeds of the sale as he had against the property sold:

Proviso.

(*c*) when immoveable property is sold in execution of a decree ordering its sale for the discharge of an incumbrance thereon, the proceeds of sale shall be applied—

first, in defraying the expenses of the sale;

secondly, in discharging the interest and principal-money due on the incumbrance;

thirdly, in discharging the interest and principal-moneys due on subsequent incumbrances (if any); and

fourthly, rateably among the holders of decrees for money against the judgment debtor, who have, prior to the sale of the said property, applied to the Court which made the decree ordering such sale for execution of such decrees and have not obtained satisfaction thereof.

If all or any of such assets be paid to a person not entitled to receive the same, any person so entitled may sue such person to compel him to refund the assets.

Nothing in this section affects any right of the Government.

(b) *Rules as to Moveable Property.*

Rules as to negotiable instruments and shares in public Companies.

296. If the property to be sold be a negotiable instrument or a share in any public Company or Corporation, the Court may, instead of directing the sale to be made by public auction, authorize the sale of such instrument or share through a broker at the market-rate of the day.

Payment for other moveable property sold.

297. In the case of other moveable property, the price of each lot shall be paid for at the time of sale, or as soon after as the officer holding the sale directs, and, in default of payment, the property shall forthwith be again put up and sold.

On payment of the purchase-money, the officer holding the sale shall grant a receipt for the same, and the sale shall become absolute.

Irregularity not to vitiate sale of moveable property, but any person injured may sue.

298. No irregularity in publishing or conducting the sale of moveable property shall vitiate the sale; but any person sustaining any injury by reason of such irregularity at the hand of any other person may institute a suit against him for compensation, or (if such other person be the purchaser) for the recovery of the specific property and for compensation in default of such recovery.

Delivery of moveable property actually seized.

299. When the property sold is a negotiable instrument or other moveable property of which actual seizure has been made, the property shall be delivered to the purchaser.

Delivery of moveable property to which judgment-debtor entitled subject to lien.

300. When the property sold is any moveable property to which the judgment-debtor is entitled subject to the possession of some other person, the delivery thereof to the purchaser shall be made by giving notice to the person in possession prohibiting him from delivering possession of the property to any person except the purchaser.

Delivery of debts and of shares in public Companies.

301. When the property sold is a debt not secured by a negotiable instrument, or is a share in any public Company, the delivery thereof shall be made by a written order of the Court prohibiting the creditor from receiving the debt or any interest thereon, and the debtor from making payment thereof to any person except the purchaser, or prohibiting the person in whose name the share may be standing from making any transfer of the share to any person except the purchaser, or receiving payment of any dividend or interest thereon, and the manager, secretary or other proper officer of the Company from permitting any such transfer or making any such payment to any person except the purchaser.

Transfer of negotiable instruments and shares.

302. If the endorsement or conveyance of the party in whose name a negotiable instrument or a share in any public Company is standing is required to transfer such instrument or share, the Judge may endorse the instrument or the certificate of the share, or may execute such other document as may be necessary.

The endorsement or execution shall be in the following form or to the like effect:—"*A. B.*, by *C. D.*, Judge of the Court of (*or as the case may be*); in a suit by *E. F.* against *A. B.*"

Until the transfer of such instrument or share, the Court may, by order, appoint some person to receive any interest or dividend due thereon, and to sign a receipt for the same; and any endorsement made, or document executed, or receipt signed, as aforesaid, shall be as valid and effectual for all purposes as if the same had been made or executed or signed by the party himself.

Vesting order in case of other property.

303. In the case of any moveable property not hereinbefore provided for, the Court may make an order vesting such property in the purchaser or as he may direct; and such property shall vest accordingly.

(c) *Rules as to Immoveable Property.*

What Courts may order sales of land.

304. Sales of immoveable property in execution of a decree may be ordered by any Court other than a Court of Small Causes.

Postponement of sale of land to enable defendant to raise amount of decree.

305. When an order for the sale of immoveable property has been made, if the judgment-debtor can satisfy the Court that there is reason to believe that the amount of the decree may be raised by mortgage or lease or private sale of such property, or some part thereof, or of any other immoveable property of the judgment-debtor, the Court may on his application postpone the sale of property comprised in the order for sale, for such period as it thinks proper to enable him to raise the amount.

Certificate to judgment-debtor.

In such case the Court shall grant a certificate to the judgment-debtor authorizing him, within a period to be mentioned therein, and notwithstanding anything contained in section 276, to make the proposed mortgage, lease or sale: provided that all moneys payable under such mortgage, lease or sale shall be paid into court and not to the judgment-debtor:

Provided also that no mortgage, lease or sale under this section shall become absolute until it has been confirmed by the Court.

Deposit by purchaser of immoveable property.

306. On every sale of immoveable property under this chapter, the person declared to be the purchaser shall pay immediately after such declaration a deposit of twenty-five per centum on the amount of his purchase-money to the officer conducting the sale, and, in default of such deposit,

the property shall forthwith be put up again and sold.

Time for payment in full.

307. The full amount of purchase-money shall be paid by the purchaser before the Court closes on the fifteenth day after the sale of the property, exclusive of such day, or, if the fifteenth day be a Sunday or other holiday, then on the first office-day after the fifteenth day.

Procedure in default of payment.

308. In default of payment within the period mentioned in the last preceding section, the deposit, after defraying the expenses of the sale, shall be forfeited to Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold.

Notification on re-sale of immoveable property.

309. Every re-sale of immoveable property, in default of payment of the purchase-money within the period allowed for such payment, shall be made after the issue of a fresh notification in the manner and for the period hereinbefore prescribed for the sale.

Co-sharer of share of undivided estate sold in execution to have preference in bidding.

310. When the property sold in execution of a decree is a share of undivided immoveable property, and two or more persons, of whom one is a co-sharer respectively advance the same sum at any bidding at such sale, such bidding shall be deemed to be the bidding of the co-sharer.

Application to set aside sale of land on ground of irregularity.

311. The decree-holder, or any person whose immoveable property has been sold under this chapter, may apply to the Court to set aside the sale on the ground of a material irregularity in publishing or conducting it;

but no sale shall be set aside on the ground of irregularity unless the applicant proves to the satisfaction of the Court that he has sustained substantial injury by reason of such irregularity.

Effect of objection being disallowed and

312. If no such application as is mentioned in the last preceding section be made, or if such application be made and the objection be disallowed, the Court shall pass an order confirming the sale as regards the parties to the suit and the purchaser.

of its being allowed.

If such application be made, and if the objection be allowed, the Court shall pass an order setting aside the sale.

No suit to set aside, on the ground of such irregularity, an order passed under this section shall be brought by the party against whom such order has been made.

Application to set aside sale on ground of judgment-debtor having no saleable interest.

313. The purchaser at any such sale may apply to the Court to set aside the sale, on the ground that the person whose property purported to be sold had no saleable interest therein, and the Court may make such order as it thinks fit: provided that no order to set aside a sale shall be made, unless the judgment-debtor and the decree-holder have had opportunity of being heard against such order.

Confirmation of sale.

314. No sale of immoveable property in execution of a decree shall become absolute until it has been confirmed by the Court.

If sale set aside, price to be returned to purchaser.

315. When a sale of immoveable property is set aside under section 312 or 313,

or when it is found that the judgment-debtor had no saleable interest in the property which purported to be sold and the purchaser is for that reason deprived of it,

the purchaser shall be entitled to receive back his purchase-money (with or without interest as the Court may direct) from any person to whom the purchase-money has been paid.

The repayment of the said purchase-money and of the interest (if any) allowed by the Court may be enforced against such person under the rules provided by this Code for the execution of a decree for money.

Certificate to purchaser of immoveable property.

316. When a sale of immoveable property has become absolute in manner aforesaid, the Court shall grant a certificate stating the property sold and the name of the person who at the time of sale is declared to be the purchaser. Such certificate shall bear the date of the confirmation of the sale; and, so far as regards the parties to the suit and persons claiming through or under them, the title to the property sold shall vest in the purchaser from the date of such certificate and not before: provided that the decree under which the sale took place was still subsisting at that date.

Bar to suit against purchaser buying benámí.

317. No suit shall be maintained against the certified purchaser on the ground that the purchase was made on behalf of any other person, or on behalf of some one through whom such other person claims.

Nothing in this section shall bar a suit to obtain a declaration that the name of the certified purchaser was inserted in the certificate fraudulently or without the consent of the real purchaser.

Delivery of immoveable property in occupancy of judgment-debtor.

318. When the property sold is in the occupancy of the judgment-debtor or of some person on his behalf, or of some person claiming under a title created by the judgment-debtor subsequently to the attachment of such property, and a certificate in respect thereof has been granted under section 316, the Court shall, on application by the purchaser, order delivery to be made by putting the purchaser or any person whom he may appoint to receive delivery on his behalf in possession of the property, and, if need be, by removing any person who refuses to vacate the same.

Delivery of immoveable property in occupancy of tenant.

319. When the property sold is in the occupancy of a tenant or other person entitled to occupy the same, and a certificate in respect thereof has been granted under section 316, the Court shall order delivery thereof to be made by affixing a copy of the certificate of sale in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or in such other mode as may be customary, at some convenient place, that the interest of the judgment-debtor has been transferred to the purchaser.

Power to prescribe rules for transferring to Collector execution of certain decrees.

320. The Local Government may, with the sanction of the Governor General in Council, declare, by notification in the official Gazette, that in any local area the execution of decrees in cases in which a Court has ordered any immoveable property to be sold, or the execution of any particular kind of such decrees, or the execution of decrees ordering the sale of any particular kind of, or interest in, immoveable property, shall be transferred to the Collector, and rescind or modify any such declaration.

Power to prescribe rules as to transmission, execution and re-transmission of decrees.

The Local Government may also, notwithstanding anything hereinbefore contained, from time to time prescribe rules for the transmission of the decree from the Court to the Collector, and for regulating the procedure of the Collector and his subordinates in executing the same, and for retransmitting the decree from the Collector to the Court.

Power of Collector when execution of decree is so transferred.

321. When the execution of a decree has been so transferred, the Collector may—

(*a*) proceed as the Court would proceed under section 305; or

(*b*) raise the amount of the decree by letting in perpetuity, or for a term, on payment of a premium, or by mortgaging, the whole or any part of the property ordered to be sold; or

(*c*) sell the property ordered to be sold or so much thereof as may be necessary.

Procedure of Collector when execution of decree so transferred.

322. When the execution of a decree, not being a decree ordering the sale of immoveable property in pursuance of a contract specifically affecting the same, but being a decree for money in satisfaction of which the Court has ordered the sale of immoveable property, has been so transferred, the Collector, if, after such enquiry as he thinks necessary, he has reason to believe that all the liabilities of the judgment-debtor can be discharged without a sale of the whole of his available immoveable property, may proceed as hereinafter provided.

Notice to be given to decree-holders and to persons having claims on property.

322A. In the case mentioned in section 322, the Collector shall publish a notice calling upon—

(*a*) every person holding a decree for money against the judgment-debtor capable of execution by sale of his immoveable property, and which such decree-holder desires to have so executed, and every holder of a decree for money in execution of which proceedings for the sale of such property are pending, to produce before the Collector a copy of the decree, and a certificate from the Court which passed or is executing the same, declaring the amount recoverable thereunder;

(*b*) every person having any claim on the said property, to submit to the Collector a statement of such claim, and to produce the documents, if any, by which it is evidenced.

Such notice shall be in the language of the district, and shall allow a period of sixty days from the date of its publication for compliance therewith. It shall be published by being posted in the court-house of the Court which made the original order under section 304, and at such other places (if any) as the Collector thinks fit. Where the address of any such decree-holder or claimant is known, a copy of the notice shall be sent to him by post or otherwise.

Amount of money-decrees to be ascertained, and immoveable property available for their satisfaction.

322B. Upon the expiration of the said period the Collector shall appoint a day for hearing any representations which the judgment-debtor and the decree-holders or claimants (if any) may desire to make, and for holding such enquiry as he may deem necessary for informing himself as to the nature and extent of such decrees and claims and of the judgment-debtor's immoveable property, and may from time to time adjourn such hearing and enquiry.

If there be no dispute as to the fact or extent of the liability of the judgment-debtor to any of the decrees or claims of which the Collector is informed, or as to the relative priorities of such decrees or claims, or as to the liability of any such property for the satisfaction of such decrees or claims, the Collector shall draw up a statement, specifying the amount to be recovered for the discharge of such decrees, the order in which such decrees and claims are to be satisfied, and the immoveable property available for that purpose.

If any such dispute arises, the Collector shall refer the same, with a statement thereof and his own opinion thereon, to the Court which made the original order under section 304, and shall, pending the reference, stay proceedings relating to the subject thereof. The Court shall dispose of the dispute if the matter thereof be within its jurisdiction, or transmit the case to a competent Court for disposal, and the final decision shall be communicated to the Collector. The Collector shall then draw up a statement as above provided in accordance with such decision.

When District Court may issue notices and hold inquiry.

322C. The Collector may, instead of himself issuing the notices and holding the enquiry required by sections 322A and 322B, draw up a statement specifying the circumstances of the judgment-debtor and of his immoveable property so far as they are known to the Collector or appear in the records of his office, and forward

such statement to the District Court; and such Court shall thereupon issue the notices, hold the inquiry and draw up the statement required by sections 322A and 322B, and transmit such statement to the Collector.

Effect of decision of Court as to dispute arising under section 322B or 322C.

322D. The decision by the Court of any dispute arising under section 322B or section 322C shall, as between the parties thereto, have the force of, and be appealable as, a decree.

Scheme for liquidation of money-decrees.

323. Whenever the amount to be recovered and the property available have been determined as provided in section 322B or 322C, the Collector may—

(1) if it appears that the amount cannot be recovered without the sale of the whole of the property available, proceed to sell such property; or if it appears that the amount with interest (if any) in accordance with the decree, and, when not decreed, with interest (if any) at such rate as he thinks reasonable, may be recovered without such sale,

(2) raise such amount and interest (notwithstanding any order under section 304),

(*a*) by letting in perpetuity or for a term, on payment of a premium, the whole or any part of the said property; or

(*b*) by mortgaging the whole or any part of such property; or

(*c*) by selling part of such property; or

(*d*) by letting on farm, or managing by himself or another, the whole or any part of such property for any term not exceeding twenty years from the date of the order of sale; or

(*e*) partly by one of such modes, and partly by another or others of such modes.

(3) For the purpose of managing under this section the whole or any part of such property, the Collector may exercise all the powers of its owner.

(4) For the purpose of improving the saleable value of the property available or any part thereof, or rendering it more suitable for letting or managing, or for preserving the property from sale in satisfaction of an incumbrance, the Collector may discharge the claim of any incumbrancer which has become payable, or compound the claim of any incumbrancer whether it has become payable or not, and, for the purpose of providing funds to effect such discharge or composition, may mortgage, let or sell any portion of the property which he deems sufficient. If any dispute arises as to the amount due on any incumbrance with which the Collector proposes to deal under this paragraph, he may institute a suit in the proper Court, either in his own name or the name of the judgment-debtor, to have an account taken, or he may agree to refer such dispute to the decision of two arbitrators, one to be chosen by each party, or of an umpire to be named by such arbitrators.

In proceeding under paragraphs (2), (3) and (4) of this section, the Collector shall be subject to such rules consistent with this Act as may from time to time be made in this behalf by the Chief Controlling Revenue-authority.

Recovery of balance, if any, after letting or management.

324. If, on the expiration of the letting or management under section 323, the amount to be recovered has not been realized, the Collector shall notify the fact in writing to the judgment-debtor or his representative in interest, stating at the same time that, if the balance necessary to make up the said amount is not paid to the Collector within six weeks of the date of such notice, he will proceed to sell the whole or a sufficient part of the said property; and, if on the expiration of the said six weeks the said balance is not so paid, the Collector shall sell such property or part accordingly.

Collector to render accounts to civil Court.

324A. The Collector shall from time to time render to the Court which made the original order under section 304 an account of all monies which come to his hands and of all charges incurred by him in the exercise and performance of the powers and duties conferred and imposed on him under the provisions of this chapter, and shall hold the balance at the disposal of the Court.

Such charges shall include all debts and liabilities from time to time due to the Government in respect of the property or any part thereof, the rent (if any) from time to time due to a superior holder in respect of such property or part, and (if the Collector so directs) the expenses of witnesses summoned by him.

Application of balance.

Such balance shall be applied by the Court as follows:—

firstly, in providing for the maintenance of such members of the judgment-debtors's family (if any) as are entitled to be maintained out of the income of the property, to such amount in the case of each member as the Court thinks fit; and

secondly, where the Collector has proceeded under section 321, in satisfaction of the original decree in execution of which the Court ordered the sale of immoveable property or otherwise as the Court may under section 295 direct; or

thirdly, where the Collector has proceeded under section 322, in keeping down the interest on incumbrances on the property, and (when the judgment-debtor has no other sufficient means of subsistence) in providing for his subsistence to such amount as the Court thinks fit; and in discharging rateably the claims of the original decree-holder and any other decree-holders who have complied with the said notice, and whose claims were included in the amount ordered to be recovered;

and no other holder of a decree for money shall be entitled to be paid out of such property or balance until the decree-holders who have obtained such order have been satisfied;

and the residue, if any, shall be paid to the judgment-debtor or such other person, if any, as the Court directs.

Sales how to be conducted.

325. When the Collector sells any property under this chapter, he shall put it up to public auction, in one or more lots as he thinks fit, and may—

(a) fix a reasonable reserved price for each lot;

(b) adjourn the sale for a reasonable time, whenever he deems the adjournment necessary for the purpose of obtaining a fair price for the property, recording his reasons for such adjournment;

(c) buy in the property offered for sale, and resell the same by public auction or private contract, as he thinks fit.

Restrictions as to alienation by judgment-debtor or his representative, and prosecution of remedies by decree-holders.

325A. So long as the Collector can exercise or perform in respect of the judgment-debtor's immoveable property, or any part thereof, any of the powers or duties conferred or imposed on him by sections 322 to 325 (both inclusive), the judgment-debtor or his representative in interest shall be incompetent to mortgage, charge, lease or alienate such property or part except with the written permission of the Collector, nor shall any civil Court issue any process against such property or part in execution of a decree for money.

During the same period no civil Court shall issue any process of execution either against the judgment-debtor or his property in respect of any decree for the satisfaction whereof provision has been made by the Collector under section 323.

The same period shall be excluded in calculating the period of limitation applicable to the execution of any decree affected by the provisions of this section in respect of any remedy of which the decree-holder has thereby been temporarily deprived.

Provision where property is in several districts.

325B. When the property of which the sale has been ordered is situate in more districts than one, the powers and duties conferred and imposed on the Collector by sections 321 to 325 (both inclusive) shall from time to time be exercised and performed by such one of the Collectors of the said districts as the Local Government may by general rule or special order direct.

Powers of Collector to compel attendance of parties and witnesses and production of documents.

325C. In exercising the powers conferred on him by sections 322 to 325 (both inclusive), the Collector shall have the powers of a civil Court to compel the attendance of parties and witnesses and the production of documents.

When Court may authorize Collector to stay public sale of land.

326. When, in any local area in which no declaration under section 320 is in force, the property attached consists of land or of a share in land, and the Collector represents to the Court that the public sale of the land or share is objectionable, and that satisfaction of the decree may be made within a reasonable period by a temporary alienation or management of the land or share, the Court may authorize the Collector to provide for such satisfaction in the manner recommended by him, instead of proceeding to a sale of the land or share. In such case the provisions of sections 320, paragraph two, to 325C (both inclusive) shall apply, as far as they are applicable.

Local rules as to sales of land in execution of decrees for money.

327. The Local Government may from time to time, with the sanction of the Governor General in Council, make special rules for any local area imposing conditions in respect of sale of any class of interests in land in execution of decrees for money, where such interests are so uncertain or undetermined as in the opinion of the Local Government to make it impossible to fix their value:

and if, when this Code comes into operation in any local area, any special rules as to sale of land in execution of decrees are in force therein, the Local Government may continue such rules in force, or may from time to time, with the sanction of the Governor General in Council, modify the same.

All rules so made or continued, and all such modifications of the same, shall be published in the local official Gazette, and shall thereupon have the force of law.

II.—Of Resistance to Execution.

Procedure in case of obstruction to execution of decree.

328. If, in the execution of a decree for the possession of property, the officer charged with the execution of the warrant is resisted or obstructed by any person, the decree-holder may complain to the Court at any time within one month from the time of such resistance or obstruction.

The Court shall fix a day for investigating the complaint, and shall summon the party against whom the complaint is made to answer the same.

Procedure in case of obstruction by judgment-debtor or at his instigation.

329. If the Court is satisfied that the obstruction or resistance was occasioned by the judgment-debtor or by some person at his instigation, the Court shall inquire into the matter of the complaint, and pass such order as it thinks fit.

Procedure when obstruction continues.

330. If the Court is satisfied that the resistance or obstruction was without any just cause, and that the complainant is still resisted or obstructed in obtaining possession of the property by the judgment-debtor or some other person at his instigation, the Court may, at the instance of the decree-holder and without prejudice to any penalty to which such judgment-debtor or other person may be liable, under the Indian Penal Code or any other law, for such resistance or obstruction, commit the judgment-debtor or such other person to jail for a term which may

extend to thirty days, and direct that the decree-holder be put into possession of the property.

Procedure in case of obstruction by claimant in good faith, other than judgment-debtor.

331. If the resistance or obstruction has been occasioned by any person other than the judgment-debtor claiming in good faith to be in possession of the property on his own account or on account of some person other than the judgment-debtor, the claim shall be numbered and registered as a suit between the decree-holder as plaintiff and the claimant as defendant;

and the Court shall, without prejudice to any proceedings to which the claimant may be liable under the Indian Penal Code or any other law for the punishment of such resistance or obstruction, proceed to investigate the claim in the same manner and with the like power as if a suit for the property had been instituted by the decree-holder against the claimant under the provisions of Chapter V,

and shall pass such order as it thinks fit for executing or staying execution of the decree.

Every such order shall have the same force as a decree, and shall be subject to the same conditions as to appeal or otherwise.

Procedure in case of person dispossessed of property disputing right of decree-holder to be put into possession.

332. If any person other than the judgment-debtor is dispossessed of any property in execution of a decree, and such person disputes the right of the decree-holder to dispossess him of such property under the decree, on the ground that the property was *bonâ fide* in his possession on his own account or on account of some person other than the judgment-debtor, and that it was not comprised in the decree, or that, if it was comprised in the decree, he was not a party to the suit in which the decree was passed, he may apply to the Court.

If after examining the applicant it appears to the Court that there is probable cause for making the application, the Court shall proceed to investigate the matter in dispute; and if it finds that the ground mentioned in the first paragraph of this section exists, it shall make an order that the applicant recover possession of the property, and if it does not find as aforesaid, it shall dismiss the application.

In hearing applications under this section, the Court shall confine itself to the grounds of dispute above specified.

The party against whom an order is passed under this section may institute a suit to establish the right which he claims to the present possession of the property; but, subject to the result of such suit, if any, the order shall be final.

Transfer of property by judgment-debtor after institution of suit.

333. Nothing in section 331 or 332 applies to a person to whom the judgment-debtor has transferred the property after the institution of the suit in which the decree is made.

Resisting or obstructing purchaser in obtaining possession of immoveable property.

334. If the purchaser of any immoveable property sold in execution of a decree be resisted or obstructed by the judgment-debtor or any one on his behalf in obtaining possession of the property, the provisions of this chapter relating to resistance or obstruction to a decree-holder in obtaining possession of the property adjudged to him shall be applicable.

Obstruction by claimant other than judgment-debtor.

335. If the purchaser of any such property is resisted or obstructed by any person other than the judgment-debtor claiming in good faith a right to the present possession thereof, or if, in delivering possession thereof, any such person is dispossessed, the Court, on the complaint of the purchaser or the person so dispossessed, shall inquire into the matter of the resistance, obstruction or dispossession, as the case may be, and pass such order thereon as it thinks fit.

The party against whom such order is passed may institute a suit to establish the right which he claims to the present possession of the property; but, subject to the result of such suit, if any, the order shall be final.

I.—Of Arrest and Imprisonment.

Place of judgment-debtor's imprisonment.

336. A judgment-debtor may be arrested in execution of a decree at any hour and on any day, and shall as soon as practicable be brought before the Court, and his imprisonment may be in the civil jail of the district in which the Court ordering the imprisonment is situate, or, when such jail does not afford suitable accommodation, in any other place which the Local Government may appoint for the confinement of persons ordered by the Courts of such district to be imprisoned:

Provided as follows:—

(*a*) for the purpose of making an arrest under this section, no dwelling-house shall be entered after sunset or before sunrise, and no outer door of a dwelling-house shall be broken open. But, when the officer authorized to make the arrest has duly gained access to any dwelling-house, he may unfasten and open the door of any room in which he has reason to believe the judgment-debtor is to be found: provided that, if the room be in the actual occupancy of a woman who is not the judgment-debtor, and who according to the customs of the country does not appear in public, the officer shall give notice to her that she is at liberty to withdraw; and, after allowing a reasonable time for her to withdraw and giving her every reasonable facility for withdrawing, he may enter such room for the purpose of making the arrest:

Proviso.

(*b*) when the decree in execution of which a judgment-debtor is arrested is a decree for money and the judgment-debtor pays the amount of the decree and the costs of the arrest to the officer

arresting him, such officer shall at once release him.

The Local Government may, by notification published in the official Gazette, direct that, whenever a judgment-debtor is arrested in execution of a decree for money and brought before the Court under this section, the Court shall inform him that he may apply under Chapter XX to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of his application and if he places all his property in possession of a receiver appointed by the Court.

If after such publication the judgment-debtor express his intention so to apply, and if he furnish sufficient security that he will appear when called upon, and that he will within one month apply under section 344 to be declared an insolvent, the Court shall release him from arrest:

But if he fails so to apply, the Court may either direct the security to be realised or commit him to jail in execution of the decree.

In the case of a surety such security may be realised in manner provided by section 253.

Warrant for arrest to direct judgment-debtor to be brought up.

337. Every warrant for the arrest of the judgment-debtor shall direct the officer entrusted with its execution to bring him before the Court with all convenient speed, unless the amount which he has been ordered to pay, together with the interest thereon and the costs, if any, to which he is liable, be sooner paid.

Scales of subsistence-allowances.

338. The Local Government may from time to time prescribe scales, graduated according to rank, race and nationality, of monthly allowances payable for the subsistence of judgment-debtors.

Judgment-debtor's subsistence-money.

339. No judgment-debtor shall be arrested in execution of a decree unless and until the decree-holder pays into Court such sum as, having regard to the scales so fixed, the Judge thinks sufficient for the subsistence of the judgment-debtor from his arrest until he can be brought before the Court.

When a judgment-debtor is committed to jail in execution of a decree, the Court shall fix for his subsistence such monthly allowance as he may be entitled to according to the said scales, or, where no such scales have been fixed, as it considers sufficient with reference to the class to which he belongs.

The monthly allowance fixed by the Court shall be supplied by the party on whose application the decree has been executed, by monthly payments in advance before the first day of each month.

The first payment shall be made to the proper officer of the Court for such portion of the current month as remains unexpired before the judgment-debtor is committed to jail, and the subsequent payments (if any) shall be made to the officer in charge of the jail.

Subsistence-money to be costs in suit.

340. Sums disbursed by the decree-holder for the subsistence of the judgment-debtor in jail shall be deemed to be costs in the suit:

Provided that the judgment-debtor shall not be detained in jail or arrested on account of any sum so disbursed.

Release of judgment-debtor.

341. The judgment-debtor shall be discharged from jail,

(*a*) on the amount mentioned in the warrant of committal being paid to the officer in charge of the jail; or

(*b*) on the decree being otherwise fully satisfied; or

(*c*) at the request of the person on whose application he has been imprisoned; or

(*d*) on such person omitting to pay the allowance as hereinbefore directed; or

(*e*) if the judgment-debtor be declared an insolvent, as hereinafter provided; or

(*f*) when the term of his imprisonment, as limited by section 342, is fulfilled:

Provided that, in the second, third and fifth cases mentioned in this section, the judgment-debtor shall not be discharged without the order of the Court.

A judgment-debtor disharged under this section is not thereby discharged from his debt; but he cannot be re-arrested under the decree in execution of which he was imprisoned.

Imprisonment not to exceed six months.

342. No person shall be imprisoned in execution of a decree for a longer period than six months;

When not to exceed six weeks.

or for a longer period than six weeks if the decree be for the payment of a sum of money not exceeding fifty rupees.

Endorsement on warrant.

343. The officer entrusted with the execution of the warrant shall endorse thereupon the day on, and the manner in, which it was executed, and, if the latest day specified in the warrant for the return thereof has been exceeded, the reason of the delay, or if it was not executed, the reason why it was not executed, and shall return the warrant with such endorsement to the Court.

If the endorsement is to the effect that such officer is unable to execute the warrant, the Court shall examine him on oath touching his alleged inability, and may, if it thinks fit, summon and examine witnesses as to such inability, and shall record the result.

CHAPTER XX.

OF INSOLVENT JUDGMENT-DEBTORS.

Power to apply for declaration of insolvency.

344. Any judgment-debtor arrested or imprisoned in execution of a decree for money, or against whose property an order of

attachment has been made in execution of such a decree, may apply in writing to be declared an insolvent.

Any holder of a decree for money may apply in writing that the judgment-debtor may be declared an insolvent.

Every such application shall be made to the District Court within the local limits of whose jurisdiction the judgment-debtor resides or is in custody.

Contents of application.

345. The application, when made by the judgment-debtor, shall set forth—

(*a*) the fact of his arrest or imprisonment, or that an order for the attachment of his property has been made, the Court by whose order he was arrested or imprisoned, or by which the order of attachment was made, and, where he has been arrested or imprisoned, the place in which he is in custody;

(*b*) the amount, kind and particulars of his property, and the value of any such property not consisting of money;

(*c*) the place or places in which such property is to be found;

(*d*) his willingness to put it at the disposal of the Court;

(*e*) the amount and particulars of all pecuniary claims against him; and

(*f*) the names and residences of his creditors, so far as they are known to or can be ascertained by him.

The application, when made by the holder of a decree for money, shall set forth the date of the decree, the Court by which it was passed, the amount remaining due thereunder, and the place where the judgment-debtor resides or is in custody.

Subscription and verification of application.

346. The application shall be signed and verified by the applicant in manner hereinbefore prescribed for signing and verifying plaints.

Service of copy of application and notice.

347. The Court shall fix a day for hearing the application, and shall cause a copy thereof, with a notice in writing of the time and place at which it will be heard, to be stuck up in court and served at the applicant's expense—

where the applicant is the judgment-debtor—on the holder of the decree in execution of which he was arrested or imprisoned or the order of attachment was made, or on the pleader of such decree-holder, and on the other creditors (if any) mentioned in the application:

where the applicant is the decree-holder—on the judgment-debtor or his pleader.

The Court may, if it thinks fit, publish at the applicant's expense the application in such official Gazettes and public newspapers as it thinks fit.

Where the applicant is the judgment-debtor, the Court may exempt him from any payments under this section if satisfied that he is unable to make them.

Power to serve other creditors.

348. The Court may also, if it thinks fit, cause a like copy and notice to be served on any other person alleging himself to be a creditor of the applicant and applying for leave to be heard on the application.

Powers of Court as to judgment-debtor under arrest.

349. Where the judgment-debtor is under arrest, the Court may, pending the hearing under section 350, order him to be immediately committed to jail, or leave him in the custody of the officer to whom the service of the warrant was entrusted, or release him on his furnishing sufficient security that he will appear when called upon.

Procedure at hearing.

350. On the day so fixed, or on any subsequent day to which the Court may adjourn the hearing, the Court shall examine the judgment-debtor, in the presence of the persons on whom such notice has been served or their pleaders, as to his then circumstances and as to his future means of payment, and shall hear the said decree-holder, the other creditors mentioned in the application, and the other persons (if any) alleging themselves to be creditors, in opposition to the judgment-debtor's discharge; and may, if it thinks fit, grant time to the said decree-holder and other creditors or persons to adduce evidence showing that the judgment-debtor is not entitled to be declared an insolvent.

Declaration of insolvency and appointment of receiver.

351. If the Court is satisfied—

(*a*) that the statements in the application are substantially true;

(*b*) that the judgment-debtor has not, with intent to defraud his creditors, concealed, transferred or removed any part of his property since the institution of the suit in which was passed the decree in execution of which he was arrested or imprisoned, or the order of attachment was made, or at any subsequent time;

(*c*) that he has not, knowing himself to be unable to pay his debts in full, recklessly contracted debts or given an unfair preference to any of his creditors by any payment or disposition of his property;

(*d*) that he has not committed any other act of bad faith regarding the matter of the application,

the Court may declare him to be an insolvent, and may also, if it thinks fit, make an order appointing a receiver of his property, or if it does not appoint such receiver, may discharge the insolvent,

If the Court is not so satisfied, it shall make an order rejecting the application.

Creditors to prove their debts.

352. The creditors mentioned in the application, and the other persons (if any) alleging themselves of be creditors of the insolvent, shall then produce evidence of the amount and

particulars of their respective pecuniary claims against him; and the Court shall by order determine the persons who have proved themselves to be the insolvent's creditors and their respective debts; and shall frame a schedule of such persons and debts; and the declaration under section 351 shall be deemed to be a decree in favour of each of the said creditors for their said respective debts.

Schedule to be framed.

A copy of every such schedule shall be stuck up in the court-house.

Nothing in this section shall be deemed to entitle a partner in an insolvent-firm or, when he has died before the insolvency, his legal representative, to prove in competition with the creditors of the firm.

353. Any creditor of the insolvent who is not mentioned in such schedule may apply to the Court for permission to produce evidence of the amount and particulars of his pecuniary claims against the insolvent, and, in case the applicant proves himself to be a creditor of the insolvent, for an order directing his name to be inserted in the schedule as a creditor for the debt so proved.

Applications by unscheduled creditors.

Any creditor mentioned in the schedule may apply to the Court for an order altering the schedule so far as regards the amount, nature or particulars of his own debt, or to strike out the name of another creditor, or to alter the schedule so far as regards the amount, nature or particulars of the debt of another creditor.

In the case of any application under this section, the Court, after causing such notices as it thinks fit to be served, at the applicant's expense, on the insolvent and the other creditors, and hearing their objections, if any, may comply with or reject the application.

354. Every order under section 351 shall be published in the local official Gazette and shall operate to vest in the Receiver all the insolvent's property (except the particulars specified in the first proviso to section 266), whether set forth in his application or not.

Effect of order appointing Receiver.

355. The Receiver so appointed shall give such security as the Court may direct and shall possess himself of all such property, except as aforesaid;

Receiver to give security and collect assets.

and on his certifying that the insolvent has placed him in possession thereof, or has done everything in his power for that purpose, the Court may discharge the insolvent upon such conditions (if any) as the Court thinks fit.

Discharge of insolvent.

356. The Receiver shall proceed under the direction of the Court—

Duty of Receiver.

(*a*) to convert the property into money:

(*b*) to pay thereout debts, fines and penalties (if any) due by the insolvent to Government:

(*c*) to pay the said decree-holder's costs:

(*d*) to discharge according to their respective priorities all debts secured by mortgage of the insolvent's property:

(*e*) to distribute the balance among the scheduled creditors rateably according to the amounts of their respective debts and without any preference,

and such Receiver may retain as a remuneration for the performance of his duties a commission, to be fixed by the Court, not exceeding the rate of five per centum upon the amount of the balance so distributed (the amount of the commission so retained being deemed a distribution), and shall deliver the surplus, if any, to the insolvent or his legal representative:

His right to remuneration.

Delivery of surplus.

Provided that, in any local area in which a declaration has been made under section 320 and is in force, no sale of immoveable property paying revenue to Government or held or let for agricultural purposes shall be made by the Receiver; but, after he has sold the other property of the insolvent, the Court shall ascertain (*a*) the amount required to satisfy the claims of the scheduled creditors after deducting the monies already received, (*b*) the immoveable property of the insolvent remaining unsold, and (*c*) the incumbrances, if any, existing thereon, and shall forward a statement to the Collector containing the particulars aforesaid; and thereupon the Collector shall proceed to raise the amount so required by the exercise of such of the powers conferred on him by sections 322 to 325 both inclusive, as he thinks fit, and subject to the provisions of those sections so far as they may be applicable; and shall hold at the disposal of the Court all sums that may come to his hands by such exercise.

357. An insolvent discharged under section 351 or 355 shall not be arrested or imprisoned on account of any of the scheduled debts. But (subject to the provisions of section 358) his property, whether previously or subsequently acquired (except the particulars specified in the first proviso to section 266 and except the property vested in the Receiver), shall, by order of the Court, be liable to attachment and sale until the debts due to the scheduled creditors are satisfied to the extent of one-third, or until the expiry of twelve years from the date of the order of discharge under section 351 or 355.

Effect of discharge.

358. If the aggregate amount of the scheduled debts is two hundred rupees or a less sum, the Court may, and in any case after the scheduled debts have been satisfied to the extent of one-third, or after the expiry of twelve years from the order of discharge, the Court shall, declare the insolvent discharged as aforesaid absolved from further liability in respect of such debts.

Declaration that insolvent is discharged from liability.

Procedure in case of dishonest applicant.

359. Whenever, at the hearing under section 350, it is proved that the applicant has

(*a*) been guilty, in his application, of any concealment or of wilfully making any false statement as to the debts due by him, or respecting the property belonging to him, whether in possession or in expectancy, or held for him in trust;

(*b*) fraudulently concealed, transferred or removed any property; or

(*c*) committed any other act of bad faith regarding the matter of the application,

the Court shall, at the instance of any of his creditors, sentence him by order in writing to imprisonment for a term which may extend to one year from the date of committal.

Or the Court may, if it think fit, send him to the Magistrate to be dealt with according to law.

Investment of other Courts with powers of District Courts. Transfer of cases.

360. The Local Government may, by notification in the official Gazette, invest any Court other than a District Court with the powers conferred on District Courts by sections 344 to 359 (both inclusive), and the District Judge may transfer to any Court situate in his district and so invested any case instituted under section 344.

Any Court so invested may entertain any application under section 344 by any person arrested in execution of a decree of such Court.

Nothing in this chapter shall apply to any Court having jurisdiction in the towns of Rangoon, Maulmain, Akyab and Bassein where the property of the judgment-debtor exceeds in value two thousand five hundred rupees, or the amount of the pecuniary claims against him exceeds five thousand rupees, or such property or any part thereof is situate outside British Burma.

PART II.

OF INCIDENTAL PROCEEDINGS.

CHAPTER XXI.

OF THE DEATH, MARRIAGE AND INSOLVENCY OF PARTIES.

No abatement by party's death, if right to sue survives.

361. The death of a plaintiff or defendant shall not cause the suit to abate if the right to sue survives.

Illustrations.

(*a*) A covenants with B and C to pay an annuity to B during C's life. B and C sue A to compel payment. B dies before the decree: the right to sue survives to C, and the suit does not abate.

(*b*) In the same case, all the parties die before decree. The right to sue survives to the representative of the survivor of B and C, and he may continue the suit against A's representative.

(*c*) A sues B for libel. A dies. The right to sue does not survive, and the suit abates.

(*d*) A, a member of a Hindú joint family under the Mitákshará law, institutes a suit for partition of the family-property. A dies leaving B, a minor son, his heir. The right to sue survives to B, and the suit does not abate.

Procedure in case of death of one of several plaintiffs or defendants, if right to sue survive.

362. If there be more plaintiffs or defendants than one, and any of them dies, and if the right to sue survives to the surviving plaintiff or plaintiffs alone, or against the surviving defendant or defendants alone, the Court shall cause an entry to that effect to be made on the record, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

Procedure in case of death of one of several plaintiffs where right to sue survives to survivors and representative of deceased.

363. If there be more plaintiffs than one, and any of them dies, and if the right to sue does not survive to the surviving plaintiff or plaintiffs alone, but survives to him or them and the legal representative of the deceased plaintiff jointly, the Court may, on the application of such legal representative, enter his name on the record in the place of such deceased plaintiff, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs and such legal representative.

Procedure where no application made by representative of deceased plaintiff.

364. If within the time limited by law no application be made to the Court by any person claiming to be the legal representative of a deceased plaintiff, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs;

and the legal representative (if any) of the deceased plaintiff shall be made a party and shall be interested in and bound by the decree passed in the suit, in the same manner as if the suit had proceeded at his instance conjointly with the surviving plaintiff or plaintiffs.

Procedure in case of death of sole, or sole surviving, plaintiff.

365. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, where the right to sue survives, on the application of the legal representative of the deceased, enter his name in the place of such plaintiff on the record, and the suit shall thereupon proceed.

Abatement where no application by representative of deceased plaintiff.

366. If within the time limited by law no such application be made to the Court by any person claiming to be the legal representative of the deceased plaintiff, the Court may pass an order that the suit shall abate, and shall, on the application of the defendant, award to the defendant the costs which he may have incurred in defending the suit, to be recovered from the estate of the deceased plaintiff;

or the Court may, if it think proper, on the application of the defendant, and upon such terms as to costs or otherwise as it thinks fit, pass such other order as it thinks fit for bringing in the legal re-

presentative of the deceased plaintiff, or for proceeding with the suit in order to a final determination of the matter in dispute, or for both those purposes.

Explanation.—A certificate of heirship, or a certificate to collect debts, does not of itself constitute the person holding it the legal representative of the deceased. But when the person holding any such certificate obtains thereby property belonging to the deceased, he may be treated as a legal representative liable in respect of such property.

Procedure in case of dispute as to representative of deceased plaintiff.

367. If any dispute arise as to who is the legal representative of a deceased plaintiff, the Court may either stay the suit until the fact has been determined in another suit, or decide at or before the hearing of the suit who shall be admitted to be such legal representative for the purpose of prosecuting the suit.

Procedure in case of death of one of several defendants,

368. If there be more defendants than one, and any of them die before decree and the right to sue does not survive against the surviving defendant or defendants alone,

or of sole or sole surviving defendant.

and also in case of the death of a sole defendant, or sole surviving defendant where the right to sue survives,

the plaintiff may make an application to the Court, specifying the name, description and place of abode of any person whom he alleges to be the legal representative of the deceased defendant, and whom he desires to be made the defendant in his stead.

The Court shall thereupon enter the name of such representative on the record in the place of such defendant,

and shall issue a summons to such representative to appear on a day to be therein mentioned to defend the suit;

and the case shall thereupon proceed in the same manner as if such representative had originally been made a defendant and had been a party to the former proceedings in the suit:

Provided that the person so made defendant may object that he is not the legal representative of the deceased defendant, or may make any defence appropriate to his character as such representative.

When the plaintiff fails to make such application within the period prescribed therefor, the suit shall abate, unless he satisfies the Court that he had sufficient cause for not making the application within such period.

Suit not abated by marriage of female party.

369. The marriage of a female plaintiff or defendant shall not cause the suit to abate, but the suit may notwithstanding be proceeded with to judgment, and, where the decree is against a female defendant, it may thereupon be executed against her alone.

If the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may with such permission be issued upon the application of the husband, where the husband is by law entitled to the subject-matter of the decree.

When plaintiff's bankruptcy or insolvency bars suit.

370. The bankruptcy or insolvency of a plaintiff in any suit which his assignee or the receiver appointed under section 351 might maintain for the benefit of his creditors shall not bar the suit, unless such assignee or receiver declines to continue the suit and to give security for the costs thereof within such time as the Court may order.

Procedure when assignee fails to continue suit or give security.

If the assignee or receiver neglect or refuse to continue the suit and to give such security within the time so ordered, the defendant may apply for the dismissal of the suit on the ground of the plaintiff's bankruptcy or insolvency, and the Court may dismiss the suit and award to the defendant the costs which he has incurred in defending the same, to be proved as a debt against the plaintiff's estate.

Effect of abatement or dismissal.

371. When a suit abates or is dismissed under this chapter, no fresh suit shall be brought on the same cause of action.

Application to set aside abatement or dismissal.

But the person claiming to be the legal representative of the deceased or bankrupt or insolvent plaintiff may apply for an order to set aside the order for abatement or dismissal; and, if it be proved that he was prevented by any sufficient cause from continuing the suit, the Court shall set aside the abatement or dismissal upon such terms as to costs or otherwise as it thinks fit.

Procedure in case of assignment pending suit.

372. In other cases of assignment, creation or devolution of any interest pending the suit, the suit may, with the leave of the Court, given either with the consent of all parties or after service of notice in writing upon them, and hearing their objections, if any, be continued by or against the person to whom such interest has come either in addition to or in substitution for the person from whom it has passed, as the case may require.

CHAPTER XXII.

OF THE WITHDRAWAL AND ADJUSTMENT OF SUITS.

Power to allow plaintiff to withdraw with liberty to bring fresh suit.

373. If, at any time after the institution of the suit, the Court is satisfied on the application of the plaintiff (*a*) that the suit must fail by reason of some formal defect, or (*b*) that there are sufficient grounds for permitting him to withdraw from the suit or to abandon part of his claim with liberty to bring a fresh suit for the subject-matter of the suit or in respect of the part so abandoned, the Court may grant such permission on such terms as to costs or otherwise as it thinks fit.

If the plaintiff withdraw from the suit, or abandon part of his claim, without such permission, he shall be liable for such costs as the Court may award, and shall be precluded from bringing a fresh suit for the same matter or in respect of the same part.

Nothing in this section shall be deemed to authorize the Court to permit one of several plaintiffs to withdraw without the consent of the others.

Limitation law not affected by first suit.

374. In any fresh suit instituted on permission granted under the last preceding section, the plaintiff shall be bound by the law of limitation in the same manner as if the first suit had not been brought.

Compromise of suits.

375. If a suit be adjusted wholly or in part by any lawful agreement or compromise, or if the defendant satisfy the plaintiff in respect to the whole or any part of the matter of the suit, such agreement, compromise or satisfaction shall be recorded, and the Court shall pass a decree in accordance therewith so far as it relates to the suit, and such decree shall be final, so far as relates to so much of the subject-matter of the suit as is dealt with by the agreement, compromise or satisfaction.

CHAPTER XXIII.

OF PAYMENT INTO COURT.

Deposit by defendant of amount in satisfaction of claim.

376. The defendant in any suit to recover a debt or damages may, at any stage of the suit, deposit in court such sum of money as he considers a satisfaction in full of the claim.

Notice of deposit.

377. Notice in writing of the deposit shall be given through the Court by the defendant to the plaintiff, and the amount of the deposit shall (unless the Court otherwise directs) be paid to the plaintiff on his application.

Interest on deposit not allowed to plaintiff after notice.

378. No interest shall be allowed to the plaintiff on any sum deposited by the defendant from the date of the receipt of such notice, whether the sum deposited be in full of the claim or fall short thereof.

Procedure where plaintiff accepts deposit as satisfaction in part.

379. If the plaintiff accept such amount only as satisfaction in part of his claim, he may prosecute his suit for the balance; and if the Court decides that the deposit by the defendant was a full satisfaction of the plaintiff's claim, the plaintiff must pay the costs of the suit incurred after the deposit and the costs incurred previous thereto, so far as they were caused by excess in the plaintiff's claim.

Procedure where he accepts it as satisfaction in full.

If the plaintiff accept such amount as satisfaction in full of his claim, he shall present to the Court a statement to that effect, and such statement shall be filed and the Court shall pass judgment accordingly, and, in directing by whom the costs of each party are to be paid, the Court shall consider which of the parties is most to blame for the litigation.

Illustrations.

(*a*) A owes B Rs. 100. B sues A for the amount, having made no demand for payment and having no reason to believe that the delay caused by making a demand would place him at a disadvantage. On the plaint being filed, A pays the money into court. B accepts it in full satisfaction of his claim, but the Court should not allow him any costs, the litigation being presumably groundless on his part.

(*b*) B sues A under the circumstances mentioned in illustration (*a*). On the plaint being filed, A disputes the claim. Afterwards A pays the money into court. B accepts it in full satisfaction of his claim. The Court should also give B his costs of suit, A's conduct having shown that the litigation was necessary.

(*c*) A owes B Rs. 100 and is willing to pay him that sum without suit. B claims Rs. 150 and sues A for that amount. On the plaint being filed, A pays Rs. 100 into court and disputes only his liability to pay the remaining Rs. 50. B accepts the Rs. 100 in full satisfaction of his claim. The Court should order him to pay A's costs.

CHAPTER XXIV.

OF REQUIRING SECURITY FOR COSTS.

When security for costs may be required from plaintiff at any stage of suit.

380. If, at the institution or at any subsequent stage of a suit, it appears to the Court that a sole plaintiff is, or (when there are more plaintiffs than one) that all the plaintiffs are, residing out of British India, and that such plaintiff does not, or that no one of such plaintiffs does, possess any sufficient immoveable property within British India independent of the property in suit, the Court may, either of its own motion or on the application of any defendant, order the plaintiff or plaintiffs, within a time to be fixed by the order, to give security for the payment of all costs incurred and likely to be incurred by any defendant.

Effect of failure to furnish security.

381. In the event of such security not being furnished within the time so fixed, the Court shall dismiss the suit unless the plaintiff or plaintiffs be permitted to withdraw therefrom under the provisions of section 373.

Residence out of British India.

382. Whoever leaves British India under such circumstances as to afford reasonable probability that he will not be forthcoming whenever he may be called upon to pay costs shall be deemed to be residing out of British India within the meaning of section 380.

CHAPTER XXV.

OF COMMISSIONS.

A.—Commissions to examine Witnesses.

Cases in which Court may issue commission to examine witness.

383. Any Court may in any suit issue a commission for the examination on interrogatories or otherwise of persons resident with-

in the local limits of its jurisdiction, who are exempted under this Code from attending the Court, or who are from sickness or infirmity unable to attend it.

Order for commission.

384. Such order may be made by the Court either of its own motion, or on the application, supported by affidavit or otherwise, of any party to the suit or of the witness to be examined.

When witness resides within Court's jurisdiction.

385. The commission for the examination of a person who resides within the local limits of the jurisdiction of the Court issuing the same may be issued to any person whom the Court thinks fit to execute the same.

Persons for whose examination commission may issue.

386. Any Court may in any suit issue a commission for the examination of—

(*a*) any person resident beyond the local limits of its jurisdiction;

(*b*) persons who are about to leave such limits before the date on which they are required to be examined in Court; and

(*c*) civil and military officers of Government who cannot, in the opinion of the Judge, attend the Court without detriment to the public service.

Such commission may be issued to any Court, not being a High Court or the Court of the Recorder of Rangoon, within the local limits of whose jurisdiction such person resides, or to any pleader of a High Court whom the Court issuing the commission thinks fit to appoint.

The Court on issuing any commission under this section shall direct whether the commission shall be returned to itself or to any subordinate Court.

Commission to examine witness not within British India.

387. When any Court to which application is made for the issue of a commission for the examination of a person residing at any place not within British India is satisfied that his evidence is necessary, the Court may issue such commission.

Court to examine witness pursuant to commission.

388. Every Court receiving a commission for the examination of any person shall examine him pursuant thereto.

Return of commission with depositions of witnesses.

389. After the commission has been duly executed, it shall be returned, together with the evidence taken under it, to the Court out of which it issued, unless the order for issuing the commission has otherwise directed, in which case the commission shall be returned in terms of such order; and the commission and the return thereto, and the evidence taken under it, shall (subject to the provisions of the next following section) form part of the record of the suit.

When depositions may be read in evidence.

390. Evidence taken under a commission shall not be read as evidence in the suit without the consent of the party against whom the same is offered, unless

(*a*) the person who gave the evidence is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or exempted from personal appearance in Court, or

(*b*) the Court in its discretion dispenses with the proof of any of the circumstances mentioned in the last preceding clause, and authorizes the evidence of any person being read as evidence in the suit, notwithstanding proof that the cause for taking such evidence by commission has ceased at the time of reading the same.

Provisions as to execution and return of commissions to apply to commissions issued by foreign Courts.

391. The provisions hereinbefore contained as to the execution and return of commissions shall apply to commissions issued by

(*a*) Courts situate beyond the limits of British India and established by the authority of Her Majesty or of the Governor General in Council, or

(*b*) Courts situate in any part of the British Empire other than British India, or

(*c*) Courts of any foreign country for the time being in alliance with Her Majesty.

B.—Commissions for local Investigations.

Commission to make local investigations.

392. In any suit or proceeding in which the Court deems a local investigation to be requisite or proper for the purpose of elucidating any matter in dispute, or of ascertaining the market-value of any property, or the amount of any mesne profits or damages or annual nett profits, and the same cannot be conveniently conducted by the Judge in person, the Court may issue a commission to such person as it thinks fit, directing him to make such investigation and to report thereon to the Court:

Provided that, when the Local Government has made rules as to the persons to whom such commission shall be issued, the Court shall be bound by such rules.

Procedure of Commissioner.

393. The Commissioner, after such local inspection as he deems necessary, and after reducing to writing the evidence taken by him, shall return such evidence, together with his report in writing, signed with his name, to the Court.

Report and depositions to be evidence in suit.

The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the suit and shall form part of the record; but

Commissioner may be examined in person.

the Court, or, with the permission of the Court, any of the parties to the suit, may examine the Commissioner personally in open Court touching any of the matters referred to him or mentioned in his report, or as to the manner in which he has made the investigation.

C.—Commissions to examine Accounts.

Commission to examine or adjust accounts.

394. In any suit in which an examination or adjustment of accounts is necessary, the Court may issue a commission to such person as it thinks fit directing him to make such examination or adjustment.

Court to give Commissioner necessary instructions.

395. The Court shall furnish the Commissioner with such part of the proceedings and such detailed instructions as appear necessary,

and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his examination.

Court to receive Commissioner's proceedings or direct further inquiry.

The proceedings of the Commissioner shall be received in evidence in the suit, unless the Court has reason to be dissatisfied with them, in which case the Court shall direct such further inquiry as is requisite.

D.—Commission to make Partition.

Commission to make partition of non-revenue-paying immoveable property.

396. In any suit in which the partition of immoveable property not paying revenue to Government appears to the Court to be necessary, the Court, after ascertaining the several parties interested in such property and their several rights therein, may issue a commission to such persons as it thinks fit to make a partition according to such rights.

Procedure of Commissioners.

The Commissioners shall ascertain and inspect the property, and shall divide the same into as many shares as may be directed by the order under which the commission issues, and shall allot such shares to the parties, and may, if authorized thereto by the said order, award sums to be paid for the purpose of equalizing the value of the shares.

The Commissioners shall then prepare and sign a report, or (if they cannot agree) separate reports, appointing the share of each party, and distinguishing each share (if so directed by the said order) by metes and bounds. Such report or reports shall be annexed to the commission and transmitted to the Court; and the Court, after hearing any objections which the parties may make to the report or reports, shall either quash the same and issue a new commission, or (where the Commissioners agree in their report) pass a decree in accordance therewith.

E.—General Provisions.

Expenses of commission to be paid into court.

397. Before issuing any commission under this Chapter, the Court may order such sum (if any) as it thinks reasonable for the expenses of the commission to be, within a time to be fixed by the Court, paid into court by the party at whose instance or for whose benefit the commission is issued.

Powers of Commissioners.

398. Any Commissioner appointed under this Chapter may, unless otherwise directed by the order of appointment,

(*a*) examine the parties themselves and any witness whom they or any of them may produce, and any other person whom the Commissioner thinks proper to call upon to give evidence in the matter referred to him;

(*b*) call for and examine documents and other things relevant to the subject of inquiry;

(*c*) at any reasonable time enter upon or into any land or building mentioned in the order.

Attendance, examination and punishment of witnesses before Commissioner.

399. The provisions of this Code relating to the summoning, attendance and examination of witnesses, and to the remuneration of, and penalties to be imposed upon, witnesses, shall apply to persons required to give evidence or to produce documents under this Chapter, whether the commission in execution of which they are so required has been issued by a Court situate within, or by a Court situate beyond, the limits of British India.

For the purposes of this section, the Commissioner shall be deemed to be a Court of Civil Judicature.

Court to direct parties to appear before Commissioner.

400. Whenever a commission is issued under this chapter, the Court shall direct that the parties to the suit shall appear before the Commissioner in person or by their agents or pleaders.

Procedure *ex parte*.

If the parties do not so appear the Commissioner may proceed *ex parte*.

PART III.

OF SUITS IN PARTICULAR CASES.

CHAPTER XXVI.

SUITS BY PAUPERS.

Suits may be brought *in forma pauperis*.

401. Subject to the following rules, any suit may be brought by a pauper.

Explanation.—A person is a "pauper" when he is not possessed of sufficient means to enable him to pay the fee prescribed by law for the plaint in such suit, or, where no such fee is prescribed, when he is not entitled to property worth one hundred rupees other than his necessary wearing apparel and the subject-matter of the suit.

What suits excepted.

402. No suit shall be brought by a pauper to recover compensation for loss of caste, libel, slander, abusive language or assault.

Application to be in writing. Contents of application.

403. The application for permission to sue by a pauper shall be in writing, and shall contain the particulars required by section 50 in regard to plaints in suits: a schedule of any moveable or immoveable property belonging to the petitioner, with the estimated value thereof, shall be annexed thereto; and it shall be signed and verified in the manner hereinbefore prescribed for the signing and verification of plaints.

Presentation of application.

404. Notwithstanding anything contained in section 36, the application shall be presented to the Court by the applicant in person, unless he is exempted from appearing in Court under section 640 or section 641, in which case the application may be presented by a duly authorized agent who can answer all material questions relating to the application, and who may be examined in the same manner as the party represented by him might have been examined had such party attended in person.

Rejection of application.

405. If the application be not framed or presented in the manner prescribed by sections 403 and 404, the Court shall reject it.

Examination of applicant.

406. If the application be in proper form and duly presented, the Judge may, if he thinks fit, examine the petitioner, or his agent, when the applicant is allowed to appear by agent, regarding the merits of the claim and the property of the applicant.

If presented by agent, Court may order applicant to be examined by commission.

When the application is presented by an agent, the Court may, if it thinks fit, order that the applicant be examined by a commission in the manner in which the examination of an absent witness may be taken under the provisions of this Code.

Rejection of application.

407. If it appear to the Court

(*a*) that the applicant is not a pauper, or

(*b*) that he has, within the two months next before the presentation of the application, disposed of any property fraudulently or with a view to obtain the benefit of this chapter, or

(*c*) that his allegations do not show a right to sue in such Court, or

(*d*) that he has entered into any agreement with reference to the subject-matter of the proposed suit under which any other person has obtained an interest in such subject-matter,

the Court shall reject the application.

Notice of day for receiving evidence of applicant's pauperism.

408. If the Court sees no reason to refuse the application on any of the grounds stated in section 407, it shall fix a day (of which at least ten days' previous notice shall be given to the opposite party and the Government Pleader) for receiving such evidence as the applicant may adduce in proof of his pauperism, and for hearing any evidence which may be adduced in disproof thereof.

Procedure at hearing.

409. On the day so fixed, or as soon thereafter as may be convenient, the Court shall examine the witnesses (if any) produced by either party, and may cross-examine the applicant or his agent, and shall make a memorandum of the substance of their evidence.

The Court shall also hear any argument which the parties may desire to offer on the question whether, on the face of the application and of the evidence (if any) taken by the Court as herein provided, the applicant is or is not subject to any of the prohibitions specified in section 407.

The Court shall then either allow or refuse to allow the applicant to sue as a pauper.

Procedure if application admitted.

410. If the application be granted, it shall be numbered and registered, and shall be deemed the plaint in the suit, and the suit shall proceed in all other respects as a suit instituted under Chapter V, except that the plaintiff shall not be liable to any court-fee (other than fees payable for service of process) in respect of any petition, appointment of a pleader, or other proceeding connected with the suit.

Costs when pauper succeeds.

411. If the plaintiff succeed in the suit, the Court shall calculate the amount of court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper; and such amount shall be a first charge on the subject-matter of the suit, and shall also be recoverable by the Government from any party ordered by the decree to pay the same, in the same manner as costs of suit are recoverable under this Code.

Recovery of court-fees.

Procedure when pauper fails.

412. If the plaintiff fails in the suit, or if he is dispaupered, or if the suit is dismissed under section 97 or 98, the Court shall order the plaintiff, or any person made under section 32 co-plaintiff to the suit, to pay the court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper;

and if it find that the suit was frivolous or vexatious, it may also punish the plaintiff with fine not exceeding one hundred rupees, or with imprisonment for a term which may extend to a month, or with both.

Refusal to allow applicant to sue as pauper to bar subsequent application of like nature.

413. An order of refusal made under section 409 to allow the applicant to sue as a pauper shall be a bar to any subsequent application of the like nature by him in respect of the same right to sue; but the applicant shall be at liberty to institute a suit in the ordinary manner in respect of such right, provided that he first pays the costs (if any) incurred by Government in opposing his application for leave to sue as a pauper.

414. The Court may, on motion by the defendant, or by the Government Pleader, of which one week's notice in writing has been given to the plaintiff, order the plaintiff to be dispaupered—

Dispaupering.

(a) if he is guilty of vexatious or improper conduct in the course of the suit;

(b) if it appears that his means are such that he ought not to continue to sue as a pauper, or

(c) if he has entered into any agreement with reference to the subject-matter of the suit, under which any other person has obtained an interest in such subject-matter.

415. The costs of an application for permission to sue as a pauper and of an inquiry into pauperism are costs in the suit.

Costs.

CHAPTER XXVII.

SUITS BY OR AGAINST GOVERNMENT OR PUBLIC OFFICERS.

416. Suits by or against the Government shall be instituted by or against (as the case may be) the Secretary of State for India in Council.

Suits by or against Secretary of State in Council.

417. Persons being *ex officio* or otherwise authorized to act for Government in respect of any judicial proceeding shall be deemed to be the recognized agents by whom appearances, acts and applications under this Code may be made or done on behalf of Government.

Persons authorized to act for Government.

418. In suits by the Secretary of State for India in Council, instead of inserting in the plaint the name and description and place of abode of the plaintiff, it shall be sufficient to insert the words "The Secretary of State for India in Council."

Plaints in suits by Secretary of State in Council.

419. The Government Pleader in any court shall be the agent of the Government for the purpose of receiving processes against the said Secretary of State in Council issuing out of such court.

Agent for Government to receive process.

420. The Court, in fixing the day for the said Secretary of State in Council to answer to the plaint, shall allow a reasonable time for the necessary communication with the Government through the proper channels, and for the issue of instructions to the Government Pleader to appear and answer on behalf of the said Secretary of State in Council or the Government, and may extend the time at its discretion.

Appearance and answer by Secretary of State in Council.

421. The Court may also, in any case in which the Government Pleader is not accompanied by any person on the part of the said Secretary of State in Council, who may be able to answer any material questions relating to the suit, direct the attendance of such a person.

Attendance of person able to answer questions relating to suit against Government.

422. Where the defendant is a public officer, the Court may send a copy of the summons to the head of the office in which the defendant is employed, for the purpose of being served on him, if it appear to the Court that the summons may be most conveniently so served.

Service on public officers.

423. If the public officer on receiving the summons considers it proper to make a reference to the Government before answering to the plaint, he may apply to the Court to grant such extension of the time fixed in the summons as may be necessary to enable him to make such reference and to receive orders thereon through the proper channel;

Extension of time to enable officer to make reference to Government.

and the Court upon such application may extend the time for so long as appears to be requisite.

424. No suit shall be instituted against the said Secretary of State in Council, or against a public officer in respect of an act purporting to be done by him in his official capacity, until the expiration of two months next after notice in writing has been, in the case of the Secretary of State in Council, delivered to, or left at the office of, a Secretary to the Local Government or the Collector of the District, and, in the case of a public officer, delivered to him or left at his office, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left.

Notice previous to suing Secretary of State in Council or public officer.

425. No warrant of arrest shall be issued in such suit without the consent in writing of the District Judge.

Arrests in such suits.

426. If the Government undertakes the defence of a suit against a public officer, the Government Pleader, upon being furnished with authority to appear and answer to the plaint, shall apply to the Court, and upon such application the Court shall cause a note of his authority to be entered in the register.

Application where Government undertakes defence.

427. If such application is not made by the Government Pleader on or before the day fixed in the notice for the defendant to appear and answer to the plaint, the case shall proceed as in a suit between private parties, except that the defendant shall not be liable to arrest, nor his property to attachment, otherwise than in execution of a decree.

Procedure where no such application made.

Defendant not liable to arrest before judgment.

428. In a suit against a public officer in respect of such act as aforesaid the Court shall exempt the defendant from appearing in person when he satisfies the Court that he cannot absent himself from his duty without detriment to the public service.

Exemption of public officers from personal appearance.

429. When the decree is against the said Secretary of State in Council or against a public officer in respect of such act as aforesaid, a time shall be specified in the decree within which it shall be satisfied; and, if the decree is not satisfied within the time so specified, the Court shall report the case for the orders of the Local Government.

Procedure where decree against Government or public officer.

Execution shall not issue on any such decree unless it remains unsatisfied for the period of three months computed from the date of the report.

CHAPTER XXVIII.

SUITS BY ALIENS AND BY OR AGAINST FOREIGN AND NATIVE RULERS.

430. Alien enemies residing in British India with the permission of the Governor General in Council, and alien friends, may sue in the Courts of British India as if they were subjects of Her Majesty.

When aliens may sue.

No alien enemy residing in British India without such permission, or residing in a foreign country, shall sue in any of such Courts.

Explanation.—Every person residing in a foreign country, the Government of which is at war with the United Kingdom of Great Britain and Ireland, and carrying on business in that country without a license in that behalf under the hand of one of Her Majesty's Secretaries of State or of a Secretary to the Government of India, shall, for the purpose of the second paragraph of this section, be deemed to be an alien enemy residing in a foreign country.

431. A foreign State may sue in the Courts of British India, provided that—

When foreign State may sue.

(*a*) it has been recognized by Her Majesty or the Governor General in Council, and

(*b*) the object of the suit is to enforce the private rights of the head or of the subjects of the foreign State.

The Court shall take judicial notice of the fact that a foreign State has not been recognized by Her Majesty or by the Governor General in Council.

432. Persons specially appointed by order of Government at the request of any Sovereign Prince or ruling Chief, whether in subordinate alliance with the British Government or otherwise, and whether residing within or without British India, to prosecute or defend any suit on his behalf, shall be deemed to be the recognized agents by whom appearances, acts and applications under this Code may be made or done on behalf of such Prince or Chief.

Persons specially appointed by Government to prosecute or defend for Princes or Chiefs.

433. Any such Prince or Chief, and any ambassador or envoy of a foreign State, may, with the consent of Government certified by the signature of one of its Secretaries (but not without such consent) be sued in any competent Court not subordinate to a District Court;

Suits against Sovereign Princes, &c.

Such consent shall not be given unless—

(*a*) the Prince, Chief, ambassador or en instituted a suit in such Court against the person desiring to sue him; or

(*b*) the Prince, Chief, ambassador or envoy by himself or another trades within the local limits of the jurisdiction of such Court; or

(*c*) the subject-matter of the suit is immoveable property situate within the said local limits and in the possession of the Prince, Chief, ambassador or envoy.

No such Prince, Chief, ambassador or envoy shall be arrested under this Code; and no decree shall be executed against the property of any such Prince, Chief, ambassador or envoy unless with consent of Government certified as aforesaid.

Sovereign Princes, &c., exempt from arrest.

When their property may be attached.

434. The Governor General in Council may from time to time, by notification in the *Gazette of India*,

Execution in British India of decrees of Courts of Native States.

(*a*) declare that the decrees of any Civil or Revenue Courts situate in the territories of any Native Prince or State in alliance with Her Majesty, and not established by the authority of the Governor General in Council, may be executed in British India as if they had been made by the Courts of British India, and

(*b*) cancel any such declaration.

So long as such declaration remains in force, the said decrees may be executed accordingly.

CHAPTER XXIX.

SUITS BY AND AGAINST CORPORATIONS AND COMPANIES.

435. In suits by a Corporation, or by a Company authorized to sue and be sued in the name of an officer or of a trustee, the plaint may be subscribed and verified on behalf of the Corporation or Company by any director, secretary or other principal officer of the Corporation or Company, who is able to depose to the facts of the case.

Subscription and verification of plaint.

436. When the suit is against a Corporation, or against a Company authorized to sue and be sued in the name of an officer or of a trustee, the summons may be served—

Service on Corporation or Company,

(*a*) by leaving it at the registered office (if any) of the Corporation or Company, or

(*b*) by sending it by post in a letter addressed to such officer or trustee at the office (or if there be more offices than one, at the principal office in British India) of the Corporation or Company, or

(*c*) by giving it to any director, secretary or other principal officer of the Corporation or Company;

and the Court may require the personal appearance of any director, secretary or other principal officer of the Corporation or Company who may be able to answer material questions relating to the suit.

CHAPTER XXX.

SUITS BY AND AGAINST TRUSTEES, EXECUTORS AND ADMINISTRATORS.

Representation of beneficiaries in suits concerning property vested in trustees, &c.

437. In all suits concerning property vested in a trustee, executor or administrator, when the contention is between the persons beneficially interested in such property and a third person, the trustee, executor or administrator shall represent the persons so interested, and it shall not ordinarily be necessary to make them parties to the suit. But the Court may, if it thinks fit, order them or any of them to be made such parties.

Joinder of executors and administrators.

438. When there are several executors or administrators, they shall all be made parties to a suit against one or more of them:

Provided that executors who have not proved their testator's will, and executors and administrators beyond the local limits of the jurisdiction of the Court, need not be made parties.

Husband of married executrix not to join.

439. Unless the Court directs otherwise, the husband of a married administratrix or executrix shall not be a party to a suit by or against her.

CHAPTER XXXI.

SUITS BY AND AGAINST MINORS AND PERSONS OF UNSOUND MIND.

Minor must sue by next friend.

440. Every suit by a minor shall be instituted in his name by an adult person, who in such suit shall be called the next friend of the minor, and may be ordered to pay any costs in the suit as if he were the plaintiff.

Costs.

Applications to be made by next friend or guardian *ad litem*.

441. Every application to the Court on behalf of a minor (other than an application under section 449) shall be made by his next friend, or his guardian for the suit.

Plaint filed without next friend to be taken off file.

442. If a plaint be filed by or on behalf of a minor without a next friend, the defendant may apply to have the plaint taken off the file, with costs to be paid by the pleader or other person by whom it was presented. Notice of such application shall be given to such person by the defendant; and the Court, after hearing his objections, if any, may make such order in the matter as it thinks fit.

Costs.

Guardian *ad litem* to be appointed by Court.

443. Where the defendant to a suit is a minor, the Court, on being satisfied of the fact of his minority, shall appoint a proper person to be guardian for the suit for such minor, to put in the defence for such minor, and generally to act on his behalf in the conduct of the case.

A guardian for the suit is not a guardian of person or property within the meaning of the Indian Majority Act, 1875, section 3.

Order obtained without next friend or guardian may be discharged.

444. Every order made in a suit or on any application before the Court, in or by which a minor is in any way concerned or affected, without such minor being represented by a next friend or guardian for the suit, as the case may be, may be discharged, and, if the pleader of the party at whose instance such order was obtained knew, or might reasonably have known, the fact of such minority, with costs to be paid by such pleader.

Costs.

Who may be next friend.

445. Any person being of sound mind and full age may act as next friend of a minor, provided his interest is not adverse to that of such minor, and he is not a defendant in the suit.

Removal of next friend.

446. If the interest of the next friend of a minor is adverse to that of such minor, or if he is so connected with a defendant whose interest is adverse to that of the minor, as to make it unlikely that the minor's interest will be properly protected by him, or if he does not do his duty, or, pending the suit, ceases to reside within British India, or for any other sufficient cause, application may be made on behalf of the minor or by a defendant for his removal; and the Court (if satisfied of the sufficiency of the cause assigned) may order the next friend to be removed accordingly.

Retirement of next friend.

447. Unless otherwise ordered by the Court, a next friend shall not retire at his own request without first procuring a fit person to be put in his place, and giving security for the costs already incurred.

Application for appointment of new next friend.

The application for the appointment of a new next friend shall be supported by affidavit showing the fitness of the person proposed, and also that he has no interest adverse to the minor.

448. On the death or removal of the next friend of a minor, further proceedings shall be stayed until the appointment of a next friend in his place.

Stay of proceedings on death or removal of next friend.

449. If the pleader of such minor omits, within reasonable time, to take steps to get a new next friend appointed, any person interested in the minor or the matter at issue may apply to the Court for the appointment of one, and the Court may appoint such person as it thinks fit.

Application for appointment of new next friend.

450. A minor plaintiff, or a minor not a party to a suit on whose behalf an application is pending, on coming of age must elect whether he will proceed with the suit or application.

Course to be followed by minor plaintiff or applicant on coming of age.

451. If he elects to proceed with it, he shall apply for an order discharging the next friend, and for leave to proceed in his own name.

Where he elects to proceed.

The title of the suit or application shall in such case be corrected so as to read thenceforth thus:

"*A. B.*, late a minor, by *C. D.*, his next friend, but now of full age."

452. If he elects to abandon the suit or application, he shall, if a sole plaintiff, or sole applicant, apply for an order to dismiss the suit or application on repayment of the costs incurred by the defendant or respondent, or which may have been paid by his next friend.

Where he elects to abandon.

Costs.

453. Any application under section 451 or section 452 may be made *ex parte*; and it must be proved by affidavit that the late minor has attained his full age.

Making and proving applications under sections 451, 452.

454. A minor co-plaintiff on coming of age and desiring to repudiate the suit must apply to have his name struck out as co-plaintiff; and the Court, if it finds that he is not a necessary party, shall dismiss him from the suit on such terms as to costs or otherwise as it thinks fit.

When minor co-plaintiff coming of age desires to repudiate suit.

Notice of the application shall be served on the next friend, as well as on the defendant; and it must be proved by affidavit that the late minor has attained his full age. The costs of all parties of such application, and of all or any proceedings thereto-fore had in the suit, shall be paid by such persons as the Court directs.

Costs.

If the late minor be a necessary party to the suit the Court may direct him to be made a defendant.

455. If any minor on attaining majority can prove to the satisfaction of the Court that a suit instituted in his name by a next friend was unreasonable or improper, he may, if a sole plaintiff, apply to have the suit dismissed.

When suit unreasonable or improper.

Notice of the application shall be served on all the parties concerned: and the Court, upon being satisfied of such unreasonableness or impropriety, may grant the application, and order the next friend to pay the costs of all parties in respect of the application and of anything done in the suit.

Costs.

456. An order for the appointment of a guardian for the suit may be obtained upon application in the name and on behalf of the minor or by the plaintiff. Such application must be supported by an affidavit verifying the fact that the proposed guardian has no interest in the matters in question in the suit adverse to that of the minor, and that he is a fit person to be so appointed.

Petition for appointment of guardian *ad litem*.

Where there is no other person fit and willing to act as guardian for the suit, the Court may appoint any of its officers to be such guardian: Provided that he has no interest adverse to that of the minor.

457. A co-defendant of sound mind and of full age may be appointed guardian for the suit, if he has no interest adverse to that of the minor; but neither a plaintiff, nor a married woman, can be so appointed.

Who may be guardian *ad litem*.

458. If the guardian for the suit of a minor defendant does not do his duty, or if other sufficient ground be made to appear, the Court may remove him, and may order him to pay such costs as may have been occasioned to any party by his breach of duty.

Guardian neglecting his duty may be removed.

Costs.

459. If the guardian for the suit dies pending such suit, or is removed by the Court, the Court shall appoint a new guardian in his place.

Appointment in place of guardian dying *pendente lite*.

460. When the enforcement of a decree is applied for against the heir or representative, being a minor, of a deceased party, a guardian for the suit of such minor shall be appointed by the Court, and the decree-holder shall serve on such guardian notice of such application.

Guardian *ad litem* of minor representative of deceased judgment-debtor.

461. No sum of money or other thing shall be received or taken by a next friend or guardian for the suit on behalf of a minor, at any time before decree or order, unless he has first obtained the leave of the Court, and given security to its satisfaction that such money or other thing shall be duly accounted for to, and held for the benefit of, such minor.

Before decree, next friend or guardian *ad litem* not to receive money without leave of Court and giving security.

462. No next friend or guardian for the suit shall, without the leave of the Court, enter into any agreement or compromise on behalf of a minor, with reference to the suit in which he acts as next friend or guardian.

Next friend or guardian *ad litem* not to compromise without leave of Court.

Any such agreement or compromise entered into without the leave of the Court shall be voidable against all parties other than the minor.

Compromise without leave voidable.

463. The provisions contained in sections 440 to 462 (both inclusive) shall, *mutatis mutandis*, apply in the case of persons of unsound mind, adjudged to be so under Act No. XXXV of 1858, or under any other law for the time being in force.

Application of sections 440 to 462 to persons of unsound mind.

464. Nothing in sections 442 to 462 applies to any minor or person of unsound mind, for whose person or property a guardian or manager has been appointed by the Court of Wards or by the Civil Court under any local law.

Wards of Court.

CHAPTER XXXII.

SUITS BY AND AGAINST MILITARY MEN.

465. When any officer or soldier actually serving the Government in a military capacity is a party to a suit, and cannot obtain leave of absence for the purpose of prosecuting or defending the suit in person, he may authorize any person to sue or defend in his stead.

Officers or soldiers who cannot obtain leave may authorize any person to sue or defend for them.

The authority shall be in writing and shall be signed by the officer or soldier in the presence of (*a*) his commanding officer, or the next subordinate officer, if the party be himself the commanding officer, or (*b*) where the officer or soldier is serving in military staff employment, the head or other superior officer of the office in which he is employed. Such commanding or other officer shall countersign the authority, which shall be filed in court.

When so filed, the countersignature shall be sufficient proof that the authority was duly executed, and that the officer or soldier by whom it was granted could not obtain leave of absence for the purpose of prosecuting or defending the suit in person.

Explanation.—In this chapter the expression 'commanding officer' means the officer in actual command for the time being of any regiment, corps, detachment or depôt to which the officer or soldier belongs.

466. Any person authorized by an officer or a soldier to prosecute or defend a suit in his stead may prosecute or defend it in person in the same manner as the officer or soldier could do if present; or he may appoint a pleader to prosecute or defend the suit on behalf of such officer or soldier.

Person so authorized may act personally or appoint pleader.

467. Processes served upon any person authorized by an officer or a soldier, as in section 465, or upon any pleader appointed as aforesaid by such person to act for, or on behalf of, such officer or soldier, shall be as effectual as if they had been served on the party in person or on his pleader.

Service on person so authorized, or on his pleader, to be good service.

468. When an officer or a soldier is a defendant, the Court shall send a copy of the summons to his commanding officer for the purpose of being served on him.

Service on officers and soldiers.

The officer to whom such copy is sent, after causing it to be served on the person to whom it is addressed, if practicable, shall return it to the Court with the written acknowledgment of such person endorsed thereon.

If from any cause the copy cannot be so served, it shall be returned to the Court by which it was sent, with information of the cause which has prevented the service.

469. If, in the execution of a decree, a warrant of arrest or other process is to be executed within the limits of a cantonment, garrison, military station or military bázár, the officer charged with the execution of such warrant or other process shall deliver the same to the commanding officer.

Execution of warrant of arrest in cantonments, &c.

The commanding officer shall back the warrant or other process with his signature, and, in the case of a warrant of arrest, if the person named therein is within the limits of his command, shall cause him to be arrested and delivered to the officer so charged.

CHAPTER XXXIII.

INTERPLEADER.

470. When two or more persons claim adversely to one another the same payment or property from another person, whose only interest therein is that of a mere stakeholder and who is ready to render it to the right owner, such stakeholder may institute a suit of interpleader against all the claimants for the purpose of obtaining a decision as to whom the payment or property should be made or delivered, and of obtaining indemnity for himself:

When interpleader-suit may be instituted.

Provided that if any suit is pending in which the rights of all parties can properly be decided, the stakeholder shall not institute a suit of interpleader.

471. In every suit of interpleader the plaint must, in addition to the other statements necessary for plaints, state—

Plaint in such suit.

(*a*) that the plaintiff has no interest in the thing claimed otherwise than as a mere stakeholder;

(*b*) the claims made by the defendants severally; and

(*c*) that there is no collusion between the plaintiff and any of the defendants.

Payment of thing claimed into Court.

472. When the thing claimed is capable of being paid into court or placed in the custody of the Court, the plaintiff must so pay or place it before he can be entitled to any order in the suit.

Procedure at first hearing.

473. At the first hearing the Court may—

(*a*) declare that the plaintiff is discharged from all liability to the defendants in respect of the thing claimed, award him his costs, and dismiss him from the suit;

or, if it thinks that justice or convenience so require,

(*b*) retain all parties until the final disposal of the suit;

and, if it finds that the admissions of the parties or other evidence enable it,

(*c*) adjudicate the title to the thing claimed:

or else it may

(*d*) direct the defendants to interplead one another by filing statements and entering into evidence for the purpose of bringing their respective claims before the Court, and shall adjudicate on such claims.

When agents and tenants may institute interpleader-suits.

474. Nothing in this chapter shall be taken to enable agents to sue their principals, or tenants to sue their landlords, for the purpose of compelling them to interplead with any persons other than persons making claim through such principals or landlords.

Illustrations.

(*a*) A deposits a box of jewels with B as his agent. C alleges that the jewels were wrongfully obtained from him by A, and claims them from B. B cannot institute an interpleader-suit against A and C.

(*b*) A deposits a box of jewels with B as his agent. He then writes to C for the purpose of making the jewels a security for a debt due from himself to C. A afterwards alleges that C's debt is satisfied, and C alleges the contrary. Both claim the jewels from B. B may institute an interpleader suit against A and C.

Charge of plaintiff's costs.

475. When the suit is properly instituted, the Court may provide for the plaintiff's costs by giving him a charge on the thing claimed or in some other effectual way.

Procedure where defendant is suing stakeholder.

476. If any of the defendants in an interpleader-suit is actually suing the stakeholder in respect of the subject of such suit, the Court in which the suit against the stakeholder is pending shall, on being duly informed by the Court which passed the decree in the interpleader-suit in favour of the stakeholder, that such decree has been passed, stay the proceedings as against him; and his costs in the suit so stayed may be provided for in such suit; but if, and so far as, they are not provided for in that suit, they may be added to his costs incurred in the interpleader-suit.

Costs.

PART IV.

PROVISIONAL REMEDIES.

CHAPTER XXXIV.

OF ARREST AND ATTACHMENT BEFORE JUDGMENT.

A.—Arrest before Judgment.

When plaintiff may apply that security be taken.

477. If at any stage of any suit, other than a suit for the possession of immoveable property, the plaintiff satisfies the Court by affidavit or otherwise—

that the defendant, with intent to avoid or delay the plaintiff, or to avoid any process of the Court, or to obstruct or delay the execution of any decree that may be passed against him,

(*a*) has absconded or left the jurisdiction of the Court, or

(*b*) is about to abscond or to leave the jurisdiction of the Court, or

(*c*) has disposed of or removed from the jurisdiction of the Court his property or any part thereof, or

that the defendant is about to leave British India under circumstances affording reasonable probability that the plaintiff will or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant in the suit,

the plaintiff may apply to the Court that security be taken for the appearance of the defendant to answer any decree that may be passed against him in the suit.

Order to bring up defendant to show cause why he should not give security.

478. If the Court, after examining the applicant, and making such further investigation as it thinks fit, is satisfied—

that the defendant, with any such intent as aforesaid,

(*a*) has absconded or left the jurisdiction of the Court, or

(*b*) is about to abscond or to leave the jurisdiction of the Court, or

(*c*) has disposed of or removed from the jurisdiction of the Court his property or any part thereof, or

that the defendant is about to leave British India under the circumstances last aforesaid

the Court may issue a warrant to arrest the defendant and bring him before the Court to show cause why he should not give security for his appearance.

If defendant fail to show cause, Court may order him to make deposit or give security.

479. If the defendant fail to show such cause, the Court shall order him either to deposit in court money or other property sufficient to answer the claim against him, or to give security for his appearance at any time when called upon while the suit is pending, and until execution or satisfaction of any decree that may be passed against him in the suit.

The surety shall bind himself, in default of such appearance, to pay any sum of money which the defendant may be ordered to pay in the suit.

Procedure in case of application by surety to be discharged.

480. The surety for the appearance of the defendant may at any time apply to the Court in which he became such surety to be discharged from his obligation.

On such application being made, the Court shall summon the defendant to appear, or, if it thinks fit, may issue a warrant for his arrest in the first instance.

On the appearance of the defendant pursuant to the summons or warrant, or on his voluntary surrender, the Court shall direct the surety to be discharged from his obligation, and shall call upon the defendant to find fresh security.

Procedure where defendant fails to give security or find fresh security.

481. If the defendant fail to comply with any order under section 479 or section 480, the Court may commit him to jail until the decision of the suit, or, if judgment be given against the defendant, until the execution of the decree: Provided that no person shall be imprisoned under this section in any case for a longer period than six months, nor for a longer period than six weeks when the amount or value of the subject-matter of the suit does not exceed fifty rupees:

Provided that no person shall be detained in prison under this section after he has complied with such order.

Subsistence of defendants arrested.

482. The provisions of section 339 as to allowances payable for the subsistence of judgment-debtors shall apply to all defendants arrested under this chapter.

B.—Attachment before Judgment.

Application before judgment for security from defendant to satisfy decree, and in default for attachment of property.

483. If at any stage of any suit the plaintiff satisfies the Court by affidavit or otherwise that the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him,

(*a*) is about to dispose of the whole or any part of his property, or to remove the same from the jurisdiction of the Court in which the suit is pending, or

(*b*) has quitted the jurisdiction of the Court, leaving therein property belonging to him,

the plaintiff may apply to the Court to call upon the defendant to furnish security to satisfy any decree that may be passed against him in such suit and, on his failing to give such security, to direct that any portion of his property within the jurisdiction of the Court shall be attached until the further order of the Court.

Contents of application.

The application shall, unless the Court otherwise directs, specify the property required to be attached and the estimated value thereof.

Court may call on defendant to furnish security or show cause.

484. If the Court, after examining the applicant and making any further investigation which it thinks fit, is satisfied that the defendant is about to dispose of or remove his property, with intent to obstruct or delay the execution of any decree that may be passed against him in the suit, or that he has with such intent quitted the jurisdiction of the Court, leaving therein property belonging to him, the Court may require him, within a time to be fixed by the Court, either to furnish security in such sum as may be specified in the order, to produce and place at the disposal of the Court, when required, the said property or the value of the sum, or such portion thereof as may be sufficient to satisfy the decree, or to appear and show cause why he should not furnish security.

The Court may also in the order direct the conditional attachment of the whole or any portion of the property specified in the application.

Attachment if cause not shown or security not furnished.

485. If the defendant fail to show cause why he should not furnish security, or fail to furnish the security required, within the time fixed by the Court, the Court may order that the property specified in the application, or such portion thereof as appears sufficient to satisfy any decree which may be passed in the suit, shall be attached.

Withdrawal of attachment.

If the defendant show such cause or furnish the required security, and the property specified in the application or any portion of it has been attached, the Court shall order the attachment to be withdrawn.

Mode of making attachment.

486. The attachment shall be made in the manner herein provided for the attachment of property in execution of a decree for money.

Investigation of claims to property attached before judgment.

487. If any claim be preferred to the property attached before judgment, such claim shall be investigated in the manner herein before provided for the investigation of claims to property attached in execution of a decree for money.

Removal of attachment when security furnished or suit diminished.

488. When an order of attachment before judgment is passed, the Court which passed the order shall remove the attachment

whenever the defendant furnishes the security required, together with security for the costs of the attachment, or when the suit is dismissed.

Attachment not to affect rights of strangers, or bar decree-holder from applying for sale.

489. Attachment before judgment shall not affect the rights, existing prior to the attachment, of persons not parties to the suit, nor bar any person holding a decree against the defendant from applying for the sale of the property under attachment in execution of such decree.

Property attached under chapter not to be re-attached in execution of decree.

490. Where property is under attachment by virtue of the provisions of this chapter, and a decree is given in favour of the plaintiff, it shall not be necessary to re-attach the property in execution of such decree.

C.—Compensation for improper Arrests or Attachments.

Compensation for obtaining arrest or attachment on insufficient grounds.

491. If in any suit in which an arrest or attachment has been effected, it appears to the Court that such arrest or attachment was applied for on insufficient grounds,

or if the suit of the plaintiff fails, and it appears to the Court that there was no probable ground for instituting the suit,

the Court may, on the application of the defendant, award against the plaintiff in its decree such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the defendant for the expense or injury caused to him by the arrest or attachment:

Proviso.

Provided that the Court shall not award under this section a larger amount than it might decree in a suit for compensation.

An award under this section shall bar any suit for compensation in respect of such arrest or attachment.

CHAPTER XXXV.

OF TEMPORARY INJUNCTIONS AND INTERLOCUTORY ORDERS.

A.—Temporary Injunctions.

Cases in which temporary injunction may be granted.

492. If in any suit it is proved by affidavit or otherwise—

(*a*) that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in execution of a decree, or

(*b*) that the defendant threatens, or is about, to remove or dispose of his property with intent to defraud his creditors,

the Court may by order grant a temporary injunction to restrain such act, or give such other order for the purpose of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of the property as the Court thinks fit, or refuse such injunction or other order.

Injunction to restrain repetition or continuance of breach.

493. In any suit for restraining the defendant from committing a breach of contract or other injury, whether compensation be claimed in the suit or not, the plaintiff may, at any time after the commencement of the suit, and either before or after judgment, apply to the Court for a temporary injunction to restrain the defendant from committing the breach of contract or injury complained of, or any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right.

The Court may by order grant such injunction on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as the Court thinks fit, or refuse the same.

In case of disobedience, an injunction granted under this section or section 492 may be enforced by the imprisonment of the defendant for a term not exceeding six months, or the attachment of his property, or both.

No attachment under this section shall remain in force for more than one year, at the end of which time, if the defendant has not obeyed the injunction, the property attached may be sold, and out of the proceeds the Court may award to the plaintiff such compensation as it thinks fit, and may pay the balance, if any, to the defendant.

Before granting injunction, Court to direct notice to opposite party.

494. The Court shall in all cases, except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice of the application for the same to be given to the opposite party.

Injunction to Corporation binding on its members and officers.

495. An injunction directed to a Corporation or public Company is binding not only on the Corporation or Company itself, but also on all members and officers of the Corporation or Company whose personal action it seeks to restrain.

Order for injunction may be discharged, varied or set aside.

496. Any order for an injunction may be discharged, or varied, or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Compensation to defendant for issue of injunction on insufficient grounds.

497. If it appears to the Court that an injunction which it has granted was applied for on insufficient grounds, or

if, after the issue of the injunction, the suit is dismissed or judgment is given against the plaintiff by default or otherwise, and it appears to the Court that there was no probable ground for instituting the suit,

the Court may, on the application of the defendant, award against the plaintiff in its decree such sum, not exceeding one thousand rupees, as it

deems a reasonable compensation to the defendant for the expense or injury caused to him by the issue of the injunction:

Proviso.

Provided that the Court shall not award under this section a larger amount than it might decree in a suit for compensation.

An award under this section shall bar any suit for compensation in respect of the issue of the injunction.

B.—Interlocutory Orders.

Power to order interim sale of perishable articles.

498. The Court may, on the application of any party to a suit, order the sale, by any person named in such order, and in such manner and on such terms as it thinks fit, of any moveable property, being the subject of such suit, which is subject to speedy and natural decay.

Power to make order for detention, &c., of subject-matter, and to authorize entry, taking of samples and experiments.

499. The Court may, on the application of any party to a suit, and on such terms as it thinks fit,

(*a*) make an order for the detention, preservation or inspection of any property being the subject of such suit;

(*b*) for all or any of the purposes aforesaid authorize any person to enter upon or into any land or building in the possession of any other party to such suit, and

(*c*) for all or any of the purposes aforesaid, authorize any samples to be taken, or any observation to be made or experiment to be tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence.

The provisions hereinbefore contained as to execution of process shall apply, *mutatis mutandis*, to persons authorized to enter under this section.

Application for such orders to be after notice.

500. An application by the plaintiff for an order under section 498 or section 499 may be made after notice in writing to the defendant at any time after service of the summons.

An application by the defendant for a like order may be made after notice in writing to the plaintiff, and at any time after the applicant has appeared.

When party may be put in immediate possession of land the subject of suit.

501. When land paying revenue to Government, or a tenure liable to sale, is the subject of a suit, if the party in possession of such land or tenure neglects to pay the Government-revenue, or the rent due to the proprietor of the tenure, as the case may be, and such land or tenure is consequently ordered to be sold, any other party to the suit claiming to have an interest in such land or tenure may upon payment of the revenue or rent due previously to the sale (and with or without security at the discretion of the Court), be put in immediate possession of the land or tenure;

and the Court in its decree may award againt the defaulter the amount so paid, with interest thereupon at such rate as the Court thinks fit, or may charge the amount so paid, with interest thereupon at such rate as the Court orders, in any adjustment of accounts which may be directed in the decree passed in the suit.

Deposit of money, &c., in court.

502. When the subject-matter of a suit is money or some other thing capable of delivery, and any party thereto admits that he holds such money or other thing as a trustee for another party, or that it belongs or is due to another party, the Court may order the same to be deposited in court or delivered to such last-named party, with or without security, subject to the further direction of the Court.

CHAPTER XXXVI.

APPOINTMENT OF RECEIVERS.

Power of Court to appoint Receivers.

503. Whenever it appears to the Court to be necessary for the realization, preservation or better custody or management of any property, moveable or immoveable, the subject of a suit, or under attachment, the Court may by order—

(*a*) appoint a Receiver of such property,

and, if need be,

(*b*) remove the person in whose possession or custody the property may be from the possession or custody thereof;

(*c*) commit the same to the custody or management of such Receiver; and

(*d*) grant to such Receiver such fee or commission on the rents and profits of the property by way of remuneration, and all such powers as to bringing and defending suits, and for the realization, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of instruments in writing, as the owner himself has, or such of those powers as the Court thinks fit.

Receiver's liabilities.

Every Receiver so appointed shall—

(*e*) give such security (if any) as the Court thinks fit duly to account for what he shall receive in respect of the property;

(*f*) pass his accounts at such periods and in such form as the Court directs;

(*g*) pay the balance due from him thereon as the Court directs; and

(*h*) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

Nothing in this section authorizes the Court to remove from the possession or custody of property under attachment any person whom the parties to the suit, or some or one of them, have or has not a present right so to remove.

504. Where the property is land paying revenue to Government, or land of which the revenue has been assigned or redeemed, and the Court considers that the interests of those concerned will be promoted by the management of the Collector, the Court may appoint the Collector to be Receiver of such property.

When Collector may be appointed Receiver.

505. The powers conferred by this chapter shall be exercised only by High Courts and District Courts: Provided that whenever the Judge of a Court subordinate to a District Court considers it expedient that a Receiver should be appointed in any suit before him, he shall nominate such person as he considers fit for such appointment, and submit such person's name, with the grounds for the nomination, to the District Court, and the District Court shall authorize such Judge to appoint the person so nominated, or pass such other order as it thinks fit.

Courts empowered under this chapter.

PART V.

OF SPECIAL PROCEEDINGS.

CHAPTER XXXVII.

REFERENCE TO ARBITRATION.

506. If all the parties to a suit desire that any matter in difference between them in the suit be referred to arbitration, they may, at any time before judgment is pronounced, apply, in person or by their respective pleaders specially authorized in writing in this behalf, to the Court for an order of reference.

Parties to suit may apply for order of reference.

Every such application shall be in writing and shall state the particular matter sought to be referred.

507. The arbitrator shall be nominated by the parties in such manner as may be agreed upon between them.

Nomination of arbitrator.

If the parties cannot agree with respect to such nomination, or if the person whom they nominate refuses to accept the arbitration and the parties desire that the nomination shall be made by the Court, the Court shall nominate the arbitrator.

When Court to nominate arbitrator.

508. The Court shall, by order, refer to the arbitrator the matter in difference which he is required to determine, and shall fix such time as it thinks reasonable for the delivery of the award, and specify such time in the order.

Order of reference.

When once a matter is referred to arbitration, the Court shall not deal with it in the same suit, except as hereinafter provided.

509. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators,

When reference is to two or more, order to provide for difference of opinion.

(*a*) by the appointment of an umpire, or

(*b*) by declaring that the decision shall be with the majority, if the major part of the arbitrators agree, or

(*c*) by empowering the arbitrators to appoint an umpire, or

(*d*) otherwise, as may be agreed between the parties; or, if they cannot agree, as the Court determines.

If an umpire is appointed, the Court shall fix such time as it thinks reasonable for the delivery of his award in case he is required to act.

510. If the arbitrator, or, where there are more arbitrators than one, any of the arbitrators, or the umpire, dies, or refuses, or neglects or becomes incapable to act, or leaves British India under circumstances showing that he will probably not return at an early date, the Court may in its discretion either appoint a new arbitrator or umpire in the place of the person so dying, or refusing, or neglecting, or becoming incapable to act, or leaving British India, or make an order superseding the arbitration, and in such case shall proceed with the suit.

Death, incapacity, &c., of arbitrators or umpire.

511. Where the arbitrators are empowered by the order of reference to appoint an umpire and fail to do so, any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if, within seven days after such notice has been served, or such further time as the Court may in each case allow, no umpire be appointed, the Court, upon the application of the party who has served such notice as aforesaid, may appoint an umpire.

Appointment of umpire by Court.

512. Every arbitrator or umpire appointed under section 509, section 510 or section 511 shall have the like powers as if his name had been inserted in the order of reference.

Powers of arbitrator or umpire appointed under sections 509, 510, 511.

513. The Court shall issue the same processes to the parties and witnesses whom the arbitrators or umpire desire or desires to examine, as the Court may issue in suits tried before it.

Summoning witnesses.

Persons not attending in accordance with such process, or making any other default, or refusing to give their evidence, or guilty of any contempt to the arbitrator or umpire during the investigation of the matters referred, shall be subject to the like disadvantages, penalties and punishments, by order of the Court on the representation of the arbitrator or umpire, as they would incur for the like offences in suits tried before the Court.

Punishment for default, &c.

514. If, from the want of the necessary evidence or information, or from any other cause, the arbitrators cannot complete the award within the period specified in the order, the Court may, if it thinks fit, either grant a further time, and from time to time enlarge the period for the delivery of the award, or make an order superseding the arbitration, and in such case shall proceed with the suit.

Extension of time for making award.

Supersession of arbitration.

515. When an umpire has been appointed he may enter on the reference in the place of the arbitrators

When umpire may arbitrate in lieu of arbitrators.

(a) if they have allowed the appointed time to expire without making an award, or

(b) when they have delivered to the Court or to the umpire a notice in writing, stating that they cannot agree.

516. When an award in a suit has been made, the persons who made it shall sign it and cause it to be filed in court, together with any depositions and documents which have been taken and proved before them; and notice of the filing shall be given to the parties.

Award to be signed and filed.

517. Upon any reference by an order of the Court, the arbitrators or umpire may, with the consent of the Court, state the award as to the whole or any part thereof in the form of a special case for the opinion of the Court; and the Court shall deliver its opinion thereon; and such opinion shall be added to and form part of the award.

Arbitrators or umpire may state special case.

518. The Court may, by order, modify or correct an award,

Court may, on application, modify or correct award in certain cases.

(a) where it appears that a part of the award is upon a matter not referred to arbitration, provided such part can be separated from the other part and does not affect the decision on the matter referred, or

(b) where the award is imperfect in form, or contains any obvious error which can be amended without affecting such decision.

519. The Court may also make such order as it thinks fit respecting the costs of the arbitration, if any question arise respecting such costs and the award contain no sufficient provision concerning them.

Order as to costs of arbitration

520. The Court may remit the award or any matter referred to arbitration to the reconsideration of the same arbitrators or umpire, upon such terms as it thinks fit,

When award or matter referred to arbitration may be remitted.

(a) where the award has left undetermined any of the matters referred to arbitration, or where it determines any matter not referred to arbitration;

(b) where the award is so indefinite as to be incapable of execution;

(c) where an objection to the legality of the award is apparent upon the face of it.

521. An award remitted under section 520 becomes void on the refusal of the arbitrators or umpire to reconsider it. But no award shall be set aside except on one of the following grounds (namely)—

Grounds for setting aside award.

(a) corruption or misconduct of the arbitrator or umpire;

(b) either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the arbitrator or umpire;

(c) the award having been made after the issue of an order by the Court superseding the arbitration and restoring the suit;

and no award shall be valid unless made within the period allowed by the Court.

522. If the Court sees no cause to remit the award or any of the matters referred to arbitration for reconsideration in manner aforesaid, and if no application has been made to set aside the award, or if the Court has refused such application,

Judgment to be according to award.

the Court shall, after the time for making such application has expired, proceed to give judgment according to the award,

or, if the award has been submitted to it in the form of a special case, according to its own opinion on such case.

Upon the judgment so given a decree shall follow, and shall be enforced in manner provided in this Code for the execution of decrees. No appeal shall lie from such decree except in so far as the decree is in excess of, or not in accordance with, the award.

Decree to follow.

523. When any persons agree in writing that any difference between them shall be referred to the arbitration of any person named in the agreement or to be appointed by any Court having jurisdiction in the matter to which the agreement relates, the parties thereto, or any of them, may apply that the agreement be filed in court.

Agreement to refer to arbitration may be filed in court.

The application shall be in writing and shall be numbered and registered as a suit between one or more of the parties interested or claiming to be interested as plaintiff or plaintiffs, and the others or other of them as defendants or defendant, if the application have been presented by all the parties, or, if otherwise, between the applicant as plaintiff and the other parties as defendants.

Application to be numbered and registered.

On such application being made, the Court shall direct notice thereof to be given to all the parties to the agreement other than the applicants, requiring such parties to show cause, within the time specified in the notice, why the agreement should not be filed.

Notice to show cause against filing.

If no sufficient cause be shown, the Court may cause the agreement to be filed, and shall make an order of reference thereon, and may also nominate the arbitrator, when he is not named therein and the parties cannot agree as to the nomination.

524. The foregoing provisions of this chapter, so far as they are consistent with any agreement so filed, shall be applicable to all proceedings under an order of reference made by the Court under section 523, and to the award of arbitration and to the enforcement of the decree founded thereupon.

Provisions of chapter applicable to proceedings under order of reference.

525. When any matter has been referred to arbitration without the intervention of a Court of Justice, and an award has been made thereon, any person interested in the award may apply to the Court of the lowest grade having jurisdiction over the matter to which the award relates, that the award be filed in court.

Filing award in matter referred to arbitration without intervention of Court.

The application shall be in writing and shall be numbered and registered as a suit between the applicant as plaintiff and the other parties as defendants.

Application to be numbered and registered.

The Court shall direct notice to be given to the parties to the arbitration, other than the applicant, requiring them to show cause, within a time specified, why the award should not be filed.

Notice to parties to arbitration.

526. If no ground such as is mentioned or referred to in section 520 or section 521, be shown against the award, the Court shall order it to be filed, and such award shall then take effect as an award made under the provisions of this chapter.

Filing and enforcement of such award.

CHAPTER XXXVIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

527. Parties claiming to be interested in the decision of any question of fact or law, may enter into an agreement in writing stating such question in the form of a case for the opinion of the Court, and providing that, upon the finding of the Court with respect to such question,

Power to state case for Court's opinion.

(*a*) a sum of money fixed by the parties or to be determined by the Court, shall be paid by one of the parties to the other of them; or

(*b*) some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or

(*c*) one or more of the parties shall do, or refrain from doing, some other particular act specified in the agreement.

Every case stated under this section shall be divided into consecutively numbered paragraphs, and shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby.

528. If the agreement is for the delivery of any property, or for the doing, or the refraining from doing, any particular act, the estimated value of the property to be delivered, or to which the act specified has reference, shall be stated in the agreement.

When value of subject-matter must be stated.

529. The agreement, if framed in accordance with the rules hereinbefore contained, may be filed in the Court which would have jurisdiction to entertain a suit, the amount or value of the subject-matter of which is the same as the amount or value of the subject-matter of the agreement.

Agreement to be filed and numbered as suit.

The agreement, when so filed, shall be numbered and registered as a suit between one or more of the parties claiming to be interested, as plaintiff or plaintiffs, and the other or others of them as defendant or defendants; and notice shall be given to all the parties to the agreement, other than the party or parties by whom it was presented.

530. When the agreement has been filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by the statements contained therein.

Parties to be subject to Court's jurisdiction.

531. The case shall be set down for hearing as a suit instituted under Chapter V, the provisions of which shall apply to such suit so far as the same are applicable.

Hearing and disposal of case.

If the Court is satisfied, after an examination of the parties, or after taking such evidence as it thinks fit,

(*a*) that the agreement was duly executed by them, and

(*b*) that they have a *boná fide* interest in the question stated therein, and

(*c*) that the same is fit to be decided,

it shall proceed to pronounce judgment thereon, in the same way as in an ordinary suit, and upon the judgment so given a decree shall follow and shall be enforced in the manner provided in this Code for the execution of decrees.

CHAPTER XXXIX.

OF SUMMARY PROCEDURE ON NEGOTIABLE INSTRUMENTS.

532. In any Court to which this section applies, all suits upon bills of exchange, hundís or promissory notes may, in case the plain-

Institution of summary suits upon bills of exchange, &c.

tiff desires to proceed under this chapter, be instituted by presenting a plaint in the form prescribed by this Code; but the summons shall be in the form contained in the fourth schedule hereto annexed, No. 172, or in such other form as the High Court may from time to time prescribe.

In any case in which the plaint and summons are in such forms respectively, the defendant shall not appear or defend the suit unless he obtains leave from a Judge as hereinafter mentioned so to appear and defend;

and in default of his obtaining such leave or of appearance and defence in pursuance thereof, the plaintiff shall be entitled to a decree for any sum not exceeding the sum mentioned in the summons, together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by a rule of the High Court, unless the plaintiff claims more than such fixed sum, in which case the costs shall be ascertained in the ordinary way, and such decree may be enforced forthwith.

Payment into court of sum mentioned in summons.

The defendant shall not be required to pay into court the sum mentioned in the summons, or to give security therefor, unless the Court thinks his defence not to be *primâ facie* sustainable, or feels reasonable doubt as to its good faith.

Explanation.—This section is not confined to cases in which the bill, hundí or note sued upon, together with mere lapse of time, is sufficient to establish a *primâ facie* right to recover.

Defendant showing defence on merits to have leave to appear.

533. The Court shall, upon application by the defendant, give leave to appear and to defend the suit, upon the defendant paying into court the sum mentioned in the summons, or upon affidavits satisfactory to the Court, which disclose a defence or such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Court may deem sufficient to support the application, and on such terms as to security, framing and recording issues, or otherwise, as the Court thinks fit.

Power to set aside decree.

534. After decree, the Court may, under special circumstances, set aside the decree, and if necessary stay or set aside execution, and may give leave to appear to the summons and to defend the suit, if it seem reasonable to the Court so to do, and on such terms as the Court thinks fit.

Power to order bill, &c., to be deposited with officer of Court.

535. In any proceeding under this chapter the Court may order the bill, hundí or note on which the suit is founded to be forthwith deposited with an officer of the Court, and may further order that all proceedings shall be stayed until the plaintiff gives security for the costs thereof.

Recovery of cost of noting non-acceptance of dishonoured bill or note.

536. The holder of every dishonoured bill of exchange or promissory note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonour, as he has under this chapter for the recovery of the amount of such bill or note.

Procedure in suits under chapter.

537. Except as provided by sections 532 to 536 (both inclusive), the procedure in suits under this chapter shall be the same as the procedure in suits instituted under Chapter V.

Application of chapter.

538. Sections 532 to 537 (both inclusive) apply only to—

(*a*) the High Courts of Judicature at Fort William, Madras and Bombay;

(*b*) the Court of the Recorder of Rangoon;

(*c*) the Courts of Small Causes in Calcutta, Madras and Bombay;

(*d*) the Court of the Judge of Karáchí; and

(*e*) any other Court having ordinary original civil jurisdiction to which the Local Government may, by notification in the official Gazette, apply them.

In case of such application the Local Government may direct by whom any of the powers and duties incident to the provisions so applied shall be exercised and performed, and make any rules which it thinks requisite for carrying into operation the provisions so applied.

Within one month after such notification has been published, such provisions shall apply accordingly, and the rules so made shall have the force of law.

The Local Government may from time to time alter or cancel any such notification.

CHAPTER XL.

OF SUITS RELATING TO PUBLIC CHARITIES.

When suits relating to public charities may be brought.

539. In case of any alleged breach of any express or constructive trust created for public charitable or religious purposes, or whenever the direction of the Court is deemed necessary for the administration of any such trust, the Advocate General acting *ex officio*, or two or more persons having a direct interest in the trust and having obtained the consent in writing of the Advocate General, may institute a suit in the High Court or the District Court within the local limits of whose civil jurisdiction the whole or any part of the subject-matter of the trust is situate, to obtain a decree—

(*a*) appointing new trustees under the trust;

(*b*) vesting any property in the trustees under the trust;

(*c*) declaring the proportions in which its objects are entitled;

(*d*) authorizing the whole or any part of its property to be let, sold, mortgaged or exchanged;

(*e*) settling a scheme for its management;

or granting such further or other relief as the nature of the case may require.

The powers conferred by this section on the Advocate General may, outside the Presidency-towns, be, with the previous sanction of the Local Government, exercised also by the Collector or by such officer as the Local Government may appoint in this behalf.

Act No. X of 1840, section two, is hereby repealed.

PART VI.

OF APPEALS.

CHAPTER XLI.

OF APPEALS FROM ORIGINAL DECREES.

Appeal to lie from all original decrees, except when expressly prohibited.

540. Unless when otherwise expressly provided by this Code or by any other law for the time being in force, an appeal shall lie from the decrees, or from any part of the decrees, of the Courts exercising original jurisdiction to the Courts authorized to hear appeals from the decisions of those Courts.

Form of appeal.

541. The appeal shall be made in the form of a memorandum in writing presented by the appellant, and shall be accompanied by a copy of the decree appealed against and (unless the Appellate Court dispenses therewith) of the judgment on which it is founded.

What to accompany memorandum.

Such memorandum shall set forth, concisely and under distinct heads, the grounds of objection to the decree appealed against, without any argument or narrative; and such grounds shall be numbered consecutively.

Contents of memorandum.

542. The appellant shall not, without the leave of the Court, urge or be heard in support of any other ground of objection, but the Court in deciding the appeal shall not be confined to the grounds set forth by the appellant:

Appellant confined to grounds set out.

Provided that the Court shall not rest its decision on any ground not set forth by the appellant, unless the respondent has had sufficient opportunity of contesting the case on that ground.

Rejection or amendment of memorandum.

543. If the memorandum of appeal be not drawn up in the manner hereinbefore prescribed, it may be rejected, or be returned to the appellant for the purpose of being amended within a time to be fixed by the Court or be amended then and there.

When the Court rejects under this section any memorandum, it shall record the reasons for such rejection.

When a memorandum of appeal is amended under this section, the Judge, or such officer as he appoints in this behalf, shall attest the amendment by his signature.

One of several plaintiffs or defendants may obtain reversal of whole decree if it proceed on ground common to all.

544. Where there are more plaintiffs or more defendants than one in a suit, and the decree appealed against proceeds on any ground common to all the plaintiffs or to all the defendants, any one of the plaintiffs or of the defendants may appeal against the whole decree, and thereupon the Appellate Court may reverse or modify the decree in favour of all the plaintiffs or defendants, as the case may be.

Of staying and executing Decrees under Appeal.

Execution of decree not stayed solely by reason of appeal.

545. Execution of a decree shall not be stayed by reason only of an appeal having been preferred against the decree; but the appellate Court may for sufficient cause order the execution to be stayed:

Stay of execution of appealable decree before time for appealing has expired.

If an application be made for stay of execution of an appealable decree before the expiry of the time allowed for appealing therefrom, the Court which passed the decree may for sufficient cause order the execution to be stayed:

Provided that no order shall be made under this section unless the Court making it is satisfied—

(*a*) that substantial loss may result to the party applying for stay of execution unless the order is made;

(*b*) that the application has been made without unreasonable delay; and

(*c*) that security has been given by the applicant for the due performance of such decree or order as may ultimately be binding upon him.

Security in case of order for execution of decree appealed against.

546. If an order is made for the execution of a decree against which an appeal is pending, the Court which passed the decree shall, on sufficient cause being shown by the appellant, require security to be given for the restitution of any property which may be taken in execution of the decree, or for the payment of the value of such property, and for the due performance of the decree or order of the Appellate Court,

or the Appellate Court may for like cause direct the Court which passed the decree to take such security.

And when an order has been passed for the sale of immoveable property in execution of a decree for money, and an appeal is pending against such decree, the sale shall on the application of the

judgment-debtor be stayed until the appeal is disposed of, on such terms as to giving security or otherwise as the Court which passed the decree thinks fit.

No such security to be required from Government or public officers.

547. No such security as is mentioned in sections 545 and 546 shall be required from the Secretary of State for India in Council, or (when Government has undertaken the defence of the suit) from any public officer sued in respect of an act alleged to be done by him in his official capacity.

Of Procedure in Appeal from Decrees.

Registry of memorandum of appeal.

548. When a memorandum of appeal is admitted, the Appellate Court or the proper officer of that Court shall endorse thereon the date of presentation, and shall register the appeal in a book to be kept for the purpose.

Register of Appeals.

Such book shall be called the Register of Appeals.

Appellate Court may require appellant to give security for costs.

549. The Appellate Court may at its discretion, either before the respondent is called upon to appear and answer or afterwards on the application of the respondent, demand from the appellant security for the costs of the appeal, or of the original suit, or of both:

When appellant resides out of British India.

Provided that the Court shall demand such security in all cases in which the appellant is residing out of British India, and is not possessed of any sufficient immoveable property within British India independent of the property (if any) to which the appeal relates.

If such security be not furnished within such time as the Court orders, the Court shall reject the appeal.

Appellate Court to give notice to Court whose decree appealed against.

550. When the memorandum of appeal is registered, the Appellate Court shall send notice of the appeal to the Court against whose decree the appeal is made.

Transmission of papers to Appellate Court.

If the appeal be from a Court the records of which are not deposited in the Appellate Court, the Court receiving such notice shall send with all practicable despatch all material papers in the suit, or such papers as may be specially called for by the Appellate Court.

Copies of exhibits in Court whose decree appealed against.

Either party may apply in writing to the Court against whose decree the appeal is made, specifying any of such papers in such Court of which he requires copies to be made; and copies of such papers shall be made at the expense of the applicant, and shall be deposited accordingly.

Power to confirm decision of lower Court without sending it notice.

551. The Appellate Court may, if it thinks fit, after fixing a time for hearing the appellant or his pleader, and hearing him accordingly if he appears at such time, confirm the decision of the Court against whose decree the appeal is made, without sending notice of the appeal to such Court and without serving notice on the respondent or his pleader; but in such case the confirmation shall be notified to the same Court.

Day for hearing appeal.

552. The Appellate Court, unless where it confirms, under section 551, the decision of the lower Court, shall fix a day for hearing the appeal.

Such day shall be fixed with reference to the current business of the Court, the place of residence of the respondent, and the time necessary for the service of the notice of appeal, so as to allow the respondent sufficient time to appear and answer the appeal on such day.

Publication and service of notice of day for hearing appeal.

553. Notice of the day so fixed shall be stuck up in the appellate court-house, and a like notice shall be sent by the Appellate Court to the Court against whose decree the appeal is made, and shall be served on the respondent or on his pleader in the Appellate Court in the manner provided in Chapter VI for the service on a defendant of a summons to appear and answer; and all rules applicable to such summons and to proceedings with reference to the service thereof, shall apply to the service of such notice.

Appellate Court may itself cause notice to be served.

Instead of sending the notice to the Court against whose decree the appeal is made, the Appellate Court may itself cause the notice to be served on the respondent or his pleader under the rules above referred to.

Contents of notice.

554. The notice to the respondent shall declare that, if he does not appear in the Appellate Court on the day so fixed, the appeal will be heard *ex parte*.

Procedure on Hearing.

Right to begin.

555. On the day so fixed, or on any other day to which the hearing may be adjourned, the appellant shall be heard in support of the appeal. The Court shall then, if it does not dismiss the appeal at once, hear the respondent against the appeal, and in such case the appellant shall be entitled to reply.

Dismissal of appeal for appellant's default.

556. If on the day so fixed, or any other day to which the hearing may be adjourned, the appellant does not attend in person or by his pleader, the appeal shall be dismissed for default.

If the appellant attends and the respondent does not attend, the appeal shall be heard *ex parte* in his absence.

Hearing appeal *ex parte*.

557. If on the day so fixed, or any other day to which the hearing may be adjourned, it is found that the notice to the respondent has not been served in consequence of the failure of the appellant to deposit, within the period fixed by the Court, the sum required to defray the cost of issuing the notice, the Court may order that the appeal be dismissed:

Dismissal of appeal where notice not served in consequence of appellant's failure to deposit cost.

Provided that no such order shall be passed, although the notice has not been served upon the respondent, if on the day fixed for hearing the appeal the respondent appears in person or by a pleader, or by a duly authorized agent.

Proviso.

558. If an appeal be dismissed under section 556 or section 557, the appellant may apply to the Appellate Court for the re-admission of the appeal; and if it be proved that he was prevented by any sufficient cause from attending when the appeal was called on for hearing or from depositing the sum so required, the Court may re-admit the appeal on such terms as to costs or otherwise as the Court thinks fit to impose upon him.

Re-admission of appeal dismissed for default.

559. If it appear to the Court at the hearing that any person who was a party to the suit in the Court against whose decree the appeal is made, but who has not been made a party to the appeal, is interested in the result of the appeal, the Court may adjourn the hearing to a future day to be fixed by the Court, and direct that such person be made a respondent.

Power to adjourn hearing, and direct persons appearing interested to be made respondents.

560. When an appeal is heard *ex parte* in the absence of the respondent, and judgment is given against him, he may apply to the Appellate Court to re-hear the appeal; and if he satisfies the Court that the notice was not duly served, or that he was prevented by sufficient cause from attending when the appeal was called on for hearing, the Court may re-hear the appeal on such terms as to costs or otherwise as the Court thinks fit to impose upon him.

Re-hearing on application of respondent against whom *ex parte* decree made.

561. Any respondent, though he may not have appealed against any part of the decree, may upon the hearing not only support the decree on any of the grounds decided against him in the Court below, but take any objection to the decree which he could have taken by way of appeal, provided he has filed a notice of such objection not less than seven days before the date fixed for the hearing of the appeal.

Upon hearing, respondent may object to decree as if he had preferred separate appeal.

Such objection shall be in the form of a memorandum, and the provisions of section 541, so far as they relate to the form and contents of the memorandum of appeal, shall apply thereto.

Form of notice, and provisions applicable thereto.

562. If the Court against whose decree the appeal is made has disposed of the suit upon a preliminary point so as to exclude any evidence of fact which appears to the Appellate Court essential to the determination of the rights of the parties, and the decree upon such preliminary point is reversed in appeal, the appellate Court may, if it thinks fit, by order remand the case, together with a copy of the order in appeal, to the Court against whose decree the appeal is made, with directions to re-admit the suit under its original number in the register and proceed to investigate the suit on the merits.

Remand of case by Appellate Court.

The Appellate Court may, if it thinks fit, direct what issue or issues shall be tried in any case so remanded.

563. When a case is remanded with directions to take any evidence so excluded, the Court to which the case is remanded shall not take any other evidence in the case, except evidence tendered to contradict the evidence so taken.

When further evidence barred.

564. The Appellate Court shall not remand a case for a second decision, except as provided in section 562.

Limit to remand.

565. When the evidence upon the record is sufficient to enable the Appellate Court to pronounce judgment, the Appellate Court shall, after resettling the issues, if necessary, finally determine the case, notwithstanding that the judgment of the Court against whose decree the appeal is made has proceeded wholly upon some ground other than that on which the Appellate Court proceeds.

When evidence on record sufficient, Appellate Court shall determine case finally.

566. If the Court against whose decree the appeal is made has omitted to frame or try any issue, or to determine any question of fact, which appears to the Appellate Court essential to the right decision of the suit upon the merits, and the evidence upon the record is not sufficient to enable the Appellate Court to determine such issue or question, the Appellate Court may frame issues for trial, and may refer the same for trial to the Court against whose decree the appeal is made, and in such case shall direct such Court to take the additional evidence required,

When Appellate Court may frame issues and refer them for trial to Court whose decree appealed against.

and such Court shall proceed to try such issues, and shall return to the Appellate Court its finding thereon together with the evidence.

567. Such finding and evidence shall become part of the record in the suit; and either party may, within a time to be fixed by

Finding and evidence to be put on record.

Objections to finding

the Appellate Court, present a memorandum of objections to the finding.

Determination of appeal.

After the expiration of the period fixed for presenting such memorandum, the Appellate Court shall proceed to determine the appeal.

Production of additional evidence in Appellate Court.

568. The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, in the Appellate Court. But if

(*a*) the Court against whose decree the appeal is made refuses to admit evidence which ought to have been admitted, or

(*b*) the Appellate Court requires any document to be produced for any witness to be examined to enable it to pronounce judgment; or for any other substantial cause,

the Appellate Court may allow such evidence to be produced, or document to be received, or witness to be examined.

Whenever additional evidence is admitted by an Appellate Court, the Court shall record on its proceedings the reason for such admission.

Mode of taking additional evidence.

569. Whenever additional evidence is allowed to be received, the Appellate Court may either take such evidence, or direct the Court against whose decree the appeal is made, or any other subordinate Court, to take such evidence and to send it when taken to the Appellate Court.

Points to be defined and recorded.

570. In all cases where additional evidence is directed or allowed to be taken, the Appellate Court shall specify the points to which the evidence is to be confined, and record on its proceedings the points so specified.

Of the Judgment in Appeal.

Judgment when and where pronounced.

571. The Appellate Court, after hearing the parties or their pleaders and referring to any part of the proceedings, whether on appeal or in the Court against whose decree the appeal is made, to which reference may be considered necessary, shall pronounce judgment in open Court, either at once or on some future day, of which notice shall be given to the parties or their pleaders.

Language of judgment.

572. The judgment shall be written in English; provided that if English is not the mother-tongue of the Judge, and he is not able to write an intelligible judgment in English, the judgment shall be written in his mother-tongue or in the language of the Court.

Translation of judgment.

573. When the language in which the judgment is written is not the language of the Court, the judgment shall, if any party so require, be translated into such language, and the translation, after it has been ascertained to be correct, shall be signed by the Judge or such officer as he appoints in this behalf.

Contents of judgment.

574. The judgment of the Appellate Court shall state

(*a*) the points for determination;

(*b*) the decision thereupon;

(*c*) the reasons for the decision; and,

(*d*) when the decree appealed against is reversed or varied, the relief to which the appellant is entitled,

and shall at the time that it is pronounced be signed and dated by the Judge or by the Judges concurring therein.

Date and signature.

Decision when appeal heard by two or more Judges.

575. When the appeal is heard by a Bench of two or more Judges, the appeal shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges.

If there be no such majority which concurs in a judgment varying or reversing the decree appealed against, such decree shall be affirmed:

Provided that if the Bench hearing the Appeal is composed of two Judges belonging to a Court consisting of more than two Judges, and the Judges composing the Bench differ in opinion on a point of law, the appeal may be referred to one or more of the other Judges of the same Court, and shall be decided according to the opinion of the majority (if any) of all the Judges who have heard the appeal, including those who first heard it.

When there is no such majority which concurs in a judgment varying or reversing the decree appealed against, such decree shall be affirmed.

The High Court may from time to time make rules consistent with this Code to regulate references under this section.

Dissent to be recorded.

576. When the appeal is heard by more Judges than one, any Judge dissenting from the judgment of the Court shall state in writing the decision or order which he thinks should be passed on the appeal, and he may state his reasons for the same.

What judgment may direct.

577. The judgment may be for confirming, varying or reversing the decree against which the appeal is made, or, if the parties to the appeal agree as to the form which the decree in appeal shall take, or as to the order to be passed in appeal, the Appellate Court may pass a decree or order accordingly.

No decree to be reversed or modified for error or irregularity not affecting merits or jurisdiction.

578. No decree shall be reversed or substantially varied, nor shall any case be remanded, in appeal, on account of any error, defect or irregularity, whether in the decision or in any order passed in the suit, or otherwise, not affecting the merits of the case or the jurisdiction of the Court.

Of the Decree in Appeal.

579. The decree of the Appellate Court shall bear date the day on which the judgment was pronounced.

Date and contents of decree.

The decree shall contain the number of the appeal, and the memorandum of appeal, including the names and description of the appellant and respondent, and shall specify clearly the relief granted or other determination of the appeal.

The decree shall also state the amount of costs incurred in the appeal, and by what parties and in what proportions such costs and the costs in the suit are to be paid.

The decree shall be signed and dated by the Judge or Judges who passed it:

Provided that where there are more Judges than one, if there be a difference of opinion among them, it shall not be necessary for any Judge dissenting from the judgment of the Court to sign the decree.

Judge dissenting from judgment need not sign decree.

580. Certified copies of the judgment and decree in appeal shall be furnished to the parties on application to the Court and at their expense.

Copies of judgment and decree to be furnished to parties.

581. A copy of the judgment and of the decree, certified by the Appellate Court or such officer as it appoints in this behalf, shall be sent to the Court which passed the decree appealed against, and shall be filed with the original proceedings in the suit, and an entry of the judgment of the appellate Court shall be made in the register of civil suits.

Certified copy of decree to be sent to Court whose decree appealed against.

582. The Appellate Court shall have, in appeals under this chapter, the same powers, and shall perform as nearly as may be the same duties, as are conferred and imposed by this Code on Courts of original jurisdiction in respect of suits instituted under Chapter V; and, in Chapter XXI, so far as may be, the words "plaintiff", "defendant" and "suit" shall be held to include an appellant, a respondent and an appeal, respectively, in proceedings arising out of the death, marriage or insolvency of parties to an appeal.

Appellate Court to have same powers as Courts of original jurisdiction.

The provisions hereinbefore contained shall apply to appeals under this chapter so far as such provisions are applicable.

583. When a party entitled to any benefit (by way of restitution or otherwise) under a decree passed in an appeal under this chapter desires to obtain execution of the same, he shall apply to the Court which passed the decree against which the appeal was preferred; and such Court shall proceed to execute the decree passed in appeal, according to the rules hereinbefore prescribed for the execution of decrees in suits.

Execution of decree of Appellate Court.

CHAPTER XLII.

OF APPEALS FROM APPELLATE DECREES.

584. Unless when otherwise provided by this Code or by any other law, from all decrees passed in appeal by any Court subordinate to a High Court, an appeal shall lie to the High Court on any of the following grounds (namely)—

Second appeals to High Court.

(*a*) the decision being contrary to some specified law or usage having the force of law;

Grounds of second appeal.

(*b*) the decision having failed to determine some material issue of law or usage having the force of law;

(*c*) a substantial error or defect in the procedure as prescribed by this Code or any other law, which may possibly have produced error or defect in the decision of the case upon the merits.

585. No second appeal shall lie except on the grounds mentioned in section 584.

Second appeal on no other grounds.

586. No second appeal shall lie in any suit of the nature cognizable in Courts of Small Causes, when the amount or value of the subject-matter of the original suit does not exceed five hundred rupees.

No second appeal in certain suits.

587. The provisions contained in Chapter XLI shall apply, as far as may be, to appeals under this chapter, and to the execution of decrees passed in such appeals.

Provisions as to second appeal.

CHAPTER XLIII.

OF APPEALS FROM ORDERS.

588. An appeal shall lie from the following orders under this Code, and from no other such orders:—

Orders appealable.

(1) orders under section 20, staying proceedings in a suit;

(2) orders under section 32, striking out or adding the name of any person as plaintiff or defendant;

(3) orders under section 36 or section 66, directing that a party shall appear in person;

(4) orders under section 44, adding a cause of action;

(5) orders under section 47, excluding a cause of action;

(6) orders returning plaints for amendment or to be presented to the proper Court;

(7) orders under section 111, setting-off, or refusing to set-off, one debt against another;

(8) orders rejecting applications under section 103 (in cases open to appeal) for an order to set aside the dismissal of a suit;

(9) orders rejecting applications under section 108, or an order to set aside a decree *ex parte*;

(10) orders under sections 113, 120 and 177;

(11) orders under section 116 or section 245, rejecting, or returning for amendment, written statements or applications for execution of decrees;

(12) orders under sections 143 and 145, directing anything to be impounded;

(13) orders under section 162, for the attachment and sale of moveable property;

(14) orders under section 168 for attachment of property, and orders under section 170 for the sale of attached property;

(15) orders under section 261, as to objections to draft-conveyances or draft-endorsements;

(16) orders under section 294, the first paragraph of section 312 or section 313, for confirming, or setting aside, or refusing to set aside, a sale of immoveable property;

(17) orders in insolvency-matters, under section 351, section 352, section 353 or section 357;

(18) orders under section 366, paragraph two, section 367 or section 368;

(19) orders rejecting applications under section 370 for dismissal of a suit;

(20) orders under section 371, refusing to set aside the abatement or dismissal of a suit;

(21) orders disallowing objections, under section 372;

(22) orders under section 454, section 455 or section 458, directing a next friend or guardian for the suit to pay costs;

(23) orders in interpleader-suits under section 473, clause (*a*), (*b*) or (*d*), section 475 or section 476;

(24) orders under section 479, section 480, section 485, section 492, section 493, section 496, section 497, section 502 or section 503;

(25) orders under section 514, superseding an arbitration;

(26) orders under section 518, modifying an award;

(27) orders of refusal under section 558 to re-admit, or under section 560 to re-hear, an appeal;

(28) orders under section 562, remanding a case;

(29) orders under any of the provisions of this Code, imposing fines, or for the arrest or imprisonment of any person, except when such imprisonment is in execution of a decree.

The orders passed in appeals under this section shall be final.

What Courts to hear appeals.

589. An appeal from any order specified in section 588, clauses (15), (16) and (17), shall lie to the High Court.

When an appeal from any other order is allowed by this chapter, it shall lie to the Court to which an appeal would lie from the decree in the suit in relation to which such order was made, or, when such order is passed by a Court (not being a High Court) in the exercise of appellate jurisdiction, then to the High Court.

Procedure in appeals from orders.

590. The procedure prescribed in Chapter XLI shall, so far as may be, apply to appeals from orders under this Code, or under any special or local law in which a different procedure is not provided.

No other appeal from orders; but error therein may be set forth in memorandum of appeal against decree.

591. Except as provided in this chapter, no appeal shall lie from any order passed by any Court in the exercise of its original or appellate jurisdiction; but if any decree be appealed against, any error, defect or irregularity in any such order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal.

CHAPTER XLIV.

OF PAUPER APPEALS.

Who may appeal as pauper.

592. Any person entitled under this Code or any other law to prefer an appeal, who is unable to pay the fee required for the petition of appeal, may, on presenting an application accompanied by a memorandum of appeal, be allowed to appeal as a pauper, subject to the rules contained in Chapters XXVI, XLI, XLII and XLIII, in so far as those rules are applicable:

Procedure on application for admission of appeal.

Provided that the Court shall reject the application unless, upon a perusal thereof and of the judgment and decree against which the appeal is made, it sees reason to think that the decree appealed against is contrary to law or to some usage having the force of law, or is otherwise erroneous or unjust.

Inquiry into pauperism.

593. The inquiry into the pauperism of the applicant may be made either by the Appellate Court or by the Court against whose decision the appeal is made under the orders of the Appellate Court:

Proviso.

Provided that, if the applicant was allowed to sue or appeal as a pauper in the Court against whose decree the appeal is made, no further inquiry in respect of his pauperism shall be necessary, unless the Appellate Court sees special cause to direct such inquiry.

CHAPTER XLV.

OF APPEALS TO THE QUEEN IN COUNCIL.

'Decree' defined.

594. In this chapter, unless there be something repugnant in the subject or context, the expression 'decree' includes also judgment and order.

When appeals lie to Queen in Council.

595. Subject to such rules as may, from time to time, be made by Her Majesty in Council regarding appeals from the Courts of British India, and to the provisions hereinafter contained,

an appeal shall lie to Her Majesty in Council—

(*a*) from any final decree passed on appeal by a High Court or any other Court of final appellate jurisdiction ;

(*b*) from any final decree passed by a High Court in the exercise of original civil jurisdiction, and

(*c*) from any decree, when the case, as hereinafter provided, is certified to be a fit one for appeal to Her Majesty in Council.

Value of subject-matter.

596. In each of the cases mentioned in clauses (*a*) and (*b*) of section 595,

the amount or value of the subject-matter of the suit in the Court of first instance must be ten thousand rupees or upwards, and the amount or value of the matter in dispute on appeal to Her Majesty in Council must be the same sum or upwards,

or the decree must involve, directly or indirectly, some claim or question to, or respecting, property of like amount or value,

and where the decree appealed from affirms the decision of the Court immediately below the Court passing such decree, the appeal must involve some substantial question of law.

Bar of certain appeals.

597. Notwithstanding anything contained in section 595,

no appeal shall lie to Her Majesty in Council from the judgment of one Judge of a High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, or of one Judge of a Division Court, or of two or more Judges of such High Court, or of a Division Court constituted by two or more Judges of such High Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the High Court at the time being ;

and no appeal shall lie to Her Majesty in Council from any decree which, under section 586, is final.

Application to Court whose decree complained of.

598. Whoever desires to appeal under this chapter to Her Majesty in Council must apply by petition to the Court whose decree is complained of.

Time within which application must be made.

599. Such application must ordinarily be made within six months from the date of such decree.

But if that period expires when the Court is closed, the application may be made on the day that the Court re-opens.

Certificate as to value or fitness.

600. Every petition under section 598 must state the grounds of appeal, and pray for a certificate, either that, as regards amount or value and nature, the case fulfils the requirements of section 596, or that it is otherwise a fit one for appeal to Her Majesty in Council.

Upon receipt of such petition, the Court may direct notice to be served on the opposite party to show cause why the said certificate should not be granted.

Effect of refusal of certificate.

601. If such certificate be refused, the petition shall be dismissed :

Provided that, if the decree complained of be a final decree passed by a Court other than a High Court, the order refusing the certificate shall be appealable, within thirty days from the date of the order, to the High Court to which the former Court is subordinate.

Security and deposit required on grant of certificate.

602. If the certificate be granted, the applicant shall, within six months from the date of the decree complained of, or within six weeks from the grant of the certificate, whichever is the later date,

(*a*) give security for the costs of the respondent, and

(*b*) deposit the amount required to defray the expense of translating, transcribing, indexing and transmitting to Her Majesty in Council a correct copy of the whole record of the suit, except

(1) formal documents directed to be excluded by any order of Her Majesty in Council in force for the time being ;

(2) papers which the parties agree to exclude ;

(3) accounts, or portions of accounts, which the officer empowered by the Court for that purpose considers unnecessary, and which the parties have not specifically asked to be included, and

(4) such other documents as the High Court may direct to be excluded :

and when the applicant prefers to print in India the copy of the record, except as aforesaid, he shall also, within the time mentioned in the first clause of this section, deposit the amount required to defray the expense of printing such copy.

Admission of appeal and procedure thereon.

603. When such security has been completed and deposit made to the satisfaction of the Court, the Court may

(*a*) declare the appeal admitted, and

(*b*) give notice thereof to the respondent, and shall then

(*c*) transmit to Her Majesty in Council, under the seal of the Court, a correct copy of the said record, except as aforesaid, and

(*d*) give to either party one or more authenticated copies of any of the papers in the suit on his applying therefor and paying the reasonable expenses incurred in preparing them.

604. At any time before the admission of the appeal, the Court may, upon cause shown, revoke the acceptance of any such security, and make further directions thereon.

Revocation of acceptance of security.

605. If at any time after the admission of the appeal, but before the transmission of the copy of the record, except as aforesaid, to Her Majesty in Council, such security appears inadequate,

Power to order further security or payment.

or further payment is required for the purpose of translating, transcribing, printing, indexing or transmitting the copy of the record, except as aforesaid,

the Court may order the appellant to furnish, within a time to be fixed by the Court, other and sufficient security, or to make, within like time, the required payment.

606. If the appellant fail to comply with such order, the proceedings shall be stayed,

Effect of failure to comply with order.

and the appeal shall not proceed without an order in this behalf of Her Majesty in Council,

and in the meantime execution of the decree appealed against shall not be stayed.

607. When the copy of the record, except as aforesaid, has been transmitted to Her Majesty in Council, the appellant may obtain a refund of the balance, if any, of the amount which he has deposited under section 602.

Refund of balance of deposit.

608. Notwithstanding the admission of any appeal under this chapter, the decree appealed against shall be unconditionally enforced, unless the Court admitting the appeal otherwise directs.

Powers of Court pending appeal.

But the Court may, if it thinks fit, on any special cause shown by any party interested in the suit, or otherwise appearing to the Court,

(*a*) impound any moveable property in dispute or any part thereof, or

(*b*) allow the decree appealed against to be enforced, taking such security from the respondent as the Court thinks fit for the due performance of any order which Her Majesty in Council may make on the appeal, or

(*c*) stay the execution of the decree appealed against, taking such security from the appellant as the Court thinks fit for the due performance of the decree appealed against, or of any order which Her Majesty in Council may make on the appeal, or

(*d*) place any party seeking the assistance of the Court under such conditions, or give such other direction respecting the subject-matter of the appeal, as it thinks fit.

609. If, at any time during the pendency of the appeal, the security so furnished by either party appears inadequate, the Court may, on the application of the other party, require further security.

Increase of security found inadequate.

In default of such further security being furnished as required by the Court, if the original security was furnished by the appellant, the Court may, on the application of the respondent, issue execution of the decree appealed against as if the appellant had furnished no such security.

And if the original security was furnished by the respondent, the Court shall, so far as may be practicable, stay all further execution of the decree, and restore the parties to the position in which they respectively were when the security which appears inadequate was furnished, or give such direction respecting the subject-matter of the appeal as it thinks fit.

610. Whoever desires to enforce or to obtain execution of any order of Her Majesty in Council shall apply by petition, accompanied by a certified copy of the decree or order made in appeal and sought to be enforced or executed, to the Court from which the appeal to Her Majesty was preferred.

Procedure to enforce orders of Queen in Council.

Such Court shall transmit the order of Her Majesty to the Court which made the first decree appealed from, or to such other Court as Her Majesty by her said order may direct, and shall (upon the application of either party) give such directions as may be required for the enforcement or execution of the same; and the Court to which the said order is so transmitted shall enforce or execute it accordingly, in the manner and according to the rules applicable to the execution of its original decrees.

When any moneys expressed to be payable in British currency are payable in India under such order, the amount so payable shall be estimated according to the rate of exchange for the time being fixed by the Secretary of State for India in Council, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, for the adjustment of financial transactions between the Imperial and the Indian Governments.

611. The orders made by the Court which enforces or executes the order of Her Majesty in Council, relating to such enforcement or execution, shall be appealable in the same manner and subject to the same rules as the orders of such Court relating to the enforcement or execution of its own decrees.

Appeal against order relating to execution.

612. The High Court may, from time to time, make rules consistent with this Act to regulate—

Power to make rule

(*a*) the service of notices under section 600;

(*b*) the grant or refusal of certificates, under sections 601 and 602, by Courts of final appellate jurisdiction subordinate to the High Court;

(*c*) the amount and nature of the security required under sections 602, 605 and 609;

(*d*) the testing of such security;

(*e*) the estimate of the cost of transcribing the record;

(*f*) the preparation, examination and certifying of such transcript;

(*g*) the revision and authentication of translations;

(*h*) the preparation of indices to transcripts of records, and of lists of the papers not included therein;

(*i*) the recovery of costs incurred in British India in connection with appeals to Her Majesty in Council,

and all other matters connected with the enforcement of this chapter.

Publication of rules.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law in the High Court and the Courts of final appellate jurisdiction subordinate thereto.

Legalization of existing rules.

613. All rules heretofore made and published by any High Court relating to appeal to Her Majesty in Council and in force immediately before the passing of this Act, shall, so far as they are consistent with this Act, be deemed to have been made and published hereunder.

Recorder of Rangoon.

614. In sections 595 and 612, the expression 'High Court' shall be deemed to include also the Recorder of Rangoon, but not so as to empower him to make rules binding on Courts other than his own Court.

Construction of Bengal Regulation III of 1828, section 4, clause 5.

615. The rules and restrictions referred to in Bengal Regulation III of 1828, section IV, clause *fifth*, shall be deemed to be the rules and restrictions applicable to appeals under this Code from the decisions of the High Court of Judicature at Fort William in Bengal.

Saving of Her Majesty's pleasure,

616. Nothing herein contained shall be understood—

(*a*) to bar the full and unqualified exercise of Her Majesty's pleasure in receiving or rejecting appeals to Her Majesty in Council, or otherwise howsoever, or

and of rules for conduct of business before Judicial Committee.

(*b*) to interfere with any rules made by the Judicial Committee of the Privy Council, and for the time being in force, for the presentation of appeals to Her Majesty in Council, or their conduct before the said Judicial Committee.

And nothing in this chapter applies to any matter of criminal or admiralty or vice-admiralty jurisdiction, or to appeals from orders and decrees of Prize Courts.

PART VII.

CHAPTER XLVI.

OF REFERENCE TO AND REVISION BY THE HIGH COURT.

Reference of question to High Court.

617. If before or on the hearing of a suit or an appeal in which the decree is final, or if in the execution of any such decree, any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits, arises, on which the Court trying the suit or appeal, or executing the decree, entertains reasonable doubt, the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer such statement with its own opinion on the point for the decision of the High Court.

Court may pass decree contingent upon opinion of High Court.

618. The Court may either stay the proceedings or proceed in the case notwithstanding such reference, and may pass a decree or order contingent upon the opinion of the High Court on the point referred;

but no execution shall be issued, property sold, or person imprisoned in any case in which such reference is made until the receipt of a copy of the judgment of the High Court upon such reference.

Judgment of High Court to be transmitted, and case disposed of accordingly.

619. The High Court shall hear the parties to the case in which the reference is made, in person or by their respective pleaders, and shall decide the point so referred, and shall transmit a copy of its judgment, under the signature of the Registrar, to the Court by which the reference was made; and such Court shall, on the receipt thereof, proceed to dispose of the case in conformity with the decision of the High Court.

Costs of reference to High Court.

620. Costs, if any, consequent on a reference for the opinion of the High Court, shall be costs in the case.

Power to alter, &c., decrees of Court making reference.

621. When a case is referred to the High Court under this chapter, the High Court may return the case for amendment, and may alter, cancel or set aside any decree or order which the Court making the reference has passed in the case out of which the reference arose, and make such order as it thinks fit.

Power to call for record of cases not appealable to High Court.

622. The High Court may call for the record of any case in which no appeal lies to the High Court, if the Court by which the case was decided appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its jurisdiction illegally or with

material irregularity; and may pass such order in the case as the High Court thinks fit.

PART VIII.

CHAPTER XLVII.

OF REVIEW OF JUDGMENT.

Application for review of judgment.

623. Any person considering himself aggrieved—

(a) by a decree or order from which an appeal is hereby allowed, but from which no appeal has been preferred;

(b) by a decree or order from which no appeal is hereby allowed; or

(c) by a judgment on a reference from a Court of Small Causes,

and who from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him,

may apply for a review of judgment to the Court which passed the decree or made the order, or to the Court, if any, to which the business of the former Court has been transferred.

A party who is not appealing from a decree may apply for a review of judgment notwithstanding the pendency of an appeal by some other party, except when the ground of such appeal is common to the applicant and the appellant, or when, being a respondent, he can present to the Appellate Court the case on which he applies for the review.

To whom applications for review may be made.

624. Except upon the ground of the discovery of such new and important matter or evidence as aforesaid, or of some clerical error apparent on the face of the decree, no application for a review of judgment, other than that of a High Court, shall be made to any Judge other than the Judge who delivered it.

Form of applications for review.

625. The rules hereinbefore contained as to the form of making appeals shall apply, *mutatis mutandis*, to applications for review.

Application when rejected.

626. If it appears to the Court that there is not sufficient ground for a review, it shall reject the application.

Application when granted.

If the Court be of opinion that the application for the review should be granted, it shall grant the same, and the Judge shall record with his own hand his reasons for such opinion:

Proviso.

Provided that—

(a) no such application shall be granted without previous notice to the opposite party to enable him to appear and be heard in support of the decree a review of which is applied for; and

(b) no such application shall be granted on the ground of discovery of new matter or evidence which the applicant alleges was not within his knowledge, or could not be adduced by him, when the decree or order was passed, without strict proof of such allegation.

Application for review in Court consisting of two or more Judges.

627. If the Judge or Judges, or any one of the Judges, who passed the decree or order, a review of which is applied for, continues or continue attached to the Court at the time when the application for a review is presented, and is not or are not precluded by absence or other cause, for a period of six months next after the application, from considering the decree or order to which the application refers, such Judge or Judges or any of them shall hear the application, and no other Judge or Judges of the Court shall hear the same.

Application when rejected.

628. If the application for a review be heard by more than one Judge and the Court be equally divided, the application shall be rejected.

If there be a majority the decision shall be according to the opinion of the majority.

Order of rejection final.

Objections to admission.

629. An order of the Court for rejecting the application shall be final; but whenever such application is admitted, the admission may be objected to on the ground that it was

(a) in contravention of the provisions of section 624,

(b) in contravention of the provisions of section 626, or

(c) after the expiration of the period of limitation prescribed therefor and without sufficient cause.

Such objection may be made at once by an appeal against the order granting the application, or may be taken in any appeal against the final decree or order made in the suit.

Where the application has been rejected in consequence of the failure of the applicant to appear, he may apply for an order to have the rejected application restored to the file, and, if it be proved to the satisfaction of the Court that he was prevented by any sufficient cause from appearing when such application was called on for hearing, the Court may order it to be restored to the file upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for hearing the same.

No order shall be made under this section unless the applicant has served the opposite party with notice in writing of the latter application.

No application to review an order passed on review or on an application for a review shall be entertained.

Registry of application granted, and order for re-hearing.

630. When an application for a review is granted, a note thereof shall be made in the register, and the Court may at once re-hear the case or make such order in regard to the re-hearing as it thinks fit.

PART IX.

CHAPTER XLVIII.

SPECIAL RULES RELATING TO THE CHARTERED HIGH COURTS.

Chapter to apply only to certain High Courts.

631. This chapter applies only to High Courts which are or may hereafter be established under the twenty-fourth and twenty-fifth of Victoria, chapter 104 (*An Act for establishing High Courts of Judicature in India*).

Application of Code to High Courts.

632. Except as provided in this chapter the provisions of this Code apply to such High Courts.

High Court to record judgments according to its own rules.

633. The High Court shall take evidence, and record judgments and orders in such manner as it by rule from time to time directs.

Power to order execution of decree before ascertainment of costs, and

634. Whenever a High Court considers it necessary that a decree made in the exercise of its ordinary original civil jurisdiction should be enforced before the amount of the costs incurred in the suit can be ascertained by taxation, the Court may order that the decree shall be executed forthwith, except as to so much thereof as relates to the costs;

execution for costs subsequently.

and, as to so much thereof as relates to the costs, that the decree may be executed as soon as the amount of the costs shall be ascertained by taxation.

Unauthorized persons not to address Court.

635. Nothing in this Code shall be deemed to authorize any person on behalf of another to address the Court in the exercise of its ordinary original civil jurisdiction, or to examine witnesses, except when the Court shall have in the exercise of the power conferred by its charter authorized him so to do, or to interfere with the power of the High Court to make rules concerning advocates, vakils and attorneys.

Who may serve process of High Courts.

636. Notices to produce documents, summonses to witnesses, and every other judicial process, issued in the exercise of the ordinary or extraordinary original civil jurisdiction of the High Court, and of its matrimonial, testamentary and intestate jurisdictions, except summonses to defendants issued under section 64, writs of execution, and notices under section 553, may be served by the attorneys in the suit, or by persons employed by them, or by such other persons as the High Court by any rule or order from time to time directs.

Non-judicial acts may be done by Registrar.

637. Any non-judicial or quasi-judicial act which this Code requires to be done by a Judge, and any act which may be done by a Commissioner appointed to examine and adjust accounts under section 394, may be done by the Registrar of the Court or by such other officer of the Court as the Court may direct to do such act.

The High Court may from time to time by rule declare what shall be deemed to be non-judicial and quasi-judicial acts within the meaning of this section.

Sections not applying to High Court in original civil jurisdiction.

638. The following portions of this Code shall not apply to the High Court in the exercise of its ordinary or extraordinary original civil jurisdiction, namely, sections 16, 17 and 19, sections 54, clauses (*a*) and (*b*), 57, 119, 160, 182 to 185 (both inclusive), 187, 189, 190, 191, 192 (so far as relates to the manner of taking evidence), 198 to 206 (both inclusive), and so much of section 409 as relates to the making of a memorandum;

and section 579 shall not apply to the High Court in the exercise of its appellate jurisdiction.

Code not to affect High Court in exercise of insolvent jurisdiction.

Nothing in this Code shall extend or apply to any Judge of a High Court in the exercise of jurisdiction as an Insolvent Court.

Power to frame forms.

639. The High Court may from time to time frame forms for any proceeding in such Court, and may make rules as to the books, entries and accounts to be kept by its officers.

PART X.

CHAPTER XLIX.

MISCELLANEOUS.

Exemption of certain women from personal appearance.

640. Women, who according to the customs and manners of the country ought not to be compelled to appear in public, shall be exempt from personal appearance in Court.

But nothing herein contained shall be deemed to exempt such women from arrest in execution of civil process.

Local Government may exempt certain persons from personal appearance.

641. The Local Government may, by notification in the official Gazette, exempt from personal appearance in Court any person whose rank, in the opinion of such Government, entitles him to the

privilege of exemption, and may, by like notification, withdraw such privilege.

Lists of names of persons exempted to be kept in Courts.

The names and residences of the persons so exempted shall from time to time be forwarded to the High Court by the Local Government, and a list of such persons shall be kept in such Court, and a list of such persons as reside within the local limits of the jurisdiction of each Court subordinate to the High Court shall be kept in such subordinate Court.

Costs of commission rendered necessary by claiming privilege.

When any person so exempted claims the privilege of such exemption, and it is consequently necessary to examine him by commission, he shall pay the costs of that commission, unless the party requiring his evidence pays such costs.

Persons exempt from arrest under civil process.

642. No Judge, Magistrate or other judicial officer shall be liable to arrest under civil process while going to, presiding in, or returning from, his Court.

And, except as provided in sections 256 and 643, where any matter is pending before a tribunal having jurisdiction therein, or believing in good faith that it has such jurisdiction, the parties thereto, their pleaders, mukhtárs, revenue-agents and recognized agents, and their witnesses acting in obedience to a summons, shall be exempt from arrest under civil process while going to or attending such tribunal for the purpose of such matter, and while returning from such tribunal.

Procedure in case of certain offences.

643. When in a case pending before any Court, there appears to the Court sufficient ground for sending for investigation to the Magistrate a charge of any such offence as is described in section 193, section 196, section 199, section 200, section 205, section 206, section 207, section 208, section 209, section 210, section 463, section 471, section 474, section 475, section 476 or section 477 of the Indian Penal Code, which may be made in the course of any other suit or proceeding, or with respect to any document offered in evidence in the case, the Court may cause the person accused to be detained till the rising of the Court, and may then send him in custody to the Magistrate, or take sufficient bail for his appearance before the Magistrate.

The Court shall send to the Magistrate the evidence and documents relevant to the charge, and may bind over any person to appear and give evidence before such Magistrate.

The Magistrate shall receive such charge and proceed with it according to law.

Use of forms in fourth schedule.

644. Subject to the power conferred on the High Court by section 639 and by the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, the forms set forth in the fourth schedule hereto annexed, with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

Language of subordinate Courts.

645. The language which, when this Code comes into force, is the language of any Court subordinate to a High Court, shall continue to be the language of such subordinate Court until the Local Government otherwise orders;

but it shall be lawful for the Local Government from time to time to declare what language shall be the language of every such Court.

Assessors in causes of salvage, &c.

645A. In any Admiralty or Vice-Admiralty cause of salvage, towage or collision, the Court, whether it be exercising its original or its appellate jurisdiction, may if it thinks fit, and upon request of either party to such cause shall, summon to its assistance, in such manner as the Court may by rule, from time to time, direct, two competent assessors; and such assessors shall attend and assist accordingly.

Every such assessor shall receive such fees for his attendance as the Court by rule prescribes. Such fees shall be paid by such of the parties as the Court in each case may direct.

Power of Registrars of Small Cause Courts to state cases.

646. Whenever the Registrar of a Court of Small Causes has any doubt upon any question of law or usage having the force of law, or as to the construction of a document, which construction may affect the merits of the decision, he may state a case for the opinion of the Judge; and all the provisions herein contained relative to the stating of a case by the Judge shall apply, *mutatis mutandis*, to the stating of a case by the Registrar.

Miscellaneous proceedings.

647. The procedure herein prescribed shall be followed, as far as it can be made applicable, in all proceedings in any Court of civil jurisdiction other than suits and appeals.

Admission of affidavits as evidence.

The High Court may from time to time make rules to provide for the admission, in such proceedings, of affidavits as evidence of the matters to which such affidavits respectively relate; and such rules, on being published in the local official Gazette, shall have the force of law.

Procedure when person to be arrested or property to be attached is outside district.

648. Where any Court desires that any person shall be arrested or that any property shall be attached under any provision of this Code not relating to the execution of decrees, and such person resides or property is situate outside the local limits of its jurisdiction, the Court may, in its discretion, issue a warrant of arrest or make an order of attachment, and send to the District Court within the local limits of whose jurisdiction such person or property resides or is situate a copy of the warrant or order, together with the probable amount of the costs of the arrest or attachment.

The District Court shall, on receipt of such copy and amount, cause the arrest or attachment to be

made by its own officers, or by a Court subordinate to itself, and shall inform the Court which issued or made such warrant or order of the arrest or attachment;

and the Court making any arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued, unless he furnishes sufficient security for his appearance before that Court, or (where the case is one under Chapter XXXIV) for satisfying any decree that may be passed against him by such Court, in either of which cases the Court making the arrest shall release him.

Rules applicable to all civil process for arrest, sale or payment.

649. The rules contained in Chapter XIX shall apply to the execution of any judicial process for the arrest of a person or the sale of property or payment of money, which may be desired or ordered by a Civil Court in any civil proceeding.

In the same chapter, the expression 'Court which passed a decree', or words to that effect, shall, unless there is something repugnant in the context, be deemed to include, where the decree to be executed is passed in appeal, the Court which passed the decree against which the appeal was preferred, and, where the Court which passed the decree to be executed has ceased to exist or to have jurisdiction to execute it, the Court which, if the suit wherein the decree was passed were instituted at the time of making application for execution of the decree, would have jurisdiction to try such suit.

Application of rules as to witnesses.

650. The provisions of Chapters XIV and XV relating to witnesses shall apply to all persons required to give evidence or to produce documents in any proceeding under this Code.

Service of foreign summonses.

650 A. Summonses issued by any Civil or Revenue Court situate beyond the limits of British India may be sent to the Courts in British India and served as if they had been issued by such Courts: Provided that the Courts issuing such summonses have been established by the authority of the Governor General in Council, or that the Governor General in Council has, by notification in the *Gazette of India*, declared the provisions of this section to apply to such Courts.

The Governor General in Council may by like notification cancel any notification made under this section, but not so as to invalidate the service of any summons served previous to such cancellation.

Penalty for resisting apprehension or escaping from custody under Code or civil process.

651. Whoever offers any resistance or illegal obstruction to the lawful apprehension of himself under this Code, or under the warrant of any Civil or Revenue Court, or escapes or attempts to escape from any custody in which he is lawfully detained under this Code or under such warrant, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Power to make subsidiary rules of procedure.

652. The High Court may from time to time make rules consistent with this Code to regulate any matter connected with its own procedure or the procedure of the Courts of Civil Judicature subject to its superintendence. All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

THE FIRST SCHEDULE.

(*See section 3.*)

ACTS REPEALED.

Number and year.	Subject or title.	Extent of repeal.
X of 1877	The Code of Civil Procedure	So much as has not been repealed.
XII of 1879	Amending Act X of 1877, &c.	Sections one to one hundred and three (both inclusive).
VII of 1880	Merchant Shipping	Section eighty-five.

THE SECOND SCHEDULE.

(*See section 5.*)

Chapters and Sections of this Code extending to Provincial Courts of Small Causes.

PRELIMINARY: Sections 1, 2, 3 and 5.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11.
CHAPTER II.—Of the Place of Suing, except section 20, paragraph 4, and sections 22 to 24 (both inclusive).
CHAPTER III.—Of Parties and their Appearances, Applications and Acts.
CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.
CHAPTER V.—Of the Institution of Suits.
CHAPTER VI.—Of the Issue and Service of Summons, except section 77.
CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.
CHAPTER VIII.—Section 111, Set-off.
CHAPTER IX.—Of the examination of the Parties by the Court, except section 119.
CHAPTER X.—Of Discovery and the Admission, &c., of Documents.
CHAPTER XII.—Section 155, first paragraph, Judgment where either party fails to produce his evidence.
CHAPTER XIII.—Of Adjournments.
CHAPTER XIV.—Of the Summoning and Attendance of Witnesses.
CHAPTER XV.—Of the Hearing of the suit and Examination of Witnesses, except sections 182 to 188 (both inclusive).
CHAPTER XVII.—Of Judgment and Decree, except sections 204, 207, 211, 212, 213, 214 and 215.
CHAPTER XVIII.—Sections 220, 221 and 222, Of Costs.
CHAPTER XIX.—Of the Execution of Decrees, sections 223 to 236 (both inclusive), 239 to 258 (both inclusive), 259 (except so far as relates to the recovery of wives), 266 (except so far as relates to immoveable property), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 280 (both inclusive), 283, 284 (so far as relates to moveable property), 285, 286, 287, 288, 289, 290, 291, 292, 293 (so far as relates to re-sales under 297), 294 to 303 (both inclusive), 328 to 333 (both inclusive, so far as relates to moveable property), 336 to 343 (both inclusive).
CHAPTER XX.—Section 360, Power to invest certain Courts with Insolvency-jurisdiction.
CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.
CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.
CHAPTER XXIII.—Of payment into Court.
CHAPTER XXIV.—Of requiring Security for Costs.
CHAPTER XXV.—Of Commissions.
CHAPTER XXVI.—Suits by Paupers.
CHAPTER XXVII.—Suits by and against Government or Government Servants.
CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers, except the first paragraph of section 433.
CHAPTER XXIX.—Suits by and against Corporations and Companies.

THE SECOND SCHEDULE—*concluded.*

Chapters and Sections of this Code extending to Provincial Courts of Small Causes—concluded.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.
CHAPTER XXXI.—Suits by and against Minors and Persons of unsound Mind.
CHAPTER XXXII.—Suits by and against Military Men.
CHAPTER XXXIII.—Interpleader.
CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards immoveable property.
CHAPTER XXXVI.—Appointment of Receivers.
CHAPTER XXXVII.—Reference to Arbitration, sections 506 to 526 (both inclusive).
CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties.
CHAPTER XLVI.—Reference to and Revision by High Court.
CHAPTER XLVII.—Of Review of Judgment.
CHAPTER XLIX.—Miscellaneous, sections 640 to 647 (both inclusive), sections 649 to 652 (both inclusive).

THE THIRD SCHEDULE.

(See section 7.)

Bombay Enactments.

Bombay Regulation XXIX, 1827.
" " VII, 1830.
" " I, 1831.
" " XVI, 1831.
Act XIX of 1835.
" XIII of 1842.

THE FOURTH SCHEDULE.

(*See section 644.*)

FORMS OF PLEADINGS AND DECREES.

A.—PLAINTS. PART I.

No. 1.

FOR MONEY LENT.

IN THE COURT OF , AT
Civil Suit No.

A. B. of
against
C. D. of

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , he lent the defendant rupees repayable on demand [*or* on the day of].

2 That the defendant has not paid the same, except rupees paid on the day of 18 .

[*If the plaintiff claims exemption from any law of limitation, say :*—

3. The plaintiff was a minor [*or* insane] from the day of till the day of].

4. The plaintiff prays judgment for rupees, with interest at per cent. from the day of 18 .

[NOTE.—The object of stating when the debt is to be repaid is merely to fix a date for interest. If, therefore, interest is not claimed, the statement may be omitted.

No. 2.

FOR MONEY RECEIVED TO PLAINTIFF'S USE.

(*Title.*)

A. B and *G. H.*, the above-named plaintiffs, state as follows :—

1. That on the day of 18 , at , the defendant received rupees [*or* a cheque on the Bank for rupees] from one *E. F.* for the use of the plaintiffs.

2. That the defendant has not paid [*or* delivered] the same accordingly.

3. The plaintiffs pray judgment for rupees, with interest at per cent. from the day of 18

THE FOURTH SCHEDULE—*continued.*

No. 3.

FOR PRICE OF GOODS SOLD BY A FACTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , he and *E. F.*, since deceased, delivered to the defendant [*one thousand barrels of flour, five hundred maunds of rice, or as the case may be*] for sale upon commission.

2. That on the day of 18 , [*or*, on some day unknown to the plaintiff, before the day of], the defendant sold the said merchandise for rupees.

3. That the commission and expenses of the defendant thereon amount to rupees.

4. That on the day of 18 , the plaintiff demanded from the defendant the proceeds of the said merchandise.

5. That he has not paid the same.

[*Demand of judgment.*]

MARCH 25,

No. 4.

FOR MONEY RECEIVED BY DEFENDANT THROUGH THE PLAINTIFF'S MISTAKE OF FACT.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff agreed to buy and the defendant agreed to sell bars of silver at annas per tola of fine silver.

2. That the plaintiff procured the said bars, to be assayed by one *E. F.*, who was paid by the defendant for such assay, and that the said *E. F.* declared each of the said bars to contain 1,500 tolas of fine silver, and that the plaintiff accordingly paid the defendant Rs. annas therefor.

3. That each of the said bars did contain only 1,200 tolas of fine silver.

4. That the defendant has not repaid the sum so overpaid.

[*Demand of judgment.*]

[NOTE.—A demand of repayment is not necessary, but it may affect the question of interest or the costs.]

No. 5.

FOR MONEY PAID TO A THIRD PARTY AT THE DEFENDANT'S REQUEST.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , at the request [*or* by the authority] of the defendant, the plaintiff paid to one *E. F.* rupees.

2. That, in consideration thereof, the defendant promised [*or* became bound] to pay the same to the plaintiff on demand [*or as the case may be*].

3. That [on the day of 18 , the plaintiff demanded payment of the same from the defendant, but] he has not paid the same.

[*Demand of judgment.*]

[NOTE.—If the request or authority is implied, the plaint should state facts raising the implication.]

No. 6.

FOR GOODS SOLD AT A FIXED PRICE AND DELIVERED.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , *E. F.*, of , deceased, sold and delivered to the defendant [one hundred barrels of flour, *or*, the goods mentioned in the schedule hereto annexed, *or*, sundry goods].

2. That the defendant promised to pay rupees for the said goods on delivery [*or*, on the day of *some day before the plaint was filed*].

3. That he has not paid the same.

4. That the said *E. F.*, in his lifetime made his will, whereby he appointed the plaintiff executor thereof.

5. That on the day of 18 , the said *E. F.* died.

6. That on the day of probate of the said will was granted to the plaintiff by the Court of .

7. The plaintiff as executor as aforesaid [*Demand of judgment*].

[NOTE.—If a day was fixed for payment it should be stated as furnishing a date for the commencement of interest.]

THE FOURTH SCHEDULE—*continued.*

No. 7.

GOODS SOLD AT A REASONABLE PRICE AND DELIVERED.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff sold and delivered to the defendant [sundry articles of house-furniture] but no express agreement was made as to the price.

2. That the same were reasonably worth rupees.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

[NOTE.—The law implies a promise to pay so much as the goods are reasonably worth.]

No. 8.

FOR GOODS DELIVERED TO A THIRD PARTY AT DEFENDANT'S REQUEST AT A FIXED PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff sold to the defendant [one hundred barrels of flour] and, at the request of the defendant, delivered the same to one *E. F.*

2. That the defendant promised to pay to the plaintiff rupees therefor.

3. That he has not paid the same.

[*Demand of judgment.*]

No. 9.

FOR NECESSARIES FURNISHED TO THE FAMILY OF DEFENDANT'S TESTATOR WITHOUT HIS EXPRESS REQUEST, AT A REASONABLE PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff furnished to [*Mary Jones*] the wife of [*James Jones*] deceased, at her request, sundry articles of [*food and clothing*], but no express agreement was made as to the price.

2. That the same were necessary for her.

3. That the same were reasonably worth rupees.

4. That the said *James Jones* refused to pay the same.

5. That the defendant is the executor of the last Will of the said *James Jones.*

[*Demand of judgment.*]

No. 10.

FOR GOODS SOLD AT A FIXED PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the plaintiff sold to *E. F.*, of , deceased, [*all the crops then growing on his farm in*

2. That the said *E. F.* promised to pay the plaintiff rupees for the same.

3. That he did not pay the same.

4. Tha the defendant is administrator of the estate of the said *E. F.*

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 11.

FOR GOODS SOLD AT A REASONABLE PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , *E. F.*, of , sold to the defendant [*all the fruit growing in his orchard in*], but no express agreement was made as to the price.

2. That the same was reasonably worth rupees.

3. That the defendant has not paid the same.

4. That on the day of the High Court of Judicature at Fort William duly adjudged the said *E. F.* to be a lunatic and appointed the plaintiff committee of his estate, with the usual powers for the management thereof.

5. The plaintiff as committee as aforesaid [*Demand of judgment*].

[NOTE.—When the lunatic's estate is not subject to the ordinary original jurisdiction of a High Court, for paragraphs 4 and 5 substitute the following:—]

4. That on the day of the Civil Court of duly adjudged the said *E. F.* to be of unsound mind and incapable of managing his affairs, and appointed the plaintiff Manager of his estate.

5. The plaintiff as Manager as aforesaid.

[*Demand of judgment.*]

No. 12.

FOR GOODS MADE AT DEFENDANT'S REQUEST, AND NOT ACCEPTED.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , *E. F.*, of , agreed with the plaintiff that the plaintiff should make for him [*six tables and fifty chairs*], and that the said *E. F.* should pay for the same upon delivery thereof rupees.

2. That the plaintiff made the said goods, and on the day of 18 , offered to deliver the same to the said *E. F.*, and has ever since been ready and willing so to do.

3. That the said *E. F.* has not accepted the said goods or paid for the same.

4. That on the day of 18 , the High Court of Judicature at Fort William duly adjudged the said *E. F.* to be a lunatic, and appointed the defendant committee of his estate.

5. The plaintiff prays judgment for rupees with interest from the day of , at the rate of per cent. per annum, to be paid out of the estate of the said *E. F.* in the hands of the defendant.

No. 13.

FOR DEFICIENCY UPON A RE-SALE [GOODS SOLD AT AUCTION].

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , plaintiff put up at auction sundry [*articles of merchandise*], subject to the condition that all goods not paid for and removed by the purchaser thereof within [*ten days*] after the sale, should be re-sold by auction on his account, of which condition the defendant had notice.

2 That the defendant purchased [*one crate of crockery*] at the said auction at the price of rupees.

3. That the plaintiff was ready and willing to deliver the same to the defendant on the said day and for [*ten days*] thereafter, of which the defendant had notice.

4. That the defendant did not take away the said goods purchased by him, nor pay therefor, within [*ten days*] after the sale, nor afterwards.

5. That on the day of 18 , at , the plaintiff re-sold the said [*crate of crockery*], on account of the defendant, by public auction, for rupees.

6. That the expenses attendant upon such re-sale amounted to rupees.

7. That the defendant has not paid the deficiency thus arising, amounting to rupees.

[*Demand of judgment.*]

[NOTE to § 4.—Unless the seller agreed to deliver, the purchaser must fetch the goods, see Act IX of 1872, section 93.]

THE FOURTH SCHEDULE—*continued.*

No. 14.

FOR THE PURCHASE-MONEY OF LANDS CONVEYED.

(*Title*).

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the plaintiff sold [and conveyed] to the defendant [the house and compound No. , in the city of *or*, a farm known as , in *or*, a piece of land lying, *&c.*]

2. That the defendant promised to pay the plaintiff rupees for the said [house and compound, *or* farm, *or* land].

3. That he has not paid the same.

[*Demand of judgment.*]

[NOTE.—Where there has been no actual conveyance, say, in § 1. "sold to the defendant the house, &c., and placed him in possession of the same."]

No. 15.

FOR THE PURCHASE-MONEY OF IMMOVEABLE PROPERTY CONTRACTED TO BE SOLD, BUT NOT CONVEYED.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the plaintiff and defendant mutually agreed that the plaintiff should sell to the defendant, and that the defendant should purchase from the plaintiff [the house No. , in the town of , *or* one hundred bighás of land in , bounded by the East Indian railroad, and by other lands of the plaintiff] for rupees.

2. That on the day of 18 , at , the plaintiff tendered [*or*, was ready and willing, and offered to execute] a sufficient instrument of conveyance of the said property to the defendant, on payment of the said sum, and still is ready and willing to execute the same.

3. That the defendant has not paid the said sum.

[*Demand of judgment.*]

No. 16.

FOR SERVICES AT A FIXED PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant [hired plaintiff as a clerk, at the salary of rupees per year].

2. That from the [said day] until the day of 18 , the plaintiff served the defendant as his [clerk].

3. That the defendant has not paid the said salary.

[*Demand of judgment.*]

No. 17.

FOR SERVICES AT A REASONABLE PRICE.

(*Title.*)

A B., the above-named plaintiff, states as follows :—

1. That between the day of 18 , and the day of 18 at , plaintiff [executed sundry drawings, designs and diagrams] for the defendant, at his request; but no express agreement was made as to the sum to be paid for such services.

2. That the said services were reasonably worth rupees.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 18.

FOR SERVICES AND MATERIALS AT A FIXED PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff [furnished the paper for and printed one thousand copies of a book called] for the defendant, at his request [and delivered the same to him].

2. That the defendant promised to pay rupees therefor.

3. That he has not paid the same.

[*Demand of judgment.*]

No. 19.

FOR SERVICES AND MATERIALS AT A REASONABLE PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff built a house [known as No. , in], and furnished the materials therefor, for the defendant, at his request, but no express agreement was made as to the price to be paid for such work and materials.

2. That the said work and materials were reasonably worth rupees.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 20.

FOR RENT RESERVED IN A LEASE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant entered into a contract with the plaintiff, under their hands, a copy of which is hereto annexed.

[*Or state the substance of the contract.*]

2. That the defendant has not paid the rent of the [month] ending on the day of 18 , amounting to rupees.

[*Demand of judgment.*]

Another Form.

1. That the plaintiff let to the defendant a house, No. 27, Chowringhee, for seven years to hold from the day of 18 , at rupees a year, payable quarterly.

2. That of such rent quarters are due and unpaid.

[*Demand of judgment.*]

No. 21.

FOR USE AND OCCUPATION AT A FIXED RENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant hired from the plaintiff [the house No. street], at the rent of rupees, payable on the first day of

2. That the defendant occupied the said premises from the day of 18 to the day of 18

3. That the defendant has not paid rupees, being the part of said rent due on the first day of 18

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 22.

FOR USE AND OCCUPATION AT A REASONABLE RENT.

(*Title.*)

A. B., the above-named plaintiff, executor of the will of *X. Y.*, deceased, states as follows :—

1. That the defendant occupied the [house No. street], by permission of the said *X. Y.*, from the day of 18 , until the day of 18 , and no agreement was made as to payment for the use of the said premises.

2. That the use of the said premises for the said period was reasonably worth rupees.

3. That the defendant has not paid the same.

4. The plaintiff as such executor as aforesaid prays judgment for rupees.

No. 23

FOR BOARD AND LODGING.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That from the day of 18 , until the day of 18 , the defendant occupied certain rooms in the house [No. , street], by permission of the plaintiff, and was furnished by the plaintiff, at his request, with meat, drink, attendance and other necessaries.

2. That, in consideration thereof, the defendant promised to pay [*or* That no agreement was made as to payment for such meat, drink, attendance or necessaries, but the same were reasonably worth] the sum of rupees.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 24.

FOR FREIGHT OF GOODS.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff transported in [his barge, *or otherwise*] [one thousand barrels of flour, *or* sundry goods], from to , at the request of the defendant.

2 That the defendant promised to pay the plaintiff the sum of [one rupee per barrel] as freight thereon [*or*, That no agreement was made as to payment for such transportation, but such transportation was reasonably worth rupees.]

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 25.

FOR PASSAGE-MONEY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , plaintiff conveyed the defendant [in his ship, called the], from to at his request.

2. That the defendant promised to pay the plaintiff rupees therefor. [*or* That no agreement was made as to the price of the said passage, but the said passage was reasonably worth rupees].

3. That the defendant has not paid the same.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 26.

ON AN AWARD.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant, having a controversy between them concerning [a demand of the plaintiff for the price of ten barrels of oil, which the defendant refused to pay], agreed to submit the same to the award of *E. F.* and *G. H.*, as arbitrators [*or*, entered into an agreement, a copy of which is hereto annexed].

2. That on the day of 18 , at , the said arbitrators awarded that the defendant should [pay the plaintiff rupees].

3. That the defendant has not paid the same.

[*Demand of judgment.*]

[NOTE.—This will apply where the agreement to refer is not filed in court.]

No. 27.

ON A FOREIGN JUDGMENT.

(*Title*).

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , in the State [*or* Kingdom] of , the Court of that State [*or* Kingdom], in a suit therein pending between the plaintiff and the defendant, duly adjudged that the defendant should pay to the plaintiff rupees, with interest from the said date.

2. That the defendant has not paid the same.

[*Demand of judgment.*]

PLAINTS UPON INSTRUMENTS FOR THE PAYMENT OF MONEY ONLY.

No. 28.

ON AN ANNUITY BOND.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant by his bond became bound to the plaintiff in the sum of rupees to be paid by the defendant to the plaintiff, subject to a condition that if the defendant should pay to the plaintiff rupees half-yearly on the day of and the day of in every year during the life of the plaintiff, the said bond should be void.

2. That afterwards, on the day of 18 , the sum of rupees for of the said half-yearly payments of the said annuity, became due to the plaintiff and is still unpaid.

[*Demand of judgment.*]

No. 29.

PAYEE AGAINST MAKER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, by his promissory note now overdue, promised to pay to the plaintiff rupees [days] after date.

2. That he has not paid the same [except rupees, paid on the day of 18].

[*Demand of judgment.*]

[NOTE.—*Where the note is payable after notice, for paragraphs 1 and 2 substitute:*—]

1. That on the day of 18 , at , the defendant by his promissory note promised to pay to the plaintiff rupees months after notice.

THE FOURTH SCHEDULE—*continued.*

2. That notice was afterwards given by the plaintiff to the defendant to pay the same months after the said notice.

3. That the said time for payment has elapsed, but the defendant has not paid the same.

[*Where the note is payable at a particular place, say*—]

1. That on the day of 18 , at , the defendant by his promissory note, now overdue, promised to pay to the plaintiff [at Messrs. *A. & Co.'s*, Madras] rupees months after date.

2. That the said note was duly presented for payment [at Messrs. *A. & Co.'s*] aforesaid, but has not been paid.

Written Statement of the Defendant.

IN THE COURT, &c.

C. D., the above-named defendant, states as follows :—

1. The defendant made the note sued upon under the following circumstances: The plaintiff and defendant had for some years been in partnership as indigo-manufacturers, and it had been agreed between them that they should dissolve partnership, that the plaintiff should retire from the business, and that the defendant should take over the whole of the partnership-assets and liabilities and should pay the plaintiff the value of his share in the assets after deducting the liabilities.

2. The plaintiff thereupon undertook to examine the partnership-books and inquire into the state of the partnership-assets and liabilities; and he did accordingly examine the said books and make the said inquiries, and he thereupon represented to the defendant that the assets of the firm exceeded Rs. 1,00,000 and that the liabilities of the firm were less than Rs. 30,000, whereas the fact was that the assets of the firm were less than Rs. 50,000 and the liabilities of the firm largely exceeded the assets.

3. The misrepresentations mentioned in the second paragraph of this statement induced the defendant to make the note now sued on, and there never was any other consideration for the making of such note.

No. 30.

FIRST INDORSEE AGAINST MAKER.

(*Title*).

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant, by his promissory note, now overdue, promised to pay to the order of *E. F.* [*or* to *E. F.* or order] rupees [days after date].

2. That the said *E. F.* indorsed the same to the plaintiff.

3. That the defendant has not paid the same.

[*Demand of judgment*].

No. 31.

SUBSEQUENT INDORSEE AGAINST MAKER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. [*As in the last preceding form.*]

2. That the same was, by the indorsement of the said *E. F.* and of *G. H.* and *I. J.* [*or* and others] transferred to the plaintiff.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 32.

FIRST INDORSEE AGAINST FIRST INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That *E. F.*, on the day of 18 , at , by his promissory note, now overdue, promised to pay to the defendant or order rupees months after date.

THE FOURTH SCHEDULE—*continued.*

2. That the defendant indorsed the same to the plaintiff.

3. That on the day of 18 , the same was duly presented for payment, but was not paid.

[*Or state facts excusing want of presentment.*]

4. That the defendant had notice thereof.

5. That he has not paid the same.

[*Demand of judgment.*]

No. 33.

SUBSEQUENT INDORSEE AGAINST FIRST INDORSER; THE INDORSEMENT BEING SPECIAL.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to one *E. F.* a promissory note, now overdue, made [*or* purporting to have been made] by one *G. H.*, on the day of 18 , at , to the order of the defendant, for the sum of rupees [payable days after date].

2. That the same was, by the indorsement of the said *E. F.* [and others], transferred to the plaintiff. [*or* That the said *E. F.* indorsed the same to the plaintiff.]

3, 4 and 5. [*Same as 3, 4 and 5 of the last preceding form.*]

[*Demand of judgment.*]

No. 34.

SUBSEQUENT INDORSEE AGAINST HIS IMMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to him a promissory note, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , to the order of one *G. H.*, for the sum of rupees [payable days after date], and indorsed by the said *G. H.* to the defendant.

2, 3 and 4. [*Same as in* 3, 4 *and* 5 *in Form No.* 33.]

[*Demand of judgment.*]

No. 35.

SUBSEQUENT INDORSEE AGAINST INTERMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That a promissory note, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , to the order of one *G. H.*, for the sum of rupees [payable days after date], and indorsed by the said *G. H.* to the defendant, was by the indorsement of the defendant [and others] transferred to the plaintiff.

2, 3 and 4. [*As in No.* 33.]

[*Demand of judgment.*]

No. 36.

SUBSEQUENT INDORSEE AGAINST MAKER, AND FIRST AND SECOND INDORSER.

IN THE COURT OF AT

Civil Suit No. .

A. B. of

against

C. D. of

E. F. of

and

G. H. of

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, *C. D.*, by his promissory note, now overdue, promised to pay to the order of the defendant, *E. F.*, rupees [months after date].

THE FOURTH SCHEDULE—*continued.*

2. That the said *E. F.* indorsed the same to the defendant, *G. H.*, who indorsed it to the plaintiff.

3. That on the day of 18 , the same was presented [*or state facts excusing want of presentment*] to the said *C. D.* for payment, but was not paid.

4. That the said *E. F.* and *G. H.* had notice thereof.

5. That they have not paid the same.

[*Demand of judgment.*]

No. 37.

DRAWER AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , by his bill of exchange, now overdue, the plaintiff required the defendant to pay to him rupees [days after date, *or* sight, thereof].

2. That the defendant accepted the said bill. [*If the bill is payable at a certain time after sight, the date of acceptance should be stated; otherwise it is not necessary.*]

3. That he has not paid the same.

4. That by reason thereof the plaintiff incurred expenses in and about the presenting and noting of the bill, and incidental to the dishonour thereof.

[*Demand of judgment.*]

[NOTE.—Where the bill is payable to a third party, for paragraphs 1, 2, 3, say——]

1. That on, &c., at &c., by his bill of exchange, now overdue, directed to the defendant, the plaintiff required the defendant to pay to *E. F.* or order rupees months after date.

2. That the plaintiff delivered the said bill to the said *E. F.* on .

3. That the defendant accepted the said bill, but did not pay the same, whereupon the same was returned to the plaintiff.

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o. 38.

PAYEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , the defendant accepted a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring the defendant to pay to the plaintiff rupees after sight thereof.

2. That he has not paid the same.

[*Demand of judgment.*]

No. 39.

FIRST INDORSEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , the defendant accepted a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring the defendant to pay to the order of one *G. H.* rupees after sight thereof.

2. That the said *G. H.* indorsed the same to the plaintiff.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 40.

SUBSEQUENT INDORSEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. [*As in the last preceding form, to the end of article 1.*]

2. That by the indorsement of the said *G. H.* [and others], the same was transferred to the plaintiff.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 41.

PAYEE AGAINST DRAWER FOR NON-ACCEPTANCE.

Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, by his bill of exchange, directed to *E. F.*, required the said *E. F.* to pay to the plaintiff rupees [days after sight.]

2. That on the day of 18 , the same was duly presented to the said *E. F.* for acceptance, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[*Demand of judgment.*]

No. 42.

FIRST INDORSEE AGAINST FIRST INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to the plaintiff a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring one *G. H.* to pay to the order of the defendant rupees [days] after sight [*or* after date, *or* at sight] thereof, [and accepted by the said *G. H.* on the day of 18].

2. That on the day of 18 , the same was presented to the said *G. H.* for payment, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[*Demand of judgment.*]

No. 43.

SUBSEQUENT INDORSEE AGAINST FIRST INDORSER; THE INDORSEMENT BEING SPECIAL.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to one *E. F.* a bill of exchange, now overdue, made [*or* purporting to have been made] by one *G. H.*, on the day of 18 , at , requiring one *I. J.* to pay to the order of the defendant rupees days after sight thereof [*or otherwise*], and accepted by the said *I. J.* on the day of 18 .
[*This clause may be omitted if not according to the fact.*]

THE FOURTH SCHEDULE—*continued.*

2. That the same was, by the indorsement of the said *E. F.* [and others], transferred to the plaintiff.

3. That on the day of 18 the same was presented to the said *I. J.* for payment, and was dishonoured.

4. That the defendant had due notice thereof.

5. That he has not paid the same.

[*Demand of judgment.*]

No. 44.

SUBSEQUENT INDORSEE AGAINST HIS IMMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to plaintiff a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring one *G. H.* to pay to the order of *I. J.* rupees days after sight thereof [*or otherwise*], [accepted by the said *G. H.*] and indorsed by the said *I. J.* to the defendant.

2. That on the day of 18 , the same was presented to the said *G. H.* for payment, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[*Demand of judgment.*]

No. 45.

SUBSEQUENT INDORSEE AGAINST INTERMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring one *G. H.* to pay to the order of one *I. J.* rupees days after sight thereof [*or otherwise*], [accepted by the said *G. H.*] and indorsed by the said *I. J.* to the defendant, was, by the indorsement of the defendant [and others], transferred to the plaintiff.

2. That on the day of 18 , the same was presented to the said *G. H.* for payment, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[*Demand of judgment.*]

No. 46.

INDORSEE AGAINST DRAWER, ACCEPTOR AND INDORSER.

IN THE COURT OF , AT

Civil Suit No. .

A. B. of
against
C. D. of
E. F. of
and
G. H. of

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant *C. D.*, by his bill of exchange, now overdue, directed to the defendant *E. F.*, required the said *E. F.* to pay to the order of the defendant *G. H.* rupees [days after sight thereof.]

THE FOURTH SCHEDULE—*continued.*

2. That on the day of 18 , the said *E. F.* accepted the same.

3. That the said *G. H.* indorsed the same to the plaintiff.

4. That on the day of 18 , the same was presented to the said *E. F.* for payment, and was dishonoured.

5. That the other defendants had due notice thereof.

6. That they have not paid the same.

[*Demand of judgment.*]

No. 47.

PAYEE AGAINST DRAWER FOR NON-ACCEPTANCE OF A FOREIGN BILL.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant by his bill of exchange, drawn in Calcutta, required one *E. F.* to pay to the plaintiff in [London] pounds sterling, [sixty days] after sight thereof.

2. That on the day of 18 , the same was presented to the said *E. F.* for acceptance, and was dishonoured, and was thereupon duly protested.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[5. That the value of pounds sterling, at the time of the service of notice of protest on the defendant, was rupees annas.]

Wherefore the plaintiff demands judgment against the defendant for rupees, with [ten per centum] compensation and interest from the day of 18 .

No. 48.

PAYEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , one *E. F.*, by his bill of exchange, now overdue, directed to the defendant, required the defendant to pay to the plaintiff rupees after date [*or* days after sight] thereof.

2. That on the day of 18 , the defendant accepted the said bill.

3. That he has not paid the same.

[*Demand of judgment.*]

No. 49.

ON A MARINE [OPEN] POLICY, ON VESSEL LOST BY PERILS OF THE SEA, &c.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff was the owner of [*or* had an interest in] the ship at the time of her loss, as hereinafter mentioned.

2. That on the day of 18 , at , the defendants, in consideration of rupees to them paid [*or* which the plaintiff then promised to pay] executed to him a policy of insurance upon the said ship, a copy of which is hereto annexed ; [*or*, whereby they promised to pay to the plaintiff, within days after proof of loss and interest, all loss and damage accruing to him by reason of the destruction or injury of the said ship, during her next voyage from to , whether by perils of the sea or by fire, or by other causes therein mentioned, not exceeding rupees].

THE FOURTH SCHEDULE—*continued.*

3. That the said ship, while proceeding on the voyage mentioned in the said policy, was on the day of 18 , totally lost by the perils of the sea [*or otherwise*].

4. That the plaintiff's loss thereby was rupees.

5. That on the day of 18 , he furnished the defendants with proof of his loss and interest, and otherwise duly performed all the conditions of the said policy on his part.

6. That the defendants have not paid the said loss.

[*Demand of judgment.*]

No. 50.

ON CARGO, LOST BY FIRE:—VALUED POLICY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff was the owner of [*or* had an interest in] [one hundred bales of cotton] on board the ship at the time of her loss as hereinafter mentioned.

2. That on the day of 18 , at the defendants, in consideration of rupees which the plaintiff then paid [*or* promised to pay], executed to him a policy of insurance upon the said goods, a copy of which is hereto annexed; [*or*, whereby they promised to pay to the plaintiff rupees in case of the total loss, by fire or other causes mentioned, of the said goods before their landing at ; *or*, in case of partial loss, such damage as the plaintiff might sustain thereby, provided the same should not exceed per centum of the whole value of the goods].

3. That on the day of 18 , at , while proceeding on the voyage mentioned in the said policy, the said goods were totally destroyed by fire (*or*, as the case may be).

4, 5 and 6. [*As in paragraphs 4, 5 and 6 of the last preceding form.*]

[*Demand of judgment.*]

No. 51.

ON FREIGHT:—VALUED POLICY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff had an interest in the freight to be earned by the ship on her voyage from to , at the time of her loss as hereinafter mentioned, and that a large quantity of goods was shipped upon freight in her at that time.

2. That on the day of 18 , at , the defendant, in consideration of rupees to him paid, executed to the plaintiff a policy of insurance upon the said freight, a copy of which is hereto annexed [*or state its tenor, as before*].

3. That the said ship, while proceeding upon the voyage mentioned in the said policy, was, on the day of 18 , totally lost by [the perils of the sea].

4. That the plaintiff has not received any freight from the said ship, nor did she earn any on the said voyage, by reason of her loss as aforesaid.

5 and 6. [*As in Form No 49.*]

[*Demand of judgment.*]

No. 52.

FOR A LOSS BY GENERAL AVERAGE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff was the owner of [*or* had an interest in] [one hundred bales of cotton] shipped on board a vessel called the *Y. Z.*, from to , at the time of the loss hereafter mentioned.

2. That on the day of 18 , at , in consideration of rupees [which the plaintiff then promised to pay], the defendant executed to the plaintiff a policy of insurance upon his said goods, a copy of which is hereto annexed [*or state its tenor, as before*].

THE FOURTH SCHEDULE—*continued.*

3. That on the day of 18 , while proceeding on the voyage mentioned in the said policy, the said vessel was so endangered by perils of the sea, that the master and crew thereof were compelled to, and did, cast into the sea a large part of her rigging and furniture.

4. That the plaintiff was, by reason thereof, compelled to, and did, pay a general average loss of rupees.

5. That on the day of 18 , he furnished the defendant with proof of his loss and interest, and otherwise duly performed all the conditions of the said policy on his part.

6. That the defendant has not paid the said loss.

[*Demand of judgment.*]

No. 53.

FOR A PARTICULAR AVERAGE LOSS.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1 and 2. [*As in the last preceding form.*]

3. That on the day of 18 , while on the high seas, the sea-water broke into the said ship, and damaged the said [cotton] to the amount of rupees.

4 and 5. [*As in paragraphs* 5 *and* 6 *of the last preceding form.*]

[*Demand of judgment.*]

No. 54.

ON A FIRE-INSURANCE POLICY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff [was the owner of, *or*] had an interest in a [dwelling-house, known as No. , street, in the city of ,] at the time of its destruction [*or*, injury] by fire as hereinafter mentioned.

2. That on the day of 18 , at , in consideration of rupees [to them paid], the defendants executed to the plaintiff a policy of insurance on the said [premises], a copy of which is hereto annexed [*or state its tenor*].

3. That on the day of 18 , the said [dwelling-house] was totally destroyed [*or*, greatly damaged] by fire.

4. That the plaintiff's loss thereby was rupees.

5. That on the day of 18 , he furnished the defendant with proof of his said loss and interest, and otherwise duly performed all the conditions of the said policy on his part.

6. That the defendants have not paid the said loss.

[*Demand of judgment.*]

No. 55.

AGAINST SURETY FOR PAYMENT OF RENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , one *E. F.* hired from the plaintiff, for the term of years, the [house No. , street ,] at the annual rent of rupees, payable [monthly].

2. That [at the same time and place] the defendant agreed, in consideration of the letting of the said premises to the said *E. F.*, to guarantee the punctual payment of the said rent.

THE FOURTH SCHEDULE—*continued.*

3. That the rent aforesaid for the month of 18 , amounting to rupees, has not been paid.

[*If, by the terms of the agreement, notice is required to be given to the surety, add:*—]

4. That on the day of 18 , the plaintiff gave notice to the defendant of the non-payment of the said rent, and demanded payment thereof.

5. That he has not paid the same.

[*Demand of judgment.*]

B.—PLAINTS FOR COMPENSATION FOR BREACH OF CONTRACT.

No. 56.

FOR BREACH OF AGREEMENT TO CONVEY LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant entered into an agreement, under their hands, of which a copy is hereto annexed.

[*Or*, That on, &c., the defendant agreed with the plaintiff that, in consideration of a deposit of rupees then paid, and of the further sum of [ten thousand] rupees payable as hereinafter mentioned, he would, on the day of 18 , at , execute to the plaintiff a sufficient conveyance of [the house No. , street, in the city of , free from all incumbrances; and the plaintiff agreed to pay [ten thousand] rupees for the same on delivery thereof].

2. That on the day of 18 , the plaintiff demanded the conveyance of the said property from the defendant and tendered rupees to the defendant [*or*, That all conditions were fulfilled, and all things happened and all times elapsed necessary to entitle the plaintiff to have the said agreement performed by the defendant on his part.]

3. That the defendant has not executed any conveyance of the said property to the plaintiff [*or*, That there is a mortgage upon the said property, made by to , for rupees, registered in the office of , on the day of 18 , and still unsatisfied, *or any other defect of title*].

4. That the plaintiff has thereby lost the use of the money paid by him as such deposit as aforesaid and of other moneys provided by him for the completion of the said purchase, and has lost the expenses incurred by him in investigating the title of the defendant and in preparing to perform the agreement on his part, and has incurred expense in endeavouring to procure the performance thereof by the defendant.

5. The plaintiff prays judgment for rupees compensation.

No. 57.

FOR BREACH OF AGREEMENT TO PURCHASE LAND.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant entered into an agreement, under their hands, of which a copy is hereto annexed.

[*Or*, That on the day of 18 , at , the plaintiff and defendant mutually agreed that the plaintiff should sell to the defendant and that the defendant should purchase from the plaintiff forty bighás of land in the village of for rupees.]

2. That on the day of 18 , at , the plaintiff, being then the absolute owner of the said property [and the same being free from all incumbrances, as was made to appear to the defendant], tendered to the defendant a sufficient instrument of conveyance of the same [*or*, was ready and willing, and offered, to convey the same to the defendant by a sufficient instrument,] on the payment by the defendant of the said sum.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 58.

Another Form.

FOR NOT COMPLETING A PURCHASE OF IMMOVEABLE PROPERTY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That by an agreement dated the day of 18 , it was agreed by and between the plaintiff and the defendant that the plaintiff should sell to the defendant and the defendant should purchase from the plaintiff a house and land at the price of rupees, upon the terms and conditions following (that is to say)—

(*a*) That the defendant should pay the plaintiff a deposit of rupees in part of the said purchase-money on the signing of the said agreement, and the remainder on the day of 18 , on which day the said purchase should be completed.

(*b*) That the plaintiff should deduce and make a good title to the said premises on or before the day of 18 , and on payment of the said remainder of the said purchase-money as aforesaid should execute to the defendant a proper conveyance of the said premises, to be prepared at the defendent's expense.

2. That all conditions were fulfilled, and all things happened and all times elapsed necessary to entitle the plaintiff to have the said agreement performed by the defendant on his part, yet the defendant did not pay the plaintiff the remainder of the said purchase-money as aforesaid on his part.

3. That the plaintiff has thereby lost the expense which he incurred in preparing to perform the said agreement on his part, and has been put to expense in endeavouring to procure the performance thereof by the defendant.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 59.

FOR NOT DELIVERING GOODS SOLD.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant mutually agreed that the defendant should deliver [one hundred barrels of flour] to the plaintiff [on the day of 18], and that the plaintiff should pay therefor rupees on delivery.

2. That on the [said] day the plaintiff was ready and willing, and offered to pay the defendant the said sum upon delivery of the said goods.

3. That the defendant has not delivered the same, whereby the plaintiff has been deprived of the profits which would have accrued to him from such delivery.

[*Demand of judgment.*]

No. 60.

FOR BREACH OF CONTRACT TO EMPLOY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant mutually agreed that the plaintiff should serve the defendant as [an accountant, *or* in the capacity of foreman, *or as the case may be*], and that the defendant should employ the plaintiff as such, for the term of [one year], and pay him for his services rupees [monthly].

2. That on the day of 18 , the plaintiff entered upon the service of the defendant as aforesaid, and has ever since been, and still is, ready and willing to continue in such service during the remainder of the said year, whereof the defendant always had notice.

3. That on the day of 18 , the defendant wrongfully discharged the plaintiff, and refused to permit him to serve as aforesaid, or to pay him for his services.

[*Demand of judgment.*]

No. 61.

FOR BREACH OF CONTRACT TO EMPLOY, WHERE THE EMPLOYMENT NEVER TOOK EFFECT.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. [*As in last preceding Form.*]

2. That on the day of 18 , at , the plaintiff offered to enter upon the service of the defendant, and has ever since been ready and willing so to do.

3. That the defendant refused to permit the plaintiff to enter upon such service, or to pay him for his services.

[*Demand of judgment.*]

No. 62.

FOR BREACH OF CONTRACT TO SERVE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant mutually agreed that the plaintiff should employ the defendant at an [annual] compensation of rupees, and that the defendant should serve the plaintiff as [an artist] for the term of [one year].

2. That the plaintiff has always been ready and willing to perform his part of the said agreement [and on the day of 18 , offered so to do].

3. That the defendant [entered upon] the service of the plaintiff on the above-mentioned day, but afterwards, on the day of 18 , he refused to serve the plaintiff as aforesaid.

(*Demand of judgment.*)

No. 63.

AGAINST A BUILDER FOR DEFECTIVE WORKMANSHIP.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant entered into an agreement, of which a copy is hereto annexed.

[*Or state the tenor of the contract.*]

[2. That the plaintiff duly performed all the conditions of the said agreement on his part.]

THE FOURTH SCHEDULE—*continued.*

3. That the defendant [built the house referred to in the said agreement in a bad and unworkmanlike manner].

[*Demand of judgment.*]

No. 64.

BY THE MASTER AGAINST THE FATHER OR GUARDIAN OF AN APPRENTICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant entered into an agreement, under his hand and seal,* a copy of which is hereto annexed.

[*Or state the tenor of the contract.*]

2. That after the making of the said agreement the plaintiff received the said [*apprentice*] into his service as such apprentice for the term aforesaid, and has always performed and been ready and willing to perform all things in the said agreement on his part to be performed.

3. That on the day of 18 , the said [*apprentice*] wilfully absented himself from the service of the plaintiff, and continues so to do.

(*Demand of judgment.*)

No. 65.

BY THE APPRENTICE AGAINST THE MASTER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant entered into an agreement with the plaintiff and his [father], *E. F.*, under their hands and seals, a copy of which is hereto annexed.

2. That after the making of the said agreement the plaintiff entered into the service of the defendant with him after the manner of an apprentice to serve for the term mentioned in the said agreement, and has always performed all things in the said agreement contained on his part to be performed.

3. That the defendant has not instructed the plaintiff in the business of [*or state any other breach, such as cruelty, failure to provide sufficient food, or other ill-treatment*].

[*Demand of judgment.*]

No. 66.

ON A BOND FOR THE FIDELITY OF A CLERK.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , plaintiff employed one *E. F.* as a clerk.

2. That on the day of 18 , at , the defendant agreed with the plaintiff, that if the said *E. F.* should not faithfully perform his duties as a clerk to the plaintiff, or should fail to account to the plaintiff for all moneys, evidences of debt, or other property received by him for the use of the plaintiff, the defendant would pay to the plaintiff whatever loss he might sustain by reason thereof, not exceeding rupees.

[*Or*, 2. That at the same time and place, the defendant bound himself to the plaintiff, by a writing under his hand, in the penal sum of rupees, conditioned that if the said *E. F.* should faithfully perform his duties as clerk and cashier to the plaintiff, and should justly account to the plaintiff for all moneys, evidences of debt, or other property which should be at any time held by him in trust for the plaintiff, the same should be void but not otherwise.]

[*Or*, 2. That at the same time and place, the defendant executed to the plaintiff a bond, a copy of which is hereto annexed.]

3. That between the day of 18 , and the day of 18 , the said *E. F.* received money and other property, amounting to the value of rupees, for the use of the plaintiff, for which he has not accounted to him, and the same still remains due and unpaid.

[*Demand of judgment.*]

No. 67.

BY TENANT AGAINST LANDLORD, WITH SPECIAL DAMAGE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant, by an instrument in writing, let to the plaintiff [the house No. , street], for the term of years, contracting with the plaintiff that he, the plaintiff, and his legal representatives should quietly enjoy possession thereof for the said term.

2. That all conditions were fulfilled and all things happened necessary to entitle the plaintiff to maintain this suit.

3. That on the day of during the said term, one *E. F.*, who was the lawful owner of the said house, lawfully evicted the plaintiff therefrom, and still withholds the possession thereof from him.

4. That the plaintiff was thereby [prevented from continuing the business of a tailor at the said place, was compelled to expend rupees in moving, and lost the custom of *G. H.* and *I. J.* by such removal].

[*Demand of judgment.*]

* The form given in Act XIX of 1850 requires the seal of the father or guardian.

THE FOURTH SCHEDULE—*continued.*

No. 68.

FOR BREACH OF WARRANTY OF MOVEABLES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

That on the day of 18 , at , the defendant warranted a steam-engine to be in good working order, and thereby induced the plaintiff to purchase the same of him, and to pay him rupees therefor.

2. That the said engine was not then in good working order, whereby the plaintiff incurred expense in having the said engine repaired, and lost the profits which could otherwise have accrued to him while the engine was under repair.

[*Demand of judgment.*]

No. 69.

ON AN AGREEMENT OF INDEMNITY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant, being partners in trade under the firm of *A. B.* & *C. D.*, dissolved the said partnership, and mutually agreed that the defendant should take and keep all the partnership-property, pay all debts of the firm, and indemnify the plaintiff against all claims that might be made upon him on account of any indebtedness of the said firm.

2. That the plaintiff duly performed all the conditions of the said agreement on his part.

3. That on the day of 18 , [a judgment was recovered against the plaintiff and defendant by one *E. F.*, in the High Court of Judicature at , upon a debt due from the said firm to the said *E. F.*, and on the day of 18 ,] the plaintiff paid rupees [in satisfaction of the same].

4. That the defendant has not paid the same to the plaintiff.

[*Demand of judgment.*]

No. 70.

BY SHIPOWNER AGAINST FREIGHTOR FOR NOT LOADING.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant entered into an agreement, a copy of which is hereto annexed.

[*Or*, 1. That on , at , the plaintiff and defendant agreed by charter-party that the defendant should deliver to the plaintiff's ship at on the day of 18 , five hundred tons of merchandise, which she should carry to , and there deliver, on payment of freight; and that the defendant should have days for loading, days for discharge, and days for demurrage, if required, at rupees per day.]

2. That at the time fixed by the said agreement the plaintiff was ready and willing, and offered, to receive [the said merchandise, *or*, the merchandise mentioned in the said agreement] from the defendant.

3. That the period allowed for loading and demurrage has elapsed, but the defendant has not delivered the said merchandise to the said vessel.

Wherefore, the plaintiff demands judgment for rupees for demurrage and rupees additional for compensation.

C.—PLAINTS FOR COMPENSATION UPON WRONGS.

No. 71.

FOR TRESPASS ON LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

That on the day of 18 , at , the defendant entered upon certain land of the plaintiff, known as [and depastured the same with cattle, trod down the grass, cut the timber, and otherwise injured the same].

[*Demand of judgment.*]

No. 72.

FOR TRESPASS IN ENTERING A DWELLING-HOUSE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant entered a dwelling-house of the plaintiff called , and made a noise and disturbance therein for a long time, and broke open the doors of the said dwelling-house, and removed, took and carried away the fixtures and goods of the plaintiff therein, and disposed of the same to the defendant's own use, and expelled the plaintiff and his family from the possession of the said dwelling-house, and kept them so expelled for a long time.

2. That the plaintiff was thereby prevented from carrying on his business, and incurred expense in procuring another dwelling-house for himself and family.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 73.

FOR TRESPASS ON MOVEABLES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant broke open ten barrels of rum belonging to the plaintiff, and emptied their contents into the street [*or*, seized and took the plaintiff's goods, that is to say, iron, rice and household furniture, *or as the case may be*, and carried away the same and disposed of them to his own use]:

or, seized and took the plaintiff's cows and bullocks, and impounded them and kept them impounded for a long time.

2. That the plaintiff was thereby deprived of the use of the cows and bullocks during that time, and incurred expense in feeding them and in getting them restored to him; and was also prevented from selling them at fair, as he otherwise would have done, and the said cows and bullocks are diminished in value to the plaintiff [*otherwise, state the injury according to the facts*].

[*Demand of judgment.*]

No. 74.

FOR THE CONVERSION OF MOVEABLE PROPERTY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , plaintiff was in possession of certain goods described in the schedule hereto annexed [*or*, of one thousand barrels of flour].

2. That on that day, at , the defendant converted the same to his own use, and wrongfully deprived the plaintiff of the use and possession of the same.

[*Demand of judgment.*]

The schedule.

No. 75.

AGAINST A WAREHOUSEMAN FOR REFUSAL TO DELIVER GOODS.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, in consideration of the payment to him of rupees [*or*, rupees per barrel, per month, &c.], agreed to keep in his godown [one hundred barrels of flour], and to deliver the same to the plaintiff on payment of the said sum.

2. That thereupon the plaintiff deposited with the defendant the said [hundred barrels of flour].

3. That on the day of 18 , the plaintiff requested the defendant to deliver the said goods, and tendered him rupees [*or* the full amount of storage due thereon], but the defendant refused to deliver the same.

4. That the plaintiff was thereby prevented from selling the said goods to *E. F.*, and the same are lost to the plaintiff.

[*Demand of judgment.*]

No. 76.

FOR PROCURING PROPERTY BY FRAUD.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [he, the defendant, was solvent, and worth rupees over all his liabilities].

2. That the plaintiff was thereby induced to sell [and deliver] to the defendant [dry goods] of the value of rupees.

3. That the said representations were false [*or, state the particular falsehoods*], and were then known by the defendant to be so.

4. That the defendant has not paid for the said goods. [*Or, if the goods were not delivered*, That the plaintiff, in preparing and shipping the said goods and procuring their restoration, expended rupees.]

[*Demand of judgment.*]

No. 77.

FOR FRAUDULENTLY PROCURING CREDIT TO BE GIVEN TO ANOTHER PERSON.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant represented to the plaintiff that one *E. F.* was solvent and in good credit, and worth rupees over all his liabilities [*or*, that *E. F.* then held a responsible situation and was in good circumstances, and might safely be trusted with goods on credit].

2. That the plaintiff was thereby induced to sell to the said *E. F.* [rice] of the value of rupees [on month's credit].

THE FOURTH SCHEDULE—*continued.*

3. That the said representations were false and were then known by the defendant to be so, and were made by him with intent to deceive and defraud the plaintiff [*or*, to deceive and injure the plaintiff].

4. That the said *E. F.* [did not pay for the said goods at the expiration of the credit aforesaid, *or*] has not paid for the said rice, and the plaintiff has wholly lost the same by reason of the premises.

[*Demand of judgment.*]

No. 78.

FOR POLLUTING THE WATER UNDER THE PLAINTIFF'S LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That he is, and at all the times hereinafter mentioned was, possessed of certain land called and situate in , and of a well therein, and of water in the said well, and was entitled to the use and benefit of the said well and of the said water therein, and to have certain springs and streams of water which flowed and ran into the said well to supply the same to flow or run without being fouled or polluted.

2. That on the day of 18 , the defendant wrongfully fouled and polluted the said well and the said water therein and the said springs and streams of water which flowed into the said well.

3. That by reason of the premises the said water in the said well became impure and unfit for domestic and other necessary purposes, and the plaintiff and his family are deprived of the use and benefit of the said well and water.

[*Demand of judgment.*]

No. 79.

FOR CARRYING ON A NOXIOUS MANUFACTURE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and at all the times hereinafter mentioned was, possessed of certain lands called situate in .

2. That ever since the day of 18 , the defendant has wrongfully caused to issue from certain smelting works carried on by the defendant large quantities of offensive and unwholesome smoke and other vapours and noxious matter, which spread themselves over and upon the said lands, and corrupted the air, and settled on the surface of the said lands.

3. That thereby the trees, hedges, herbage and crops of the plaintiff growing on the said lands were damaged and deteriorated in value, and the cattle and live stock of the plaintiff on the said lands became unhealthy, and divers of them were poisoned and died.

4. That by reason of the premises, the plaintiff was unable to depasture the said lands with cattle and sheep as he otherwise might have done, and was obliged to remove his cattle, sheep and farming stock therefrom, and has been prevented from having so beneficial and healthy a use and occupation of the said lands as he otherwise would have had.

[*Demand of judgment.*]

No. 80.

FOR OBSTRUCTING A WAY.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and at the time hereinafter mentioned was, possessed of [a house in the village of].

2. That he was entitled to a right of way from the said [house] over a certain field to a public highway and back again from the said highway over the said field to the said house, for himself and his servants [with vehicles, *or*, on foot] at all times of the year.

3. That on the day of 18 , defendant wrongfully obstructed the said way, so that the plaintiff could not pass [with vehicles, *or*, on foot, *or*, in any manner] along the said way [and has ever since wrongfully obstructed the same].

4. [*State special damage, if any.*]

[*Demand of judgment.*]

Another Form.

1. That the defendant wrongfully dug a trench and heaped up earth and stones in the public highway leading from to so as to obstruct it.

2. That thereby the plaintiff, while lawfully passing along the said highway, fell over the said earth and stones [*or*, into the said trench] and broke his arm, and suffered great pain, and was prevented from attending to his business for a long time, and incurred expense for medical attendance.

[*Demand of judgment.*]

No. 81.

FOR DIVERTING A WATER-COURSE.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and at the time hereinafter mentioned was, possessed of a mill situated on a [stream] known as the , in the village of , district of

THE FOURTH SCHEDULE—*continued.*

2. That by reason of such possession the plaintiff was entitled to the flow of the said stream for working the said mill.

3. That on the day of 18 , the defendant, by cutting the bank of the said stream, wrongfully diverted the water thereof, so that less water ran into the plaintiff's mill.

4. That by reason thereof, the plaintiff has been unable to grind more than sacks per day, whereas, before the said diversion of water, he was able to grind sacks per day.

[*Demand of judgment.*]

No. 82.

FOR OBSTRUCTING A RIGHT TO USE WATER FOR IRRIGATION.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and was at the time hereinafter mentioned, possessed of certain lands situate, &c. and entitled to take and use a portion of the water of a certain stream for irrigating the said lands.

2. That on the day of the defendant prevented the plaintiff from taking and using the said portion of the said water as aforesaid, by wrongfully obstructing and diverting the said stream.

[*Demand of judgment.*]

No. 83.

FOR WASTE BY A LESSEE.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , the defendant hired from him [the house No. street] for the term of .

2. That the defendant occupied the same under such hiring.

3. That during the period of such occupation, the defendant greatly injured the premises [defaced the walls, tore up the floors, and broke down the doors; *or otherwise specify the injuries as far as possible*].

The plaintiff prays judgment for rupees compensation.

No. 84.

FOR ASSAULT AND BATTERY.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

That on the day of 18 , at , the defendant assaulted and beat him .

The plaintiff prays judgment for rupees compensation.

No. 85.

FOR ASSAULT AND BATTERY, WITH SPECIAL DAMAGE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant assaulted and beat him until he became insensible.

2. That the plaintiff was thereby disabled from attending to his business for [six weeks thereafter], and was compelled to pay rupees for medical attendance, and has been ever since disabled [from using his right arm]. [*Or otherwise state the damage, as the case may be.*]

[*Demand of judgment.*]

No. 86.

FOR ASSAULT AND FALSE IMPRISONMENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant assaulted the plaintiff and imprisoned him for days [*or* hours]; [*state special damage, if any, thus*:—]

2. That by reason thereof the plaintiff suffered great pain of body and mind and was exposed and injured in his credit and circumstances, and was prevented from carrying on his business and from providing for his family by his personal care and attention, and incurred expense in obtaining his liberation from the said imprisonment [*or otherwise, as the case may be.*]

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 87.

FOR INJURIES CAUSED BY NEGLIGENCE ON A RAILROAD.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , the defendants were common carriers of passengers by railway between and

2. That on that day the plaintiff was a passenger in one of the carriages of the defendants on the said road.

3. That while he was such passenger, at [*or*, near the station of ; *or*, between the stations of and], a collision occurred on the said railway, caused by the negligence and unskilfulness of the defendant's servants, whereby the plaintiff was much injured [having his leg broken, his head cut, &c., *and state the special damage, if any, as*], and incurred expense for medical attendance, and is permanently disabled from carrying on his former business as [a salesman].

[*Demand of judgment.*]

[*Or thus* :— 2. That on that day the defendants by their servants so negligently and unskilfully drove and managed an engine and a train of carriages attached thereto upon and along the defendants' railway which the plaintiff was then lawfully crossing, that the said engine and train were driven and struck against the plaintiff, whereby, *&c., as in* § 3.]

No. 88.

FOR INJURIES CAUSED BY NEGLIGENT DRIVING.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is a shoemaker, carrying on business at
The defendant is a merchant of

2. On the [23rd May, 1875], the plaintiff was walking eastward along Chowringhee, in the City of Calcutta, at about 3 o'clock in the afternoon. He was obliged to cross Harrington Street, which is a street running into Chowringhee at right angles. While he was crossing this street, and just before he could reach the foot-pavement on the further side thereof, a carriage of the defendant's, drawn by two horses, under the charge and control of the defendant's servants, was negligently, suddenly and without any warning turned at a rapid and dangerous pace out of Harrington Street into Chowringhee. The pole of the carriage struck the plaintiff and knocked him down, and he was much trampled by the horses.

3. By the blow and fall and trampling the plaintiff's left arm was broken, and he was bruised and injured on the side and back, as well as internally, and in consequence thereof the plaintiff was for four months ill and in suffering, and unable to attend to his business, and incurred heavy medical and other expenses, and sustained great loss of business and profits.

The plaintiff claims rupees damages.

(*Title.*)

Written Statement of Defendant.

1. The defendant denies that the carriage mentioned in the plaint was the defendant's carriage, or that it was under the charge or control of the defendant's servants. The carriage belonged to [Messrs. *E.F.* and *G.H.*] of Street, Calcutta, livery stable-keepers, employed by the defendant to supply him with carriages and horses; and the person under whose charge and control the said carriage was, was the servant of the said [Messrs. *E. F.* and *G. H.*]

2. The defendant does not admit that the said carriage was turned out of Harrington Street either negligently, suddenly, or without warning, or at a rapid or dangerous pace.

3. The defendant says, that the plaintiff might and could, by the exercise of reasonable care and diligence, have seen the said carriage approaching him, and avoided any collision with it.

4. The defendant does not admit the statements of the third paragraph of the plaint.

No. 89.

FOR LIBEL; THE WORDS BEING LIBELLOUS IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant published in a newspaper, called the [*or*, in a letter addressed to *E. F.*], the following words concerning the plaintiff:—

[*Set forth the words used.*]

2. That the said publication was false and malicious.

[*Demand of judgment.*]

NOTE.—If the libel was in a language not the language of the Court, set out the libel *verbatim* in the foreign language in which it was published, and then proceed thus:—" Which said words, being translated into the language, have the meaning and effect following and were so understood by the persons to whom they were so published, that is to say [*here set out a literal translation of the libel in the language of the Court.*]

THE FOURTH SCHEDULE—*continued.*

No. 90.

FOR LIBEL; THE WORDS NOT BEING LIBELLOUS IN THEMSELVES.

(*Title.*)

A. B, the above-named plaintiff, states as follows:—

1. That the plaintiff [is, and] was, on and before the day of 18 , a merchant doing business in the city of .

2. That on the day of 18 , at , the defendant published in a newspaper, called the [*or*, in a letter addressed to *E. F.*, *or otherwise how published*], the following words concerning the plaintiff:—

["*A. B.* of this city has modestly retired to foreign lands. It is said that creditors to the amount of rupees are anxiously seeking his address."]

3. That the defendant meant thereby that [the plaintiff had absconded to avoid his creditors, and with intent to defraud them].

4. That the said publication was false and malicious.

[*Demand of judgment.*]

No. 91.

FOR SLANDER; THE WORDS BEING ACTIONABLE IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant falsely and maliciously spoke, in the hearing of *E. F.* [*or*, sundry persons], the following words concerning the plaintiff: ["He is a thief"].

2. That, in consequence of the said words, the plaintiff lost his situation as in the employ of

[*Demand of judgment.*]

No. 92.

FOR SLANDER; THE WORDS NOT BEING ACTIONABLE IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant falsely and maliciously said to one *E. F.* concerning the plaintiff: ["He is a young man of remarkably easy conscience."]

2. That the plaintiff was then seeking employment as a clerk, and the defendant meant, by the said words, that the plaintiff was not trustworthy as a clerk.

3. That in consequence of the said words [the said *E. F.* refused to employ the plaintiff as a clerk].

[*Demand of judgment.*]

No. 93.

FOR MALICIOUS PROSECUTION.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant obtained a warrant of arrest from [a magistrate of the said city, *or, as the case may be*] on a charge of , and the plaintiff was arrested thereon, and imprisoned for *or* hours, and gave bail in the sum of rupees to obtain his release].

2. That in so doing, the defendant acted maliciously and without reasonable or probable cause.

3. That on the day of 18 , the said magistrate dismissed the complaint of the defendant, and acquitted the plaintiff.

4. That many persons, whose names are unknown to the plaintiff, hearing of the said arrest, and supposing the plaintiff to be a criminal, have ceased to do business with him; *or*, that, in consequence of the said arrest, the plaintiff lost his situation as clerk to one *E. F.*, *or*, that by reason of the premises the plaintiff suffered pain of body and mind, and was prevented from transacting his business, and was injured in his credit, and incurred expense in obtaining his release from the said imprisonment and in defending himself against the said complaint.

[*Demand of judgment.*]

D.—PLAINTS IN SUITS FOR SPECIFIC PROPERTY.

No. 94.

BY THE ABSOLUTE OWNER FOR THE POSSESSION OF IMMOVEABLE PROPERTY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That *X. Y.* was the absolute owner [of the estate, *or*, the share of the estate, called , situate in the district of , the Government-revenue of which is rupees and the estimated value rupees, *or*, of the house No. street in the town of Calcutta, the estimated value of which is rupee].

THE FOURTH SCHEDULE—*continued.*

2. That on the day of 18 , *Z.* illegally dispossessed the said *X. Y.* of the said estate [*or* share *or* house].

3. That the said *X. Y.* has since died intestate, leaving the plaintiff, the said *A. B.*, his heir him surviving.

4. That the defendant withholds the possession of the estate [*or* share *or* house] from the plaintiff.

The plaintiff prays judgment:

(1) for the possession of the said premises;

(2) for rupees compensation for withholding the same.

Another Form.

A. B., the above-named plaintiff, states as follows:—

1. On the day of , the plaintiff, by an instrument in writing, let to the defendant a house and premises [No. 52, Russell Street, in the] for a term of five years from the day of , at the monthly rent of 300 rupees.

2. By the said instrument the defendant covenanted to keep the said house and premises in good and tenantable repair.

3. The said instrument also contained a clause of re-entry, entitling the plaintiff to re-enter upon the said house and premises, in case the rent thereby reserved, whether demanded or not, should be in arrear for twenty-one days, or in case the defendant should make default in the performance of any covenant upon his part to be performed.

4. On the day of 18 , a month's rent became due, and on the day of 18 , another month's rent became due; on the day of 18 , both had been in arrear for twenty-one days, and both are still due.

5. On the same day of 18 , the house and premises were not and are not now in good or tenantable repair, and it would require the expenditure of a large sum of money to reinstate the same in good and tenantable repair, and the plaintiff's reversion is much depreciated in value. The plaintiff claims

(1) possession of the said house and premises;

(2) rupees for arrears of rent;

(3) rupees compensation for the defendant's breach of his covenant to repair;

(4) rupees for the occupation of the house and premises from the day of 18 , to the day of recovering possession.

No. 95.

BY THE TENANT.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That one *E. F.* is the absolute owner of [a piece of land in the town of Calcutta bounded as follows:], the estimated value of which is rupees

2. That on the day of 18 , the said *E. F.* let the said premises to the plaintiff for years, from .

3. That the defendant withholds the possession thereof from the plaintiff.

[*Demand of judgment.*]

No. 96.

FOR MOVEABLE PROPERTY WRONGFULLY TAKEN.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , plaintiff owned [*or* was possessed of] one hundred barrels of flour, the estimated value of which is rupees.

2. That on that day, at , the defendant took the same.

The plaintiff prays judgment:

(1) for the possession of the said goods, or for rupees in case such possession cannot be had;

(2) for rupees compensation for the detention thereof.

No. 97.

FOR MOVEABLES WRONGFULLY DETAINED.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , plaintiff owned [*or, state facts showing a right to the possession*] the goods mentioned in the schedule hereto annexed [*or describe the goods*], the estimated value of which is rupees.

2. That from that day until the commencement of this suit, the defendant has detained the same from the plaintiff.

3. That before the commencement of this suit, to wit, on the day of 18 , the plaintiff demanded the same from the defendant, but he refused to deliver them.

The plaintiff prays judgment:

(1) for the possession of the said goods, or for rupees, in case such possession cannot be had;

(2) for rupees compensation for the detention thereof.

The schedule.

THE FOURTH SCHEDULE—*continued.*

No. 98.

AGAINST A FRAUDULENT PURCHASER AND HIS TRANSFEREE WITH NOTICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant [*C. D.*], for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [he was solvent, and worth rupees over all his liabilities].

2. That the plaintiff was thereby induced to sell and deliver to the said *C. D.* [one hundred boxes of tea], the estimated value of which is rupees.

3. That the said representations were false, and were then known by the said *C. D.* to be so. [*Or*, That at the time of making the said representations, the said *C. D.* was insolvent, and knew himself to be so.]

4. That the said *C. D.* afterwards transferred the said goods to the defendant *E. F.* without consideration [*or* who had notice of the falsity of the representation].

The plaintiff prays judgment:

(1) for the possession of the said goods, or for rupees, in case such possession cannot be had;

(2) for rupees compensation for the detention thereof.

E.—PLAINTS IN SUITS FOR SPECIAL RELIEF.

No. 99.

FOR RESCISSION OF A CONTRACT ON THE GROUND OF MISTAKE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , the defendant represented to the plaintiff that a certain piece of ground belonging to the defendant, situated at , contained [ten bighás].

2. That the plaintiff was thereby induced to purchase the same at the price of rupees in the belief that the said representation was true, and signed an instrument of agreement, of which a copy is hereto annexed. But no conveyance of the same has been executed to him.

3. That on the day of 18 , the plaintiff paid the defendant rupees as part of such purchase-money.

4. That the said piece of ground contained in fact only [five bighás].

The plaintiff prays judgment:

(1) for rupees, with interest from the day of 18

(2) that the said agreement of purchase be delivered up and cancelled.

No. 100.

FOR AN INJUNCTION RESTRAINING WASTE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff is the absolute owner of [*describe the property*].

2. That the defendant is in possession of the same under a lease from the plaintiff.

3. That the defendant has [cut down a number of valuable trees, and threatens to cut down many more for the purpose of sale] without the consent of the plaintiff.

The plaintiff prays judgment, that the defendant be restrained by injunction from committing or permitting any further waste on the said premises.

[*Pecuniary compensation might also be prayed.*]

No. 101.

FOR ABATEMENT OF A NUISANCE.

(*Title*).

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff is, and at all the times hereinafter mentioned was, the absolute owner of [the house No. , street, Calcutta].

2. That the defendant is, and at all the said times was, the absolute owner of [a plot of ground in the same street].

3. That on the day of 18 , the defendant erected upon his said plot a slaughter-house, and still maintains the same; and from that day until the present time has continually caused cattle to be brought and killed there [and has caused the blood and offal to be thrown into the street opposite the said house of the plaintiff].

4. That [the plaintiff has been compelled, by reason of the premises, to abandon the said house, and has been unable to rent the same].

The plaintiff prays judgment, that the said nuisance be abated.

No. 102.

FOR AN INJUNCTION AGAINST THE DIVERSION OF A WATER-COURSE.

(*Title*)

A. B., the above-named plaintiff, states as follows:—

As in Form No. 81.

The plaintiff prays judgment, that the defendant be restrained by injunction from diverting the water as aforesaid.

THE FOURTH SCHEDULE—*continued.*

No. 103.

FOR RESTORATION OF MOVEABLE PROPERTY, THREATENED WITH DESTRUCTION, AND FOR AN INJUNCTION.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff is, and at all times hereinafter mentioned was, the owner of [a portrait of his grandfather, which was executed by an eminent painter], and of which no duplicate exists [*or, state any facts showing that the property is of a kind that cannot be replaced by money*].

2. That on the day of 18 , he deposited the same for safe keeping with the defendant.

3. That on the day of 18 , he demanded the same from the defendant and offered to pay all reasonable charges for the storage of the same.

4. That the defendant refuses to deliver the same to the plaintiff and threatens to conceal, dispose of, cut or injure the same if required to deliver it up.

5. That no pecuniary compensation would be an adequate compensation to the plaintiff for the loss of the [painting];

The plaintiff prays judgment:

(1) that the defendant be restrained by injunction from disposing of, injuring or concealing the said [painting];

(2) that he return the same to the plaintiff.

No. 104.

INTERPLEADER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That before the date of the claims hereinafter mentioned, one *G. H.* deposited with the plaintiff [*describe the property*] for [safe keeping].

2. That the defendant, *C. D.*, claims the same [under an alleged assignment thereof to him from the said *G. H.*]

3. That the defendant, *E. F.*, also claims the same [under an order of the said *G. H.* transferring the same to him.]

4. That the plaintiff is ignorant of the respective rights of the defendants.

5. That he has no claim upon the said property, and is ready and willing to deliver it to such persons as the Court shall direct.

6. That this suit is not brought by collusion with either of the defendants.

The plaintiff prays judgment:

(1) that the defendants be restrained, by injunction, from taking any proceedings against the plaintiff in relation thereto;

(2) that they be required to interplead together concerning their claims to the said property;

[(3) that some person be authorized to receive the said property pending such litigation;]

(4) that upon delivering the same to such [person], the plaintiff be discharged from all liability to either of the defendants in relation thereto.

No. 105.

ADMINISTRATION BY CREDITOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. *E. F.*, late of , was, at the time of his death, and his estate still is, indebted to the plaintiff in the sum of [*here insert nature of debt and security, if any*].

2. The said *E. F.* made his will, dated the day of and thereof appointed *C. D.* executor [*or*, devised his estate in trust, &c., *or*, died intestate, *as the case may be*].

3. The said will was proved by the said *C. D.* [*or*, Letters of administration were granted, &c.]

4. The defendant has possessed himself of the moveable [and immoveable, *or*, the proceeds of the immoveable] property of the said *E. F.*, and has not paid the plaintiff his said debt.

5. The said *E. F.* died on or about the day of .

6. The plaintiff prays that an account may be taken of the moveable [and immoveable] property of the said *E. F.*, deceased, and that the same may be administered under the decree of the Court.

No. 106.

ADMINISTRATION BY SPECIFIC LEGATEE.

(*Title.*)

[*Alter Form No. 105 thus:—*]

[*Omit paragraph 1 and commence paragraph 2*] *E. F.*, late of , duly made his last will, dated the day of and thereof appointed *C. D.* executor, and by such will bequeathed to the plaintiff [*here state the specific legacy.*]

For paragraph 4 substitute—

The defendant is in possession of the moveable property of the said *E. F.*, and, amongst other things, of the said [*here name the subject of the specific bequest.*]

For the commencement of paragraph 6 substitute—

The plaintiff prays that the defendant may be ordered to deliver to him the said [*here name the subject of the specific bequest*] or that, *&c.*

THE FOURTH SCHEDULE—*continued.*

No. 107.

ADMINISTRATION BY PECUNIARY LEGATEE.

(*Title.*)

[*Alter Form No. 105 thus* :—]

Omitparag raph 1 and substitute for paragraph 2] *E. F.*, late of , duly made his last will, dated the day of , and thereof appointed *C. D.* executor, and by such will bequeathed to the plaintiff a legacy of rupees.

In paragraph 4, substitute "legacy" *for* "debt."

Another Form.

Between *E. F.* ... *Plaintiff*,
and
G H. ... *Defendant.*

E. F., the above-named plaintiff, states as follows :—

1. *A. B.* of *K* in the duly made his last will, dated the [first day of March, 1873], whereby he appointed the defendant and *M. N.* [who died in the testator's life-time] executors thereof, and bequeathed his property, whether moveable or immoveable, to his executors in trust, to pay the rents and income thereof to the plaintiff for his life; and after his decease, and in default of his having a son who should attain twenty-one, or a daughter who should attain that age or marry, upon trust as to his immoveable property for the person who would be the testator's heir-at-law, and as to his moveable property for the persons who would be the testator's next-of-kin if he had died intestate at the time of the death of the plaintiff, and such failure of his issue as aforesaid.

2. The testator died on the [first day of July, 1878], and his will was proved by the defendant on the [fourth day of October, 1878]. The plaintiff has not been married.

3. The testator was at his death entitled to moveable and immoveable property; the defendant entered into the receipt of the rents of the immoveable property and got in the moveable property; he has sold some part of the immoveable property.

The plaintiff claims—

(1) to have the moveable and immoveable property of *A. B.* administered in this Court, and for that purpose to have all proper directions given and accounts taken;

(2) such further or other relief as the nature of the case may require.

Between *E. F.* ... *Plaintiff.*
and
G. H. ... *Defendant.*

Written Statement of Defendant.

1. *A. B.*'s will contained a charge of debts; he died insolvent; he was entitled at his death to some immoveable property which the defendant sold, and which produced the nett sum of rupees , and the testator had some moveable property which the defendant got in, and which produced the nett sum of rupees.

2. The defendant applied the whole of the said sums and the sum of rupees which the defendant received from rents of the immoveable property in the payment of the funeral and testamentary expenses and some of the debts of the testator.

3. The defendant made up his accounts and sent a copy thereof to the plaintiff on the [tenth day of January, 1875], and offered the plaintiff free access to the vouchers to verify such accounts, but he declined to avail himself of the defendant's offer.

4. The defendant submits that the plaintiff ought to pay the costs of this suit.

No. 108.

EXECUTION OF TRUSTS.

IN THE COURT OF , AT .

Civil Suit, No. .

A. B. of ... *Plaintiff*,
against
C. D. of the beneficiary [*or*, one of the beneficiaries] ... *Defendant.*

A. B., the above-named plaintiff, states as follows :—

1. That he is one of the trustees under an instrument of settlement bearing date on or about the day of made upon the marriage of *E. F.* and *G. H.*, the father and mother of the defendant [*or*, an instrument of assignment of the estate and effects of *E. F.* for the benefit of *C. D.*, the defendant, and other the creditors of *E. F.*]

2. The said *A. B.* has taken upon himself the burden of the said trust, and is in possession of [*or*, of the proceeds of] the moveable and immoveable property conveyed [*or* assigned] by the before-mentioned deed.

3. The said *C. D.* claims to be entitled to a beneficial interest under the before-mentioned deed.

4. The plaintiff is desirous to account for all the rents and profits of the said immoveable property [and the proceeds of the sale of the said, *or* of part of the said, immoveable property, *or* moveable, *or* the proceeds of the sale of, *or* of part of, the said moveable, property, *or* the profits accruing to the plaintiff as such trustee in the execution of the said trust]; and he prays that the Court will take the accounts of the said trust, and also that the whole of the said trust-estate may be administered in the Court for the benefit of the said *C. D.*, the defendant, and all other persons who may be interested in such administration, in the presence of the said *C. D.* and such other persons so interested as the Court may direct, or that the said *C. D.* may show good cause to the contrary.

[*N. B.*—*Where the suit is by a beneficiary, the plaint may be modelled,* mutatis mutandis, *on the plaint by a legatee.*]

No. 109.

FORECLOSURE OR SALE.

(*Title*).

A. B., the above-named plaintiff, states as follows :—

1. By a mortgage-deed dated the day of 18 , a house with the garden and appurtenances, situated within the jurisdiction of this Court, were conveyed by the defendant to him

THE FOURTH SCHEDULE—*continued.*

the plaintiff, his heirs [*or* executors, administrators,] and assigns, for securing the principal sum of Rs. together with interest thereon at the rate of Rs. per centum per annum, subject to redemption upon payment by the said defendant of the said principal and interest at a day long since past.

2. There is now due from the defendant to the plaintiff the sum of Rs. for principal and interest on the said mortgage.

3. The plaintiff prays (*a*) that the Court will order the defendant to pay him the said sum of Rs. with such further interest as may accrue between the filing of the plaint and the day of payment, and also the costs of this suit, on some day to be named by the Court, and in default that the right to redeem the said mortgaged premises may be foreclosed and the plaintiff placed in possession of the same premises; or (*b*) that the said premises may be sold, and the proceeds applied in and towards the payment of the amount of the said principal, interest and costs; and (*c*) that if such proceeds shall not be sufficient for the payment in full of such amount, the defendant do pay to the plaintiff the amount of the deficiency with interest thereon at the rate of six per cent. per annum until realization; and (*d*) that for that purpose all proper directions may be given and accounts taken by the Court.

No. 110.

REDEMPTION.

Title.

[*Alter Form No. 109 thus:—*]

Transpose parties and also the facts in paragraph 1.

For paragraph 2, substitute—

2. There is now due from the plaintiff to the defendant, for principal and interest on the said mortgage, the sum of Rs. which the plaintiff is ready and willing to pay to the defendant, of which the defendant, before filing this plaint, had notice.

For paragraph 3, substitute—

The plaintiff prays that he may redeem the said premises and that the defendant may be ordered to re-convey the same to him upon payment of the said sum of Rs. and interest, with such costs (if any), as the Court may order, upon a day to be named by the Court, and that the Court will give all proper directions for the preparation and execution of such re-conveyance and doing such other acts as may be necessary to put him into possession of the said premises, freed from the said mortgage.

No. 111.

SPECIFIC PERFORMANCE. (No. 1).

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. By an agreement dated the day of and signed by the above-named defendant, *C. D.*, he the said *C. D.* contracted to buy of [*or* sell to] him certain immoveable property therein described and referred to, for the sum of rupees.

2. He has applied to the said *C. D.* specifically to perform the said agreement on his part, but he has not done so.

3. The said *A. B.* has been and still is ready and willing specifically to perform the agreement on his part of which the said *C. D.* has had notice.

4. The plaintiff prays that the Court will order the said *C. D.* specifically to perform the said agreement and to do all acts necessary to put the said *A. B.* in full possession of the said property [*or* to accept a conveyance and possession of the said property] and to pay the costs of the suit.

[*N.B.—In suit for delivery up, to be cancelled, of any agreement, omit paragraphs 2 and 3, and substitute a paragraph stating generally the grounds for requiring the agreement to be delivered up to be cancelled—such as that the plaintiff signed it by mistake, under duress, or by the fraud of the defendant —and alter the prayer according to the relief sought.*]

No. 112.

SPECIFIC PERFORMANCE. (No. 2.)

(*Title*).

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , the defendant was absolutely entitled to certain immoveable property described in the agreement hereto annexed.

2. That on the same day, the plaintiff and defendant entered into an agreement, under their hands, a copy of which is hereto annexed.

3. That on the day of 18 , the plaintiff tendered rupees to the defendant, and demanded a conveyance of the said property.

4. That on the day of 18 , the plaintiff again demanded such conveyance. [*Or*, That the defendant refused to convey the same to the plaintiff.]

5. That the defendant has not executed such conveyance.

6. That the plaintiff is still ready and willing to pay the purchase-money of the said property to the defendant.

The plaintiff prays judgment:

(1) that the defendant execute to the plaintiff a sufficient conveyance of the said property [*following the terms of the agreement*];

(2) for rupees compensation for withholding the same.

No. 113.

PARTNERSHIP.

(*Title*).

A. B., the above-named plaintiff, states as follows:—

1. He and the said *C. D.*, the defendant, have been for the space of years [*or* months] last past carrying on business together at within the jurisdiction of this Court, under cer-

THE FOURTH SCHEDULE—*continued.*

tain articles of partnership in writing, signed by them respectively, [*or*, under a certain deed sealed and executed by them respectively, *or*, under a verbal agreement between them, the said plaintiff and defendant].

2. Divers disputes and differences have arisen between the plaintiff and defendant as such partners, whereby it has become impossible to carry on the said business in partnership with advantage to the partners.

3. The plaintiff desires to have the said partnership dissolved, and he is ready and willing to bear his share of the debts and obligations of the partnership according to the terms of the said articles [*or* deed, *or* agreement].

4. The plaintiff prays the Court to decree a dissolution of the said partnership, and that the accounts of the said partnership-trading may be taken by the Court, and the assets thereof realized, and that each party may be ordered to pay into Court any balance due from him upon such partnership-account, and that the debts and liabilities of the said partnership may be paid and discharged, and that the costs of the suit may be paid, out of the partnership-assets, and that any balance remaining of such assets, after such payment and discharge, and the payment of the said costs, may be divided between the plaintiff and defendant, according to the terms of the said articles [*or* deed, *or* agreement], or that, if the said assets shall prove insufficient, he the plaintiff and the said defendant may be ordered to contribute in such proportions as shall be just to a fund to be raised for the payment and discharge of such debts, liabilities and costs. And to give such other relief as the Court shall think fit.

This plaint was filed by of , pleader for the plaintiff, [*or* by].

[*N. B.—In suits for winding-up of any partnership, omit the prayer for dissolution: but instead thereof insert a paragraph stating the fact of the partnership having been dissolved.*]

No. 114.

FORMS OF CONCISE STATEMENTS.

[Code of Civil Procedure, section 58.]

The plaintiff's claim is rs. for money lent [and interest].	Money lent.
The plaintiff's claim is rs., whereof rs. is for the price of goods sold, and for money lent, and rs. for interest.	Several demands.
The plaintiff's claim is rs. for arrears of rent.	Rent.
The plaintiff's claim is rs. for arrears of salary as a clerk [*or, as the case may be*].	Salary, &c.
The plaintiff's claim is rs. for interest upon money lent.	Interest.
The plaintiff's claim is rs. for a general average contribution.	General average.
The plaintiff's claim is rs. for freight and demurrage.	Freight, &c.
The plaintiff's claim is rs. for money deposited with the defendant as a banker.	Banker's balance.
The plaintiff's claim is rs. for fees for work done [and rs. money expended] as a pleader.	Fees, &c., as pleader.
The plaintiff's claim is rs. for commission earned as [*state character—as* auctioneer, cotton-broker, &c].	Commission.
The plaintiff's claim is rs. for medical attendances.	Medical attendance.
The plaintiff's claim is rs. for a return of premiums paid upon policies of insurance.	Return of premium.
The plaintiff's claim is rs. for the warehousing of goods.	Warehouse-rent.
The plaintiff's claim is rs. for the carriage of goods by railway.	Carriage of goods.
The plaintiff's claim is rs. for the use and occupation of a house.	Use and occupation of house.
The plaintiff's claim is rs. for the hire of [furniture].	Hire of goods.
The plaintiff's claim is rs. for work done as a [surveyor].	Work done.
The plaintiff's claim is rs. for board and lodging.	Board and lodging
The plaintiff's claim is rs. for the [board, lodging and] tuition of *X. Y.*	Schooling.
The plaintiff's claim is rs. for money received by the defendant as pleader [*or* factor, *or* collector, *or &c.*] of the plaintiff.	Money received.
The plaintiff's claim is rs. for fees received by the defendant under colour of the office of .	Fees of office.
The plaintiff's claim is rs. for a return of money overcharged for the carriage of goods by railway.	Money overpaid.
The plaintiff's claim is rs. for a return of fees overcharged by the defendant as .	Return of money by stake-holder.
The plaintiff's claim is rs. for a return of money deposited with the defendant as stake-holder.	Money won from stake-holder.
The plaintiff's claim is rs. for money entrusted to the defendant as stake-holder, and become payable to plaintiff.	Money entrusted to agent.
The plaintiff's claim is rs. for a return of money entrusted to the defendant as agent of the plaintiff.	Money obtained by fraud.
The plaintiff's claim is rs. for a return of money obtained from the plaintiff by fraud.	Money paid by mistake.
The plaintiff's claim is rs. for a return of money paid to the defendant by mistake.	Money paid for consideration which has failed.
The plaintiff's claim is rs. for a return of money paid to the defendant for [work to be done, *or*, work left undone; *or*, a bill to be taken up, *or*, a bill not taken up; *or, &c.*]	
The plaintiff's claim is rs. for a return of money paid as a deposit upon shares to be allotted.	Money paid by surety for defendant.
The plaintiff's claim is rs. for money paid for the defendant as his surety.	Rent paid.
The plaintiff's claim is rs. for money paid for rent due by the defendant.	Money paid on accommodation-bill.
The plaintiff's claim is rs. upon a bill of exchange accepted [*or* indorsed] for the defendant's accommodation.	Contribution by surety.
The plaintiff's claim is rs. for a contribution in respect of money paid by the plaintiff as surety.	By co-debtor.
The plaintiff's claim is rs. for a contribution in respect of a joint debt of the plaintiff and the defendant, paid by the plaintiff.	Money paid for calls.
The plaintiff's claim is rs. for money paid for calls upon shares, against which the defendant was bound to indemnify the plaintiff.	

THE FOURTH SCHEDULE—*continued.*

Money payable under award. The plaintiff's claim is rs. for money payable under an award.

Life-policy. The plaintiff's claim is rs. upon a policy of insurance upon the life of *X. Y.*, deceased.

Money-bond. The plaintiff's claim is rs. upon a bond to secure payment of rs. and interest.

Foreign judgment. The plaintiff's claim is rs. upon a judgment of the Court in [the Empire of Russia].

Bills of exchange, &c. The plaintiff's claim is rs. upon a cheque drawn by the defendant.

The plaintiff's claim is rs. upon a bill of exchange accepted [*or* drawn, *or* indorsed] by the defendant.

The plaintiff's claim is rs. upon a promissory note made [*or* indorsed] by the defendant.

The plaintiff's claim is rs. against the defendant, *A. B.*, as acceptor, and against the defendant, *C. D.*, as drawer [*or* indorser] of a bill of exchange.

Surety. The plaintiff's claim is rs. against the defendant as surety for the price of goods sold.

The plaintiff's claim is rs. against the defendant, *A. B.*, as principal, and against the defendant, *C. D.*, as surety, for the price of goods sold [*or* for arrears of rent, *or* for money lent, *or* for money received by the defendant, *A. B.*, as traveller for the plaintiff, *or*, *&c.*]

Calls. The plaintiff's claim is rs. for calls upon shares.

Indorsement for Costs, &c.

[*Add to the above forms*] and rs. for costs; and if the amount claimed be paid to the plaintiff or his pleader within days [*or if the summons is to be served out of the jurisdiction, insert the time for appearance limited by the order*] from the service hereof, further proceedings will be stayed.

Damages and other Claims.

Agent, &c. The plaintiff's claim is for damages for breach of a contract to employ the plaintiff as traveller.

The plaintiff's claim is for damages for wrongful dismissal from the defendant's employment as traveller [and rs. for arrears of wages].

The plaintiff's claim is for damages for the defendant's wrongfully quitting the plaintiff's employment as manager.

The plaintiff's claim is for damages for breach of duty as factor [*or*, *&c.*,] of the plaintiff [and rs. for money received as factor, *or*, *&c.*]

Apprentices. The plaintiff's claim is for damages for breach of the terms of a deed of apprenticeship of *X. Y.* to the defendant [*or* plaintiff].

Arbitration. The plaintiff's claim is for damages for non-compliance with the award of *X. Y.*

Assault. The plaintiff's claim is for damages for assault [and false imprisonment, and for malicious prosecution].

By husband and wife. The plaintiff's claim is for damages for assault and false imprisonment of the plaintiff, *C. D.*

Against husband and wife. The plaintiff's claim is for damages for assault by the defendant, *C. D.*

Pleader. The plaintiff's claim is for damages for injury by the defendant's negligence as pleader of the plaintiff

Bailment. The plaintiff's claim is for damages for negligence in the custody of goods [and for wrongfully detaining the same].

Pledge. The plaintiff's claim is for damages for negligence in the keeping of goods pawned [and for wrongfully detaining the same].

Hire. The plaintiff's claim is for damages for negligence in the custody of furniture [*or*, a carriage] lent on hire, [and for wrongfullly, *&c.*].

Banker. The plaintiff's claim is for damages for wrongfully neglecting [*or* refusing] to pay the plaintiff's cheque.

Bill. The plaintiff's claim is for damages for breach of a contract to accept the plaintiff's drafts.

Bond. The plaintiff's claim is upon a bond conditioned not to carry on the trade of a .

Carrier. The plaintiff's claim is for damages for refusing to carry the plaintiff's goods by railway.

The plaintiff's claim is for damages for refusing to carry the plaintiff by railway.

The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of coals by railway.

The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of machinery by sea.

Charter-party. The plaintiff's claim is for damages for breach of charter-party of ship [*Mary*].

Claim for return of goods; damages. The plaintiff's claim is for return of household furniture, [*or*, *&c.*,] or their value, and for damages for detaining the same.

Damages for depriving goods. The plaintiff's claim is for wrongfully depriving plaintiff of goods, household furniture, &c.

Defamation. The plaintiff's claim is for damages for libel.

The plaintiff's claim is for damages for slander.

Wrongful distress. The plaintiff's claim is for damages for improperly distraining.

[*This Form shall be sufficient whether the distress complained of be wrongful or excessive, or irregular.*]

Ejectment. The plaintiff's claim is to recover possession of a house, No. in Street, or of a farm called Blackacre, situate in the of in the of .

To establish title and recover rents. The plaintiff's claim is to establish his title to [*here describe property*] and to recover the rents thereof.

[*The two previous Forms may be combined.*]

Fishery. The plaintiff's claim is for damages for infringement of the plaintiff's right of fishing.

Fraud. The plaintiff's claim is for damages for fraudulent misrepresentation on the sale of a horse [*or* a business, *or* shares, *or*, *&c.*].

The plaintiff's claim is for damages for fraudulent misrepresentation of the credit of *A. B.*

Guarantee. The plaintiff's claim is for damages for breach of a contract of guarantee for *A. B.*

The plaintiff's claim is for damages for breach of a contract to indemnify the plaintiff as the defendant's agent to distrain.

Insurance. The plaintiff's claim is for a loss under a policy upon the ship [*Royal Charter*], and freight of cargo [*or* for return of premiums].

[*This Form shall be sufficient whether the loss claimed be total or partial.*]

Fire-insurance. The plaintiff's claim is for a loss under a policy of fire-insurance upon house and furniture.

The plaintiff's claim is for damages for breach of a contract to insure a house.

Landlord and tenant. The plaintiff's claim is for damages for breach of a contract to keep a house in repair.

THE FOURTH SCHEDULE—*continued.*

The plaintiff's claim is for damages for breaches of covenants contained in a lease of a farm. **Landlord and tenant.**

The plaintiff's claim is for damages for injury to the plaintiff from the defendant's negligence as a medical man. **Medical man.**

The plaintiff's claim is for damages for injury by the defendant's dog. **Mischievous animal.**

The plaintiff's claim is for damages for injury to the plaintiff by the negligent driving of the defendant or his servants. **Negligence.**

The plaintiff's claim is for damages for injury to the plaintiff while a passenger on the defendant's railway by the negligence of the defendant's servants.

The plaintiff's claim is for damages for injury to the plaintiff at the defendant's railway-station from the defective condition of the station.

The plaintiff's claim is as executor of *A. B.*, deceased, for damages for the death of the said *A. B.*, from injuries received while a passenger on the defendant's railway, by the negligence of the defendant's servants. **Act XIII of 1855.**

The plaintiff's claim is for damages for breach of promise of marriage. **Promise of marriage.**

The plaintiff's claim is for damages for breach of contract to accept and pay for goods. **Sale of goods.**

The plaintiff's claim is for damages for non-delivery [*or* short delivery, *or* defective quality, *or other breach of contract of sale*] of cotton [*or, &c.*].

The plaintiff's claim is for damages for breach of warranty of a horse.

The plaintiff's claim is for damages for breach of a contract to sell [*or* purchase] land. **Sale of land.**

The plaintiff's claim is for damages for breach of a contract to let [*or* take] a house.

The plaintiff's claim is for damages for breach of a contract to sell [*or* purchase] the lease, with good-will, fixtures, and stock-in-trade of a public-house.

The plaintiff's claim is for damages for breach of covenant for title [*or* for quiet enjoyment, *or, &c.*] in a conveyance of land.

The plaintiff's claim is for damages for wrongfully entering the plaintiff's land and drawing water from his well [*or* cutting his grass, *or* felling his timber, *or* pulling down his fences, *or* removing his gate, *or* using his road or path, *or* crossing his field, *or* depositing sand there, or carrying away gravel from thence, *or* carrying away stones from his river]. **Trespass on land.**

The plaintiff's claim is for damages for wrongfully taking away the support of plaintiff's land [*or* house, *or* mine]. **Support.**

The plaintiff's claim is for damages for wrongfully obstructing a way [public highway, *or* private way]. **Way.**

The plaintiff's claim is for damages for wrongfully diverting [*or* obstructing, *or* polluting, *or* diverting water from] a water-course. **Water-course, &c.**

The plaintiff's claim is for damages for wrongfully discharging water upon the plaintiff's land [*or* into the plaintiff's mine].

The plaintiff's claim is for damages for wrongfully obstructing the plaintiff's use of a well.

The plaintiff's claim is for damages for the infringement of the plaintiff's right of pasture. **Pasture.**

[*This Form shall be sufficient whatever the nature of the right to pasture be.*]

The plaintiff's claim is for damages for obstructing the access of light to plaintiff's house. **Light.**

The plaintiff's claim is for damages for the infringement of the plaintiff's patent. **Patent.**

The plaintiff's claim is for damages for the infringement of the plaintiff's copyright. **Copyright.**

The plaintiff's claim is for damages for wrongfully using [*or* imitating] the plaintiff's trademark. **Trademark.**

The plaintiff's claim is for damages for breach of a contract to build a ship [*or* to repair a house, *&c.*]. **Work.**

The plaintiff's claim is for damages for breach of a contract to employ the plaintiff to build a ship, &c.

The plaintiff's claim is for damages to his house, trees, crops, &c., caused by noxious vapours from the defendant's factory [*or*, &c.] **Nuisance.**

The plaintiff's claim is for damages from nuisance by noise from the defendant's works [*or* stables, *or, &c.*]

[*Add to indorsement*]:—and for an injunction **Injunction.**

[*Add to indorsement where claim is to land, or to establish title, or both*]:—

and for mesne profits. **Mesne profits.**

and for an account of rents or arrears of rent. **Arrears of rent.**

and for breach of covenant for [repairs]. **Breach of covenant.**

1. *Creditor to administer Estate.*

The plaintiff's claim is as a creditor of *X. Y.*, of , deceased, to have the moveable and immoveable property of the said *X. Y.* administered. The defendant, *C. D.*, is sued as the administrator of the said *X. Y.* [and the defendants, *E. F.* and *G. H.*, as his co-heirs at law].

2. *Legatee to administer Estate.*

The plaintiff's claim is as a legatee under the will dated the day of 18 , of *X. Y.*, deceased, to have the moveable and immoveable property of the said *X. Y.* administered. The defendant, *C. D.*, is sued as the executor of the said *X. Y.* [and the defendants *E. F.* and *G. H.*, as his devisees].

3. *Partnership.*

The plaintiff's claim is to have an account taken of the partnership-dealings between the plaintiff and defendant [under articles of partnership dated the day of], and to have the affairs of the partnership wound up.

4. *By Mortgagee.*

The plaintiff's claim is to have an account taken of what is due to him for principal, interest and costs on a mortgage dated the day of , made between [*parties*] [*or*, by deposit of title-deeds], and that the mortgage may be enforced by foreclosure or sale.

5. *By Mortgagor.*

The plaintiff's claim is to have an account taken of what, if anything, is due on a mortgage dated and made between [*parties*], and to redeem the property comprised therein.

6. *Raising Portions.*

The plaintiff's claim is that the sum of rs. which by a deed of settlement dated was provided for the portions of the younger children of may be raised.

7. *Execution of Trusts.*

The plaintiff's claim is to have the trusts of an indenture dated and made between [*parties*] carried into execution.

THE FOURTH SCHEDULE—*continued.*

8. Cancellation or Rectification.

The plaintiff's claim is to have a deed dated and made between [*parties*] set aside or rectified.

9. Specific Performance.

The plaintiff's claim is for specific performance of an agreement dated the day of for the sale by the plaintiff to the defendant of certain [freehold] hereditaments at .

No. 115.

PROBATE.

1. *By an executor or legatee propounding a will in solemn form.*

The plaintiff claims to be executor of the last will dated the day of of *C. D.*, late of , deceased, who died on the day of , and to have the said will established. This summons is issued against you as one of the next-of-kin of the said deceased [*or, as the case may be*].

2. *By an executor or legatee of a former will, or a next-of-kin, &c., of the deceased, seeking to obtain the revocation of a probate granted in common form.*

The plaintiff claims to be executor of the last will dated the day of of *C. D.*, late of , deceased, who died on the day of and to have the probate of a pretended will of the said deceased, dated the day of revoked. This summons is issued against you as the executor of the said pretended will [*or, as the case may be*].

3. *By an executor or legatee of a will when letters of administration have been granted as in an intestacy.*

The plaintiff claims to be executor of the last will of *C. D.*, late of , deceased, who died on the day of , dated the day of .

The plaintiff claims that the grant of letters of administration of the estate of the said deceased obtained by you should be revoked, and probate of the said will granted to him.

4. *By a person claiming a grant of administration as a next-of-kin of the deceased, but whose interest as next-of-kin is disputed.*

The plaintiff claims to be the brother and sole next-of-kin of *C.D.*, of , deceased, who died on the day of , intestate, and to have as such a grant of administration to the personal estate of the said intestate. This writ is issued against you because you have entered a caveat, and have alleged that you are the sole next-of-kin of the deceased [*or, as the case may be*].

THE FOURTH SCHEDULE—*continued.*

F.—MISCELLANEOUS.

No. 116.

Section 58 of the Code of Civil Procedure.

COURT of the of holden at

REGISTER OF CIVIL SUITS in the year 18 .

Date of presentation of plaint.	No. of Suit.	Plaintiff.			Defendant.			Claim.			Appearance.			Judgment.			Appeal.		Execution.					Return of Execution.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Particulars.	Amount or value.	When the Cause of Action accrued.	Day for parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or amount.	Date of appeal.	Judgment in Appeal.	Date of Application.	Date of Order.	Against whom.	For what, and amount if money.	Amount of costs.	Amount paid into Court.	Arrested.	Minute of other Return than Payment or Arrest, and date of every Return.

THE FOURTH SCHEDULE—*continued.*

No. 117.

SUMMONS FOR DISPOSAL OF SUIT.

Sections 64 and 68 of the Code of Civil Procedure.

(*Title.*)

To

dwelling at

NOTICE—1. Should you apprehend your witnesses will not attend of their own accord, you can have summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call upon the witness to produce, on applying to the Court at any time before the trial, on your depositing their necessary subsistence-money.

2. If you admit the demand, you should pay the money into Court with the costs of the suit, to avoid the summary execution of the decree, which may be against your person or property, or both, if necessary.

WHEREAS has instituted a suit against you for you are hereby summoned to appear in this Court in person or by a duly authorized pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions on the day of 18 , at o'clock in the forenoon, to answer the above-named plaintiff; and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce all your witnesses on that day; and you are hereby required to take notice that, in default of your appearance on the day before-mentioned, the suit will be heard and determined in your absence; and you will bring with you, or send by your pleader , which the plaintiff desires to inspect, and any documents on which you intend to rely in support of your defence.

GIVEN under my hand and the seal of the Court this day of 18 .

L. S.

Judge.

NOTE.—*If written statements are required, say*—You are [*or* such a party is, *as the case may be*] required to put in a written statement by the day of .

No. 118.

SUMMONS FOR SETTLEMENT OF ISSUES.

Sections 64 and 68 of the Code of Civil Procedure.

(*Title.*)

To

dwelling at

NOTICE.—1. Should you apprehend your witnesses will not attend of their own accord, you can have summonses from this Court to compel the attendance of any witness, and the production of any document that you have a right to call on the witness to produce, on applying to the Court at any time before the trial, on your depositing their necessary subsistence-money.

2. If you admit the demand, you should pay the money into Court with the costs of the suit, to avoid the summary execution of the decree, which may be against your person or property, or both, if necessary.

WHEREAS has instituted a suit against you for you are hereby summoned to appear in this Court in person or by a duly authorized pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions, on the day of 18 , at o'clock in the forenoon, to answer the above-named plaintiff; and you are hereby required to take notice that, in default of your appearance on the day before mentioned, the issues will be settled in your absence; and you will bring with you, or send by your pleader , which the plaintiff desires to inspect, and any document on which you intend to rely in support of your defence.

GIVEN under my hand and the seal of the Court this day of 18 .

L. S.

Judge.

NOTE.—*If written statements are required, say*—You are [*or* such a party is, *as the case may be*] required to put in a written statement by the day of .

No. 119.

SUMMONS TO APPEAR.

Section 68 of the Code of Civil Procedure.

No. of Suit.

IN THE COURT OF AT

Plaintiff.
Defendant.

To

(*Name, description and address.*)

WHEREAS [*here enter the name, description and address of the plaintiff*] has instituted a suit in this Court against you [*here state the particulars of the claim as in the register*]: you are hereby summoned to appear in this Court in person on the day of at in the forenoon [*If not specially required to appear in person, state*—"in person or by a pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able

THE FOURTH SCHEDULE—*continued.*

to answer all such questions "] to answer the above-named plaintiff. [*If the summons be for the final disposal of the suit, this further direction shall be added here;* "and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce all your witnesses on that day"]; and you are hereby required to take notice that, in default of your appearance on the day before-mentioned, the suit will be heard and determined in your absence; and you will bring with you (or send by your agent) [*here mention any document the production of which may be required by the plaintiff*], which the plaintiff desires to inspect, and any document on which you intend to rely in support of your defence.

GIVEN under my hand and the seal of the Court this day of 18 .

L. S.

Judge.

No. 120.

ORDER FOR TRANSMISSION OF SUMMONS FOR SERVICE IN THE JURISDICTION OF ANOTHER COURT.

Section 85 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

The day of 18 .

WHEREAS it is stated in the plaint that , the defendant in the above suit is at present residing in , but that the right to sue accrued within the jurisdiction of this Court: it is ordered that a summons returnable on the day of 18 be forwarded for service on the said defendant, to the Court of with a duplicate of this proceeding.

L. S.

Judge.

No. 121.

TO ACCOMPANY RETURN OF SUMMONS OF ANOTHER COURT.

Section 85 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .

The day of 18

A. B. of

against

C. D. of

Read proceeding from the forwarding for service on in civil No. of that Court.

Read bailiff's endorsement on the back of the process stating that the and proof of the above having been duly taken by me on the [oath *or*] affirmation of and it is ordered that the be returned to the with a copy of this proceeding.

L. S.

Judge.

NOTE.—This form will be applicable to process other than summons, the service of which may have to be effected in the same manner

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No. 122.

DEFENDANT'S STATEMENT.

Section 110 of the Code of Civil Procedure.

(*Title.*)

I, the undersigned defendant [*or* one of the defendants], disclaim all interest under the will of the said *E. F.* in the plaint, named [*or*, as heir-at-law, *or*, as next-of-kin, *or* one of the next-of-kin, of *E. F.*, deceased, in the said plaint named].

Or, I, the undersigned defendant, state that I admit [*or* deny] [*here repeat in the language of the plaint the statements admitted or denied*].

Or, I, the undersigned defendant, submit that, upon the facts stated in the plaint, it does not appear that there is any agreement which can be legally enforced [*or*, that it appears upon the said plaint that I am jointly liable with one *E. F.*, who is not a party to the suit, and not severally liable as by the plaint appears, *or*, that it appears by the said plaint that *G. H.* should have been a joint-plaintiff with the said *A. B.* in the said suit, *or, as the case may be*].

THE FOURTH SCHEDULE—*continued.*

Or, that the plaintiff has conveyed his interest in the said mortgage [*or* right to redeem] to one *I. J.* [*or*, that I have conveyed or assigned to *H. L.* by way of further charge for securing the sum of Rs. , the right to redeem in the property sought by the suit to be foreclosed].

Or, that since the dissolution of the partnership the plaintiff has executed an instrument, whereby the plaintiff covenants to discharge all debts and liabilities of the partnership, and generally to release me from all claims and liabilities either by or to himself and others in respect of the said partnership-trading [*or, as the case may be*].

(*Signed*) *C. D.*,
Defendant.

No. 123.

INTERROGATORIES.

Section 121 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A.B.

against

C. D., E. F. and *G. H.*

Interrogatories on behalf of the above-named *A. B.* [*or C. D.*] for the examination of the above-named [*E. F.* and *G. H., or A. B.*]

1. Did not, &c.
2. Has not, &c.

The defendant *E. F.* is required to answer the interrogatories numbered
The defendant *G. H.* is required to answer the interrogatories numbered

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No. 124.

FORM OF NOTICE TO PRODUCE DOCUMENTS.

Section 131 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .

A. B.

against

C. D.

Take notice that the plaintiff [*or* defendant] requires you to produce for his inspection the following documents referred to in your plaint [*or* written statement, *or* affidavit], dated the day of 18 .

Describe documents required.

X. Y., Pleader for the plaintiff [*or* the defendant].

To *Z.*,
Pleader for the defendant [*or* plaintiff].

No. 125.

SUMMONS TO ATTEND AND GIVE EVIDENCE.

Sections 159 and 163 of the Code of Civil Procedure.

(Title.)

To

WHEREAS your attendance is required to on behalf of the in the above cause, you are hereby required [personally to appear before this Court] on the day of 18 , at the hour of A.M. [and] to bring with you or to send to this Court .

A sum of Rs. , being your travelling and other expenses and subsistence-allowance for one day, is herewith sent. If you do not comply with this order, you will be subject to the consequence of non-attendance laid down in the Code of Civil Procedure, section 170.

Notice—(1). If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

(2). If you are to be detained beyond the day aforesaid, a sum of Rs. will be tendered to you for each day's attendance beyond the day specified.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 126.

Another Form.

No. of Suit.

IN THE COURT OF AT

Plaintiff.
Defendant.

To

[*Name, description and address.*]

YOU are hereby summoned to appear in this Court in person on the day of at , in the forenoon, to give evidence on behalf of the plaintiff [*or* the defendant] in the

THE FOURTH SCHEDULE—*continued.*

above-mentioned suit, and to produce [*here describe with convenient certainty any document the production of which may be required. If the summons be only to give evidence, or if it be only to produce a document, it must be expressed accordingly*], and you are not to depart thence until you have been examined [*or* have produced the document] and the Court has risen, or unless you have obtained the leave of the Court.

FORMS OF DECREES.

No. 127.

SIMPLE MONEY-DECREE.

(*Title.*)

Claim for

THIS cause coming on for final disposal before in the presence of , on the part of the plaintiff, and on the part of the defendant, it is ordered that the do pay to the the sum of Rs. , with interest thereon at the rate of per cent. per from to the date of realization of the said sum, and do also pay to the the costs of this suit as taxed by the officer of the Court, with interest thereon at the rate aforesaid from the date of taxation to the date of realization.

Costs of suit.

PLAINTIFF.	Rs.	A.	P.	DEFENDANT.	Rs.	A.	P.
1. Stamp for plaint				Stamp for power			
2. Do. for power				Do. petition			
3. Do. exhibits				Pleader's fee			
4. Pleader's fees on Rs.				Subsistence for witnesses			
5. Translation-fee				Service of process			
6. Subsistence for witness for attendance				Translation-fee			
7. Commissioner's fee				Commissioner's fee			
8. Service of process							
9. &c.							
TOTAL ...				TOTAL ...			

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 128.

DECREE FOR SALE IN A SUIT BY A MORTGAGEE OR PERSON ENTITLED TO A LIEN.

(*Title.*)

It is ordered that it be referred to the Registrar [*or* Taxing Officer] to take an account of what is due to the plaintiff for principal and interest on the mortgage [*or* lien] mentioned in the plaint, and to tax the plaintiff's costs of this suit, and that the Registrar [*or* Taxing Officer] do declare in court on the day of what he shall find to be due for principal and interest as aforesaid, and for costs; And upon the defendant paying into court what shall be certified to be due to the plaintiff for principal and interest as aforesaid, together with the said costs, within six months from the date of declaring in court the amount so due; it is ordered that the plaintiff do reconvey the said mortgaged premises free and clear from all incumbrances done by him, or any claiming by, from, or under, him, and do deliver up to the defendant or to such person as he appoints all documents in his custody or power relating thereto, and that upon such reconveyance being made, and documents being delivered up, the Registrar [*or* Taxing Officer] shall pay out to the plaintiff the said sum so paid in as aforesaid for principal, interest and costs; but in default of the defendant paying into court such principal, interest and costs as aforesaid by the time aforesaid, then it is ordered that the said mortgaged premises [*or* the premises subject to the said lien] be sold with the approbation of the Registrar [*or* Taxing Officer]. And it is ordered that the proceeds of such sale (after defraying thereout the expenses of the sale) be paid into court, to the end that the same may be duly applied in payment of what shall be found due to the plaintiff for principal, interest and costs as aforesaid, and that the balance (if any) shall be paid to the defendant or other person entitled to receive the same.

No. 129.

FINAL DECREE FOR FORECLOSURE.

(*Title.*)

WHEREAS it appears to the Court that the defendant has not paid into court the sum which was on the day of last declared in court to be due to the plaintiff for principal an interest upon the mortgage in the plaint mentioned, and for costs, pursuant to the order made in

THE FOURTH SCHEDULE—*continued.*

this suit on the day of last, and that the period of six months has elapsed since the said day of

It is ordered that the defendant do stand absolutely debarred of all right to redeem the said mortgaged premises.

No. 130.

PRELIMINARY ORDER—ADMINISTRATION-SUIT.

Section 213 of the Code of Civil Procedure.

(*Title.*)

It is ordered that the following accounts and inquiries be taken and made; that is to say:—

In creditor's suit—

1. That an account be taken of what is due to the plaintiff and all other the creditors of the deceased.

In suits by legatees—

2. An account be taken of the legacies given by the testator's will.

In suits by next-of-kin—

An inquiry be made and account taken of what, or of what share, if any, the plaintiff is entitled to as next-of-kin [*or* one of the next-of-kin] of the intestate.

[*After the first paragraph, the Order will, where necessary, order, in a creditor's suit, inquiry and accounts for legatees, heirs-at-law and next-of-kin. In suits by claimants other than creditors, after the first paragraph, in all cases, an order to inquire and take an account of creditors will follow the first paragraph, and such of the others as may be necessary will follow, omitting the first formal words. The form is continued as in a creditor's suit.*]

3. An account of the funeral and testamentary expenses.

4. An account of the moveable property of the deceased come to the hands of the defendant, or to the hands of any other person by his order or for his use.

5. An inquiry what part (if any) of the moveable property of the deceased is outstanding and undisposed of.

6. And it is further ordered, that the defendant do, on or before the day of next, pay into court all sums of money which shall be found to have come to his hands, or to the hands of any person by his order or to his use.

7. And that if the *Registrar* shall find it necessary for carrying out the objects of the suit to sell any part the moveable property of the deceased, that the same be sold accordingly, and the proceeds paid into court.

8. And that Mr. *E. F.* be Receiver in the suit [*or* proceeding], and receive and get in all outstanding debts and outstanding moveable property of the deceased, and pay the same into the hands of the Registrar [and shall give security by bond for the due performance of his duties to the amount of rupees].

9. And it is further ordered, that if the moveable property of the deceased be found insufficient for carrying out the objects of the suit, then the following further inquiries be made, and accounts taken, that is to say,—

(*a*) an inquiry what immoveable property the deceased was seized of or entitled to at the time of his death;

(*b*) an inquiry what are the incumbrances (if any) affecting the immoveable property of the deceased, or any part thereof;

(*c*) an account, so far as possible, of what is due to the several incumbrancers, and to include a statement of the priorities of such of the incumbrancers as shall consent to the sale hereinafter directed.

10. And that the immoveable property of the deceased, or so much thereof as shall be necessary to make up the fund in court sufficient to carry out the object of the suit, be sold with the approbation of the Judge, free from incumbrances (if any) of such incumbrancers as shall consent to the sale, and subject to the incumbrances of such of them as shall not consent.

11. And it is ordered, that *G. H.* shall have the conduct of the sale of the immoveable property, and shall prepare the conditions and contracts of sale subject to the approval of the Registrar, and that in case any doubt or difficulty shall arise the papers shall be submitted to the Judge to settle.

12. And it is further ordered, that for the purpose of the inquiries hereinbefore directed, the Registrar shall advertise in the newspapers according to the practice of the Court, or shall make such inquiries in any other way which shall appear to the Registrar to give the most useful publicity to such inquiries.

13. And it is ordered, that the above inquiries and accounts be made and taken, and that all other acts ordered to be done be completed, before the day of and that the Registrar do certify the result of the inquiries, and the accounts, and that all other acts ordered are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of

14. And, lastly, it is ordered, that this suit [*or* matter] stand adjourned for making final decree to the day of

[*Such part only of this order is to be used as is applicable to the particular case.*]

No. 131.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE.

Section 213 of the Code of Civil Procedure.

1. IT is ordered that the defendant do on or before the day of pay into court the sum of Rs. , the balance by the said certificate found to be due from the said defendant on account of the estate of , the testator, and also the sum of Rs. for interest, at the rate of Rs. per centum per annum, from the day of to the day of amounting together to the sum of Rs.

2. Let the Registrar [*or* Taxing officer] of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said costs, when so taxed, be paid out of the said sum of Rs. ordered to be paid into court as aforesaid, as follows:—

(*a*).—The costs of the plaintiff to Mr. , his attorney [*or* pleader], and the costs of the defendant to Mr. , his attorney [*or* pleader].

THE FOURTH SCHEDULE—*continued.*

(*b*).—And (*if any debts are due*) with the residue of the said sum of Rs. , after payment of the plaintiff's and defendant's costs as aforesaid, let the sums found to be owing to the several creditors mentioned in the schedule to the Registrar's certificate, together with subsequent interest on such of the debts as bear interest, be paid; and after making such payments, let the amount coming to the several legatees mentioned in the schedule, together with subsequent interest (to be verified as aforesaid), be paid to them.

3. And if there should then be any residue, let the same be paid to the residuary legatee.

DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE, WHERE AN EXECUTOR IS HELD PERSONALLY LIABLE FOR THE PAYMENT OF LEGACIES.

Section 213 of the Code of Civil Procedure.

1. Declare that the defendant is personally liable to pay the legacy of Rs. bequeathed to the plaintiff;

2. And it is ordered, that an account be taken of what is due for principal and interest on the said legacy;

3. And it is also ordered, that the defendant do within weeks after the date of the Registrar's certificate, pay to the plaintiff the amount of what the Registrar shall certify to be due for principal and interest;

4. And it is ordered, that the defendant do pay the plaintiff his costs of suit, the same to be taxed in case the parties differ.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY NEXT-OF-KIN.

Section 213 of the Code of Civil Procedure.

1. Let the Registrar of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said plaintiff's costs, when so taxed, be paid by the defendant to the plaintiff out of the sum of Rs. , the balance by the said certificate found to be due from the said defendant on account of the personal estate of *E. F.*, the intestate, within one week after the taxation of the said costs by the said Registrar, and let the defendant retain for her own use out of such sum her costs, when taxed.

2. And it is ordered, that the residue of the said sum of Rs. , after payment of the plaintiff's and defendant's costs as aforesaid, be paid and applied by defendant as follows:—

(*a*).—Let the defendant, within one week after the taxation of the said costs by the Registrar as aforesaid, pay one-third share of the said residue to the plaintiffs, *A. B.*, and *C.*, his wife, in her right, as the sister and one of the next-of-kin of the said *E. F.*, the intestate.

(*b*).—Let the defendant retain for her own use one other third share of the said residue, as the mother, and one other of the next-of-kin of the said *E. F.*, the intestate.

(*c*).—And let the defendant, within one week after the taxation of the said costs by the Registrar as aforesaid, pay the remaining one-third share of the said residue to *G. H.*, as the brother and the other next-of-kin of the said *E. F.*, the intestate.

No. 132.

ORDER—DISSOLUTION OF PARTNERSHIP.

Section 215 of the Code of Civil Procedure.

(*Title.*)

IT is declared that the partnership in the plaint mentioned between the plaintiff and defendant ought to stand dissolved as from the day of , and it is ordered that the dissolution thereof as from that day be advertised in the *Gazette, &c.*

And it is ordered that be the Receiver of the partnership-estate and effects in this suit, and do get in all the outstanding book-debts and claims of the partnership.

And it is ordered that the following accounts be taken:—

1. An account of the credits, property and effects now belonging to the said partnership;

2. An account of the debts and liabilities of the said partnership;

3. An account of all dealings and transactions between the plaintiff and defendant, from the foot of the settled account exhibited in this suit and marked (A), and not disturbing any subsequent settled accounts.

And it is ordered that the goodwill of the business heretofore carried on by the plaintiff and defendant as in the plaint mentioned, and the stock-in-trade, be sold on the premises, and that the Registrar may, on the application of any of the parties, fix a reserved bidding for all or any of the lots at such sale, and that either of the parties is to be at liberty to bid at the sale.

And it is ordered that the above accounts be taken and all the other acts required to be done be completed before the day of , and that the Registrar do certify the result of the accounts, and that all other acts are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of

And, lastly, it is ordered that this suit stand adjourned for making a final decree to the day of .

No. 133.

PARTNERSHIP—FINAL DECREE.

Section 215 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No.

A. B. of

against

C. D. of

IT is ordered that the fund now in court, amounting to the sum of Rs. be applied as follows:—

1. In payment of the debts due by the partnership set forth in the Registrar's certificate, amounting in the whole to Rs.

THE FOURTH SCHEDULE—*continued.*

2. In payment of the costs of all parties in this suit, amounting to Rs.
[*These costs must be ascertained before the decree is drawn up*].

3. In payment of the sum of Rs. to the plaintiff as his share of the partnership-assets, of the sum of Rs. , being the residue of the said sum of Rs. now in court, to the defendant as his share of the partnership-assets.

[*Or*, And that the remainder of the said sum of Rs. be paid to the said plaintiff [*or* defendant] in part payment of the sum of Rs. certified to be due to him in respect of the partnership-accounts.]

And that the defendant [*or* plaintiff] do on or before the day of pay to the plaintiff [*or* defendant] the sum of Rs. being the balance of the said sum of due to him, which will then remain due.

No. 134.

CERTIFICATE OF NON-SATISFACTION OF DECREE.

Section 224 of the Code of Civil Procedure.

IN THE COURT OF AT
Civil Suit, No. of 18 .
A. B. of
against
C. D. of

CERTIFIED that no [*or* partial, *as the case may be, and if partial, state to what extent*] satisfaction of the decree of this Court, in Civil Suit No. of 18 . , a copy of which is hereunto attached, has been obtained by execution within the jurisdiction of this Court.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 135.

NOTICE TO SHOW CAUSE WHY EXECUTION SHOULD NOT ISSUE.

Section 248 of the Code of Civil Procedure.

IN THE COURT OF AT .
Civil Suit, No. of 18 .
Miscellaneous, No. of 18 .
A. B. of
against
C. D. of

To

WHEREAS
has made application to this Court for execution of decree in Civil Suit No. 18 , this is to give you notice that you are to appear before this Court on the day of 18 , either in person, or by a pleader of this Court, or agent duly authorized and instructed, to show cause, if any, why execution should not be granted.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 136.

WARRANT OF ATTACHMENT OF MOVEABLE PROPERTY IN DEFENDANT'S POSSESSION IN EXECUTION OF A DECREE FOR MONEY.

Section 254 of the Code of Civil Procedure.

(*Title.*)

TO THE BAILIFF OF THE COURT.

WHEREAS was ordered, by decree of this Court, passed on the day of 18 , in Suit No. of 18 , to pay to the plaintiff the sum of Rs. as noted in the margin; and whereas the said sum of Rs. has not been paid

DECREE.			
Principal			
Interest			
Costs			
Costs of decree . . .			
Interest thereon . .			
Total of attachment . .			
TOTAL .			

THESE ARE TO COMMAND YOU to attach the moveable property of the said as set forth in the list hereunto annexed, or which shall be pointed out to you by the said , and unless the said shall pay to you the said sum of Rs. together with Rs. , the costs of this attachment, to hold the same until further orders from this Court.

YOU ARE FURTHER COMMANDED to return this Warrant on or before the day of

THE FOURTH SCHEDULE—*continued.*

18 , with an endorsement certifying the date and manner in which it has been executed, or why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 18 .

Schedule.

L. S.

Judge.

No. 137.

WARRANT TO THE BAILIFF TO GIVE POSSESSION OF LAND, &c.

Section 263 of the Code of Civil Procedure.

(*Title.*)

TO THE BAILIFF OF THE COURT.

WHEREAS in the occupancy of has been decreed to , the plaintiff in this suit: you are hereby directed to put the said in possession of the same, and you are hereby authorized to remove any person who may refuse to vacate the same.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 138.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY TO BE ATTACHED CONSISTS OF MOVEABLE PROPERTY, TO WHICH THE DEFENDANT IS ENTITLED SUBJECT TO A LIEN OR RIGHT OF SOME OTHER PERSON TO THE IMMEDIATE POSSESSION THEREOF.

Section 268 of the Code of Civil Procedure.

(*Title.*)

To

WHEREAS has failed to satisfy a decree passed against on the day of 18 in favour of for Rs. : it is ordered that the defendant be, and is hereby, prohibited and restrained, until the further order of this Court, from receiving from the following property in the possession of the said that is to say, to which the defendant is entitled, subject to any claim of the said , and the said is hereby prohibited and restrained, until the further order of this Court, from delivering the said property to any person or persons whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 139.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF DEBTS NOT SECURED BY NEGOTIABLE INSTRUMENTS.

Section 268 of the Code of Civil Procedure.

(*Title.*)

To

WHEREAS has failed to satisfy a decree passed against on the day of 18 , in Civil Suit, No. of 18 , in favour of for Rs. : it is ordered that the defendant be, and hereby, prohibited and restrained, until the further order of this Court, from receiving from you a certain debt alleged now to be due from you to the said defendant, namely, and that you, the said , be, and you are hereby, prohibited and restrained, until the further order of this Court, from making payment of the said debt, or any part thereof, to any person whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 140.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF SHARES IN A PUBLIC COMPANY, &c.

Section 268 of the Code of Civil Procedure.

(*Title.*)

To

Defendant, and to , Manager of Company.

WHEREAS has failed to satisfy a decree passed against on the day of 18 , in Civil Suit, No. of 18 in favour of for Rs. : it is ordered that you, the defendant, be, and you are hereby, prohibited and restrained, until the further order of this Court, from making any transfer of shares in the aforesaid Company, namely, or from receiving payment of any dividends thereof; and you , the Manager of the said Company, are hereby prohibited and restrained from permitting any such transfer or making any such payment.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 141.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF IMMOVEABLE PROPERTY.

Section 274 of the Code of Civil Procedure.

(*Title.*)

To

Defendant.

WHEREAS you have failed to satisfy a decree passed against you on the day of 18 , in Civil Suit, No. of 18 , in favour of for Rs. : it is ordered that you, the said , be, and you are hereby, prohibited and restrained, until the further order of this Court, from alienating the property specified in the schedule hereunto annexed, by sale, gift, or otherwise, and that all persons be, and that they are hereby, prohibited from receiving the same by purchase, gift, or otherwise.

GIVEN under my hand and the seal of the Court, this day of 18

Schedule.

L. S.

Judge.

No. 142.

ATTACHMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF MONEY OR OF ANY SECURITY IN THE HANDS OF A COURT OF JUSTICE OR OFFICER OF GOVERNMENT.

[Sections 272 and 486 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

To

SIR,

THE plaintiff having applied, under section of the Code of Civil Procedure, for an attachment of certain money now in your hands (*here state how the money is supposed to be in the hands of the person addressed, on what account, &c.*), I request that you will hold the said money subject to the further order of this Court.

I have the honour to be,

SIR,

Your most obedient Servant,

L. S.

Dated the day of 18 *Judge.*

THE FOURTH SCHEDULE—*continued.*

No. 143.

ORDER FOR PAYMENT TO THE PLAINTIFF, &c., OF MONEY, &c., IN THE HANDS OF A THIRD PARTY.

Section 277 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .
Miscellaneous, No. of 18 .

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT AND TO

WHEREAS the following property has been attached in execution of a decree in Civil Suit, No. of 18 , passed on the day of 18 , in favour of for Rs. : it is ordered that the property so attached, consisting of Rs. in money, and Rs. in Currency notes, or a sufficient part thereof to satisfy the said decree, shall be paid over by you the said , to , and that the said property, so far as may be necessary for the satisfaction of the said decree, shall be sold by you, the Bailiff of the Court, by public auction in the manner prescribed for sale in execution of decrees, and that the money which may be realized by such sale, or a sufficient part thereof to satisfy the said decree, shall be paid over to the said and the remainder if any, shall be paid to you, the said

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 144.

NOTICE TO ATTACHING CREDITOR.

Section 278 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18
Miscellaneous, No. of 18

A. B. of

against

C. D. of

To

WHEREAS has made application to this Court for the removal of attachment on placed at your instance in execution of the decree in Civil Suit, No. of 18 , this is to give you notice to appear before this Court on , the day of , 18 , either in person or by a pleader of the Court duly instructed, to support your claim, as attaching creditor.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 145.

WARRANT OF SALE OF PROPERTY IN EXECUTION OF A DECREE FOR MONEY.

Section 287 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .
Miscellaneous, No. of 18 .

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT.

THESE ARE TO COMMAND YOU to sell by auction, after giving days' previous notice, by affixing the same in this court-house, and after making due proclamation,* the property attached under a warrant from this Court dated the day of 18 , in execution of a decree in favour of in suit No. of 18 , or so much of the said property as shall realize the sum of Rs. , being the of the said decree and costs still remaining unsatisfied.

YOU ARE FURTHER COMMANDED to return this warrant on or before the day of 18 , with an endorsement certifying the manner in which it has been executed, or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

* This proclamation shall specify the time, the place of sale, the property to be sold, the revenue assessed, should the property consist of land paying revenue to Government, and the amount for the recovery of which the sale is ordered, and as fairly and accurately as possible the other particulars required by section 287 to be specified.

THE FOURTH SCHEDULE—*continued.*

No. 146.

NOTICE TO PERSON IN POSSESSION OF MOVEABLE PROPERTY SOLD IN EXECUTION.

Section 300 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To

WHEREAS has been the purchaser at a sale by auction in execution of the decree in the above suit of now in your possession, you are hereby prohibited from delivering possession of the said to any person except the said

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 147.

PROHIBITORY ORDER AGAINST PAYMENT OF DEBTS SOLD IN EXECUTION TO ANY OTHER THAN THE PURCHASER.

Section 301 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To

and to

WHEREAS has become the purchaser at a public sale in execution of the decree in the above suit of certain debt due from you to you , that is to say , it is ordered that you be, and you are hereby, prohibited from receiving, and you from making payment of, the said debt to any person or persons except the said

GIVEN under my hand and the seal of the Court, this day of

L. S.

Judge.

No. 148.

PROHIBITORY ORDER AGAINST THE TRANSFER OF SHARES SOLD IN EXECUTION.

Section 301 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To

and Manager of Company.

WHEREAS has become the purchaser at a public sale in execution of the decree, in the above suit of certain shares in the above Company, that is to say, of standing in the name of you , it is ordered that you be, and you are hereby, prohibited from making any transfer of the said shares to any person except the said the purchaser aforesaid, or from receiving any dividends thereon; and you , Manager of the said Company, from permitting any such transfer or making any such payment to any person except the said , the purchaser aforesaid.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 149.

ORDER CONFIRMING SALE OF LAND, &c.

Section 312 of the Code of Civil Procedure.

IN THE COURT OF AT
Civil Suit, No. of 18 .
A. B. of
against
C. D. of

WHEREAS the following land [*or* immoveable property] was on the day of 18 sold by the Bailiff of this Court in execution of the decree in this suit; and whereas days have elapsed and no application has been made [*or* objection allowed] to the said sale, it is ordered that the said sale be, and the said sale is hereby, confirmed.

GIVEN under my hand and the seal of the Court, this day of 18 .

Schedule.

L. S.

Judge.

No. 150.

CERTIFICATE OF SALE OF LAND.

Section 316 of the Code of Civil Procedure.

IN THE COURT OF AT
Civil Suit, No. of 18
A. B. of
against
C. D. of

THIS is to certify that has been declared the purchaser at sale by public auction on the day of 18 of in execution of decree in this suit, and that the said sale has been duly confirmed by the Court.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 151.

ORDER FOR DELIVERY TO CERTIFIED PURCHASER OF LAND AT A SALE IN EXECUTION.

Section 318 of the Code of Civil Procedure.

IN THE COURT OF AT
Civil Suit, No. of 18 .
A. B. of
against
C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS has become the certified purchaser of at a sale in execution of the decree in Civil Suit No. of 18 ; and whereas such land is in the possession of , you are hereby ordered to put the said , the certified purchaser, as aforesaid, into possession of the said and if need be, to remove any person who may refuse to vacate the same.

GIVEN under my hand and the seal of the Court, this day of

L. S.

Judge.

No. 152.

AUTHORITY TO THE COLLECTOR TO STAY PUBLIC SALE OF LAND.

Section 326 of the Code of Civil Procedure.

IN THE COURT OF AT
Civil Suit, No. of 18 .
A. B. of
against
C. D. of

TO

Collector of

SIR,

In answer to your communication No. , dated , representing that the sale in execution of the decree in this suit of and, lying within your district,

THE FOURTH SCHEDULE—*continued.*

paying revenue to Government, is objectionable, I have the honour to inform you that you are authorized to make provision for the satisfaction of the said decree in the manner recommended by you instead of proceeding to a public sale of

I have the honour to be,
SIR,
Your obedient Servant,

L. S.

Judge.

No. 153.

ORDER FOR COMMITTAL FOR RESISTING, &c., EXECUTION OF DECREE FOR LAND.

Section 329 of the Code of Civil Procedure.

(*Title.*)

To

WHEREAS it appears to the Court that has without just cause resisted [*or* obstructed] the execution of the decree of the Court passed against on the day of 18 , in Civil Suit, No. of 18 , whereby certain land or immoveable property was adjudged to , it is ordered that the said be committed to custody for a period of days.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 154.

WARRANT OF ARREST IN EXECUTION.

Section 337 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .
Miscellaneous, No. of 18 .

A. B. of
against
C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS was adjudged by a decree of the Court, in No. of 18 , dated 18 , to pay to the plaintiff the sum of Rs. as noted in the margin, and whereas the said sum of Rs. has not been paid to the said plaintiff in satisfaction of the said decree, these are to command you to arrest the said defendant, and unless the said defendant shall pay to you the said sum of Rs. , together with Rs. for the costs of executing this process, to bring the said defendant before the Court with all convenient speed. You are further commanded to return this warrant on or before the day of 18 , with an endorsement certifying the day and manner in which it has been executed, or the reason why it has not been executed.

Principal			
Interest			
Costs			
Execution			
TOTAL .			

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 155.

NOTICE OF PAYMENT INTO COURT.

Section 377 of the Code of Civil Procedure.

IN THE COURT OF , 18 .
B. No.

A. B. v. *C. D.*

TAKE notice that the defendant has paid into Court Rs. , and says that that sum is enough to satisfy the plaintiff's claim [*or* the plaintiff's claim for, *&c.*]

To Mr. *X. Z.*,
the Plaintiff's Pleader,
Z.,
Defendant's Pleader.

THE FOURTH SCHEDULE—*continued.*

No. 156.

COMMISSION TO EXAMINE ABSENT WITNESSES.

Section 386 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

To

WHEREAS the evidence of is required by the in the above suit; and whereas you are requested to take the examination on interrogatories [*or* vivâ voce] of such witnesses and you are hereby appointed a Commissioner for that purpose, and you are further requested to make return of such examination so soon as it may be taken [process to require the attendance of the witness will be issued by this Court on your application].*

GIVEN under my hand and the seal of the Court, this day of

L. S.

Judge.

* Not necessary where the commission goes to another Court.

No. 157.

COMMISSION FOR A LOCAL INVESTIGATION, OR TO EXAMINE ACCOUNTS.

Sections 392 and 394 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To

WHEREAS it is deemed requisite, for the purposes of this suit, that a commission for should be issued; you are hereby appointed Commissioner for the purpose of [process to compel the attendance before you of any witnesses, or for the production of any documents which you may desire to examine or inspect, will be issued by this Court on your application.]*

A sum of Rs. , being your fee in the above, is herewith forwarded.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

* Not necessary where the commission goes to another Court.

No. 158.

WARRANT OF ARREST BEFORE JUDGMENT.

Section 478 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS , the plaintiff in the above suit, has proved to the satisfaction of the Court that there is probable cause for believing that the defendant is about to , these are to command you to take the said into custody, and to bring before the Court, in order that he may show cause why he should not furnish security to the amount of rupees for personal appearance before the Court, until such time as the said suit shall be fully and finally disposed of, and until execution or satisfaction of any decree that may be passed against in the suit.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 159.

ORDER FOR COMMITTAL.

Section 481 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .

A. B. of
against
C. D. of

To

WHEREAS , plaintiff in this suit, has made application to the Court that security be taken for the appearance of the defendant to answer any judgment that may be passed against in the suit; and whereas the Court has called upon the defendant to furnish such security, or to offer a sufficient deposit in lieu of security, which has failed to do; it is ordered that the said defendant be committed to custody until the decision of the suit; or if judgment be given against , until the execution of the decree.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 160.

ATTACHMENT BEFORE JUDGMENT, WITH ORDER TO CALL FOR SECURITY FOR FULFILMENT OF DECREE.

Section 484 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .

A. B. of
against
C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS has proved to the satisfaction of the Court that the defendant in the above suit these are to command you to call upon the said defendant on or before the day of either to furnish security for the sum of rupees to produce and place at the disposal of this Court when required or the value thereof, or such portion of the value as may be sufficient to fulfil any decree that may be passed against , or to appear and show cause why should not furnish security; and you are further ordered to attach the said and keep the same under safe and secure custody until the further order of the Court, and in what manner you shall have executed this warrant make appear to the Court immediately after the execution hereof, and have you here then this warrant.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 161.

ATTACHMENT BEFORE JUDGMENT, ON PROOF OF FAILURE TO FURNISH SECURITY.

Section 485 of the Code of Civil Procedure.

IN THE COURT OF AT .

CIVIL SUIT, No. of 18 .

A. B. of
against
C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS , the plaintiff in this suit, has applied to the Court to call upon , the defendant, to furnish security to fulfil any decree that may be passed against in the suit, and whereas the Court has called upon the said to furnish such security which has failed to do ; these are to command you to attach the property of the said and keep the same under safe and secure custody until the further order of the Court, and in what manner you shall have executed this warrant make appear to this Court immediately after the execution hereof, and have you here then this warrant.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 162.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY TO BE ATTACHED CONSISTS OF MOVEABLE PROPERTY, TO WHICH THE DEFENDANT IS ENTITLED, SUBJECT TO A LIEN OR RIGHT OF SOME OTHER PERSONS TO THE IMMEDIATE POSSESSION THEREOF.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18
A. B. of
against
C. D. of

Defendant.

It is ordered that you the said be, and you are hereby, prohibited and restrained until the further order of this Court from receiving from the following property in the possession of the said that is to say to which the defendant is entitled, subject to any claim of the said and the said is hereby prohibited and restrained, until the further order of this Court, from delivering the said property to any persons whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 163.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF IMMOVEABLE PROPERTY.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18
A. B. of
against
C. D. of

To

Defendant.

It is ordered that you the said be, and you are hereby, prohibited and restrained, until the further order of this Court, from alienating the property specified in the schedule hereunto annexed, by sale, gift or otherwise, and that all persons be, and that they are hereby, prohibited from receiving the same by purchase, gift or otherwise.

GIVEN under my hand and the seal of the Court, this day of 18

Schedule.

L. S

Judge.

No. 164.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF MONEY IN THE HANDS OF OTHER PERSONS, OR OF DEBTS NOT BEING NEGOTIABLE INSTRUMENTS.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18
A. B. of
against
C. D. of

To

It is ordered that the defendant be, and he is hereby, prohibited and restrained, until the further order of this Court, from receiving from the [money now in hands belonging to the said defendant *or* debts, *as the case may be, describing them*] and that the said be, and hereby prohibited and restrained, until the further order of this Court, from making payment of the said [money, &c.], or any part thereof, to any person whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 165.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF SHARES IN A PUBLIC COMPANY, &c.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To Defendant and to

Manager of Company.

It is ordered that , the defendant, be, and hereby, prohibited and restrained, until the further order of the Court, from making any transfer of shares being in the aforesaid Company, or from receiving payment of any dividends thereof, and you Manager of the said Company, are hereby prohibited and restrained from permitting any such transfer, or making any such payment.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 166.

TEMPORARY INJUNCTIONS.

Section 492 of the Code of Civil Procedure.

Upon motion made unto this Court by , Pleader of [*or* Counsel for] the plaintiff, *A. B.*, and upon reading the petition of the said plaintiff in this matter filed [this day] [*or* the plaint filed in this cause on the day of , *or* the written statement of the said plaintiff filed on the day of] and upon hearing the evidence of and in support thereof, [*if after notice and defendant not appearing: add,* and also the evidence of as to service of notice of this motion upon the defendant, *C. D.*] This Court doth order that an injunction be awarded to restrain the defendant, *C. D.*, his servants, workmen and agents from pulling down, or suffering to be pulled down, the house in the plaint in the said suit of the plaintiff mentioned [*or* in the written statement, *or* petition, of the plaintiff and evidence at the hearing of this motion mentioned] being No. 9, Oilmongers Street, Hindúpur, in the Taluq of and from selling the materials whereof the said house is composed, until the hearing of this cause or until the further order of this Court.

Dated this day of 18 .

Civil Judge.

[*Where the injunction is sought to restrain the negotiation of a note or bill, the ordering part of the order may run thus:—*] to restrain the defendants and from parting with out of the custody of them or any of them or endorsing, assigning or negotiating the promissory note [*or* bill of exchange] in question, dated on or about the , *&c.*, mentioned in the plaintiff's plaint [*or* petition] and the evidence heard at this motion until the hearing of this cause, or until the further order of this Court.

[*In Copyright cases*] to restrain the defendant, *C. D.*, his servants, agents or workmen from printing, publishing, or vending a book, called , or any part thereof, until the, *&c.*

[*Where part only of a book is to be restrained*] to restrain the defendant, *C. D.*, his servants, agents or workmen from printing, publishing, selling, or otherwise disposing of such parts of the book in the plaint [*or* petition and evidence, *&c.*,] mentioned to have been published by the defendant as hereinafter specified, namely, that part of the said book which is entitled and also that part which is entitled [*or* which is contained in page to page both inclusive] until the , *&c.*

[*In Patent cases*] to restrain the defendant, *C. D.*, his agents, servants and workmen, from making or vending any perforated bricks (*or as the case may be*) upon the principle of the inventions in the plaintiff's plaint [*or* petition, *&c.*, *or* written statement, *&c.*,] mentioned, belonging to the plaintiffs, or either of them, during the remainder of the respective terms of the patents in the plaintiff's plaint [*or as the case may be*] mentioned, and from counterfeiting, imitating or resembling the same inventions, or either of them, or making any addition thereto, or subtraction therefrom, until the hearing, &c.

[*In cases of Trademarks*] to restrain the defendant, *C. D.*, his servants, agents or workmen, from selling, or exposing for sale, or procuring to be sold, any composition or blacking [*or, as the case may be*] described as or purporting to be blacking manufactured by the plaintiff, *A. B.*, in bottles having affixed thereto such labels as in the plaintiff's plaint [*or* petition, *&c.*] mentioned, or any other labels so contrived or expressed as, by colourable imitation or otherwise, to represent the composition or blacking sold by the defendant to be the same as the composition or blacking manufactured and sold by the plaintiff, *A. B.*, and from using trade-cards so contrived or expressed as to represent that any composition or blacking sold or proposed to be sold by the defendant is the same as the composition or blacking manufactured or sold by the plaintiff, *A. B.*, until the, &c.

THE FOURTH SCHEDULE—*continued.*

[*To restrain a partner from in any way interfering in the business*]

to restrain the defendant, *C. D.*, his agents and servants, from entering into any contract, and from accepting, drawing, endorsing or negotiating any bill of exchange, note or written security, in the name of the partnership-firm of *B. & D.*, and from contracting any debt, buying and selling any goods, and from making or entering into any verbal or written promise, agreement or undertaking, and from doing or causing to be done, any act, in the name or on the credit of the said partnership-firm of *B. & D.*, or whereby the said partnership-firm can or may in any manner become or be made liable to or for the payment of any sum of money, or for the performance of any contract, promise or undertaking, until the, &c.

No. 167.

NOTICE OF APPLICATION FOR INJUNCTION.

Section 494 of the Code of Civil Procedure.

IN THE COURT OF AT

A. B. of

against

C. D. of

TAKE notice that I, *A. B.*, intend to apply at the sitting of the Court at aforesaid, on the day of for an injunction to restrain *C. D.* from further prosecuting a suit which he has commenced against me in , to recover damages for the breach of the contract for the specific performance of which this suit was commenced [*or* to restrain him from receiving and giving discharges for any of the debts due to the partnership in the matter of the partnership between us for the winding-up of which the suit was commenced, *or* from digging the turf from the land which was agreed to be sold by him to me by the agreement, the specific performance of which this suit is commenced to enforce *or, as the case may be*].

Dated this day of 18

To C. D.

A. B.

[*N. B.—Where the injunction is to be applied for against a party whose name and address do not appear upon any proceeding already filed in the suit, such name and address must be stated in full to enable the proper officer to serve the notice.*]

No. 168.

APPOINTMENT OF A RECEIVER.

Section 503 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To

WHEREAS has been attached in execution of a decree passed in the above suit on the day of 18 , in favour of ; you are hereby (subject to your giving security to the satisfaction of the *Registrar*) appointed Receiver of the said property under section 503 of the Code of Civil Procedure, with full powers under the provisions of that section.

YOU are required to render a due and proper account of your receipts and disbursements in respect of the said property on . You will be entitled to remuneration at the rate of cent. upon your receipts under the authority of this appointment.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

No. 169.

BOND TO BE GIVEN BY RECEIVER.

Section 503 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of

A. B. of

against

C. D. of

KNOW all men by these presents, that we, *I. J.* of, &c., and *K. L.* of, &c., and *M. N.* of, &c., are jointly and severally bound to *G. H.*, *Registrar* of the Court of in Rs. , to be paid to the said *G. H.* or his attorney, executors, administrators or assigns. For which payment to be made we bind ourselves, and each of us, in the whole, our and each of our heirs, executors and administrators, jointly and severally, by these presents.

Dated this day of 18 .

And whereas a plaint has been filed in this Court by *A. B.* against *C. D.* for the purpose of [*here insert object of suit*].

THE FOURTH SCHEDULE—*continued.*

And whereas the said *I. J.* has been appointed, by order of the above-mentioned Court, to receive the rents and profits of the immoveable property, and to get in the outstanding moveable property of *O. P.*, the testator in the said plaint named.

Now the condition of this obligation is such, that if the above-bounden *I. J.* shall duly account for all and every the sum and sums of money which he shall so receive on account of the rents and profits of the immoveable property, and in respect of the moveable property of the said *O. P.* [*or, as may be*] at such periods as the said Court shall appoint, and shall duly pay the balances which shall from time to time be certified to be due from him as the said Court hath directed or shall hereafter direct, then this obligation shall be void, otherwise it shall remain in full force.

I. J.
K. L.
M. N.

Signed and delivered by the above-bounden in the presence of

NOTE.—*If deposit of money be made, the memorandum thereof should follow the terms of the condition of the bond.*

No. 170.

ORDER OF REFERENCE TO ARBITRATION UNDER AGREEMENT OF PARTIES.

Section 508 of the Code of Civil Procedure.

(*Title.*)

To

WHEREAS the above-mentioned plaintiff and defendant have agreed to refer the matters in difference between them in the above suit to your arbitration and award, you are hereby appointed accordingly to determine all the said matters in difference between the parties, and with power, by consent of the parties, to determine which party shall pay the costs of this reference.

You are required to deliver your award in writing to this Court on or before the day of 18 , or such other day as this Court may further fix.

Process to compel the attendance before you of any witnesses, or for the production of any documents which you may desire to examine or inspect, will be issued by this Court on your application, and you are empowered to administer to such witnesses oath or affirmation.

A sum of Rs. , being your fee in the above suit, is herewith forwarded.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 171.

ORDER OF REFERENCE TO ARBITRATION BY COURT, WITH CONSENT.

Section 508 of the Code of Civil Procedure.

(*Title.*)

Upon reading a petition of the plaintiff, filed this day, and on the consent of for the defendant, and upon hearing for the plaintiff and for the defendant, it is ordered, by and with the consent of all the parties, that all matters in difference in this suit, including all dealings and transactions between all parties, be referred to the final determination of , who is to make his award in writing and submit the same to this Court, together with all proceedings, depositions and exhibits in this suit, within one month from the date hereof. And it is ordered further, by and with the like consent, that the said arbitrator is to be at liberty to examine the parties and their witnesses upon oath or affirmation, which he is empowered to administer, and that the said arbitrators shall have all such powers or authorities as are vested in arbitrators under the Code of Civil Procedure, including therein power to call for all books of account that he may consider necessary. And it is further ordered, by and with the like consent, that the costs of this suit, together with the costs of reference to arbitration, up to and including the award of the said arbitrator, and the enforcement thereof, do abide the result of the finding of the said arbitrator. And it is further ordered, by and with the like consent, that the said arbitrator be at liberty to appoint a competent accountant to assist him in the investigation of the several matters referred to him as aforesaid, and that the remuneration of such accountant and other charges attending thereto be in the discretion of the said arbitrator.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 172.

SUMMONS IN SUMMARY SUIT ON NEGOTIABLE INSTRUMENT.

Section 532 of the Code of Civil Procedure.

No. OF SUIT.

IN THE COURT OF AT

Plaintiff.

To Defendant.

[*Here enter the defendant's name, description and address.*]

WHEREAS [*here enter the plaintiff's name, description and address*] has instituted a suit in this Court against you under Chapter XXXIX of the Code of Civil Procedure for Rs. principal and interest [*or* Rs. balance of principal and interest] due to him as the payee [*or* endorsee] of a bill of exchange [*or* hundí *or* promissory note], of which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court within ten days from the service hereof, inclusive of the day of such service, to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled at any time after the expiration of such ten days to obtain a decree for any sum not exceeding the sum of Rs. [*here state the sum claimed*] and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits, or that it is reasonable that you should be allowed to appear in the suit.

[*Here copy the bill of exchange, hundí or promissory note, and all endorsements upon it.*]

No. 173.

MEMORANDUM OF APPEAL.

Section 541 of the Code of Civil Procedure.

MEMORANDUM OF APPEAL.

(*Name, &c., as in Register.*) Plaintiff—Appellant.

(*Name, &c., as in Register.*) Defendant—Respondent.

[*Name of Appellant*] [plaintiff *or* defendant] above-named appeals to the High Court at [*or* District Court at , *as the case may be*] against the decree of in the above suit dated the day of , for the following reasons, namely, [*here state the grounds of objection.*]

THE FOURTH SCHEDULE—*continued.*

No. 174.

REGISTER OF APPEALS.

Section 548 of the Code of Civil Procedure.

COURT (*OR* HIGH COURT) AT

REGISTER OF APPEALS FROM DECREES in the year 18

Date of Memorandum.	No. of Appeal.	APPELLANT.			RESPONDENT.			DECREE APPEALED FROM.				APPEARANCE.			JUDGMENT.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed or altered.	For what or Amount.

THE FOURTH SCHEDULE—*continued.*

No. 175.

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE APPEAL.

Section 553 of the Code of Civil Procedure.

IN THE COURT OF AT

, *Appellant*, v. , *Respondent.*

APPEAL from the of the Court of dated the day of 18 .

Respondent.

To

TAKE notice that an appeal from the decree of in this case has been presented by and registered in this Court, and that the day of 18 has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself, your pleader, or by some one by law authorized to act for you in this appeal, it will be heard and decided *ex parte* in your absence.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

[NOTE.—*If a stay of execution has been ordered, intimation should be given of the fact on this notice.*]

No. 176.

DECREE ON APPEAL.

Section 579 of the Code of Civil Procedure.

IN THE COURT OF AT .

, *Appellant*, v. , *Respondent.*

APPEAL from the of the Court of dated the day of 18 .

Memorandum of Appeal.

, *Plaintiff.*
, *Defendant.*

Plaintiff [*or* defendant] above-named appeals to the Court at against the decree of in the above suit, dated the day of 18 , for the following reasons, namely;

[*here state the reasons*]

This appeal coming on for hearing on the day of 18 before , in the presence of for the Appellant, and of for the Respondent, it is ordered—

[*here state the relief granted*]

The costs of this appeal, amounting to , are to be paid by The costs of the original suit are to be paid by

GIVEN under my hand, this day of 18 . .

L. S

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 177.

REGISTER OF APPEALS FROM APPELLATE DECREES.

Section 587 of the Code of Civil Procedure.

HIGH COURT AT

REGISTER OF APPEALS FROM APPELLATE DECREES.

Date of Memorandum.	No. of Appeal.	APPELLANT.			RESPONDENT.			DECREE APPEALED FROM.				APPEARANCE.			JUDGMENT.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suit and of Appeal.	Particulars.	Amount or Value.	Day for parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed or altered.	For what or Amount.

THE FOURTH SCHEDULE—*concluded.*

No. 178.

NOTICE TO SHOW CAUSE WHY A REVIEW SHOULD NOT BE GRANTED.

Section 626 of the Code of Civil Procedure.

IN THE COURT OF AT

, *Plaintiff*, v. , *Defendant.*

To

TAKE notice that has applied to this Court for a review of its judgment passed on the day of 18 in the above case. The day of 18 is fixed for you to show cause why the Court should not grant a review of its judgment in this case.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 179.

NOTICE OF CHANGE OF PLEADER.

IN THE COURT OF AT

A. B. of

against

C. D. of

TO THE REGISTRAR OF THE COURT.

TAKE notice that I, *A. B.* [*or C. D.*], have hitherto employed as my pleader *G. H.* of in the above-mentioned cause, but that I have ceased to employ him, and that my present pleader is *J. K.* of

A. B. [*or C. D.*]

No. 180.

MEMORANDUM TO BE PLACED AT FOOT OF EVERY SUMMONS, NOTICE, DECREE OR ORDER OF COURT, OR ANY OTHER PROCESS OF THE COURT.

Hours of attendance at the office of the Registrar [*place of office*] from *ten* till *four*, except on [*here insert the day on which the office will be closed*], when the office will be closed at *one.*

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 17th March, 1882, and is hereby promulgated for general information :—

ACT No. XV OF 1882.

THE PRESIDENCY SMALL CAUSE COURTS ACT, 1882.

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An Act to consolidate and amend the law relating to the Courts of Small Causes established in the Presidency towns.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts of Small Causes established in the towns of Calcutta, Madras and Bombay; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Commencement.

1. This Act may be called "The Presidency Small Cause Courts Act, 1882"; and it shall come into force on the first day of July, 1882.

But nothing herein contained shall affect the provisions of the Army Act, 1881, section 151, or the rights or liabilities of any person under any decree passed before that day.

Repeal of enactments.

2. On and from the said day the enactments specified in the first schedule hereto annexed shall be repealed to the extent mentioned therein.

But all Courts constituted, appointments made and securities given under any of the said enactments shall, so far as may be, be deemed to have been respectively constituted, made and given under this Act.

References in previous Acts.

All references to any enactment hereby repealed made in Acts passed prior to the said day shall be read, so far as may be practicable, as if made to this Act or the corresponding provisions hereof.

Amendment of Acts.

3. In Act No. XXIII of 1850 *(for securing the Land-revenue of Calcutta)*, section 3, for the word and figures "Act VII. 1847," the words and figures "The Presidency Small Cause Courts Act, 1882, Chapter VIII," shall be substituted; the words "as provided by the said Act" shall be repealed; and for each of the expressions "a Commissioner of the Court for recovery of small debts referred to in the said Act," and "the said Commissioners" the words "the Judges of the Court of Small Causes at Calcutta," shall be substituted.

In the Code of Civil Procedure, section 8, after the word and figures "chapter XXXIX" the words and figures "and by the Presidency Small Cause Courts Act, 1882," shall be inserted.

"Small Cause Court" defined.

4. In this Act, "the Small Cause Court" means the Court of Small Causes constituted under this Act in the town of Calcutta, Madras or Bombay, as the case may be.

CHAPTER II.

CONSTITUTION AND OFFICERS OF THE COURT.

Courts of Small Causes established.

5. There shall be in each of the towns of Calcutta, Madras and Bombay a Court, to be called the Court of Small Causes of Calcutta, Madras or Bombay, as the case may be.

Court to be deemed under superintendence, &c., of High Court.

6. The Small Cause Court shall be deemed to be a Court subject to the superintendence of the High Court of Judicature at Fort William, Madras or Bombay, as the case may be, within the meaning of the Letters Patent, respectively dated the 28th day of December, 1865, for such High Courts and within the meaning of the Code of Civil Procedure; and the High Court shall have, in respect of the Small Cause Court, the same powers as it has under the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, in respect of Courts subject to its appellate jurisdiction.

Appointment, suspension and removal of Judges.

7. Subject to the control of the Governor General in Council, the Local Government may, from time to time, by notification in the official Gazette, appoint a person to be Chief Judge, and so many other persons as it thinks fit to be Judges, of the Small Cause Court: Provided that not less than one-third of the persons so appointed, including the Chief Judge, shall be advocates of one of the said High Courts.

The Local Government may, by a like notification, suspend and, with the previous sanction of the Governor General in Council, remove any Judge so appointed.

All barristers who when this Act comes into force are, or are acting as, Judges of the Small Cause Court shall, for the purposes of this section, be deemed to be advocates of a High Court.

Rank and precedence of Judges.

8. The Chief Judge shall be the first of the Judges in rank and precedence.

The other Judges shall have rank and precedence as the Local Government may, from time to time, direct.

Power to make rules.

9. Except as otherwise provided by this or any other law for the time being in force, the Small Cause Court may, with the previous sanction of the High Court, make rules to provide, in such manner as it thinks fit, for all matters not specially provided for by this Act, and for the exercise by one or more of its Judges of any powers conferred on the Small Cause Court by this Act or by any other law for the time being in force.

10. Subject to such rules, the Chief Judge may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof.

Chief Judge to distribute business of Court.

11. Save as hereinafter otherwise provided, when two or more of the Judges sitting together differ on any question, the opinion of the majority shall prevail; and if the Court is equally divided, the Chief Judge, if he is one of the Judges so differing, or in his absence the Judge first in rank and precedence of the Judges so differing, shall have the casting voice.

Procedure in case of difference of opinion.

12. The Small Cause Court shall use a seal of such form and dimensions as are for the time being prescribed by the Local Government.

Seal to be used.

13. The Local Government may, from time to time, appoint an officer to be called the Registrar of the Court, and to be the chief ministerial officer of the Court;

Appointment of Registrar and ministerial officers.

and the Chief Judge may, from time to time, subject to the control of the Local Government, appoint as many clerks, bailiffs and other ministerial officers as may be necessary for the administration of justice by the Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force.

The Registrar and other officers so appointed shall exercise such powers, and discharge such duties, of a ministerial nature as the Chief Judge may, from time to time, by rule, direct.

Powers and duties of such officers.

The Chief Judge may suspend or remove any Registrar or other officer so appointed; but the removal of any Registrar or officer drawing a monthly salary of one hundred rupees or upwards shall be subject to the orders of the Local Government.

14. The Local Government may invest the Registrar with the powers of a Judge under this Act for the trial of suits in which the amount or value of the subject-matter does not exceed twenty rupees. And, subject to the orders of the Chief Judge, any Judge of the Small Cause Court may, whenever he thinks fit, transfer from his own file to the file of the Registrar any suit which the latter is competent to try.

Registrar may be invested with powers of a Judge in suits not exceeding twenty rupees.

15. No Judge or other officer appointed under this Act shall, during his continuance as such Judge or officer, either by himself or as a partner of any other person, practise or act, either directly or indirectly, as an advocate, attorney, vakil or other legal practitioner, or be concerned, either on his own account or for any other person, or as the partner of any other person, in any trade or profession.

Judge or other officer not to practise or trade.

Any such Judge or officer so practising, acting or concerned shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

Nothing herein contained shall be deemed to prohibit any such Judge or officer from being a member of any company incorporated or registered under Royal Charter, Letters Patent, Act of Parliament or Act of any British Indian legislature.

CHAPTER III.

LAW ADMINISTERED BY THE COURT.

16. All questions, other than questions relating to procedure or practice, which arise in suits or other proceedings under this Act in the Small Cause Court shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

Questions arising in suits, &c., under Act to be decided according to law administered by High Court.

CHAPTER IV.

JURISDICTION IN RESPECT OF SUITS.

17. The local limits of the jurisdiction of each of the Small Cause Courts shall be the local limits for the time being of the ordinary original civil jurisdiction of the High Court.

Local limits of jurisdiction of Court.

18. Subject to the exceptions in section nineteen, the Small Cause Court shall have jurisdiction to try all suits of a civil nature—

Suits in which Court has jurisdiction.

when the amount or value of the subject-matter does not exceed two thousand rupees: and

(*a*) the cause of action has arisen, either wholly or in part, within the local limits of the jurisdiction of the Small Cause Court, and the leave of the Court has, for reasons to be recorded by it in writing, been given before the institution of the suit; or

(*b*) all the defendants, at the time of the institution of the suit, actually and voluntarily reside, or carry on business, or personally work for gain, within such local limits; or

(*c*) any of the defendants, at the time of the institution of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, within such local limits, and either the leave of the Court has been given before the institution of the suit, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution.

Explanation I.—When in any suit the sum claimed is, by a set-off admitted by both parties, reduced to a balance not exceeding two thousand rupees, the Small Cause Court shall have jurisdiction to try such suit.

Explanation II.—Where a person has a permanent dwelling at one place and also a lodging at another place for a temporary purpose only, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary lodging.

Explanation III.—A Corporation or Company shall be deemed to carry on business at its sole or principal office in British India, or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

Suits in which Court has no jurisdiction.

19 The Small Cause Court shall have no jurisdiction in—

(*a*) suits concerning the assessment or collection of the revenue;

(*b*) suits concerning any act ordered or done by the Governor General in Council or the Local Government, or by the Governor General or a Governor, or by any Member of the Council of the Governor General or of the Governor of Madras or Bombay, in his official capacity, or by any person by order of the Governor General in Council or the Local Government;

(*c*) suits concerning any act ordered or done by any Judge or judicial officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court or any such Judge or judicial officer;

(*d*) suits for the recovery of immoveable property;

(*e*) suits for the partition of immoveable property;

(*f*) suits for the foreclosure or redemption of a mortgage of immoveable property;

(*g*) suits for the determination of any other right to or interest in immoveable property;

(*h*) suits for the specific performance or rescission of contracts;

(*i*) suits to obtain an injunction;

(*j*) suits for the cancellation or rectification of instruments;

(*k*) suits to enforce a trust;

(*l*) suits for a general average loss and suits on policies of insurance on sea-going vessels;

(*m*) suits for compensation in respect of collisions on the high seas;

(*n*) suits for compensation for the infringement of a patent, copyright or trademark;

(*o*) suits for a dissolution of partnership or for an account of partnership-transactions;

(*p*) suits for an account of property and its due administration under the decree of the Court;

(*q*) suits for compensation for libel, slander, malicious prosecution, adultery or breach of promise of marriage;

(*r*) suits for the restitution of conjugal rights, for the recovery of a wife, or for a divorce;

(*s*) suits for declaratory decrees;

(*t*) suits for possession of a hereditary office;

(*u*) suits against Sovereign Princes or Ruling Chiefs, or against Ambassadors or Envoys of Foreign States;

(*v*) suits on any judgment of a High Court;

(*w*) suits the cognizance whereof by the Small Cause Court is barred by any law for the time being in force.

Court may by consent try suits beyond pecuniary limits of jurisdiction.

20. When the parties to a suit which, if the amount or value of the subject-matter thereof did not exceed two thousand rupees, would be cognizable by the Small Cause Court, have entered into an agreement in writing that the Small Cause Court shall have jurisdiction to try such suit, the Court shall have jurisdiction to try the same, although the amount or value of the subject-matter thereof may exceed two thousand rupees.

Every such agreement shall be filed in the Small Cause Court, and, when so filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by its decision in such suit.

Suits by and against officers of Court.

21. All suits to which an officer of the Small Cause Court is, as such, a party, except suits in respect of property taken in execution of its process, or the proceeds or value thereof, may be instituted in the High Court at the election of the plaintiff as if this Act had not been passed.

Costs when plaintiff sues in High Court in other cases cognizable by Small Cause Court.

22. If any suit cognizable by the Small Cause Court, other than a suit to which section twenty-one applies, is instituted in the High Court, and if in such suit the plaintiff obtains, in the case of a suit founded on contract, a decree for any matter of an amount or value less than two thousand rupees, and in the case of any other suit a decree for any matter of an amount or value of less than three hundred rupees, no costs shall be allowed to the plaintiff;

and if in any such suit the plaintiff does not obtain a decree, the defendant shall be entitled to his costs as between attorney and client.

The foregoing rules shall not apply to any suit in which the Judge who tries the same certifies that it was one fit to be brought in the High Court.

CHAPTER V.

PROCEDURE IN SUITS.

Portions of Civil Procedure Code extending to the Court.

23. The portions of the Code of Civil Procedure specified in the second schedule hereto annexed shall extend, and shall,

so far as the same may, in the judgment of the Court, be applicable, be applied, to the Small Cause Court; and the procedure prescribed thereby shall be the procedure followed in the Court in all suits cognizable by it, except where such procedure is inconsistent with the procedure prescribed by any specific provisions of this Act:

Provided that the Court may, subject to the control of the Local Government, from time to time, by notification in the official Gazette, declare that any of the said portions of the said Code shall not extend and be applied to the Small Cause Court, or that any of such portions shall so extend and be applied with such modifications as the Court, subject to the control aforesaid, may think fit.

No written statement except in cases of set-off.

24. Except in cases of set-off under the Code of Civil Procedure, section 111, no written statement shall be received unless required by the Court.

Return of documents admitted in evidence.

25. When a period of eight days from the decision of a suit has expired without any application for a new trial or re-hearing of such suit having been made, or when any such application has been made within such period and such application has been refused, or the new trial or re-hearing (as the case may be) has ended, any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on the record, shall, unless the document is impounded under section 143 of the Code of Civil Procedure, be entitled to receive back the same:

Provided that a document may be returned at any time before any of such events on such terms as the Court may direct: Provided also that no document shall be returned which by force of the decree has become void or useless.

On the return of a document which has been admitted in evidence, a receipt shall be given, by the party receiving it, in a receipt-book to be kept for the purpose.

Compensation payable by plaintiff to defendant in certain cases.

26. In any suit in which the defendant appears and does not admit the claim, and the plaintiff does not obtain a decree for the full amount of his claim, the Small Cause Court may in its discretion order the plaintiff to pay to the defendant, by way of satisfaction for his trouble and attendance, such sum as it thinks fit.

When any claim preferred, or objection made, under section 278 of the Code of Civil Procedure is disallowed, the Small Cause Court may in its discretion order the person preferring or making such claim or objection to pay to the decree-holder, or to the judgment-debtor, or to both, by way of satisfaction as aforesaid, such sum or sums as it thinks fit.

And when any claim or objection is allowed the Court may award such compensation by way of damages to the claimant or objector as it thinks fit; and the order of the Court awarding or refusing such compensation shall bar any suit in respect of injury caused by the attachment.

Any order under this section may, in default of payment of the amount payable thereunder, be enforced by the person in whose favour it is made against the person against whom it is made as if it were a decree of the Court.

Decree-holder to accompany officer executing warrant.

27. Whenever the Small Cause Court issues a warrant for the arrest of a judgment-debtor or the attachment of his property, the decree-holder, or some other person on his behalf, shall accompany the officer of the Court entrusted with the execution of such warrant, and shall point out to such officer the judgment-debtor or the property to be attached, as the case may be.

Things attached to immoveable property and removeable by tenant to be deemed moveable in execution.

28. When the judgment-debtor under any decree of the Small Cause Court is a tenant of immoveable property, anything attached to such property, and which he might before the termination of his tenancy lawfully remove without the permission of his landlord, shall, for the purpose of the execution of such decree, be deemed to be moveable property, and may, if sold in such execution, be severed by the purchaser, but shall not be removed by him from the property until he has done to the property whatever the judgment-debtor would have been bound to do to it if he had removed such thing.

Discharge of judgment-debtor on sufficient security.

29. Whenever any judgment-debtor, who has been arrested or whose property has been seized in execution of a decree of the Small Cause Court, offers security to the satisfaction of such Court for payment of the amount which he has been ordered to pay and the costs, the Court may order him to be discharged or the property to be released.

Court may in certain cases suspend execution of decree.

30. Whenever it appears to the Small Cause Court that any judgment-debtor under its decree is unable, from sickness, poverty or other sufficient cause, to pay the amount of the decree, or, if such Court has ordered the same to be paid in instalments, the amount of any instalment thereof, it may, from time to time, for such time and upon such terms as it thinks fit, suspend the execution of such decree and discharge the debtor, or make such order as it thinks fit.

Execution of decree of Small Cause Court by other Courts.

31. If the judgment-debtor under any decree of the Small Cause Court has not, within the local limits of its jurisdiction, moveable property sufficient to satisfy the decree, the Court

may, on the application of the decree-holder, send the decree for execution—

(*a*) in the case of execution against immoveable property situate within such local limits—to the High Court;

(*b*) in all other cases—to any Civil Court within the local limits of whose jurisdiction such judgment-debtor, or any moveable or immoveable property of such judgment-debtor, may be found.

Procedure when decree transferred.

The procedure prescribed by the Code of Civil Procedure for the execution of decrees by Courts other than those which made them shall be the procedure followed in such cases.

Minors may sue in certain cases as if of full age.

32. Notwithstanding anything contained in the Code of Civil Procedure as applied by this Act, any minor may institute a suit for any sum of money, not exceeding five hundred rupees, which may be due to him under section 70 of the Indian Contract Act, 1872, for wages or piece-work or for work as a servant, in the same manner as if he were of full age.

Power to delegate non-judicial duties.

33. Any non-judicial or quasi-judicial act which the Code of Civil Procedure as applied by this Act requires to be done by a Judge, and any act which may be done by a Commissioner appointed to examine and adjust accounts under section 394 of that Code as so applied, may be done by the Registrar of the Small Cause Court or by such other officer of that Court as that Court may, from time to time, appoint in this behalf.

The High Court may, from time to time, by rule declare what shall be deemed to be non-judicial and quasi-judicial acts within the meaning of this section.

Registrar to hear and determine suits like a Judge.

34. The suits cognizable by the Registrar under section fourteen shall be heard and determined by him in like manner in all respects as a Judge of the Court might hear and determine the same:

Proviso.

Provided that, subject to the control of the Chief Judge, any Judge of the Court may, whenever he thinks fit, transfer to his own file any suit on the file of the Registrar.

Registrar may execute all decrees with the same powers as a Judge.

35. The Registrar may receive applications for the execution of decrees of any value passed by the Court, and may commit and discharge judgment-debtors, and make any order in respect thereof which a Judge of the Court might make under this Act.

Decrees and orders of Registrar to be subject to new trial as if made by a Judge.

36. Every decree and order made by the Registrar in any suit or proceeding shall be subject to the same provisions in regard to new trial as if made by a Judge of the Court.

CHAPTER VI.

NEW TRIALS AND RE-HEARING.

Judgments and orders of Court final.

37. Save as is herein specially provided, every decree and order of the Small Cause Court in a suit shall be final and conclusive; but the Court may, on application of either party, made within eight days from the date of the decree or order in any suit (not being a decree passed under section 522 of the Code of Civil Procedure), order a new trial to be held, or alter, set aside or reverse the decree or order, upon such terms as it thinks reasonable, and may, in the meantime, stay the proceedings.

Power to order new trial in Small Cause Court.

Application for re-hearing in High Court.

38. Any party may, within eight days after the judgment in any suit in the Small Cause Court in which the amount or value of the subject-matter exceeds one thousand rupees, apply to the High Court for an order that such suit may be re-heard in the High Court.

Such application shall be supported by affidavits, and, in case the applicant has appeared in the Small Cause Court by advocate, vakil, attorney or pleader, by a certificate from such advocate, vakil, attorney or pleader that in his opinion there are good grounds for re-hearing the suit, and if, on hearing such application, the High Court is of opinion that there has been a miscarriage or failure of justice, or that there are other good grounds for such re-hearing, the Court shall make an order *ex parte*, on such terms as it thinks fit, for such re-hearing, and fix a day for the same, whereof notice shall be given to the opposite party.

The rules contained in sections 545, 546 and 547 of the Code of Civil Procedure, relating to staying and executing decrees under appeal, shall apply in the case of applications under this section as if such applications were appeals from the decisions of the Small Cause Court.

Procedure at re-hearing.

39. On the day fixed under section thirty-eight or on any other day to which the re-hearing may be adjourned, the High Court, or some Judge thereof, shall proceed to re-hear and determine the case as if the same were a suit brought in such High Court in its ordinary original civil jurisdiction, in which the plaintiff in the Small Cause Court was plaintiff, and the defendant in such Court was defendant, and in which written statements had not been ordered to be filed; and, except as herein otherwise provided, all the practice and procedure of such High Court in respect of suits brought in its ordinary original civil jurisdiction shall be followed in suits re-heard under this section: Provided that there shall not be any appeal from any judgment, decree or order under this section.

Execution of decree of High Court.

40. Every decree or order made by any High Court upon any such re-hearing may either be executed by such High Court in the same manner as other decrees or orders of such Court or may, in the

discretion of the High Court, be remitted to the Small Cause Court for execution.

CHAPTER VII.

RECOVERY OF POSSESSION OF IMMOVEABLE PROPERTY.

Summons against person occupying property without leave.

41. When any person has had possession of any immoveable property situate within the local limits of the Small Cause Court's jurisdiction and of which the annual value at a rack-rent does not exceed one thousand rupees, as the tenant, or by permission, of another person, or of some person through whom such other person claims,

and such tenancy or permission has determined or been withdrawn,

and such tenant or occupier or any person holding under or by assignment from him (hereinafter called the occupant) refuses to deliver up such property in compliance with a request made to him in this behalf by such other person,

such other person (hereinafter called the applicant) may apply to the Small Cause Court for a summons against the occupant, calling upon him to show cause, on a day therein appointed, why he should not be compelled to deliver up the property.

Service of summons.

42. The summons shall be served on the occupant in the manner provided by the Code of Civil Procedure for the service of a summons on a defendant.

Order for possession.

43. If the occupant does not appear at the time appointed and show cause to the contrary, the applicant shall, if the Small Cause Court is satisfied that he is entitled to apply under section forty-one, be entitled to an order addressed to a bailiff of the Court directing him to give possession of the property to the applicant on such day as the Court thinks fit to name in such order.

Explanation.—If the occupant proves that the tenancy was created or permission granted by virtue of a title which determined previous to the date of the application, he shall be deemed to have shown cause within the meaning of this section.

Such order to justify bailiff entering on property and giving possession.

44. Any such order shall justify the bailiff to whom it is addressed in entering after the hour of six in the morning and before the hour of six in the afternoon upon the property named therein, with such assistants as he thinks necessary, and giving possession of such property to the applicant : and no suit or prosecution shall be maintainable against any Judge or officer of the Small Cause Court by whom any such order as aforesaid was issued, or against any bailiff or other person by whom the same was executed, or by whom any such summons as aforesaid was served, for the issue, execution or service of any such order or summons, by reason only that the applicant was not entitled to the possession of the property.

Bar to proceedings against Judge or officer for issuing, &c., order or summons.

Applicant, if entitled to possession, not to be deemed trespasser for any error in proceedings.

45. When the applicant, at the time of applying for any such order as aforesaid, was entitled to the possession of such property, neither he nor any person acting in his behalf shall be deemed, on account of any error, defect or irregularity in the mode of proceeding to obtain possession thereunder, to be a trespasser ; but any person aggrieved may bring a suit for the recovery of compensation for any damage which he has sustained by reason of such error, defect or irregularity :

Occupant may sue for compensation.

when no such damage is proved, the suit shall be dismissed; and when such damage is proved but the amount of the compensation assessed by the Court does not exceed ten rupees, the Court shall award to the plaintiff no more costs than compensation, unless the Judge who tries the case certifies that in his opinion full costs should be awarded to the plaintiff.

Liability of applicant obtaining order when not entitled.

46. Nothing herein contained shall be deemed to protect any applicant obtaining possession of any property under this chapter from a suit by any person deeming himself aggrieved thereby, when such applicant was not at the time of applying for such order as aforesaid entitled to the possession of such property.

Application for order in such case an act of trespass.

And when the applicant was not, at the time of applying for any such order as aforesaid, entitled to the possession of such property, the application for such order, though no possession is taken thereunder, shall be deemed to be an act of trespass committed by the applicant against the occupant.

Stay of proceedings on occupant giving security to bring a suit against the applicant.

47. Whenever on an application being made under section forty-one the occupant binds himself, with two sureties, in a bond for such amount as the Small Cause Court thinks reasonable, having regard to the value of the property and the probable costs of the suit next hereinafter mentioned, to institute without delay a suit in the High Court against the applicant for compensation for trespass and to pay all the costs of such suit in case he does not prosecute the same or in case judgment therein is given for the applicant, the Small Cause Court shall stay the proceedings on such application until such suit is disposed of.

If the occupant obtains a decree in any such suit against the applicant, such decree shall supersede the order (if any) made under section forty-three.

Nothing contained in section twenty-two shall apply to suits under this section.

Proceedings to be regulated by the Code of Civil Procedure.

48. In all proceedings under this chapter, the Small Cause Court shall, as far as may be and except as herein otherwise provided, follow the procedure prescribed for a Court of first instance by the Code of Civil Procedure.

Recovery of possession no bar to suit to try title.

49. Recovery of the possession of any immoveable property under this chapter shall be no bar to the institution of a suit in the High Court for trying the title thereto.

CHAPTER VIII.

DISTRESSES.

Local extent of chapter.

50. This chapter extends to every place within the local limits of the ordinary original civil jurisdictions of the High Courts of judicature at Fort William, Madras and Bombay. But nothing contained in this chapter applies—

Saving of certain rents.

(*a*) to any rent due to Government;

(*b*) to any rent which has been due for more than twelve months before the application mentioned in section fifty-three.

Appointment of bailiffs and appraisers.

51. The Judges of the Small Cause Court may appoint four or more persons to be bailiffs and appraisers for the purpose of this chapter, and may from time to time, with the previous sanction of the Local Government, fix such remuneration for the services of such officers as the said Judges think fit, and may suspend or remove them.

Security to be given by appointees.

52. The persons so appointed shall give security, to be approved by the said Judges, faithfully to discharge the duties of their office, and they shall be deemed to be public servants within the meaning of the Indian Penal Code.

Application for distress-warrant.

53. Any person claiming to be entitled to arrears of rent of any house or premises to which this chapter extends, or his duly constituted attorney, may apply to any Judge of the Small Cause Court, or to the Registrar of the Small Cause Court, for such warrant as is hereinafter mentioned.

The application shall be supported by an affidavit or affirmation to the effect of the form (marked A) in the third schedule hereto annexed.

Issue of distress-warrant.

54. The Judge or Registrar may thereupon issue a warrant under his hand and seal and returnable within six days, to the effect of the form (marked B), contained in the same schedule addressed to any one of such bailiffs.

The Judge or Registrar may at his discretion, upon personal examination of the person applying for such warrant, decline to issue the same.

Time for distress.

55. Every distress under this chapter shall be made after sunrise and before sunset, and not at any other time.

What places bailiff may force open.

56. The bailiff directed to make the distress may force open any stable, outhouse or other building, and may also enter any dwelling-house the outer door of which may be open, and may break open the door of any room in such dwelling-house for the purpose of seizing property liable to be seized under this chapter:

Provided that he shall not enter or break open the door of any room appropriated for the zanánâ or residence of women, which by the usage of the country is considered private.

Property which may be seized.

57. In pursuance of the warrant aforesaid the bailiff shall seize the moveable property found in or upon the house or premises mentioned in the warrant and belonging to the person from whom the rent is claimed (hereinafter called the debtor), or such part thereof as may in the bailiff's judgment be sufficient to cover the amount of the said rent, together with the costs of the said distress:

Provided that the bailiff shall not seize—

(*a*) things in actual use; or

(*b*) tools and implements not in use, where there is other moveable property in or upon the house or premises sufficient to cover such amount and costs; or

(*c*) the debtor's necessary wearing apparel; or

(*d*) goods in the custody of the law.

Impounding distress.

58. The bailiff may impound or otherwise secure the property so seized in or on the house or premises chargeable with the rent.

Inventory.

Notice of intended appraisement and sale.

59. On seizing any property under section fifty-seven the bailiff shall make an inventory of such property, and shall give a notice in writing to the effect of the form (marked C) in the third schedule hereto annexed to the debtor, or to any other person upon his behalf in or upon the said house or premises.

Copies of inventory and notice to be filed.

The bailiff shall, as soon as may be, file in the Small Cause Court copies of the said inventory and notice.

Application to discharge or suspend warrant.

60. The debtor, or any other person alleging himself to be the owner of any property seized under this chapter, or the duly constituted attorney of such debtor or other person, may, at any time within five days from such

seizure, apply to any Judge of the said Court to discharge or suspend the warrant, or to release a distrained article, and such Judge may discharge or suspend such warrant or release such article accordingly, upon such terms as he thinks just,

and any of the Judges of the said Court may in his discretion give reasonable time to the debtor to pay the rent due from him.

Upon any such application, the costs attending it and attending the issue and execution of the warrant shall be in the discretion of the Judge, and shall be paid as he directs.

Claim to goods distrained made by a stranger.

61. If any claim is made to, or in respect of, any property seized under this chapter, or in respect of the proceeds or value thereof, by any person not being the debtor, the Registrar of the Small Cause Court, upon the application of the bailiff who seized the property, may issue a summons calling before the Court the claimant and the person who obtained the warrant.

And thereupon any suit which may have been brought in the High Court in respect of such claim shall be stayed, and any Judge of the High Court, on proof of the issue of such summons and that the property was so distrained, may order the plaintiff to pay the costs of all proceedings in such suit after the issue of such summons.

And a Judge of the Small Cause Court shall adjudicate upon such claim and make such order between the parties in respect thereof and of the costs of the proceedings as he thinks fit;

and such order shall be enforced as if it were an order made in a suit brought in such Court.

The procedure in Small Cause Courts in cases under this section shall conform, as far as may be, to the procedure in an ordinary suit in such Courts.

Power to award compensation to debtor or claimant.

62. In any case under section sixty or section sixty-one the Judge by whom the case is heard may award such compensation by way of damages to the applicant or claimant (as the case may be) as the Judge thinks fit,

and may for that purpose make any enquiry he thinks necessary;

and the order of the Judge awarding or refusing such compensation shall bar any suit for the recovery of compensation for any damage caused by the distress.

Power to transfer to High Court cases involving more than Rs. 1,000.

63. In any case under section sixty or section sixty-one, if the value of the subject-matter in dispute exceeds one thousand rupees, the applicant or claimant may apply to the High Court to transfer the case to itself, and the High Court, on being satisfied that it is expedient that the case should be disposed of by itself, may direct the case to be transferred accordingly, and may thereupon alter or set aside any order passed in the case by a Judge of the Small Cause Court, and may make such order therein as the High Court thinks fit.

Every application under this section shall be made within seven days from the date of the seizure of the subject-matter in dispute.

In granting applications under this section, the High Court may impose such terms as to payment of, or giving security for, costs or otherwise as it thinks fit.

The procedure in cases transferred under this section shall conform, as far as may be, to the procedure in suits before the High Court in the exercise of its ordinary original civil jurisdiction; and orders made under this section may be executed as if they were made in the exercise of such jurisdiction; and every such order awarding or refusing compensation shall bar any suit for the recovery of compensation for any damage caused by the distress which gave rise to the case wherein such order was made.

Appraisement.

Notice of sale.

64. In default of any order to the contrary by a Judge of the Small Cause Court or by the High Court, any two of the said bailiffs may, at the expiration of five days from a seizure of property under this chapter, appraise the property so seized, and give the debtor notice in writing to the effect of the form (marked D) in the third schedule hereto annexed.

The bailiffs shall file in the Small Cause Court a copy of every notice given under this section.

Sale.

Application of proceeds.

65. In default of any such order to the contrary, the distrained property shall be sold on the day mentioned in such notice, and the said bailiffs shall on realizing the proceeds pay over the amount thereof to the Registrar of the Small Cause Court; and such amount shall be applied first in payment of the costs of the said distress and then in satisfaction of the debt; and the surplus, if any, shall be returned to the debtor:

Provided that the debtor may direct that the sale shall take place in any other manner, first giving security for any extra costs thereby occasioned.

Costs of distresses.

66. No costs of any distress under this chapter shall be taken or demanded except those mentioned in the part (marked E) of the third schedule hereto annexed.

The Judges of the Small Cause Court may apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said bailiffs, as appears to the said Judges expedient.

67. The Registrar of the Small Cause Court shall keep a book in which all sums received as costs upon distresses made under this chapter, and all sums paid as remuneration to the said bailiffs, and all contingent charges incurred in respect of such distresses, shall be duly entered.

Account of costs and proceeds

He shall also enter in the said book all sums realized by sale of the property distrained and paid over to landlords under the provisions of this chapter.

68. No distress shall be levied for arrears of rent, except under the provisions of this chapter;

Bar of distresses except under this chapter.

And any person, except a bailiff appointed under section fifty-one, levying or attempting to levy any such distress shall, on conviction before a Presidency Magistrate, be liable to be punished with fine which may extend to five hundred rupees and with imprisonment for a term which may extend to three months, in addition to any other liability he may have incurred by his proceedings.

Penalty for making illegal distresses.

CHAPTER IX.

REFERENCES TO HIGH COURT.

69. If two or more Judges of the Small Cause Court sit together in any suit, or in any proceeding under Chapter VII of this Act, and differ in their opinion as to any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits,

Reference when compulsory.

or if in any suit or any such proceeding, in which the amount or value of the subject-matter exceeds five hundred rupees, any such question arises, and either party so requires,

the Small Cause Court shall draw up a statement of the facts of the case, and refer such statement, under section 617 of the Code of Civil Procedure, for the opinion of the High Court, and shall either reserve judgment or give judgment contingent upon such opinion.

70. When judgment is given under section sixty-nine contingent upon the opinion of the High Court, the party against whom such judgment is given shall at once furnish security, to be approved by the Small Cause Court, for the costs of the reference to the High Court and for the amount of such judgment:

Security to be furnished on such reference by party against whom contingent judgment given.

Provided that no security for the amount of such judgment shall be required in any case in which the Judge who tried the case has ordered such amount to be paid into Court, and the same has been paid accordingly.

Unless such security as aforesaid is at once furnished, the party against whom such contingent judgment has been given shall be deemed to have submitted to the same.

If no such security given, party to be deemed to have submitted to judgment.

CHAPTER X.

FEES AND COSTS.

71. A fee not exceeding—

Institution-fee.

(*a*) when the amount or value of the subject-matter does not exceed five hundred rupees—the sum of two annas in the rupee on such amount or value,

(*b*) when the amount or value of the subject-matter exceeds five hundred rupees—the sum of sixty-two rupees eight annas, and one anna in the rupee on the excess of such amount or value, over five hundred rupees,

shall be paid on the plaint in every suit, and every application under section thirty-eight or section forty-one; and no such plaint or application shall be received until such fee has been paid.

An additional fee of ten rupees shall be paid on the filing of every agreement under section twenty.

72. The fees specified in the third and fourth columns of the fourth Schedule hereto annexed shall be paid previous to the issue in any suit or in any proceeding under Chapter VII of this Act of the processes, to which the said columns respectively relate, by the persons on whose behalf such processes are issued, when the amount or value of the subject-matter exceeds the sum specified in the first column, but does not exceed the sum specified in the second column of the said Schedule.

Fees for processes.

73. Whenever any such suit or proceeding is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the Small Cause Court to the parties by whom the same have been respectively paid.

Repayment of half fees on settlement before hearing.

74. The Small Cause Court may, whenever it thinks fit, receive and register suits instituted, and applications under section forty-one made, by poor persons, and may issue processes on behalf of such persons, without payment or on a part-payment of the fees mentioned in sections seventy-one and seventy-two.

Fees and costs of poor persons.

75. The Local Government may, from time to time, by notification in the official Gazette, vary the amount of the fees payable under sections seventy-one and seventy-two:

Power to vary fees.

Provided that the amount of such fees shall in no case exceed the amount prescribed by the said sections.

76. The expense of employing an advocate, vakíl, attorney or other legal practitioner incurred by any party shall not be allowed as costs in any suit or in any proceeding under Chapter VII of this Act, in the Small Cause Court, in which suit or pro-

Expense of employing legal practitioners.

ceeding the amount or value of the subject-matter does not exceed twenty rupees, unless the Court is of opinion that the employment of such practitioner was under the circumstances reasonable.

Sections 3, 5 and 25 of Court Fees Act, 1870, saved.

77. Nothing contained in this chapter shall affect the provisions of sections 3, 5 and 25 of the Court Fees Act, 1870.

CHAPTER XI.

MISCONDUCT OF INFERIOR MINISTERIAL OFFICERS.

Power to fine officers.

78. The Chief Judge may, by order, fine, in an amount not exceeding one month's salary, any clerk, bailiff or other inferior ministerial officer of the Court who is guilty of misconduct or neglect in the performance of the duties of his office, and such fine may be deducted from his salary.

Default of bailiff or other officer in execution of order or warrant.

79. If any clerk, bailiff or other inferior ministerial officer of the Small Cause Court who is employed as such in the execution of any order or warrant, loses, by neglect, connivance or omission, an opportunity of executing such order or warrant, he shall be liable, by order of the Chief Judge, on the application of the person injured by such neglect, connivance or omission, to pay such sum, not exceeding in any case the sum for which the said order or warrant was issued, as, in the opinion of the Chief Judge, represents the amount of the damage sustained by such person thereby.

Extortion or default of officers.

80. If any clerk, bailiff or other inferior ministerial officer of the Small Cause Court is charged with extortion or misconduct while acting under colour of its process, or with not duly paying or accounting for any money levied by him under its authority, the Court may inquire into such charge, and may make such order for the repayment or payment of any money so extorted, or of any money so levied as aforesaid, and of damages and costs, by such officer, as it thinks fit.

Court empowered to summon witnesses, &c.

81. For the purposes of any inquiry under this chapter, the Small Cause Court shall have all the powers of summoning and enforcing the attendance of witnesses and compelling the production of documents which it possesses in suits under this Act.

Enforcement of order.

82. Any order under this chapter for the payment or repayment of money may, in default of payment of the amount payable thereunder, be enforced by the person to whom such amount is payable as if the same were a decree of the Small Cause Court in his favour.

CHAPTER XII.

CONTEMPT OF COURT.

Procedure of Court in certain cases of contempt.

83. When any such offence as is described in section 175, 178, 179, 180 or 228 of the Indian Penal Code is committed in the view or presence of the Small Cause Court, the Court may cause the offender to be detained in custody; and, at any time before the rising of the Court on the same day, may, if it thinks fit, take cognizance of the offence, and punish the offender with fine which may extend to two hundred rupees, and in default of payment of such fine with imprisonment in the civil jail for a term which may extend to one month unless such fine is sooner paid.

Record in such cases.

84. In every such case the Court shall record the facts constituting the offence, the statement (if any) made by the offender, and the finding and sentence.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court when interrupted or insulted was sitting, and the nature of the interruption or insult offered.

Procedure where Court considers that the case should not be dealt with under section 83.

85. If the Court considers that a person accused of any offence referred to in section eighty-three and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or if the Court is for any other reason of opinion that the case should not be disposed of under section eighty-three, the Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Presidency Magistrate, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, may forward him under custody to such Magistrate.

Such Magistrate shall deal with the accused person in the manner provided by the Presidency Magistrates Act, 1877; and may sentence the offender to punishment as provided in the section of the Indian Penal Code under which he is charged.

Discharge of offender on submission or apology.

86. When the Court has, under section eighty-three or section eighty-five, punished an offender, or forwarded him to a Presidency Magistrate for trial, for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of the Court, or on apology being made to its satisfaction.

Imprisonment or committal of person refusing to answer or produce document.

87. If any witness before the Small Cause Court refuses to answer such questions as are put to him, or to produce any document in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, the Court may sentence him to simple imprisonment, or commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to answer such questions or to produce such document, as the case may be, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section eighty-three or section eighty-five.

Appeal from orders under sections 83 and 87.

88. Any person deeming himself aggrieved by an order under section eighty-three or section eighty-seven may appeal to the High Court, and the provisions of the Presidency Magistrates Act, 1877, relating to appeals shall, so far as may be, apply to appeals under this section.

CHAPTER XIII.

MISCELLANEOUS.

Persons by whom process may be served.

89. Notices to produce documents, summonses to witnesses, and all other processes issued in the exercise of any jurisdiction conferred on the Small Cause Court by this Act, except summonses to defendants and writs of execution, may, if the Court by general or special order so directs, be served by such persons as the Court, from time to time, appoints in this behalf.

Registers and returns.

90. The Small Cause Court shall keep such registers, books and accounts, and submit to the High Court such statements and returns, as may, subject to the approval of the Local Government, be prescribed by the High Court.

Court to furnish records, &c., called for by Local Government or High Court.

91. The Small Cause Court shall comply with such requisitions as may from time to time be made by the Local Government or High Court for records, returns and statements in such form and manner as such Government or Court, as the case may be, thinks fit.

Holidays and vacations.

92. The Small Cause Court shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the Court, and shall submit the same for the approval of the Local Government.

Such list, when it has received such approval, shall be published in the local official Gazette, and the said holidays and vacations shall be observed accordingly.

Certain persons exempt from arrest by Court.

93. The Governor General and Members of his Council, the Governors of Fort St. George and Bombay and the Members of their respective Councils, the Lieutenant-Governor of Bengal, and the Chief Justices and Judges of the High Courts established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, shall not be liable to arrest by order of the Small Cause Court.

No suit to lie upon decree of Court.

94. No suit shall lie on any decree of the Small Cause Court.

Place of imprisonment.

95. Any person ordered by the Small Cause Court to be imprisoned may be imprisoned in such place as the Local Government, from time to time, appoints in this behalf.

Tender in suit for anything done under Act.

96. If any person against whom any suit is brought for anything purporting to be done by him under this Act has, before the institution of the suit, tendered sufficient amends to the plaintiff, the plaintiff shall not recover.

Limitation of prosecutions.

97. All prosecutions for anything purporting to be done under this Act must be commenced within three months after the offence was committed.

THE FIRST SCHEDULE.

(*See section 2.*)

ENACTMENTS REPEALED.

A.—Charters of the Supreme Courts.

Date.		Extent of repeal.
26th March, 1774	Charter of the Supreme Court at Fort William.	Clause 21.
26th December, 1800.	Charter of the Supreme Court at Madras.	Clause 47.
8th December, 1823.	Charter of the Supreme Court at Bombay.	Clause 59.

B.—Acts of the Governor General in Council.

Number and year.	Subject or short title.	Extent of repeal.
IX of 1850 ...	For the more easy recovery of small debts and demands in Calcutta, Madras and Bombay.	So much as has not been repealed.
XX of 1857 ...	To amend Act IX of 1850.	The whole.
XXVI of 1864	To extend the jurisdiction of the Courts of Small Causes at Calcutta, Madras and Bombay, and to provide for the appointment of an increased number of Judges of these Courts.	So much as has not been repealed.
I of 1875 ...	To regulate Distresses for Rents in the Presidency-towns.	The whole.
X of 1877 ...	The Code of Civil Procedure.	Section eight, para. 2.

C.—Act of the Governor of Bombay in Council.

Number and year.	Subject.	Extent of repeal.
VI of 1864 ...	For the better regulation of the diet-money of persons imprisoned by the Bombay Court of Small Causes.	So much as has not been repealed.

THE SECOND SCHEDULE.

(*See section 23.*)

PORTIONS OF CIVIL PROCEDURE CODE EXTENDING TO COURT.

PRELIMINARY: Section 2, Interpretation-clause.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11.

CHAPTER II.—Of the Place of suing, except sections 15 to 19 (both inclusive), section 20, paragraph 4, sections 22, 23 and 24 and section 25, paragraphs 2 and 3.

CHAPTER III.—Of Parties and their Appearances, Applications and Acts, except section 37, clause (*b*), and the last paragraph.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.

CHAPTER V.—Of the Institution of Suits, except section 53, clause (*e*), section 55, section 57, clause (*b*), and sections 58 and 62.

CHAPTER VI.—Of the Issue and Service of Summons, except, in section 64, the words "and the copies or concise statements required by section 58 have been filed," and sections 65, 66 and 86.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Of Written Statements and Set-off, except sections 110, 112 and 113.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Sending for Records and Production, &c., of Documents, sections 137 (except paragraph 2), 138, 140 (except the proviso and the last six words), 141 (except the third sentence), 142, 143 and 145.

CHAPTER XI.—Settlement of issues, sections 150 and 151.

CHAPTER XII.—Disposal of the Suit at the first hearing, except sections 154 and 155.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses, except sections 168, 169, 170 and 175.

CHAPTER XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 191 (both inclusive).

CHAPTER XVI.—Of Affidavits.

THE SECOND SCHEDULE—*contd.*

CHAPTER XVII.—Of Judgment and Decree, except sections 200, 201, 202, 204, 207 and 211 to 215 (both inclusive).

CHAPTER XVIII.—Of Costs.

CHAPTER XIX.—Of the Execution of Decrees, section 230, first two clauses, sections 231 to 236 (both inclusive), 243 to 259 (both inclusive), 266 (so far as relates to the attachment of moveable property or decrees therefor), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 303 (both inclusive), 328 to 333 (both inclusive), 336 (except the last three clauses), and 337 to 343 (both inclusive).

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of Requiring Security for Costs.

CHAPTER XXV.—Of Commissions, except section 396.

CHAPTER XXVII.—Suits by or against Government, or public officers.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers, except section 433.

CHAPTER XXIX.—Suits by and against Corporations and Companies.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by and against Minors and Persons of Unsound Mind.

CHAPTER XXXII.—Suits by and against Military Men.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards the attachment of immoveable property.

CHAPTER XXXV.—Interlocutory orders, sections 498, 499, 500 and 502.

CHAPTER XXXVI.—Appointment of Receivers, section 503.

CHAPTER XXXVII.—Reference to Arbitration, except the provisions of section 522 as to appeals.

CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties, except so much of section 527, clause *b*, as relates to immoveable property.

CHAPTER XLVI.—Of Reference to and Revision by High Court.

CHAPTER XLIX.—Miscellaneous, sections 640 to 651 (both inclusive).

THE THIRD SCHEDULE.

FORMS.

A.

[*See section 53.*]

In the Small Cause Court for

*A. B.*_____(Plaintiff),

versus

*C. D.*_____(Defendant).

A. B. of_____, in the town of_____, maketh oath [*or affirms*] and saith that *C. D.*_____, of_____, is justly indebted to_____in the sum of Rs._____for arrears of rent of the house and premises No._____, situated at_____, in the town of_____, due for_____months, to wit from_____ to_____, at the rate of Rs._____per mensem.

Sworn [*or* affirmed] before me the_____day of_____188 .

Judge [or *Registrar.*]

B.

[*See section 54.*]

In the Small Cause Court for

FORM OF WARRANT.

I hereby direct you to distrain the moveable property of *C. D.*, on the house and premises situate at No. _____, in the town of_____, for the sum of_____Rs. and the costs of the distress, according to the provisions of Chapter VIII of the Presidency Small Cause Courts Act, 1882. Dated day of

(*Signed and sealed*).

To *E. F., Bailiff and Appraiser.*

C.

[*See section 59.*]

In the Small Cause Court for

FORM OF INVENTORY AND NOTICE.

(*State particulars of property seized*).

Take notice that I have this day seized the moveable property contained in the above inventory for the sum of_____Rs., being the amount of_____months' rent due to *A. B.* at_____last, and that unless you pay the amount thereof, together with the costs of this distress, within five days from the date hereof, or obtain an order from one of the Judges or the Registrar of the Small Cause Court to the contrary, the same will be appraised and sold pursuant to the provisions of Chapter VIII of the Presidency Small Cause Courts Act, 1882. Dated the day of 188 .

(Signed) *E. F.,*
Bailiff and Appraiser.

To *C. D.*

D.

[*See section 64.*]

In the Small Cause Court for

Take notice that we have appraised the moveable property seized on the_____day of_____, under the provisions of Chapter VIII of the Presidency Small Cause Courts Act, 1882, of which seizure and property a notice and inventory were duly served upon you [*or* upon_____on your behalf, *as the case may be*] under date the_____, and that the said property will be sold on the_____ [*two clear days at least after the date of the notice*] at_____pursuant to the provisions of the said Act. Dated this_____day of_____188—.

(Signed) *E. F.,*
G. H.,
Bailiffs and Appraisers.

To *C. D.*

E.

[*See section 66.*]

In the Small Cause Court for

SCALE OF FEES TO BE LEVIED IN DISTRAINTS FOR HOUSE-RENT.

Sums sued for.	Affidavit and warrant to distrain.	Order to sell.	Commission.	Total.
Rs. Rs.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1 and under 5	0 4 0	0 8 0	0 8 0	1 4 0
5 „ 10	0 8 0	0 8 0	1 0 0	2 0 0
10 „ 15	0 8 0	0 8 0	1 8 0	2 8 0
15 „ 20	0 8 0	1 0 0	2 0 0	3 8 0
20 „ 25	0 12 0	1 0 0	2 8 0	4 4 0
25 „ 30	1 0 0	1 0 0	3 0 0	5 0 0
30 „ 35	1 0 0	1 0 0	3 8 0	5 8 0
35 „ 40	1 0 0	1 8 0	4 0 0	6 8 0
40 „ 45	1 4 0	2 0 0	4 8 0	7 12 0
45 „ 50	1 8 0	2 0 0	5 0 0	8 8 0
50 „ 60	2 0 0	2 0 0	6 0 0	10 0 0
60 „ 80	2 8 0	2 8 0	6 8 0	11 8 0
80 to 100	3 0 0	3 0 0	7 0 0	13 0 0
Upwards of 100	3 0 0	3 0 0	7 per centum	...

The above scale includes all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpœnaed, in which case each subpœna for sums under Rs. 40 must be paid for at four annas each, and twelve annas above that amount; and also where peons are kept in charge of property distrained, four annas per day must be paid per man.

THE FOURTH SCHEDULE.

(*See section 72.*)

FEES FOR SUMMONSES AND OTHER PROCESSES.

When the amount or value of the subject-matter exceeds	But does not exceed	Fee for summons.	Fee for other processes.
Rs.	Rs.	Rs. A. P.	Rs. A. P.
0	10	0 2 0	0 2 0
10	20	0 4 0	0 4 0
20	50	0 8 0	0 8 0
50	100	1 0 0	1 0 0
100	200	1 4 0	2 0 0
200	300	1 8 0	3 0 0
300	400	1 12 0	4 0 0
400	500	2 0 0	5 0 0
500	600	2 4 0	6 0 0
600	700	2 8 0	7 0 0
700	800	2 12 0	8 0 0
800	900	3 0 0	9 0 0
900	1,000	3 4 0	10 0 0
1,000	1,100	3 6 0	10 8 0
1,100	1,200	3 8 0	11 0 0
1,200	1,300	3 10 0	11 8 0
1,300	1,400	3 12 0	12 0 0
1,400	1,500	3 14 0	12 8 0
1,500	1,600	4 0 0	13 0 0
1,600	1,700	4 2 0	13 8 0
1,700	1,800	4 4 0	14 0 0
1,800	1,900	4 6 0	14 8 0
1,900	2,000	4 8 0	15 0 0

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 25, 1882.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following further Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th March, 1882 :—

WE, the undersigned members of the Select Committee to which the Bill to provide for the Relief of Encumbered Estates in the Jhánsí Division of the North-Western Provinces was referred, have considered the Bill and the papers noted in the margin, and have the honour to present this further report.

From Officiating Secretary to Government, North-Western Provinces and Oudh, No 629, dated 25th April, 1881, and enclosures [Papers No 2].
Officiating Secretary to Government, North-Western Provinces and Oudh, No. 799, dated 19th May, 1881, and enclosures [Papers No 3].

The Bill, as amended by us, was laid before the Council, with our report dated 4th February, 1881, and was sent to the Local Government for opinion.

The Government of the North-Western Provinces replied in their Secretary's letter, No. 629, dated 25th April, 1881. In that letter, the Lieutenant-Governor suggested an entirely new plan for dealing with the Jhánsí question, and forwarded a memorandum prepared by Mr. Bazett Colvin, and the rough draft of a new Bill.

It is this new Bill which we have now had under consideration.

The chief points of the present scheme, as laid down by Mr. Colvin, are as follows :—

(1). The indebted zamíndár, or an officer appointed for the purpose by the Local Government, may apply to the Commissioner of the Division, stating the debts and liabilities of such zamíndár.

(2). The Commissioner may refer the application to an officer styled "the Special Judge," who is to be appointed for this purpose, and who may, if the Local Government pleases, be one of the District staff.

(3). On the receipt of an application by the Special Judge, all claims against the indebted zamíndár are to be called in.

(4). In dealing with the claims, the Special Judge is to have powers similar to those conferred on the Courts by the Dekkhan Agriculturists' Relief Act, No. XVII of 1879.

(5). All proceedings, of whatever kind, taken in other Courts against the indebted zamíndár, are to be for ever stayed ; and he is to be disabled from contracting fresh liabilities, until certain conditions have been fulfilled.

(6). The Special Judge will determine the amount of the debts and liabilities of the zamíndár, and will ascertain the nature and amount of property possessed by him, other than his proprietary rights in land.

(7). If the value of such property, other than as aforesaid, is sufficient to pay the debts, the Special Judge will give the creditors decrees, which they may execute through the ordinary Civil Courts.

(8). If such value is not so sufficient, the Special Judge will submit to the Commissioner a report showing the amount of the debts due by the zamíndár, and detailing the property, other than proprietary rights in land, belonging to such zamíndár.

(9). An arbitrary value is then to be put on the zamíndár's proprietary rights in land; (1), for the purpose of a loan from Government, a sum equal to eight times the nett annual profits derived from such rights; (2), for the purchase of such rights by Government, a sum equal to sixteen times and two-thirds such nett annual profits.

(10). If the debts certified by the Special Judge can be met by the proceeds of such other property as the indebted zamíndár possesses, together with a sum equal to the loan value of his proprietary rights in land, the zamíndár is to be asked if he will accept a loan from Government. If he accepts, the money is to be advanced from the public treasury, and the debts are to be paid. If he declines, the Commissioner may sell his proprietary rights by auction, to the extent necessary to meet the claims certified by the Special Judge.

(11). When the zamíndár accepts a loan, the Government will have a lien on his land. If he fails to repay the loan within the time laid down for that purpose by the Commissioner, his proprietary rights, or such part of them as may be necessary to cover the unpaid portion of the loan, shall vest in the Secretary of State for India in Council.

(12). When the debts certified by the Special Judge, exceed in amount the aggregate value of the zamíndár's other property and of his proprietary rights in land as estimated for the purpose of a loan, the zamíndár is to be declared to be insolvent, and his proprietary rights in land are to be sold by auction.

(13). Such rights will be put up for sale at the upset price of sixteen times and two-thirds the nett annual profits, and sold to the highest bidder above that sum. If there is no bid, the Commissioner will pay to the insolvent's estate a sum equal to sixteen times and two-thirds the nett annual profits. The debts will be paid off, so far as may be practicable, and the insolvent's proprietary rights in land will vest in the Secretary of State for India in Council.

(14). In all cases in which the proprietary rights shall vest in the Secretary of State for India in Council, the zamíndár will continue to hold his sír-land as an ex-proprietary tenant. And the same consequence ensues, as a matter of course, when his rights are sold on his refusal to accept a loan.

(15). On the final completion of any of these proceedings, that is to say, when the zamíndár's proprietary rights have been sold, or when they have vested in the Secretary of State for India in Council, or when the loan has been re-paid, the Commissioner will declare the disabilities imposed on the zamíndár to be removed.

The zamíndár then will be in this position. If he has taken a loan, he will be liable for the repayment of the loan, by instalments, with interest. He will have to pay these sums in addition to his land-revenue, but they will probably be less than the sums extracted from him by his creditors. He will have his sír-land to live upon, together with whatever remains to him out of his rental, after the payments of instalments of the loan, interest thereon, land-revenue and rates. He will be freed from all other liabilities and encumbrances, and, after the loan is re-paid, will be restored to the full enjoyment of his rights.

If he refuses the loan, he will lose his proprietary rights, in whole or in part, but he will be completely freed from debt, and will continue to hold his sír-land as an ex-proprietary tenant.

Such also will be his position if he is declared an insolvent.

We have made the following material alterations in the Bill, as drafted by Mr. Bazett Colvin:—

Firstly, Mr. Colvin provided that, if the debts, as found by the Special Judge, could be met by the proceeds of the sale of the zamíndár's property, other than his proprietary rights in land, the Special Judge should give the creditors decrees and leave them to get satisfaction in ordinary course of law. He provided also that, in such case, the zamíndár's disabilities were to cease.

It appears to us that the result of this proceeding would be to start the zamíndár on a fresh career, with decrees hanging over him, to meet which he would probably raise fresh loans.

We have provided, therefore, that in these cases also the Special Judge shall send a report to the Commissioner, who will cause the property enumerated in the Special Judge's report, or a portion of it, to be sold. If the proceeds are sufficient to pay the debts as determined by the Special Judge, the Commissioner will pay such debts, and the zamíndár will thereupon be discharged from all liabilities.

If the proceeds are not so sufficient, the Commissioner will cause the valuation of the zamíndár's proprietary rights to be made, and the case will go on as contemplated by Mr. Colvin.

Secondly, we think that the value proposed to be put upon the zamíndár's interest in the land is too high. It is probably three times as much as property of the kind in Jhánsí would fetch at public auction. We assent to the principle that the zamíndár's creditors, whose contracts we propose to override, should be generously dealt with; but we do not think it is safe to advance more than six times the nett annual profits of the property as a loan, or to give more than ten times such profits for the purchase of such property.

The interest chargeable on loans advanced by Government under the Bill has been fixed at five per cent. simple interest, with the assent of the Financial Department. The Bill has been amended accordingly.

Thirdly, we think that, when the debts of the zamíndár can be met with a loan, it is unnecessary to provide that his proprietary rights in land shall, on his failure to repay the loan, vest in the Secretary of State for India in Council.

The necessary corollary of this provision is that, when part of the loan has been re-paid, part only of the proprietary rights shall be forfeited. The result will be, that small parts of villages or shares in villages will belong to Government and much trouble will be given to the administration.

It seems to us better to provide that, on the occurrence of a default in the payment of any instalment of principal or interest, the whole sum due shall be deemed to be an arrear of land-revenue, and shall be recoverable as such.

This provision will give the Deputy Commissioner ample power to take possession of the defaulter's land, and, if necessary, will enable Government to sell the defaulter's proprietary rights under the land-revenue law.

The objection taken to this amendment is, that it will compel the district-officer to manage the land. But in any case, whether he assumes possession for a term of years as we propose, or whether the proprietary rights of the defaulter are vested in the Secretary of State for India in Council, some arrangement will have to be made for the management of the land and the collection of the rents. There will be no more difficulty in the one case than in the other.

The Bill appears to us now to be put in as simple a shape as is practicable.

We recommend that the Bill, as now amended, be published in the *Gazette of India* and in the local official Gazette.

C. H. T. CROSTHWAITE.
WHITLEY STOKES.
RIVERS THOMPSON.
E. BARING.
W. C. PLOWDEN.

The 16th March, 1882.

No. III.

THE JHÁNSÍ ENCUMBERED ESTATES BILL, 1882.

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No. III.

Bill to provide for the relief of Encumbered Estates in the Jhánsí Division of the North-Western Provinces.

Preamble.

WHEREAS many zamíndárs in the Jhánsí Division of the North-Western Provinces are in debt, and their immoveable property is subject to encumbrances, and it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Commencement.

1. This Act may be called "The Jhánsí Encumbered Estates Act, 1882": and it shall come into force on the passing thereof.

Interpretation-clause. "zamíndár": "sír-land":

2. In this Act—

"zamíndár" means a proprietor of land or of any share in land assessed to revenue, and includes an ubáridár:

and "sír-land" means—

(*a*) land recorded as sír at the last settlement or revision of settlement of the district in which it is situate, and continuously so recorded since;

(*b*) land continuously cultivated for twelve years by the proprietor himself with his own stock or by his servants, or by hired labour;

(*c*) land recognized by village-custom as the special holding of a co-sharer, or treated as such in the distribution of profits or charges among the co-sharers.

CHAPTER II.

APPOINTMENT OF OFFICERS.

Power to appoint a special Judge.

3. The Local Government may, from time to time, by notification in the official Gazette, appoint, for any local area in the Jhánsí Division, a special Judge, who shall exercise the powers conferred, and perform the duties imposed, by this Act on such officer.

Power to suspend or remove special Judge.

The Local Government may, at any time, by a like notification, suspend or remove any special Judge so appointed.

CHAPTER III.

OF THE APPLICATION AND PRELIMINARY INQUIRY.

Application for the benefit of this Act.

4. At any time within twelve months after a special Judge is appointed for any local area, any zamíndár owning land in such area, or such officer as the Local Government may, from time to time, appoint in this behalf, may apply, in writing, to the Commissioner of the Jhánsí Division, stating that such zamíndár is subject to debts or liabilities other than debts due, or liabilities incurred, to Government, or that his immoveable property is encumbered with debts and liabilities other than as aforesaid, and requesting that the provisions of this Act be applied to him:

Provided that, when such zamíndár is a disqualified proprietor within the meaning of section 194 of the North-Western Provinces Land-revenue Act, 1873, such application shall be made—

(*a*) when his property is under the superintendence of the Court of Wards, by the manager of his property, with the consent of that Court; and

(*b*) when his property is not under such superintendence, by the Deputy Commissioner of the district in which such property is situate.

Power to extend time for making applications.

The Local Government may, from time to time, by notification in the official Gazette, extend the time prescribed for making applications under this section.

Order to inquire.

5. When any such application is made in the case of any zamíndár, the Commissioner shall direct an inquiry to be made by the special Judge—

(*a*) into the nature and amount of such debts and liabilities other than debts due, and liabilities incurred to, Government; and

(*b*) into the sufficiency of such zamíndár's property, whether moveable or immoveable, (exclusive of the property mentioned in the first proviso to section 266 of the Code of Civil Procedure), to discharge such debts and liabilities other than as aforesaid.

Verified statement to be submitted.

6. When an inquiry has been directed under section five, the applicant shall, within a period to be fixed by the Commissioner, submit to the special Judge a statement duly verified by the said applicant, or by some other competent person, in the manner required by law for the verification of plaints.

Contents of statement.

Such statement shall contain, so far as may be practicable,—

(*a*) such particulars as the special Judge may require respecting the debts and liabilities, other than as aforesaid, to which the zamíndár is subject, or with which his immoveable property or any part thereof is encumbered;

(*b*) the nature and value of the zamíndár's property (exclusive of his proprietary rights in land and the property mentioned in the first proviso to section 266 of the Code of Civil Procedure); and

(*c*) the names and residences of his creditors, so far as they are known to, or can be ascertained by, such zamíndár.

False averments in statement.

If any such statement contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, he shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code:

Provided that, when the application is made by an officer appointed under section four, or by the Deputy Commissioner, it shall not be necessary to verify such statement; but the zamíndár shall, so far as may be practicable, within a period to be fixed by the special Judge, furnish such information regarding the matters mentioned in section six, clauses (*a*), (*b*) and (*c*), as such Judge may require.

Proviso.

CHAPTER IV.

PROOF OF DEBTS AND PROCEDURE OF SPECIAL JUDGE.

Notice to claimants against zamíndár.

7. When the duly verified statement or the information referred to in section six has been submitted or furnished, the special Judge shall publish in the official Gazette, a notice in the vernacular language of the district, calling upon all persons having claims against the person or the property of the zamíndár, by, or with respect to, whom the application was made, under section four, to present to the special Judge, within two months from the date of such publication, a written statement of such claims.

Provision for admission of claims within further period of two months.

Provided that, when the claimant satisfies the special Judge that he had sufficient cause for not presenting such statement within such period, the special Judge may receive such statement within a further period of two months from the expiration of the original period.

Copies of notice to be exhibited.

The special Judge shall also cause copies of such notice to be exhibited at his own office, at the offices of the Commissioner of the Jhánsí Division and the Deputy Commissioner of the district in which the land of such zamíndár is situate, and at some conspicuous place in the village where such zamíndár resides.

Consequences of notice.

8. After the publication of such notice, the following consequences shall ensue (namely) :—

(*a*) all proceedings then pending in any civil or revenue Court in British India, in respect of all debts and liabilities, other than as aforesaid, to which the zamíndár is subject, or with which his immoveable property is encumbered, shall be for ever stayed; and all processes, executions and attachments issued by any such Court, and then in force, in respect of any such debt or liability, shall become null and void;

(*b*) in respect of such debts and liabilities, no fresh proceedings, processes, executions or attachments shall, except as hereinafter provided, be instituted in, or issued by, any civil or revenue Court in British India;

(*c*) until the Commissioner has declared, as hereinafter provided, that the zamíndár has ceased to be subject to the disabilities mentioned in this clause, such zamíndár shall be incompetent to sell, mortgage, exchange, give or, without the consent of the Commissioner, lease, his proprietary rights in land or any part thereof.

Claim to contain full particulars.

9. Every claimant referred to in section seven shall, in the written statement of his claim, present full particulars thereof.

Documents to be given up.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the special Judge along with such written statement.

Entries in books.

If the document be an entry in any book, the claimant shall produce the book to the special Judge, together with a copy of the entry on which he relies. The special Judge shall mark the book, for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Exclusion of documents not produced.

If any document in the possession, or under the control, of the claimant is not delivered or produced by him, as required by this section, the special Judge may refuse to receive such document in evidence on the claimant's behalf, at the investigation of the case.

Claim not duly notified to be deemed duly discharged.

10. Every such claim (other than claims of the Government), not made within the time and in the manner hereby required, shall be deemed, for all purposes, and on all occasions, to have been duly discharged.

History of transactions with zamíndár to be investigated.

11. The special Judge shall hear the zamíndár, or, when the application has been made on behalf of a disqualified proprietor, shall hear the manager of his property, or the Deputy Commissioner, as the case may be, in answer to each claim so made; and, if the amount of any such claim (other than a claim decreed by a competent Court) is disputed, shall inquire into the history and merits thereof from the commencement of the transactions between the parties, and shall, as hereinafter provided, determine the amount (if any) justly due to the claimant.

Mode of taking account.

12. When the special Judge inquires, under section eleven, into the history and merits of a claim, he shall—

notwithstanding any agreement between the zamíndár and the claimant, or the persons (if any) through whom they claim, as to allowing compound interest, or as to setting off the profits of mortgaged property in lieu of interest without an account, or otherwise determining the manner of taking the account, and

notwithstanding any statement or settlement of account, or any contract purporting to close previous dealings and create a new obligation,

open the account from the commencement of the transactions between the parties, and take that account according to the following rules (that is to say) :—

(*a*) separate accounts of principal and interest shall be taken ;

(*b*) in the account of principal, there shall be debited to the zamíndár such money as may, from time to time, have been actually received by him, or on his account, from the claimant, and the price of goods (if any) sold to him by the claimant, as part of the transactions between them ;

(*c*) in the account of principal, there shall not be debited to the zamíndár any money which he may have agreed to pay in contravention of section 257A of the Code of Civil Procedure ;

(*d*) in the account of principal, there shall not be debited to the zamíndár any accumulated interest which has been converted into principal at any statement or settlement of account, or by any contract made in the course of the transactions, unless the special Judge, for reasons to be recorded by him in writing, deems such debit to be reasonable ;

(*e*) in the account of interest, there shall be debited to the zamíndár monthly simple interest on the balance of principal for the time being outstanding, at the rate allowed by the special Judge as hereinafter provided ;

(*f*) all money paid by, or on account of, the zamíndár to the claimant or on his account, and all profits, service, or other advantages of every description received by the claimant in the course of the transactions, shall be credited first in the account of interest ; and, when any payment is more than sufficient to discharge the balance of interest due at the time it is made, the residue of such payment shall be credited to the zamíndár in the account of principal :

Explanation—The advantages mentioned in this clause shall be estimated, if necessary, at such money-value as the special Judge may determine in his discretion, or with the aid of arbitrators appointed by him ;

(*g*) the accounts of principal and interest shall be made up to the date of making the claim ; and the aggregate of the balances (if any) appearing due on both such accounts against the zamíndár at that date, shall be deemed to be the amount due at that date, except when the balance appearing due on the account of interest exceeds that appearing due on the account of principal, in which case double the latter balance shall be deemed to be the amount then due.

Interest to be allowed.

13. The interest to be awarded in taking an account, according to the rules set forth in section twelve, shall be—

(*a*) the rate (if any) agreed upon between the zamíndár and the claimant, or the persons (if any) through whom they respectively claim, unless such rate is deemed by the special Judge to be unreasonable ; or

(*b*) if such rate is deemed by the special Judge unreasonable, or if no rate was agreed upon, or, when any agreement to set off profits in lieu of interest without an account, entered into between the zamíndár and the claimant, or the persons (if any) through whom they respectively claim, has been set aside by the special Judge, such rate as the special Judge deems reasonable.

Power to rank debts and fix future interest.

14. If the amount so determined to be due cannot, in the opinion of the special Judge, be paid at once, he shall then proceed to rank the claims according to the order in which they shall be paid or discharged, and to fix the interest (if any) to be paid on the amounts thereof respectively from the date of the final decision thereon to the date of the payment and discharge thereof.

Report to be submitted by special Judge.

15. When the amount of the claims has been finally determined in the manner hereinbefore prescribed, the special Judge shall submit a report to the Commissioner, showing the nature and amount of the claims so determined, and also the nature and amount of all the zamíndár's property (exclusive of his proprietary rights in land and the property mentioned in the first proviso to section 266 of the Code of Civil Procedure), which may be available for the payment or discharge of the same.

CHAPTER V.

PROCEDURE OF COMMISSIONER AND MODE OF LIQUIDATION.

On report of special Judge, Commissioner to sell property reported by special Judge and, if necessary, to direct valuation of proprietary rights.

16. On receiving such report, the Commissioner shall direct that the property reported by the special Judge, as available for the discharge of the claims determined by him, or any specified portion of such property, be sold by public auction, and, from the proceeds thereof, shall pay or discharge, so far as practicable, the amount of the said claims.

If such proceeds are not sufficient to pay or discharge in full such amount, the Commissioner shall direct the value of the zamíndár's proprietary rights in land, to be ascertained in the manner following :—

For the purposes of a loan, the value of such rights shall be estimated to be a sum amounting to six times the nett annual profits of such zamíndár.

For the purposes of purchase by Government, the value of such rights shall be estimated to be a sum amounting to ten times such nett annual profits.

"Nett annual profits."

Explanation—The expression "nett annual profits" means the aggregate amount—

(a) of the rents which a zamíndár is entitled to receive as such annually from his tenants;

(b) of all profits received by him as zamíndár, and of the rent which he would have to pay for his sír-land (if any), if he were an exproprietary tenant thereof,

after deducting, from such aggregate amount, the Government revenue and all rates payable by him, under the North-Western Provinces Local Rates Act, 1878, or any other Act for the time being in force.

Proceedings in liquidation.

17. When the value of the zamíndár's proprietary rights has been ascertained as directed in section sixteen, the Commissioner shall proceed as follows:—

(a) If the sum at which the zamíndár's proprietary rights in land have been valued for the purposes of a loan, is sufficient to pay or discharge the balance of the said claims, the Commissioner may, with the consent of the zamíndár, direct such sum as may be necessary, not being more than the amount of such valuation, to be advanced from the public treasury as a loan to the zamíndár, and shall, from the sum so advanced, pay or discharge in full the balance of the said debts and liabilities.

(b) If the zamíndár does not consent to accept such loan, the Commissioner may direct that any portion, or, if necessary, the whole, of such rights, shall be sold in the manner hereinafter prescribed, in order to discharge such balance. Out of the proceeds of such sale, the Commissioner shall, so far as practicable, discharge such balance.

(c) If the sum at which the zamíndár's proprietary rights in land have been valued, for the purposes of a loan, is not sufficient to discharge the balance of the said debts and liabilities, the Commissioner may order his proprietary rights in land to be sold, in the manner hereinafter prescribed.

The purchaser, under this section, of the zamíndár's proprietary rights shall take the same free of all encumbrances created by such zamíndár, or the person through whom he claims.

Attachment of proprietary rights.

18. When an order for the sale of the proprietary rights of any zamíndár has been made hereunder, the Commissioner may order such rights to be attached and taken under the management of the Deputy Commissioner, who shall have, for this purpose, the same powers as are conferred, for the management of a mahál, on a Collector by the North-Western Provinces Land-revenue Act, 1873, section one hundred and fifty-five.

Such management shall continue until such rights are sold hereunder.

Mode of selling proprietary rights.

19. All sales, under this Act, of proprietary rights in land, shall be made by public auction in the manner prescribed by the said North-Western Provinces Land-revenue Act, 1873, for the sale of immoveable property for arrears of land-revenue. If, at the public auction of any zamíndár's proprietary rights in land, any bid be made for such rights above the sum at which they have been valued for the purposes of purchase by Government, such rights shall be sold to the highest bidder; and the proceeds of such sale shall be paid to the Deputy Commissioner or such officer as the Commissioner may direct. If no such bid be made, the Commissioner shall direct a sum of money equal to the amount of such valuation to be paid from the public treasury to the Deputy Commissioner or such officer.

Duty of Deputy Commissioner.

20. The Deputy Commissioner or such officer, as the case may be, shall thereupon, subject to the control of the Commissioner,—

firstly—pay, from the money which he has received under section nineteen, the debts, fines and liabilities (if any) due or incurred by the zamíndár to the Government;

secondly—pay all costs awarded against the zamíndár by the special Judge or Commissioner;

thirdly—out of the balance of such money, pay or discharge, so far as may be practicable, the claims against the zamíndár determined by the special Judge in the order in which they are ranked under section fourteen by such Judge;

fourthly—pay the surplus (if any) to the zamíndár.

Consequences of loan.

21. When a sum of money has been lent, under section seventeen, to a zamíndár, and applied in payment or discharge of the claims against him, the following consequences shall ensue (namely):—

(a) his proprietary rights in land shall be deemed to be mortgaged to the Secretary of State for India in Council, until such loan shall have been fully paid off;

(b) he shall be bound to repay the amount of such loan, with interest thereon at the rate of five per cent. per annum, by yearly instalments, within such term, not exceeding ten years, as the Commissioner may prescribe;

(c) in the event of his failing to pay any such instalment of principal or interest on the day fixed for the payment thereof, the whole sum remaining due on account of principal or interest, or both, shall be recoverable as an arrear of land-revenue due by him.

Conditions of purchase by the Government.

22. When a sum of money has been paid from the public treasury, as provided in section nineteen, and applied towards paying or discharging the claims against

a zamíndár, the following consequences shall ensue (namely) :—

(a) his proprietary rights in land shall vest in the said Secretary of State in Council;

(b) in respect of his sír-land, the proprietary rights in which are, under this section, vested in the said Secretary of State in Council, the zamíndár shall be deemed to be an ex-proprietary tenant holding such land directly under the Government.

Power to declare that zamíndár has ceased to be subject to disabilities.

23. In each of the following cases (namely) :—

(a) when the amount lent, under section seventeen, to a zamíndár has been repaid, together with the interest due thereon, or

(b) when such amount has been recovered from him as an arrear of land-revenue or has been remitted, in whole or in part, by the Local Government, or

(c) when the whole, or, where it is necessary to sell only a portion, such portion, of his proprietary rights in land has been sold under this Act to the highest bidder, or such rights have vested in the said Secretary of State in Council, under section twenty-two;

the Commissioner shall declare that such zamíndár has ceased to be subject to the disabilities mentioned in section eight, clause (c) :

Provided that in cases coming under clause (b) of this section, no such declaration shall be made without the previous sanction of the Local Government.

CHAPTER VI.

OF APPEAL AND REVISION.

Appeals.

24. An appeal against any decision or order, under this Act, of the special Judge shall lie to the Commissioner, if preferred within one month from the date of such decision or order :

Provided that when the Appellant satisfies the Commissioner that he had sufficient cause for not presenting the appeal within such period, such appeal may be admitted after the period prescribed by this section.

Subject to the power of revision next hereinafter provided, the decision of the Commissioner on an appeal, under this section, shall be final.

Power to call for proceedings and pass order thereon.

25. The Board of Revenue or the Commissioner may, of its or his own motion, or on the application of any person concerned, call for the proceedings in any case under this Act, and pass such order thereon, consistent with the provisions herein contained, as it or he thinks fit :

Provided that nothing in this section shall empower the Commissioner to pass any order reversing or modifying an order previously passed by the Board of Revenue.

CHAPTER VII.

MISCELLANEOUS.

Power to make rules.

26. The Local Government may, from time to time, make rules consistent with this Act—

(a) to regulate the procedure in all cases under this Act ;

(b) to declare what shall, for the purposes of this Act, be deemed to be the vernacular language of any specified district; and

(c) generally to carry out the provisions of this Act.

Such rules shall be published in the official Gazette, and, when so published, shall have the force of law.

Investigation to be deemed a judicial proceeding.

27. Every investigation conducted by the special Judge, with reference to any claim made to him under this Act, or to any matter connected with such claim, shall be deemed to be a judicial proceeding within the meaning of the Indian Penal Code ;

Special Judge deemed public servant within meaning of Indian Penal Code.

and the special Judge shall be deemed to be a public servant within the meaning of the said Code.

Power to summon witnesses and compel production of documents.

28. For the purposes of compelling the attendance of witnesses and the production of documents the special Judge shall have the powers conferred on a Civil Court by the Code of Civil Procedure.

Bar of suits.

29. No suit or other proceeding shall be maintained against any person in respect of anything done by him in good faith pursuant to this Act.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Report of a Select Committee, together with the Bill, as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th March, 1882:—

WE, the undersigned Members of the Select Committee to which the Bill to consolidate and amend the law relating to Agricultural Tenancies in the Central Provinces was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

Preliminary Note by the Commissioner, Jabalpur Division, Central Provinces, dated 1st September, 1873 [Paper No. 1].
Note by Officiating Commissioner, Nágpur Division [Paper No. 2].
Commentary by Officiating Commissioner, Nágpur Division [Paper No. 3].
Note by Officiating Judicial Commissioner, Central Provinces, dated 15th October, 1879 [Paper No. 4].
From Settlement-officer, Sirsá, dated 25th August, 1880, and enclosure [Papers No. 5].
" Commissioner, Haidarábád Assigned Districts, No. 4640, dated 18th September, 1880 Paper No. 6].
" Gopal Naráyan Ghatate and other málguzárs, Nágpur Division, dated 25th December, 1880, and enclosure [Papers No. 7].
" Lakshmí Naráyana Pandit, Pleader, High Court, North-Western Provinces, dated 2nd March, 1881, and enclosure [Papers No. 8].
" Officiating Assistant Secretary to Chief Commissioner, Central Provinces, No. 2263-112, dated 23rd January, 1881, and enclosures [Papers No. 9].
" Officiating Assistant Secretary to Chief Commissioner, Central Provinces, No. 353-23, dated 1st February, 1881, and enclosures [Papers No. 10].
" Officiating Secretary to Chief Commissioner, Central Provinces, No. 3799-208, dated 19th October, 1881, and enclosures [Papers No. 11].

2. The Bill introduced on the 6th August, 1880, met with much criticism in the Central Provinces. In May, 1881, the Chief Commissioner referred the Bill to a Committee composed of officers* belonging to the Central Provinces, whose report has been now under consideration. The amendments recommended by this Committee have received the unqualified support of the Chief Commissioner. They are of such a nature as to render it necessary to re-draft the Bill.

*Mr. C. H. T. Crosthwaite, Judicial Commissioner.
" J. W. Neill, Commissioner, Nágpur.
" J. W. Chisholm, Officiating Commissioner, Narbada.

3. We have, accordingly, amended and re-cast the Bill, but the majority of us desire to reserve our opinion as to the expediency of making these amendments until the Bill has been republished in its present shape, and subjected to further criticism. The most important amendments, and those to which we desire to attract particular attention, are as follows:—

(1.)—The Bill, as introduced, withdrew the power of making a distraint for rent, and practically compelled the landlord to sue a tenant on the produce of whose holding he wished to retain a lien for arrears of rent.

The Bill, as now amended, gives no right to distrain, but it maintains the landlord's lien on the produce for rent, and directs a Court executing a decree, other than for rent, by attachment and sale of the produce of a tenant's holding, to pay to the landlord, out of the proceeds of the sale, and before satisfying the decree-holder, any arrear of rent that may be due by the tenant, and likewise the instalment of rent falling due next after the usual date of harvesting the produce attached and sold.

It also allows a landlord, when an arrear is due to him, to prohibit the tenant, for a period of twenty-eight days, from removing the produce of the holding on which the rent is due. It is intended by this provision to give the landlord time to institute a suit and apply to the Court for an order to attach the produce. These provisions do not apply to rent due for a longer period than one year.

(2.)—The Bill, as introduced, took away the right conferred at the settlement on those tenants who are known as absolute occupancy-tenants, of transferring their holdings.

The amended Bill maintains this class of tenants exactly in the position given to it at settlement.

(3.)—The amended Bill stops the future growth of occupancy-right by operation of the twelve-year rule, but maintains in the enjoyment of that right those tenants who, at the passing of the Act, have acquired it.

(4.)—The Bill, as introduced, established a class of protected tenants, the condition of protection being, *inter alia*, residence and cultivation of land in the village for five years. Tenants, who had not so qualified, it left to the landlord's discretion.

The amended Bill protects all ordinary tenants (*i. e.*, all tenants who have not absolute occupancy or occupancy-rights and are not sub-tenants) from capricious eviction.

(5.)—The Bill, as introduced, provided for the determination of the rent of occupancy-tenants primarily on the basis of the settlement-rates and the customary rates paid by tenants of the same class; and fixed the rents so determined for the term of settlement, subject to enhancement or abatement on account of change in the value of the produce or in the productive power of the land.

It left the rent of protected tenants to be determined, in case of dispute, by the Courts, with reference to the rent paid by ordinary tenants. A rent so determined was only fixed from year to year.

The amended Bill adopts, for the determination of the rent of ordinary tenants, the principle of compensation for disturbance, giving the tenant from whom an increase of rent is demanded the option of agreeing to the enhancement, in which case his rent will be fixed for seven years, or of leaving the land, taking, as compensation, ten times the sum demanded as enhancement.

It provides that the rents of absolute occupancy-tenants shall not be raised during settlement.

It provides that the rents of occupancy-tenants, *i.e.*, those who have acquired rights under the twelve-year rule, shall be fixed at twenty-five per cent. below the rent paid by ordinary tenants for like land, and that, when the rent of such tenants has been fixed, it shall not be enhanced till after the expiry of a period of ten years.

In the case of all classes of tenants, the landlord is, at any time, entitled to an increase of rent if the productive power of the land has been increased by improvements made by such landlord, or if the area of the holding has been added to.

4. We recommend that the Bill, as now amended, be re-published in the *Gazette of India* and sent to the Local Government for publication in the local Gazette and translation into the vernacular languages; and that its re-consideration be postponed for a period of two months.

C. H. T. CROSTHWAITE.
WHITLEY STOKES.
W. W. HUNTER.
H. J. REYNOLDS.

The 16th March, 1882.

No. II.

THE CENTRAL PROVINCES TENANCY BILL, 1882.

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No. II.

A Bill to Consolidate and amend the law relating to Agricultural Tenancies in the Central Provinces.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to agricultural tenancies in the Central Provinces; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Central Provinces Tenancy Act, 1882":

Local extent.

It extends to all the territories for the time being administered by the Chief Commissioner of the Central Provinces, except those specified in the Scheduled Districts Act, 1874, Schedule I, Part VI;

Commencement.

and it shall come into force on such day as the said Chief Commissioner, with the previous sanction of the Governor General in Council, may by notification in the local official Gazette direct.

Bill, s. 2.

Acts repealed.

2. On and from such day the Acts mentioned in the schedule hereto annexed, shall be repealed so far as they relate to the territories to which this Act extends.

Bill, ss. 12, 78, 79, 82, 92.

Saving of certain settlement conditions in the Chánda, Nimár and Sambalpúr districts.

But nothing contained in this Act, or in any Act hereby repealed, shall affect the rights or liabilities of tenants or landlords in the districts of Nimár, Chánda and Sambalpúr, so far as such rights or liabilities have been determined by any order of the Governor General in Council made at the settlement of any such district.

Pending suits and applications.

All suits or applications instituted or made under any Act hereby repealed, and which, when this Act comes into force, are pending before any officer, before whom they would have been instituted or made, if this Act had been in force, shall, so far as may be, be deemed to have been respectively instituted or made hereunder.

Bill, s. 3.

Interpretation-clause.

3. In this Act, unless there is something repugnant in the subject or context,—

"land":

(1) "land" means land which is let or occupied for agricultural purposes or for purposes subservient to agriculture, and includes the sites of buildings appurtenant to such land:

"tenant":

(2) "tenant" means a person who holds land of another person, and is, or, in the absence of a contract to the contrary, would be, liable to pay rent for such land to such other person. But it does not include a mortgagee or a person who takes a lease of unoccupied land for the purpose of sub-letting it, or of land already in the occupation of cultivators.

New.

Where such person, at the time of taking a lease of such land, is a tenant of any land included therein, he does not by reason only of such lease cease to be a tenant of the land so included:

"landlord":

(3) "landlord" means the person of whom a tenant holds land, and to whom such tenant is, or, in the absence of a contract to the contrary, would be, liable to pay rent therefor; but when the right to receive rent or any other right which a landlord is entitled as such to exercise, is, for the time being, vested in a person other than the person of whom the land is held, such other person shall be deemed to be the landlord in respect of the right so vested:

"rent":

(4) "rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant on account of the use or occupation of land let to him:

"pay" and "payable":

(5) "pay" and "payable" used with reference to rent, include "deliver" and "deliverable":

"arrear":

(6) "arrear" means an instalment of rent which is not paid on or before the date on which it is payable:

"holding":

(7) "holding" means a parcel of land held by a tenant of a landlord under one lease or agreement:

"improvement":

(8) "improvement" means, with reference to a holding, any work which adds to the letting-value of such holding, without diminishing the value of any other part of the estate of the landlord of whom such holding is held; which is suitable to such holding and consistent with the purpose for which it was let; and which, if not executed on the holding, is either executed directly for its benefit or is, after execution, made directly beneficial to it:

It includes the reclaiming, enclosing or clearing of lands for agricultural purposes; but it does not include such embankments, temporary wells, and water-channels as are ordinarily made by tenants. New.

Explanation.—A work which benefits several holdings may be deemed to be, with respect to each of them, an improvement:

"Revenue-officer":

(9) "Revenue-officer" means any Revenue-officer appointed under the Central Provinces Land-revenue Act, 1881, not being below the rank of Tahsíldár, and includes also a Settlement-officer:

"agricultural year":

(10) "agricultural year" means the year commencing on the first day of June, or on such other date as the Chief Commissioner may, in the case of any specified District or Districts, from time to time, appoint:

"sír-land":

(11) "sír-land" means (*a*) land recorded as "sír" in the papers of the last preceding settlement of the local area in which such land is situate; and (*b*) land not so recorded, but which has been cultivated by the proprietor or one of the proprietors thereof for a period of not less than twelve consecutive years; and (*c*) waste land which has been broken up by the proprietor or one of the proprietors thereof and cultivated by him for a period of not less than six consecutive years; and (*d*) in Sambalpúr, includes also "bhogra" land.

Explanation.—Land which has, after the date of such settlement, or the expiry of such period of twelve years, or six years (as the case may be), been for a period of six consecutive years unoccupied by such proprietor is not sír-land. Land is not unoccupied by the proprietor when it is leased out by him with an express reservation of his sír-rights.

"mahál":

(12) "mahál" means any local area held under a separate engagement for the payment of the land-revenue direct to Government, and includes also any local area declared, under the provisions of the Central Provinces Land-revenue Act, 1881, to be a mahál:

"village":

(13) "village" includes any tract of land which, at the last settlement of such land, has been recognized as a village, or which the Chief Commissioner declares to be a village for the purposes of the Central Provinces Land-revenue Act, 1881:

"lambardár":

(14) "lambardár" means a person appointed under the Central Provinces Land-revenue Act, 1881, to represent the proprietary body of a mahál in its relations with the Government:

"record-of-rights".

(15) "record-of-rights" includes the supplementary administration-paper prepared at or after the time of making a settlement before the Central Provinces Land-revenue Act, 1881, came into force.

CHAPTER II.

OF THE CLASSES OF TENANTS, AND THEIR ORDINARY RIGHTS AND LIABILITIES.

New.

Classes of tenants.

4. There shall be four classes of tenants:—

(1)—Absolute occupancy-tenants:

(2)—Occupancy-tenants:

(3)—Ordinary tenants:

(4)—Sub-tenants.

A.—Rights and Liabilities common to all Classes of Tenants.

Presumptions as to rents payable.

Bill ss. 4, 66.

5. In all suits and proceedings between landlord and tenant, the rent payable for any year by a tenant, in respect of his holding, shall be deemed to be the rent payable, in respect of such holding, in the year immediately preceding such year, unless a different rent has been agreed upon, in writing, by the landlord and the tenant, or has been fixed by an order under this Act.

Date from which orders fixing rents operate.

Bill, s. 5.

6. When the rent of a holding is fixed by any order under this Act, such order shall take effect from the commencement of the agricultural year next following the date of the application upon which such order is made. Provided that, if such application is made on the ground of an increase, or diminution, of the area of a holding, the order shall take effect from such date as the officer making it may direct.

Rents when payable.

Bill, 6.

7. Rents shall be payable in such instalments and on such dates as the Chief Commissioner may, from time to time, by rule prescribe, and in the absence of such rule, according to local usage.

Lambardár to be deemed sole landlord in certain cases.

Bill s. 46.

8. In the absence of any person duly appointed to act on behalf of several persons who are joint proprietors of a mahál, the lambardár shall be deemed to be, for the purpose of this Act, the sole person entitled to grant leases to tenants, or enter into agreements with tenants as such, of the land held jointly by such proprietors, or to give receipts for the rent of such land, or to issue any notice, make any application, or being any suit, under this Act, to, in respect of, or against, any tenant of such land.

Rents payable to joint landlords.

Bill, s. 47.

9. When two or more persons are the joint landlords of any tenant, such tenant, subject to any rule which the Chief Commissioner may, from time to time, make in this behalf, shall not be compelled to pay part of the rent of his holding to one of such persons and part to another or others; and such persons shall, if the tenant so desires, appoint one of their number, or some other person, to receive the rent of such holding.

Tenant may in certain cases deposit rent with Revenue-officer.

Bill, s. 7.

10. When any landlord refuses to accept any instalment of rent payable in money when tendered to him by a tenant, and

when any tenant, in the case mentioned in section nine, desires the appointment of a person to receive rent payable in money and no such appointment is made within a reasonable time, and

when any tenant in any other case is doubtful as to the person entitled to receive such rent from him,

such tenant may apply to a Revenue-officer for permission to deposit in his Court the amount of

rent which he believes to be due; and such officer shall receive such deposit, if it appears to him, after examining the applicant, that he had reasonable grounds for making the application and that it was made in good faith.

Bill s. 8.

Deposit to be deemed a payment to the landlord.

11. When any deposit has been so received, it shall be deemed to be a payment made by the tenant to his landlord on account of rent due.

Revenue-officer how to deal with deposit.

The officer receiving such deposit may pay the amount thereof to any person appearing to him to be entitled to receive the same, or may, if he thinks fit, retain the deposit pending the decision of a Civil Court as to the person so entitled.

No suit or other proceeding shall be instituted against the Secretary of State for India in Council, or against any officer of the Government, in respect of anything done by a Revenue-officer under this section; but nothing herein contained shall prevent any person entitled to receive the amount of any such deposit from recovering the same from a person to whom it has been paid by a Revenue-officer.

Bill, s. 9.

Penalty for exaction by landlord.

12. Every tenant, from whom any sum is levied by his landlord in excess of the rent specified in his lease, or payable under the provisions of this Act, shall be entitled to recover from such landlord a sum not exceeding double the amount so levied.

Bill, s. 9.

For not giving receipt.

13. When any landlord refuses a receipt for rent paid by a tenant, or grants such receipt but refuses or neglects to specify therein the period or crop in respect of which the payment is made, such tenant shall be entitled to recover from such landlord a sum not exceeding double the amount of the rent so paid.

Bill, s. 89, cl. (b).

Enhancement allowed when productive power of holding has been increased by landlord.

14. Notwithstanding anything contained in this Act, or in the conditions of settlement, the rent of any tenant may, on the application of the landlord, be enhanced on the ground that the productive power of the tenant's holding has been increased through the agency or at the expense of the landlord. Such enhancement shall bear the same proportion to such rent as the increase so effected in the productive power of the holding bears to the productive power of the holding as it was immediately before such increase was effected.

The rent of an absolute-occupancy tenant shall not be enhanced under this section when the productive power of the holding has been increased by an improvement made by a landlord in contravention of any rule made hereunder.

Bill, s. 89, cl. (d).

Power to fix rent when area of holding is altered.

15. When the area of a holding is increased or diminished by encroachment, fluvial action or otherwise, a Revenue-officer may, by order, on the application of the landlord or of the tenant, fix the rent payable in respect of such holding with reference to such increase or diminution:

Provided that such order shall not bar the landlord's claim to enhance the rent of such holding on other grounds allowed by this Act.

Bill, s. 54.

Agreement fixing rent on revenue-paying lands beyond term of settlement, voidable.

16. The rent of land assessed to land-revenue shall not be fixed for a term exceeding the period of the settlement of such land.

All agreements made in contravention of this section shall, as regards the amount of rent, be voidable at the will of either party.

Bill, s. 94.

Rents payable in kind may be commuted.

17. In all cases in which a tenant has paid rent in kind, or on the estimated value of a portion of the crop, or by rates varying with the crop, or partly in one of such ways and partly in another or others, the landlord or tenant may apply to commute such rent to a fixed money rent. Such application shall be made,

while the settlement of the district in which such tenant's holding is situate is in progress, to a Settlement-officer; and,

at any other time, to any revenue-officer specially empowered by the Chief Commissioner in this behalf.

On the receipt of such application, such officer shall determine the sum to be paid as money rent and shall order that the tenant shall pay, in lieu of paying his rent in kind or as aforesaid, the sum so determined. If the application is opposed, such officer may, for reasons to be recorded by him in writing, refuse to grant the same.

Bill, ss. 23, 24, 25, 26.

Surrender of holdings.

18. Any tenant not holding under a lease for a fixed period may, at the end of any agricultural year, surrender his holding, or, with the consent of his landlord, any part thereof. But notwithstanding such surrender he shall continue to be liable for the year next following the date of such surrender for the rent of the holding or part surrendered, unless—

(a) he gives to his landlord, at least thirty days before the end of such agricultural year, notice in writing of such surrender; or

(b) he takes a new holding in the same village from the same landlord; or

(c) he ceases, at least thirty days before the end of such year, to reside in the village in which the surrendered holding is situate; or

(d) the landlord himself cultivates such holding or lets it to another tenant.

Bill, ss. 17—22, altered.

Hypothecation of produce for rent.

19. The produce of a holding in the occupation of a tenant shall be hypothecated for the rent payable in respect thereof, and, if such produce is attached and sold in execution of a decree,

the Court executing the decree shall apply the nett proceeds of the sale in the first instance to satisfy the landlord's claim (if any) for sums due to him in respect of the rent of such holding for the year immediately preceding the attachment, and for the instalment of rent which falls due next after the usual period of harvesting the produce attached.

Landlord may, by notice, prohibit removal of produce.

20. Where an arrear is due from any tenant in respect of his holding, the landlord may, by notice to the tenant, prohibit the removal of the produce of such holding.

Act XII, 1881, s. 58.

No such prohibition shall be made in respect of any sum claimed in excess of the rent payable by the tenant for such holding in the preceding year, unless the rent has been enhanced in accordance with the provisions of this Act, nor in respect of any arrear which has been due for a longer period than one year.

No such prohibition shall be made more than once in respect of the same produce.

Procedure in delivering notice.

21. Every notice under section twenty, shall be in writing, and shall specify the amount of the arrear claimed, the period for which, and the holding in respect of which, it is said to be due, and, when a sum in excess of the rent payable by the tenant in the last preceding year is claimed, the decree, order or agreement, as the case may be, for the payment of such sum.

The notice shall be served on the tenant, or other person who may be in charge of the produce on his behalf, and shall remain in force until the rent specified in such notice is paid, or, if such rent is not paid, until the expiry of twenty-eight days after such notice is so given.

Tenant to retain charge of the produce.

22. Notwithstanding such notice, the tenant may reap, gather or store the produce of his holding, and do all other such acts as may be necessary for the due preservation of the same.

Penalty for tenant removing produce, removal of which has been prohibited.

23. Any tenant on whom a notice in respect of the produce of his holding has been served under section twenty, and who, except for any of the purposes mentioned in section twenty-two, while such notice is in force, removes, attempts to remove, or abets the removal of, such produce from the place where it was standing, deposited or stored when such notice was served, and

Illegal distraint.

any landlord who distrains or attempts to distrain the produce of any holding, or prevents, or attempts to prevent, otherwise than in accordance with this Act, the removal of any produce of a holding by the tenant thereof,

shall be punished with fine which may extend to five hundred rupees.

Act XII, 1881, s. 43; Bill, s. 13.

Commission for dividing or estimating crops.

24. Whenever rent is taken by division of the produce, or by estimate or appraisement of the crop, if either the landlord or the tenant neglects to attend, either personally or by agent, at the proper time for making such division, estimate or appraisement, or if there is a dispute regarding the division of the said produce, or the quantity or value of the crop, a Revenue-officer may, on the application of either party, issue a commission to such person as such officer thinks fit, directing him to divide, estimate or appraise the crop.

Bill, s. 14.

Appointment of assessors.

25. When a Revenue-officer appoints a Commissioner for any of the purposes mentioned in section twenty-four, such officer may, in his discretion, direct such Commissioner to associate with himself any other persons as assessors, and may give him instructions regarding the number, qualifications and mode of selecting such assessors (if any), and the procedure to be followed in making such division, estimate or appraisement.

The Commissioner so appointed shall make the division, estimate or appraisement, in accordance with such instructions.

Bill, ss. 15, 16.

Procedure where crop has been estimated or appraised.

26. When a crop has been estimated or appraised under the foregoing provisions, such estimate or appraisement shall be reduced to writing and signed by the Commissioner making the same, and shall be submitted to the Revenue-officer by whom the commission was issued. Such Revenue-officer shall consider the Commissioner's report, and after such hearing and enquiry (if any), as he may think necessary, shall pass order thereon either confirming or varying the estimate or appraisement, and the rent shall be payable in accordance with such order.

Produce of a holding.

27. In sections nineteen to twenty-four (both inclusive) the produce of a holding means—

(a) crops and other products of the earth standing or ungathered on such holding;

(b) crops and other products of the earth which have been grown on the holding and have been reaped or gathered and are deposited on such holding or a threshing-ground, or stored in the homestead of the village in which such holding is situate, or in which the tenant, whose holding it is, resides.

B.—Of Absolute Occupancy-tenants.

"Absolute occupancy-tenants."

28. All tenants who, on the day when this Act comes into force, occupy any holding in respect of which they have been recorded in any record-of-rights made before such day as "absolute occupancy-raiyats," or in terms equivalent thereto, shall be deemed to be absolute occupancy-tenants of such holding.

New.

Rents fixed for period of settlement.

29. The rent of the holding of every absolute occupancy-tenant shall be fixed by the Settlement-officer at the settlement of the district in which such hold-

ing is situate, and the rent so fixed, shall not be enhanced during the currency of such settlement, except under the provisions of section fourteen or section fifteen.

The rent payable in respect of his holding by any such tenant, when this Act comes into force, shall be deemed to have been fixed at the last preceding settlement of the district in which his holding is situate.

New: Bill, ss. 81, 82.

Right heritable and transferable after notice to landlord who may claim to purchase at fixed rate.

30. The right of an absolute occupancy-tenant in his holding shall devolve as if it were land, and shall be transferable by mortgage or sale or gift. Any mortgage of such right for a longer period than fourteen years made, after this Act comes into force, shall be deemed for the purposes of this Act to be a sale.

If an absolute occupancy-tenant intends to transfer his right in his holding by sale or gift, he shall give to his landlord a written notice of such intention, and the landlord may thereupon—

(*a*) within one month from the receipt of such notice, claim to purchase such right, at a price equal to five times the yearly rent payable in respect of the holding; or

(*b*) permit the sale or gift, in which case he shall be entitled to a sum equal to such rent for one year, and such sum shall be a charge on the holding sold.

Any transfer made in contravention of this section shall be void.

New.

Absolute occupancy-tenant not liable to ejectment.

31. An absolute occupancy-tenant shall not be liable to be ejected from his holding by his landlord as such for an arrear of rent or for any cause.

Right hypothecated or rent.

The right of such tenant in his holding shall be deemed to be hypothecated to the landlord for the rent thereof.

New.

Landlord's rights reserved in sales in execution of decree.

32. When the right of an absolute occupancy-tenant in his holding is sold by order of a Civil Court in execution of a decree other than a decree obtained by his landlord, the landlord shall, in respect of such holding, have the same rights as are reserved to him by section thirty in the case of a private sale.

C.—Of Occupancy-tenants.

Bill, s. 75.

Occupancy-tenants.

33. All tenants who, when this Act comes into force, have held the same land continuously for twelve years, otherwise than as absolute occupancy-tenants or sub-tenants, have a right of occupancy in, and shall be deemed to be occupancy-tenants of, such land; Provided that such land is not

(*a*) sír-land, or

(*b*) held in lieu of wages, or

(*c*) held under a written lease in which it is agreed that a right of occupancy in such land shall not be acquired, or that the tenant shall quit the land at the termination of such lease.

Explanation I.—The occupation of the person from whom the tenant inherited his holding shall, for the purposes of this section, be deemed to be the occupation of the tenant.

Explanation II.—When, by the custom of any village the holdings of tenants are, or have been, liable to periodical re-distribution, land which a tenant or any person under whom he claims has, in accordance with such custom, from time to time, received in exchange for land previously held by him shall, for the purpose of calculating, under this section, the period of twelve years, be deemed to be the same land as the land which he held prior to such exchange.

New.

Rents only liable to enhancement at intervals of ten years.

34. When the rent of the holding of an occupancy-tenant has been fixed by agreement or under this Act, or under any Act hereby repealed, such rent shall not be enhanced until the expiry of ten years from the day on which it was so fixed, except when the settlement of the district in which such holding is situate is in progress, or under the provisions of section fourteen or section fifteen.

Bill, s. 81, altered.

Descent of occupancy-right, and right of transfer.

35. When any occupancy-tenant dies, his right in his holding shall devolve as if it were land: Provided that no collateral relative of such tenant shall be entitled to inherit such right, unless at the death of such tenant he was a co-sharer in the holding.

No right of occupancy shall be transferable in execution of a decree or otherwise than by voluntary transfer between persons in favour of whom, as co-sharers, such right originally arose, or who have become, by succession, co-sharers therein.

New.

Rent of occupancy-tenants.

36. Subject to the provisions of section thirty-four, the rent payable by an occupancy-tenant may be fixed on the application either of the tenant or his landlord,

(*a*) when the settlement of the district in which such holding is situate is in progress, to a Settlement-officer;

(*b*) during the currency of the settlement of such district, to a Revenue-officer.

On such application the Settlement or Revenue-officer, as the case may be, may fix the rent at a rate, not more than three-fourths of the rate usually paid by ordinary tenants of holdings situate in the same or adjoining tahsíls, for land of similar quality with like advantages.

When the land in respect of which an application is made under this section, has been improved in accordance with this Act by the agency or at the expense of the tenant of such land, the quality and advantages of such land shall, for the purposes of this section, be deemed to be the quality and advantages had and enjoyed by such land immediately before such improvements were made.

New Bill, s. 29.

Grounds for ejectment.

37. No occupancy-tenant shall be ejected from his holding, except in execution of a decree of a Civil Court

(a) in a suit for arrears of rent; or,

(b) in a suit for compensation for diverting the land to non-agricultural purposes or for some other act or omission which by custom or contract not inconsistent with this Act or with any other law for the time being in force renders him liable to be ejected.

Bill, s. 76.

Case of lands re-distributed in accordance with village custom.

38. A tenant having a right of occupancy in land situate in a village in which the holdings of tenants are by custom liable to periodical re-distribution, and exchanging such land in accordance with such custom for other land situate in the same village, shall be deemed to have a right of occupancy in the land so taken in exchange.

Bill, s. 77.

Tenant changing land in other cases.

39. If a tenant having a right of occupancy in any land ceases to hold such land, and thereupon commences to hold other land of the same landlord, under circumstances from which it may be inferred that such tenant has accepted such other land in lieu of, and on the same conditions as, the land which he has ceased to hold, he shall, in the absence of a written agreement to the contrary, be deemed to have a right of occupancy in the land which he so commences to hold.

D.—Of Sub-tenants.

New.

Sub-tenants.

40. A tenant who holds land from another tenant, is a sub-tenant of such land.

New.

Hold according to agreement.

41. A sub-tenant shall hold on such terms as may be agreed upon between him and his landlord.

New.

Right ceases with landlord's possession.

42. No sub-tenant shall be entitled to retain his holding after the determination of his landlord's interest in the land comprised therein; nor shall he have any claim, for compensation or otherwise, against any one but his own landlord on account of any loss arising to him from such determination.

E.—Of Ordinary Tenants.

Bill, s. 55.

Ordinary tenants.

43. All tenants who are not absolute occupancy-tenants or occupancy-tenants or sub-tenants, are ordinary tenants.

Bill, s. 66.

Rents regulated by agreement, but only liable to enhancement once in seven years.

44. An ordinary tenant shall pay such rent as may, from time to time, be fixed by agreement between him and his landlord:

New.

Provided that, after the rent has been so fixed, it shall not be liable to be changed, except under the provisions of section fourteen or section fifteen, or until the expiry of seven years from the date when it was so fixed.

Grounds on which an ordinary tenant may be ejected.

45. An ordinary tenant shall not be ejected from his holding, except under a decree of a Civil Court, on one or other of the following grounds:

(a) that he has refused to agree to an enhancement of rent demanded by his landlord, in accordance with the provisions of this Act;

(b) that the land is needed for the execution of some work of permanent and general benefit to the village in which such land is situate or to the residents thereof;

(c) any ground mentioned in section thirty-seven clause (a) or clause (b).

New

Compensation for disturbance.

46. An ordinary tenant who is ejected, under clause (a) or clause (b) of section forty-five from his holding shall be entitled to receive from his landlord compensation for disturbance.

Such compensation shall be in addition to any compensation due to him hereunder on account of improvements, and shall amount,

(a) if the tenant is ejected under clause (a) of section forty-five, to a sum equal to ten times the yearly increase of rent demanded from him;

(b) if the tenant is ejected under clause (b) of section forty-five, to a sum calculated at the rate of one year's rent of the land from which he is ejected, for every year during which he has occupied such land, subject to a maximum limit of five years' rent.

New.

Tenancy not transferable, and, except when jointly cultivated by members of the same family, to lapse at death.

47. The right of an ordinary tenant in his holding shall not be transferable, except with his landlord's consent, and, where it has not been transferred, shall cease to exist at the death of such tenant: Provided as follows:—

(a) the representative (if any) of a deceased ordinary tenant shall be entitled to occupy the holding of such tenant until the end of the agricultural year in which he died:

(b) if such representative be ejected, he shall be entitled to such compensation for improvements as such tenant would have been entitled to, had he been ejected;

(c) when two or more persons have jointly cultivated the same holding as ordinary tenants, the right shall not cease to exist until the death of the last survivor of such persons.

CHAPTER III.

OF IMPROVEMENTS AND COMPENSATION THEREFOR.

Bill, s.

Right to make improvements.

48. On the holding of an absolute occupancy-tenant, the tenant, and on the holding of any other tenant, the landlord of such tenant, shall be entitled to make improvements.

If a landlord or tenant, not being so entitled, desires to make improvements on a holding, he shall proceed in such manner as the Chief Commissioner may, from time to time, by rule direct.

Bill, s. 40: Cf. 33 & 34 Vic., c. 46, s. 4.

Compensation for improvements payable to tenants on ejectment.

49. Every tenant who is ejected from his holding shall be entitled to compensation for improvements made by him or the persons under whom he claims, and for which compensation has not already been made.

Whenever a Court makes a decree or order for the ejectment of a tenant, it shall determine the amount of compensation due under this section to such tenant for improvements, and shall make the order of ejectment conditional on the payment of such amount to the tenant.

No compensation under this section for an improvement, shall be claimable in any of the following cases, namely:—

(a) where the tenant has made the improvement in contravention of any rule made under section forty-eight and for the time being in force;

(b) where the tenant, having contracted not to make such improvement without giving the landlord reasonable notice to make it, has made it without giving such notice.

Improvements made by a tenant before this Act comes into force, in lands other than sír-land, shall be deemed to have been made in accordance with rules made under section forty-eight, unless it is shown that the landlord forbade the tenant to make the improvement, and was ready to make it himself.

Bill, s. 41.

Principle on which compensation to be assessed.

50. In estimating the compensation to be awarded under section forty-nine for an improvement, the Court shall have regard—

(a) to the labour and capital expended by the tenant in making such improvement:

(b) to the amount by which the letting value, of the produce of the holding or the value of such produce is increased by such improvement:

(c) to the amount for which the improvement could have been made by the landlord; and

(d) to any reduction or remission of rent made by the landlord to the tenant in consideration of such improvement.

Bill, s. 42.

Manner in which compensation may be given.

51. Compensation for improvements may be made in such manner as may be agreed upon by the landlord and the tenant, or may be paid in money by such instalments (if any) as the Court thinks fit.

CHAPTER IV.

JURISDICTION AND PROCEDURE.

Bill, s. 38.

Revenue-officers to have cognizance of certain applications.

52. No Court other than the Court of a Revenue-officer shall take cognizance of any dispute or matter in which any application of the nature mentioned in this section might be made namely:—

(a) applications for the appointment of a receiver of rent (section nine);

(b) applications for permission to deposit rent in court (section ten);

(c) applications to enhance rent on account of improvements made by, or at the expense of, the landlord (section fourteen);

(d) applications to fix the rent of a holding the area of which has been increased or diminished (section fifteen);

(e) applications for the commutation of rents paid in kind (section seventeen);

(f) applications for a commission to divide, estimate or appraise a crop (section twenty-four);

(g) applications to fix the rent payable by an occupancy-tenant (section thirty-six);

(h) applications relating to such other matters as Revenue-officers are empowered to deal with under this Act.

On any such application being made to the Court of a Revenue-officer it may, subject to the provisions herein contained, grant such relief as the nature of the case requires.

Procedure on such applications.

53. In disposing of the matters referred to in section fifty-two, Revenue-officers shall, as nearly as may be practicable, exercise the same powers and follow the same procedure as they exercise and follow under the Central Provinces Land-revenue Act, 1881.

From every order passed by a Revenue-officer in respect of any such matter, an appeal shall lie as if such order had been passed by such officer under the said Land-revenue Act.

Limitations of applications.

54. Applications to fix the rent of an occupancy-tenant may be made, subject to the provisions of section thirty-four, at any time during the period of such tenant's occupation.

All other applications may be made at any time during the occupation of his holding by the tenant by or in respect of whom such applications are made.

Code of Civil Procedure to apply to suits.

55. In suits under this Act, the Code of Civil Procedure shall apply, as far as may be, to all proceedings for which no special procedure is herein provided.

Powers of Revenue-officers.

56. Deputy Commissioners shall, as such, exercise all the powers conferred on a Revenue-officer by this Act. Bill, s. 3, cl. (14).

The Chief Commissioner may, from time to time, confer upon any other Revenue-officer, either by name or by virtue of his office, all or any of such powers.

Bill, s. 100. Jurisdiction of Civil Courts.

57. Except as provided in section fifty-two, the Civil Courts shall have jurisdiction in all suits or proceedings between landlord and tenant: Provided that—

(a) no Judge of a Civil Court of original jurisdiction shall, unless he is also a Revenue-officer, hear any suit between a landlord and a tenant regarding any matter dealt with by this Act; and

(b) such suits shall be heard and determined only in such Courts, competent to try the same, as the Chief Commissioner may, from time to time, direct.

Bill, s. 101. Power of Chief Commissioner to direct that certain suits be entered in separate register.

58. The Chief Commissioner may, from time to time, direct, that all suits, or any specified class of suits, between landlord and tenant shall not be registered in the registers kept under the Code of Civil Procedure for the registration of civil suits, but in such other separate registers as he may prescribe.

Bill, s. 102. Plaint in such suits.

59. In suits under this Act between landlord and tenant, the plaint shall, in addition to the matters mentioned in section fifty of the Code of Civil Procedure, specify the area of the land, and, where the fields, comprised in the holding to which the suit relates, have been numbered in a Government survey, the number of each such field; and, in the case of suits for an arrear, the amount of the yearly rent and the instalments in which such rent is payable; and, in suits for compensation for improvements, an accurate valuation and description of the improvements.

When the land to which the suit relates comprises parts of numbered fields, or has not been divided into numbered fields, an accurate and sufficient description of such land and its boundaries shall be given in the plaint.

Bill, s. 103. Legal practitioners' fees not allowed, unless for special reasons.

60. In suits and applications under this Act, the fees of a legal practitioner shall not be allowed as costs, unless the Court considers, for reasons to be recorded by it in writing, that such fees ought to be allowed.

Bill, s. 107. Set-off when allowed.

61. No set-off shall be allowed in any suit under this Act, unless the amount claimed as a set-off has been determined by a decree or order of a competent Court.

Bill, s. 108. Interest on arrears.

62. In suits under this Act, for arrears of rent, interest on such arrears may be allowed up to judgment, at such rate not exceeding twelve per cent. per annum as the Court thinks fit.

Bill, s. 110. No appeal in certain arrear-cases.

63. When any such suit is decided, whether on appeal or otherwise, by a Judge of a Civil Court exercising powers not less than those of an Assistant Commissioner of the first class, as defined in the Central Provinces Courts' Act, 1865, the decision shall not be subject to appeal, unless—

(a) the amount or value of the subject-matter of the suit exceeds one hundred rupees; or

(b) a question relating to a title to land, or some interest in land, has been determined as between parties having conflicting claims thereto.

Bill, s. Limitation of suits.

64. No suit for an arrear of rent shall be instituted after three years from the date when the arrear became due; and no other suit under this Act shall be instituted after one year from the date when the cause of action accrued.

No process of execution shall be issued on a decree under this Act after three years from the date of such decree, or, in the case of a decree for money, after three years from the date on which the money, to recover which execution is applied for, became payable under the decree.

Ejectment for non-payment of an arrear due under a decree.

65. If a decree for an arrear of rent is passed against a tenant other than an absolute occupancy-tenant, and remains unsatisfied at the end of the agricultural year in which such decree was passed, the landlord may apply to the Court, having authority to execute such decree, to eject such tenant; and the Court may thereupon cause a notice to be served on such tenant, informing him that if he does not pay the amount due under the decree within thirty days from the receipt of the notice, he will be ejected from his land.

If such amount be not so paid, the Court may, on proof of the service of such notice, eject such tenant from the land in respect of which the amount is due, or may allow the tenant such further period not exceeding thirty days as to it seems fit and may on the expiry of such further period, if such amount be not paid, eject him.

Power of Court to deal with cases of drought or other calamity.

66. Where, in answer to a suit for an arrear of rent, the tenant admits that the arrear is due, but pleads that the produce of his holding during the period for which the arrear is claimed has been diminished or destroyed by drought, hail or other calamity beyond his control, the Court in its decree may make such deduction from the amount claimed by the landlord, and direct payment of the amount decreed in such instalments (if any), as it may think fit, and may order that such decree shall not be executed by ejectment of the tenant from his holding.

In making such decree the Court shall have regard to—

(a) the value of the produce of the holding for the whole agricultural year in which the arrear accrued;

(b) the proportion which the amount of rent payable for such year by the tenant bears to such value.

If in any such suit it appears that the land-revenue of the village in which such holding is situate has been suspended or remitted on account of drought or other calamity in respect of the period for which the arrear is claimed, the Court shall presume, until the contrary is shown, that, in the case of suspension, the produce of the holding has been diminished, and, in the case of remission, that such produce has been destroyed, by such calamity. Bill, s. 16

N.-W. P. Rent Act, s. 149.

Cases in which Court may order that decree for ejectment be not executed.

67. Whenever a decree is given for the ejectment of a tenant or the cancellation of his lease, on account of any act or omission by which the land in his occupation has been damaged, or which is inconsistent with the purpose for which the land has been let, the Court may, if it thinks fit, allow him to repair such damage within one month from the date of the decree, or order him to pay such compensation within such time, or may make such other order in the case, as the Court thinks fit. If such damage be so repaired or compensation so paid, or order obeyed, the decree shall not be executed.

New.

Notice of ejectment and enhancement to be served through Civil Court in case of ordinary tenant.

68. When a landlord wishes to eject, under section forty-five, clause (*b*), an ordinary tenant, or to enhance his rent without his consent, such landlord shall serve through the Civil Court a notice on such tenant, on or before the thirty-first day of December next preceding the agricultural year in which such landlord desires to take possession of the land, or in which the enhancement is to take effect.

New.

Decree of ejectment not to be executed till money payable to such tenant is deposited.

69. When a Civil Court passes under clause (*b*) of section forty-five a decree for the ejectment of an ordinary tenant, it shall in its decree state the amount payable to the tenant as compensation under section forty-six, and such decree shall not be executed until the sum so payable has been deposited in Court by the landlord.

New.

When ejected ordinary tenant may be restored to possession.

70. If an ordinary tenant has been ejected under clause (*b*) of section forty-five from his holding, and the landlord within one year from the date of such ejectment fails to use proper diligence in the execution of the work for which such holding was taken, the Court, on the application of such tenant and on his refunding the sum paid to him under section forty-six as compensation, or so much of it as the Court may direct, shall reinstate him in the holding.

New.

Procedure on refusal of ordinary tenant to pay enhanced rent.

71. When an ordinary tenant, on whom a notice of enhancement of rent has been served under section sixty-eight, refuses to agree to pay the enhanced rent, the landlord may institute a suit for ejectment in the Civil Court on or before the fifteenth day of March next after the date of such refusal.

Thereupon the Court shall fix a date for hearing the case, and shall issue a notice to the tenant, summoning him to appear on such date, and stating the yearly increase of rent asked by the landlord and the sum payable to the tenant as compensation under section forty-six, clause (*a*).

New.

Procedure of Court on appearance of parties.

72. On the appearance of the parties on the date fixed, the Court shall require the tenant to agree, or refuse to agree, to pay the enhanced rent.

If he agrees to pay such rent, his agreement shall thereupon be recorded, and he shall be liable to pay the enhanced rent from the commencement of the agricultural year next following the date of such agreement.

If he refuses, the Court shall pass a decree for his ejectment on condition that within fifteen days from the date of the decree the landlord deposits in Court the sum payable to the tenant as compensation under section forty-six, clause (*a*).

New.

Orders as to ejectment or otherwise.

73. If such sum is so deposited, the order of ejectment shall be made absolute and the sum deposited shall be paid to the tenant. If such sum is not so deposited, the decree shall become null and void, and the tenant shall remain in occupation of his holding at the rent previously paid by him.

Bill, s. 32.

Rights of ejected tenant in respect of crops and land prepared for sowing.

74. The following rules shall be applicable in the case of every tenant ejected from a holding in accordance with the provisions of this Act—

(*a*) when the tenant has, previous to the date of his ejectment, sown or planted crops in any land comprised in such holding he shall be entitled, at the option of the landlord, either to retain possession of such land and to use it for the purpose of tending and gathering in such crops; or to receive from the landlord the estimated value of the labour and capital expended by the tenant in preparing such land and sowing, planting and tending such crops;

(*b*) when the tenant has, previous to the date of his ejectment, prepared for sowing any land comprised in his holding, but has not sown or planted crops in such land, he shall be entitled to receive from the landlord the estimated value of the labour and capital expended by him in so preparing such land:

Provided that no tenant shall be entitled to retain possession of any land or receive any sum in respect thereof under this section when, after proceedings had been taken by the landlord for his ejectment, he has cultivated or prepared such land contrary to local usage.

Bill, s. 33.

Payment by tenant for occupation of land under section 73.

75. When a landlord elects, under section seventy-four, clause (*a*), to allow a tenant to retain possession of any land for the purpose specified in that clause, such tenant shall pay to such landlord, for the use and occupation of such land during the period for which he is allowed to retain possession of the same, such rent as the Court may deem reasonable.

Bill, s. 34.

Account to be taken generally between landlord and tenant.

76. Notwithstanding the provisions of section sixty-one, in all suits for ejectment, the Court shall inquire into and determine all claims under this Act, by the landlord against such tenant, or by such tenant against the landlord.

Bill, s. 35.

Procedure when, on ejectment, money has to be paid by the landlord to the tenant.

77. When it appears to a Court making such inquiry that the amount payable under this Act by the landlord to the tenant exceeds the amount so payable by the tenant to the landlord, it shall, unless the landlord and tenant come to an arrangement regarding the payment of such excess sum, fix a time within which it must be paid into Court.

If such payment is made within the time fixed, the Court shall eject the tenant;

and if such payment is not so made within such time, it shall refuse to eject the tenant.

Bill, s. 60.

Ejectment decrees to have effect from beginning of agricultural year.

78. All decrees for ejectment under this Act shall take effect from the beginning of the agricultural year next following the date of the order or decree, and shall be made subject to the conditions specified in sections forty-nine and seventy-four.

Bill, s. 53.

Applications to measure or ascertain condition of holdings.

79. If any landlord or tenant desires that the extent of any holding should be ascertained, or that evidence relating to any improvement made in respect thereof, or to the state of such holding at any specified time, should be recorded, he may apply to a Revenue-officer, and such officer shall thereupon make, or cause to be made, such inquiry as he thinks fit, with a view to ascertaining the extent of the holding, or shall record such evidence, as the case may be:

Provided that no action shall be taken by any Revenue-officer under this section if he considers that there are no reasonable grounds for making the application, or if the subject-matter thereof is under inquiry in a Civil Court.

CHAPTER V.

MISCELLANEOUS.

New: 44 & 45 Vic., cap. 49, s. 22.

Tenants may not contract out of the Act.

80. Every provision contained in any lease or contract of tenancy or other contract, which provision is inconsistent with any of the provisions of this Act, or whereby a tenant agrees not to make, or to be ejected if he makes, improvements on his holding, or to forego any claim to compensation to which he is entitled hereunder, shall be void:

Bill, s. 43.

Provided that nothing in this section shall affect any agreement or lease whereby—

(*a*) waste-land is let for the first time, in so far as such agreement or lease fixes the rent of such waste-land for any period not exceeding the term of the current settlement;

(*b*) any tenant is secured in the enjoyment of rights greater than those given to tenants of his class under this Act.

Certain entries in record-of-rights to be void.

81. All entries in the record-of-rights of any village providing— Bill, s. 44.

(*a*) that landlords shall be entitled to prevent tenants from making, or to eject them for making, improvements on their holdings, or to demand increased rent from them in respect of any such improvements; or

(*b*) that tenants ejected from their holdings shall not be entitled to compensation for improvements in cases in which they would, under this Act, be entitled to such compensation,

shall be void.

Cases in which ex-proprietors become occupancy-tenants of their sír.

82. Every person whose proprietary rights in land are, after this Act comes into force, transferred in any of the following cases:— Bill, s. 73.

(*a*) when he sells such rights without expressly agreeing to transfer his right to cultivate sir-land contained in the land;

(*b*) when such rights in land are sold for an arrear of land-revenue;

(*c*) when such rights are sold in execution of any decree which does not expressly convey his rights in the sír-land contained in the land,

shall have the rights of an occupancy-tenant in the land cultivated by him as sír at the date of such transfer.

Rules by Chief Commissioner.

83. The Chief Commissioner may, from time to time, make rules, consistent with the provisions of this Act, for the guidance of all persons in matters connected with the enforcement thereof.

SCHEDULE.

(See section 2.)

ACTS REPEALED.

Number and year of Act.	Short title.
Act X of 1859 ...	To amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.
Act XIV of 1863 ...	To amend Act X of 1859.
Act XXII of 1872 ...	To explain and amend Act X of 1859.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th March, 1882, and was referred to a Select Committee :—

No. 6 OF 1882.

A Bill to provide for the grant of licenses to Pilots in British Burma and for investigating certain charges against them.

Preamble.

WHEREAS it is expedient to provide for the grant of licenses to pilots in British Burma, and for investigating certain charges against them; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The British Burma Pilots Act, 1882":

Local extent.

It extends to the territories for the time being administered by the Chief Commissioner of British Burma;

Commencement.

and it shall come into force at once.

Interpretation-clause.

2. In this Act—

"Port":

"Port" means any port, or any part of a navigable river or channel, in which the Indian Ports Act, 1875, is for the time being in force.

Licensing of Pilots.

Cf. Act VII of 1880, s. 68.

Local Government to appoint examiners.

3. The Chief Commissioner may, from time to time, appoint competent persons for the purpose of examining the qualifications of persons desirous of acting as pilots at any port,

and to make rules for the licensing of pilots.

and make rules—

(*a*) for the conduct of such examinations and for the qualifications to be required;

(*b*) for the grant to qualified persons of licenses to act as pilots; and

(*c*) for the fees to be paid for such examinations and licenses.

Draft s. 2: Cf. Act VII of 1880, s. 69.

No person to act as pilot without license.

4. No person shall act as a pilot at any port, unless he holds a license granted under section three, authorizing him to act as a pilot at such port.

Cf. Act VII of 1880, s. 70.

Penalty for acting without license as pilot.

5. Any person acting as a pilot in contravention of the provisions of section four shall be punished, for every time he so acts, with fine which may extend to two hundred rupees.

Investigations into charges against Pilots.

Draft s. 22, para. 2.

Chief Commissioner may make rules to regulate conduct of pilots.

6. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, by notification in the *British Burma Gazette*, make rules to regulate the conduct of pilots licensed hereunder in all matters connected with the performance of their duties as such pilots.

Any such rule may contain a provision that a pilot committing a breach of such rule shall be punished with the suspension or cancellation of his license, or with the change of his license from a higher to a lower grade.

Draft s. 5: Cf. I. M. S. Bill (No. 111), s. 141.

Chief Commissioner may direct investigation, by Court, into charges against pilots.

7. If the Chief Commissioner has reason to believe that there are grounds for charging any pilot licensed hereunder with incompetency or misconduct in the discharge of his duties as such pilot, or with any act or omission in breach of a rule made under section six, he may direct a Court to be constituted, under this Act, at a port at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and shall then transmit a statement of such grounds to such Court and direct such Court to make an investigation into such charge.

Draft s. 8.

Delegation of power by Chief Commissioner.

The Chief Commissioner may, from time to time, by notification in the *British Burma Gazette*, delegate the powers conferred on him by this section to any person at any port.

All proceedings of any person in exercise of the powers so delegated shall be subject to the confirmation of the Chief Commissioner.

Draft s. 9: Cf. Act VII of 1880, s. 13.

Constitution of Court.

8. Every Court constituted under this Act shall consist of a President sitting with three assessors.

Draft s. 7: Cf. Act VII of 1880, s. 14.

President to be appointed by Chief Commissioner.

9. The President shall be such person as the Chief Commissioner, by notification in the *British Burma Gazette*, appoints in this behalf, either generally or for any specified case.

Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Draft s. 9.

Assessors.

10. One of the said assessors shall be a master of a sea-going vessel lying in the port at which the investigation is to be made: another shall be a merchant residing at such port: and the third shall be a pilot of not less than five years' service.

Draft s. 12: Cf. Act VII of 1880, s. 15.

Appointment of assessors.

11. The assessor who is the master of a sea-going vessel shall be appointed in each case by the Chief Commissioner, and shall be summoned by the President.

The other assessors shall be summoned by the President in such manner as may be prescribed by rule, out of two lists, one of merchants, the other of pilots, to be, from time to time, prepared for the purpose and published by the Chief Commissioner in the *British Burma Gazette*. If there are no such lists, or if it is impracticable to procure the attendance of two persons, one of whom is named in such list of merchants, and the other in such

list of pilots, such other assessors or assessor, as the case may be, shall be appointed and summoned by the President.

Draft s. 13.

Fee to be paid to assessors.

12. The assessors shall receive such fees as the Chief Commissioner may, from time to time, by rule prescribe.

Draft s. 20: Cf. I. M. S. Bill No. 111), s. 141, para. 2.

Copy of charge or report to be furnished to pilot accused or concerned.

13. Before commencing any investigation under this Act the Court shall cause the pilot charged to be furnished with a copy of the statement transmitted, under section seven, to such Court by the Chief Commissioner.

New: Cf. I. M. S. Bill (No. 111), s. 142.

Person charged to be heard.

14. For the purpose of an investigation under this Act the Court may summon such pilot to appear before it and shall give him full opportunity of making a defence, either in person or otherwise.

Draft s. 18: Cf. I. M. S. Bill (No. 111), s. 143.

Powers of the Court as to evidence and regulating proceedings.

15. For the purpose of any investigation under this Act the Court shall, so far as relates to compelling the attendance, and to the examination, of witnesses, the production of documents, and the regulation of the proceedings, have the same powers as are exercisable by the principal Court of original criminal jurisdiction for the place at which the investigation is made.

Draft s. 21.

Decision of Court.

16. Upon the completion of the investigation the Court shall give its decision. Such decision shall be according to the opinion of the majority of the members of the Court, or, if the Court is equally divided, according to the opinion of the President and the member with whom he concurs. In the latter case, any member who does not concur in the decision of the Court may separately record his opinion.

Draft s. 22.

Sentence of Court, if the accused be found guilty.

17. If, by such decision, the pilot is found guilty of the charge, or of any one or more of the charges, made against him, the President shall sentence him,

(*a*) if the act or omission of which the pilot has been found guilty is an act or omission in breach of a rule made under section six, to such penalty as may be prescribed by such rule, or

(*b*) if the act or omission of which the pilot has been found guilty is any other act or omission, to such penalty, by way of suspension or cancellation of license, or by way of change of license from a higher to a lower grade, as the President thinks fit.

Draft s. 23.

Acquittal.

18. If, by such decision as aforesaid, the pilot is found not guilty of the charge or charges made against him, the President shall declare him acquitted of the same.

Draft s. 24.

No sentence to be final till confirmed by the Chief Commissioner.

19. Every sentence passed, under section seventeen, by the President shall be subject to the confirmation by the Chief Commissioner, to whom the proceedings of the Court shall be submitted by the President.

Draft s. 25.

The Chief Commissioner may remit sentence or mitigate punishment.

20. The Chief Commissioner may, in his discretion, remit the whole or any part of such sentence, or direct the substitution of any mitigated punishment in lieu of the punishment awarded by the said Court.

Draft s. 26.

If decision of members be manifestly contrary to evidence or investigation be otherwise insufficient.

21. If the President is of opinion that the decision of the majority of the members of the Court is manifestly contrary to the evidence, or that the investigation is otherwise insufficient, the President, instead of passing sentence on the pilot charged, or declaring him acquitted, as the case may be, may certify such opinion to the Chief Commissioner, and the Chief Commissioner may thereupon either order a new investigation before other assessors, or acquit the said pilot, as he thinks fit.

Draft, s. 27.

Power of Chief Commissioner to pass orders on charge without holding investigation.

22. Notwithstanding the provisions herein contained, when a charge of misconduct or incompetency is made against any pilot licensed hereunder, the Chief Commissioner may, without holding an investigation under this Act into such charge, pass such orders thereon as he thinks proper, and may sentence such pilot to such penalty as he might be sentenced to under section seventeen.

Draft s. 3.

Power of Chief Commissioner to make rules.

23. The Chief Commissioner may, from time to time, make rules to carry into effect the provisions of this Act, with respect to the Court for making investigations into charges against pilots, and in particular with respect to—

(*a*) the mode in which the President shall, under section eleven, summon the assessors;

(*b*) the amount of the fees to be paid to the assessors; and

(*c*) the procedure of the said Court.

Publication of rules.

All such rules shall be published in the *British Burma Gazette*, and shall thereupon have the force of law.

STATEMENT OF OBJECTS AND REASONS.

THE Pilot Rules at present in force at the ports of British Burma have not the force of law. So far as they relate merely to the appointment and duties of pilots, the want of legal sanction does not appear to be of importance, as these matters can be arranged for executively. The rules, however, provide also for the holding of courts for the trial and punishment of pilots guilty of misconduct in the performance of their duties, and in so far as they relate to such matters require something more than the authority of mere executive orders for their due enforcement. At Calcutta, where the subject of the appointment and duties of pilots has, as in Burma, been provided for executively, the subject of the trial and punishment of pilots has been dealt with by the Legislature, in a special Act (XII of 1859). It seems desirable that in Burma, also, this subject should be similarly dealt with.

The present Bill has, therefore, been prepared. It provides for the holding of investigations into charges of misconduct on the part of pilots. The constitution of the Courts of Enquiry, and the manner of selecting the members, are duly provided for, and power is given to the Chief Commissioner to make rules for conducting the proceedings. The authority of the Courts, and the confirmation required for their findings and orders, are also suitably defined. The Bill also prohibits any person from acting as a pilot in any port in British Burma, or in any navigable river or channel leading to any such port, unless he holds a license to act as a pilot granted by the Chief Commissioner. This seems desirable, as under the present law there is nothing to prevent a person from acting as a pilot without a license, except in ports to which section 38 of the Indian Ports Act, 1875, has been specially extended.

CALCUTTA;
The 9th February, 1882.

WHITLEY STOKES.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

SUPPLEMENT TO

The Gazette of India.

Nº 12.} CALCUTTA, SATURDAY, MARCH 25, 1882.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

Irrigation.

REVENUE REPORT OF IRRIGATION WORKS IN BENGAL FOR 1880-81.

Nos. 85—98 I., dated Fort William, 15th March, 1882.

RESOLUTION—By the Government of India, Public Works Department.

Read—

Letter No. 3 I A, dated 3rd January 1882, from the Government of Bengal, and its enclosures, *viz.*, the Revenue Report of Irrigation Works in Bengal for the year 1880-81, and a Resolution of His Honor the Lieutenant-Governor reviewing the Report.

OBSERVATIONS.—The capital expenditure during the year under review amounted to Rs. 19,11,430, and the total outlay under this head incurred up to the end of the year amounted to Rs. 5,30,69,717. Of this amount, Rs. 5,13,01,424 have been expended on Productive Public Works, Rs. 8,30,624 on Irrigation and Navigation Works chargeable to Imperial Funds, and Rs. 9,37,669 on works constructed from Provincial Funds.

2. The total amount of interest charges during the year amounted to Rs. 23,45,106, of which amount Rs. 22,74,758 were payable by the Local Government to the Imperial Treasury.

3. The actual receipts from all sources are compared below with those of the two previous years:—

CANALS.	ACTUAL RECEIPTS.		
	1880-81.	1879-80.	1878-79.
	Rs.	Rs.	Rs.
Orissa	2,69,774	2,69,518	1,82,004
Midnapur	2,16,466	2,47,225	1,70,710
Hidgellee	54,487	45,781	60,793
Sone	4,78,644	5,31,588	4,37,626
GRAND TOTAL ...	10,19,371	10,94,112	8,51,133

4. The previous statement shows the revenue actually collected, while the following statement shows the revenue assessed during 1880-81 and the two previous years :—

Canals.	Assessments.		
	1880-81.	1879-80.	1878-79.
	Rs.	Rs.	Rs.
Orissa	2,65,777	2,73,805	2,43,873
Midnapur	2,64,205	2,70,985	1,77,970
Hidgellee	55,207	45,781	60,793
Sone	6,33,752	5,56,072	5,90,465
Grand Total ...	12,18,941	11,46,643	10,73,101

5. The working expenses, including indirect charges, amounted to—

Canals.	Working Expenses.		
	1880-81.	1879-80.	1878-79.*
	Rs.	Rs.	Rs.
Orissa	3,21,955	3,83,561	2,53,435
Midnapur	1,98,043	1,62,025	1,83,206
Hidgellee	26,520	44,355	24,571
Sone	5,04,208	3,84,523	3,92,734
Grand Total ...	10,50,726	9,74,464	8,53,946

* The working expenses of 1878-79 given in the Revenue Report for that year do not include "Indirect" charges for leave and pension allowances, &c., but the "Direct" maintenance charges of the year have been increased 6 per cent. to assimilate them to the entries for 1879-80 and 1880-81. In each of these two years Direct maintenance charges bear to Direct *plus* Indirect the proportion of 100 : 106.

6. The net assessed revenue, after deduction of all working expenses, amounted to—

Canals.	Net Assessed Revenue.		
	1880-81.	1879-80.	1878-79.
	Rs.	Rs.	Rs.
Orissa	—56,178	—1,09,756	—9,562
Midnapur	66,162	1,08,960	—5,236
Hidgellee	28,687	1,426	36,222
Sone	1,29,544	1,71,549	1,97,731
Grand Total ...	1,68,215	1,72,179	2,19,155

7. The tables given in paras. 4, 5 and 6 bring out clearly the progress made on the several canal systems in Bengal during 1880-81 and the two preceding years. The amount of revenue *assessed* during any given year is a much more trustworthy measure of the results of the year's operations than the amount of revenue *actually collected*, although the latter may be the more useful sum for financial purposes. The steady growth of the revenue is all the more apparent when it is remembered that the rainfall of 1880-81 was considerably heavier than that of 1878-79.*

* Rainfall in inches.

	1878-79.	1880-81.
Orissa	47·64	69·02
Midnapur	50·60	57·79
Panchkurah	41·44	52·43
Buxar	22·27	41·44
Arrah	30·35	53·58
Bankipur	33·56	64·03

8. The working expenses have, however, been increasing in a higher ratio than the revenue, the increase having been most marked on the Sone and Orissa Canals. The attention of the Government of Bengal is drawn to the

importance of watching closely the growth of the maintenance charges, and of keeping them down to the lowest amount consistent with efficiency.

9 The interest charges of the year payable on account of the four large productive public works discussed in the preceding paras. amounted to Rs. 22,74,758, and the net revenue, after deduction of all working expenses, to Rs. 1,68,215. There was thus a deficit of Rs. 21,06,543 on the operations of the year.

10. The areas irrigated during 1880-81 and the two previous years were as follows:—

		1880-81.	1879-80.	1878-79.
		Acres.	Acres.	Acres.
Orissa	Kharif	112,171	105,186	105,500
	Rabi	4,877	3,616	5,517
	Perennial	173	236	233
	TOTAL ...	117,221	109,038	111,250
Midnapur	Kharif	103,862	100,054	58,607
	Rabi	...	124	124
	TOTAL ...	103,862	100,178	58,731
Sone	Kharif	134,208	41,132	99,964
	Rabi	50,290	62,266	77,430
	Perennial	23,127	27,158	19,624
	TOTAL ...	207,625	130,556	197,018
	GRAND TOTAL ...	428,708	339,772	366,999

The Government of India concurs with His Honor the Lieutenant-Governor in considering the increase in irrigated area very satisfactory. The effect of the diminished hot weather volume of the river Sone, in checking the irrigation of perennial crops on its dependent canals, is very noticeable.

11. The "duty" done by the water in irrigation of "kharif" crops as quoted in paras. 22 and 41 of the Chief Engineer's review, 125 to 170 acres per cubic foot per second, is very remarkable, and if similar results can be obtained in process of time from the average volumes entering the heads of the Orissa and Midnapur Canals, the financial difficulties of the Bengal irrigation works will rapidly disappear. The duties obtained from the mean volumes entering the main Western Canal from the Sone (99 acres per cubic foot per second* during the "kharif," and 58 acres per cubic foot during the "rabi") hardly agree with the kharif and rabi duties obtained on the canals of the North-Western Provinces and the Punjab; but the measurements of discharge seem to have been very carefully made, and local conditions of irrigation may very possibly differ considerably from those prevailing in Upper India. The Government of India hopes that this important subject will continue to occupy the attention of the local Engineers. Results obtained from average volumes entering the heads of the several canals, (such as those shown in para. 9 of Report by the Superintending Engineer of the Sone Canals) are more valuable for purposes of general application and comparison than "duties" obtained on the farm or particular distributaries.

* See para. 9 of the Superintending Engineer's Report.

12. The value of the silt held in suspension by the canal water in Midnapur as manure for the fields is a very encouraging feature in the future prospects of irrigation in that district. It is not stated whether the silt in the water of the Orissa and Sone Canals is equally esteemed by the cultivators.

13. The steadiness of the navigation revenue (Rs. 2,78,984 in 1880-81 against Rs. 2,88,370 during 1879-80), in spite of the great stagnation in the rice trade, shows that the navigable canals satisfy a real want in the districts which they traverse.

14. The uncollected balances on account of water rate are heavy, but the Government of India entirely agrees with His Honor the Lieutenant-Governor, in considering that a state of affairs which is due to an abundant harvest, low prices of grain, and a season of general prosperity, need not create any serious anxiety.

15. The cost of collecting the canal revenue is compared below, for the three main systems of canal irrigation :—

Canals.	Percentage of cost of collection to receipts.	
	1880-81.	1879-80.
Orissa	17·20	19·60
Midnapur	11·96	10·60
Sone	12·69	11·46

The cost seems very high, and the Government of India hopes that His Honor the Lieutenant-Governor will enquire into the matter, and, if possible, reduce the expenditure.

Order.—Ordered, that copies of this Resolution, and of the Report and its accompaniments, be forwarded to the Secretary of State, and to the Finance and Commerce, and the Revenue and Agricultural Departments, for information; also that a copy of this Resolution be forwarded to the Government of Bengal for information and guidance.

Also, that copies of this Resolution and of the Report be forwarded to the Local Governments and Administrations noted in the margin, in the Public Works Department, for information.

The Governments of Madras, Bombay, the North-Western Provinces and Oudh, and the Punjab.
The Chief Commissioners, Central Provinces and British Burmah.
The Resident, Hyderabad.
The Agents to the Governor General, Central India and Rajputana.

Also, to the Foreign Department, for communication to the Resident at Mysore, and Chief Commissioner of Coorg.

Also, that this Resolution, the Resolution of the Bengal Government, and the Chief Engineer's Report, with a few selected statements, be published in the Supplement to the *Gazette of India*.

HENRY A. BROWNLOW, *Colonel, R.E.*,
Deputy Secy. to the Govt. of India.

Resolution on the Canal Revenue Reports for 1880-81, and Note by Chief Engineer on the same, No. 1767IA, dated Calcutta, the 28th December 1881.

Read—

The Canal Revenue Reports for 1880-81, and note by Chief Engineer on the same.

The capital expenditure during the year has amounted to Rs. 19,11,430, and the total outlay under this head has been Rs. 5,30,69,717. Of this amount, Rs. 5,13,01,424 have been expended on Productive Public Works, Rs. 8,30,624 on irrigation and navigation works chargeable to Imperial Funds, and Rs. 9,37,669 on works, the cost of which has been met from Provincial resources.

The amount of interest for 1880-81, payable by the Government of Bengal to the Imperial treasury, is Rs. 22,74,758, against Rs. 22,04,767 in the preceding year.

The following statement shows the receipts from all sources for each project, as compared with those of the two previous years :—

	Receipts, 1880-81.	Receipts, 1879-80.	Receipts, 1878-79.
Orissa Project.	Rs.	Rs.	Rs.
Water-rates	1,78,017	1,57,747	1,16,416
Navigation	71,402	98,075	57,042
Miscellaneous	20,325	13,696	8,546
TOTAL ...	2,69,774	2,69,518	1,82,004
Midnapur Canal.			
Water-rates	1,12,960	1,30,140	85,014
Navigation	93,099	1,05,518	77,340
Miscellaneous	10,407	11,567	8,356
TOTAL ...	2,16,466	2,47,225	1,70,710
Hidgellee Canal.			
Navigation	53,338	44,918	59,723
Miscellaneous	1,149	863	1,070
TOTAL ...	54,487	45,781	60,793
Sone Project.			
Water-rates	3,78,263	4,44,716	3,73,312
Navigation	61,115	39,859	29,332
Miscellaneous	39,233	47,013	34,482
TOTAL ...	4,78,644	5,31,588	4,37,626
GRAND TOTAL ...	10,19,371	10,94,112	8,51,133

The outstanding balances on account of water-rates are—

	Rs.
Orissa	43,586
Midnapur	92,974
Sone	4,64,261
TOTAL ...	6,00,821

The falling off in collections and heavy outstanding arrears are due to the low prices of produce which were current during the last four months of the year. On this subject the following quotation from the Chief Engineer's note shows how serious has been the depreciation in the value of the crops produced by the aid of irrigation :—

MEMO.

Price of common rice at Cuttack.

	Quantity per rupee. 1879-80. S. C.	1880-81. S. C.
April	17 1	17 12
May	16 6	14 7
June	14 7	18 0
July	14 7	16 6
August	13 12	16 1
September	13 12	21 0
October	15 2	20 5
November	15 12	20 5
TOTAL ...	120 11	134 4
Average for 8 months ..	15 1	16 12
December	16 6	26 4
January	17 1	26 4
February	18 6	30 11
March	18 6	26 6
TOTAL ...	70 3	109 7
Average for 4 months ...	17 0	27 6
Average for 12 months ...	15 14	20 5

"The low prices prevailing during the year are reported to have caused difficulties in promptly collecting water-rates. From the returns in the *Calcutta Gazette*, from which the table marginally noted has been compiled, it appears that the price of rice for the first eight months of the year, from April to November, averaged, for common rice, $16\frac{12}{16}$ seers per rupee, whilst from December to March, during which period the crop from the proceeds of which the water-rates have to be defrayed is reaped and sold, the price averaged $27\frac{6}{16}$ seers per rupee. In the corresponding period of the previous year the prices were $15\frac{1}{16}$ and $17\frac{9}{16}$ seers, respectively, per rupee. In fact, during the latter part of the year under review the price of rice fell to nearly the average price for the seven years, 1868 to 1874, which was 29 seers per rupee."

These remarks refer to Orissa, but the prices of grain both in Midnapur and Behar were similarly affected. The serious difficulties in collections caused by a fall of 50 per cent. in the value of produce must be admitted; the effect

on the year's realizations has been all the greater, inasmuch as the high prices of the previous year have prevailed since 1868.

In Shahabad, from which the major part of the irrigation revenue of the Sone canals is derived, the heavy balance is partly due to the inefficiency of the establishment employed. The Commissioner of the Patna Division in February last made considerable alterations in the system pursued, and placed an experienced Deputy Collector under the supervision of the Collector of the district in direct charge of the collection department. Considerable improvement has already resulted, which, owing to the close of the financial year being at hand when these changes were made, is not very preceptible in the accounts of the year. In the first five months of the present year the realizations from the Sone canals have, however, been Rs.2,73,344, against Rs.1,85,420 in the same months of that preceding. The Lieutenant-Governor confidently expects the Collector of Shahabad will maintain and extend the improvement thus initiated.

The working expenses amounted to Rs.9,93,446, against Rs.9,20,498 in 1879-80. The increase is due to heavy silt clearances in Midnapur and the Sone canals. In Orissa there has been a considerable saving compared with the previous year.

The areas assessed for water-rates, compared with those of previous years, are as follows :—

		1880 81. Acres.	1879-80. Acres.	1878-79. Acres.
ORISSA ...	Kharif	112,171	105,186	105,500
	Rabi	4,877	3,616	5,517
	Perennial	173	236	233
	TOTAL ...	117,221	109,038	111,250
MIDNAPORE ...	Kharif	103,862	100,054	58,607
	Rabi	...	124	124
	TOTAL ...	103,862	100,178	58,731
	Kharif	134,208	41,132	99,964
	Rabi	50,290	62,266	77,430
	Perennial	23,127	27,158	19,624
	TOTAL ...	207,625	130,556	197,018
GRAND TOTAL ...		428,708	339,772	366,999

The increase in the total area under irrigation is satisfactory, as the rains, except for the kharif in Behar, were sufficiently plentiful to render artificial irrigation not absolutely necessary.

The extension of irrigation in the Balasore district is especially encouraging, as not only were the rains seasonable but the arrangements for distributing water from the third range of the High Level Canal are, in the absence of distributaries, necessarily imperfect. Estimates for extending the distributary system and providing drainage and protective works where necessary will shortly be submitted to the Government of India for sanction by the Secretary of State.

When the works provided for in these estimates are completed, the area irrigable will be raised from 182,380 acres to 653,236 acres. The Chief Engineer thus describes the probable financial effect of the proposed extension of the distributary system, which affords the only means of putting an end to the recurring deficit which the Orissa canals impose on the province —

"It is reasonable to suppose that the area irrigated would continue to bear much the same proportion * to the area provided with distributaries, if the canals not now furnished with distributing channels were completed in that respect. In this case the area irrigated would be nearly trebled, and the income from water-rates enhanced in the same proportion, with no material increase in the working expenses."

* 64·65.

The balance of assessment remaining to be collected at the close of the year, as compared with the two previous years, shows a satisfactory diminution, more especially as the low price of rice caused the water-rates to be a heavier burden than usual.

The small increase in the area irrigated in Midnapore is wholly due to revision of existing leases, the rainfall of the year having been so copious that a good crop could be secured without resorting to canal water. The most satisfactory feature in the irrigation operations of the year was that, according to both the Superintending Engineer and Deputy Superintendent, the demand for canal water for leased areas exhibited little or no diminution. The latter observes on this subject—

"The Midnapore agriculturists have thoroughly appreciated the benefits of canal irrigation, and the lessees under existing quinquennial contracts vigilantly waited for opportunities for introducing the river water to their land. Whenever practicable, the rain water was drained out of the fields and the canal water was admitted to them. Whenever there was a cessation of rainfall, or even when it did not pour heavily, the silt which the river water carries with it is much coveted by the cultivators, and they are unanimous in opinion that it does more good than home-made manure."

This is important as showing that, even in years when the rainfall is above the average, the cultivators receive an equivalent for water-rates payable by them.

The considerable increase in kharif irrigation in Behar was mainly due to the short rainfall in September; but the large increase in the lengths of village channels contributed in no small degree to this satisfactory result. As these channels are constructed at the expense of the landholders and cultivators, the outlay thus voluntarily incurred proves that a steady demand for canal water is becoming general. Credit is due to the local Engineers who have constructed or aligned these channels.

The falling-off in rabi irrigation is accounted for by the abundant rainfall in the latter half of October; it was, however, probably not uninfluenced by the substitution of kharif for rabi crops, which has been alluded to in previous revenue reports.

The Lieutenant-Governor regrets that the experience of the present year does not confirm the hopes entertained of dispensing with closures on the Sone canals. He relies on the Superintending Engineer making further efforts to prevent the ingress of silt, and on his endeavouring to increase the efficiency of the dredging plant employed.

The total revenue derived from navigation was Rs. 2,78,984, against Rs. 2,88,370 in the year preceding. These figures include the earnings of the Government transport service, which amounted to Rs. 67,387 in the year under review, and Rs. 61,598 in 1879-80. Apart from the question of revenue, the service even at this early stage of its existence more than pays its expenses, while the great convenience to the people of the districts traversed is admitted on all hands. Measures for extending and improving it are under consideration.

The following statement shows the *tollage* collections for the last nine years:—

	Toll collections.				
	Orissa.	Midnapore.	Hidgellee.	Sone.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.
1872-73	10,044	20,994	14,454	...	45,492
1873-74	18,577	34,104	27,978	...	80,659
1874-75	21,412	44,886	52,209	...	1,18,507
1875-76	16,377	51,810	22,540	...	90,727
1876-77	22,881	67,651	44,572	4,852	1,39,956
1877-78	33,884	1,06,917	60,971	26,774	2,28,506
1878-79	57,042	77,340	59,723	29,332	2,23,437
1879-80	62,389	91,861	44,918	27,604	2,26,772
1880-81	41,297	77,143	53,338	39,819	2,11,597

The falling-off in the tollage receipts of the Orissa and Midnapore canals is due to the almost total stagnation in the rice trade consequent on the low prices that prevailed during the year, which induced the ryots and merchants in the interior to hold out, where possible, in expectation of a rise in price.

There is a hopeful increase in the traffic on the Sone canals, and the receipts from the Hidgellee tidal canal show a steady growth.

	Rs.
Orissa canals	32,243
Midnapore "	74,985
Hidgellee "	20,617
Sone "	1,61,182
Total ...	2,33,541

The operations of the year are on the whole satisfactory, the earnings of the canals having been Rs. 2,33,541,* but the receipts have been disappointing. The expected revenue is, however, for the most part deferred rather than lost

The collections have unavoidably fallen into arrears through the unwillingness of the cultivators to pay without pressure—a result of the low prices of produce, and in some cases of the difficulty of selling at all. Seasons of such abundance are unhappily not frequent, and when they do occur the general prosperity of the country more than compensates for some loss to the State in the revenues derived from canals, the property of Government.

The acknowledgments of the Lieutenant-Governor are due to Mr. F. M. Halliday, Commissioner of the Patna Division, for the re-organization of the collecting establishment in Shahabad; to Mr. R. H. Rhind, Superintending Engineer, Orissa Circle, for the careful manner in which the areas irrigated have been verified, and statistics regarding the duty of water collected; and to Major Heywood, R.E., Superintending Engineer, Sone Circle, for the great advance made in village channel construction.

By Order of the Lieutenant-Governor of Bengal,

H. C. LEVINGE,

Secy. to the Govt. of Bengal, P. W. Dept.

REVENUE REPORT.

Note by H.C. LEVINGE, ESQ., C.E., *Chief Engineer on the Canal Revenue Reports for the year 1880-81.*

	Rs.
The capital outlay (direct charges) on Irrigation Works in Bengal during the year 1880-81 amounted to ..	19,11,430

During the six previous years the outlay was as follows :—

1874-75	49,85,345
1875-76	41,97,442
1876-77	33,92,789
1877-78	24,08,969
1878-79	28,32,279
1879-80	18,48,281

2. The total capital (direct charges) invested up to the end of the year 1880-81, was Rs. 5,30,69,717, as follows :—

	Rs.
Productive public works	5,13,01,424
Imperial ordinary works	8,30,624
Provincial works	9,37,669
TOTAL ...	5,30,69,717

3. The particulars of the above outlay are given below :—

	Outlay	
	During the year.	To end of the year.
CAPITAL OUTLAY (DIRECT CHARGES).		
PRODUCTIVE PUBLIC WORKS.	Rs.	Rs.
Orissa Canals	4,50,502	1,92,26,521
Midnapur Canal	2,30,454	77,20,927
Hidgellee Tidal Canal	...	17,72,609
Sone Canals	8,21,398	2,25,81,277*
TOTAL ...	15,02,444	5,13,01,424
IRRIGATION AND NAVIGATION WORKS.		
IMPERIAL.		
Tirhoot project (in abeyance)	...	5,31,425
Hooghly ditto	...	1,42,426
Damoodur ditto (suspended)	(—)1,000	1,56,773
TOTAL ...	(—)1,000	8,30,624
PROVINCIAL.		
Joojooty project	2,39,270	2,81,851
Sarun ditto	98,964	5,84,066
Orissa Coast Canal	71,752	71,752
TOTAL ...	4,09,986	9,37,669
GRAND TOTAL ...	19,11,430	5,30,69,717

* Exclusive of Rs. 2,907 charged in excess to capital on account of expenditure in England in 1870-71.

4. The indirect charges, other than interest, *viz.*, (1) Capitalised abatement of land revenue; (2) loss by exchange on payments in England; and (3) charges for leave and pension allowances, debitable to capital, amounted for and up to the year 1880-81 to Rs. 87,242 and Rs. 20,58,119, respectively :—

	Indirect Charges.	
	During the year.	To end of the year.
Capital Outlay (Indirect (Charges).	Rs.	Rs.
Productive Public Works.		
Orissa Canals	8,880	7,34,987
Midnapur Canal	9,289	2,46,103
Hidgellee Tidal Canal	...	65,374
Sone Canals	56,086	8,85,733
Total ...	74,205	19,32,197*
* IRRIGATION AND NAVIGATION WORKS.		
Imperial.		
Tirhoot project (in abeyance)	...	74,650
Hooghly do.	...	2,916
Damoodur do. (suspended)	...	16,122
Total ...	...	93,588
Provincial.		
Joojooty project	8,790	10,521
Sarun do.	3,969	21,535
Orissa Coast Canal	278	278
Total ...	13,037	32,334
GRAND TOTAL ...	87,242	20,58,119

* Inclusive of Rs. 4,56,931 on account of loss by exchange to end of 1879-80.

5. The total capital, including indirect charges, invested up to the end of 1880-81, was therefore Rs. 5,51,27,836, as follows :—

	Rs.
Productive Public Works	5,32,33,621
Imperial Ordinary Works	9,21,212
Provincial Works	9,70,003
	5,51,27,836

6. The following statement shows the total receipts, working expenses, and charges for interest in respect of Productive Public Works for the year 1880-81 as compared with the five previous years :—

	1880-81.	1879-80.	1878-79.	1877-78.	1876-77.	1875-76.
	Rs.	Rs.	Rs	Rs.	Rs.	Rs.
Receipts from all sources	10,19,371	(a)11,03,781	(b) 8,59,071	4,94,772	3,29,760	2,30,434
Working Expenses (direct charges)	9,93,446	(c) 9,21,763	8,05,610	7,02,857	5,97,960	5,29,490
Net revenue	25,925	1,82,018	53,461	—2,08,085	—2,68,200	—2,99,056
Charges for interest ...	22,74,758	22,04,767	21,20,416	20,03,270	18,78,189	17,14,578
Deficit ...	22,48,833	20,22,749	20,66,955	22,11,355	21,46,389	20,13,634
Indirect charges debitable to revenue ...	57,280	53,966	44,529	36,506	29,089	26,006
Total Deficit ...	23,06,113	20,76,715	21,11,484	22,47,861	21,75,478	20,39,640
Rate per cent. on capital outlay	4·33	4·01	4·26	4·92	5·02	5·09

(a) Inclusive of Rs. 2,669 amount of revenue realized in England.
(b) Ditto „ 7,915 ditto ditto ditto.
(c) Ditto „ 1,265 expenditure in England on account of leasehold property.

7. The total charges for interest for 1880-81 amounted to Rs. 23,45,106, *viz.*—

	Rs.
Productive Public Works	22,74,758
Irrigation and Navigation Works—	
Imperial	37,378
Provincial	32,970
TOTAL ...	23,45,106

Of the above amount, Rs. 22,74,758, being the interest on the Productive Public Works Capital, is payable from the Provincial to the Imperial Treasury.

8. The total accumulated debt on account of interest and unpaid working expenses amounted to Rs. 1,97,68,394, *viz.*—

PRODUCTIVE PUBLIC WORKS.

	Rs.
Unpaid working expenses (direct charges)	13,11,725
Interest	1,81,47,778
TOTAL ...	1,94,59,503

IRRIGATION AND NAVIGATION WORKS.

IMPERIAL.

	Rs.
Unpaid working expenses	.....
Interest	2,62,744
TOTAL ...	2,62,744

PROVINCIAL.

Unpaid working expenses	(—)10,080
Interest	56,227
TOTAL ...	46,147
GRAND TOTAL ...	1,97,68,394

9. Inclusive of indirect charges debitable to revenue, the total debt to the end of 1880-81 amounted to Rs. 2,01,03,746, *viz.*—

	Rs.
Productive Public Works	1,97,94,855
Irrigation and Navigation Works—	
Imperial	2,62,744
Provincial	46,147
TOTAL ...	2,01,03,746

10. The total outlay in the Irrigation Branch during 1880-81 amounted to Rs. 45,32,063. The funds from which this expenditure was met, and the various heads of account to which it was charged, are detailed below :—

IMPERIAL.

	Rs.
Productive Public Works, capital account	15,02,444
Irrigation and Navigation for which capital and revenue accounts are kept	(—)1,000
Agricultural works for which neither capital nor revenue accounts are kept	4,08,939
TOTAL ...	19,10,383

PROVINCIAL.

		Rs.
Productive Public Works, revenue account	...	9,92,186
Irrigation and Navigation for which capital and revenue accounts are kept	...	4,09,986
Irrigation and Navigation for which neither capital nor revenue accounts are kept	...	10,30,698
Agricultural works for which neither capital nor revenue accounts are kept	...	1,339
TOTAL	...	24,34,209
Tuccavi outlay	...	1,47,076
Contributions	...	40,395
TOTAL	...	45,32,063

11. The following table shows the areas irrigated and assessed as compared with those of the four previous years :—

	ORISSA CANALS.				MIDNAPUR CANAL.				SONE CANALS.				TOTAL.			
	Kharif.	Rabi.	Perennial.	Total.	Kharif.	Rabi.	Perennial.	Total.	Kharif.	Rabi.	Perennial.	Total.	Kharif.	Rabi.	Perennial.	Total.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
1880-81	112,171	4,877	173	117,221	103,862	...	...	103,862	134,208	50,290	23,127	207,625	350,241	55,167	23,300	428,708
1879-80	105,186	3,616	236	109,038	100,178	...	...	100,178	41,132	62,266	27,158	130,556	246,496	65,882	27,394	339,772
1878-79	105,500	5,517	233	111,250	58,607	124	...	58,731	99,964	77,430	19,624	197,018	264,071	83,071	19,857	366,999
1877-78	95,088	3,071	336	98,495	19,550	...	269	19,819	107,087	124,812	9,891	241,790	221,725	127,883	10,496	360,104
1876-77	26,070	3,991	321	30,382	32,600	81	...	32,681	1,923	32,017	1,879	35,819	60,593	36,089	2,200	98,882

ORISSA CANALS.

12. The capital, interest, and revenue accounts of these canals are given below :—

1.—CAPITAL ACCOUNT.

PARTICULARS.	Outlay during 1880-81.	Outlay to end of 1880-81.
DIRECT CHARGES.	Rs.	Rs.
Works	4,83,118	1,36,70,549
Establishment	55,200	36,74,715
Tools and plant	38,663	17,28,176
Suspense balances	(—)1,23,179	2,13,530
TOTAL ...	4,53,802	1,92,86,970
Less receipts on capital account ...	3,210	60,449
NET OUTLAY ...	4,50,592	1,92,26,521
INDIRECT CHARGES.		
Capitalisation of abatement of land revenue	223	30,596
Loss by exchange	...	2,94,089
Leave and pension allowances	8,607	4,10,302
TOTAL INDIRECT CHARGES ...	8,830	7,34,987

2.—INTEREST ACCOUNT.

		Rs.
Interest charges to end of 1879-80	...	68,57,704
Ditto for 1880-81	...	8,55,055
Total interest charges to end of 1880-81	...	77,12,759

3.—REVENUE ACCOUNT—(ACTUALS).

	Expenditure			Receipts	
	During the year.	To end of the year.		During the year.	To end of the year.
	Rs	Rs.		Rs.	Rs.
Works (extensions and improvements).	...	1,644	Water-rates ...	1,78,047	7,27,099
			Navigation ...	71,402	3,82,959
Repairs and maintenance	1,99,554	15,91,078	Miscellaneous ...	15,445	1,24,682
Establishment ...	92,209	7,70,054	Direct revenue realized in England ...	4,880	(b)22,487
Tools and plant ...	12,266	87,391			
Profit and loss ...	...	640			
Refunds of revenue ...	777	1,953			
Direct expenditure in England.	1,260	(a)2,525	TOTAL RECEIPTS...	2,69,774	12,57,227
			Deficit ...	36,292	11,98,058
TOTAL EXPENDITURE...	3,06,066	24,55,285		3,06,066	24,55,285

(a) Inclusive of Rs. 1,265, charges incurred in 1879-80, omitted from previous accounts.
(b) Ditto of Rs. 17,607, revenue realized in 1878-79 and 1879-80, omitted from previous accounts.

13. The expenditure on and earnings of the canals are shown below :—

Expenditure.		Earnings.	
	Rs.		Rs.
Works (extensions and improvements).	...	Water-rates	1,82,453
		Navigation	69,018
Repairs and maintenance ...	1,99,554	Miscellaneous	17,477
Establishment	92,209	Direct revenue realized in England.	4,880
Tools and plant	12,266		
Profit and loss	...		
Refunds of revenue... ...	777	TOTAL EARNINGS ...	2,73,823
Direct expenditure in England ...	1,260	Deficit...	32,243
TOTAL EXPENDITURE ...	3,06,066	TOTAL ...	3,06,066

14. The total debt on account of interest and unpaid working expenses amounted for the year to Rs. 8,91,347, and up to the end of the year to Rs. 89,16,817.

15. The following table shows the areas irrigated and the rainfall in each of the years commencing from 1872-73 :—

Year.	Kharif.	Rabi.	Perennial.	Total.	Rainfall.
	Acres.	Acres.	Acres.	Acres.	Inches.
1872-73	3,799	941	13	4,753	73·00
1873-74	9,104	3,291	176	12,571	40·31
1874-75	19,740	2,454	267	22,459	64·00*
1875-76	13,991	4,102	314	18,409	70·00*
1876-77	26,069	3,991	321	30,882	44·26*
1877-78 ...	95,088	3,071	336	98,495	47·94*
1878-79	105,500	5,517	233	111,250	61·98*
1879-80	105,186	3,616	236	109,038	60·85*
1880-81 ...	112,171	4,877	173	117,221	85·10*

* These are the mean of observations at Cuttack and Marsaghai.

It will be seen that the areas irrigated during the year was 8,183 acres in excess of the previous year's results. Of this increase 6,985 acres was kharif and 1,261 acres rabi irrigation. Sugarcane fell off by 63 acres. The increase in the kharif was not, however, except in the Balasore district, where, notwithstanding the abundant rainfall, agreements for 1,526 acres were executed, due to new leases. The increase in the Cuttack district is wholly due to the areas watered under existing leases having been found to be undermeasured

when checked by the cadastral maps which were received during the year. The small increase in the rabi irrigation is encouraging, though no large revenue can be expected from this source of income for some years.

16. The Superintending Engineer, Orissa Circle, has compiled an instructive table (paragraph 13 of his revenue report) showing the percentage of area commanded and provided with distributaries, under irrigation during the year. He shows that 507,600 acres are commanded by existing canals, of which 181,315 acres, are provided with distributaries, the area actually irrigated being 117,221 acres, or 64·65 per cent. of the area provided with distributaries, and 23·09 per cent. of the area commanded. It is reasonable to suppose that the area irrigated would continue to bear much the same proportion to the area provided with distributaries, if the canals not now furnished with distributing channels were completed in that respect. In this case the area irrigated would be nearly trebled, and the income from water-rates enhanced in the same proportion, with no material increase in the working expenses. The low ratio, 31·35 per cent., of area irrigated to that provided with distributaries on the first range of the high level canal is wholly due to want of protection from flood. Estimates for the necessary embankments have been sanctioned, and a considerable increase in the area irrigated from that canal may be expected in future years. A corresponding improvement in the percentage of area irrigated over the system provided with distributaries will result, more especially if the drainage of the country commanded by the Kendrapara Canal is improved. Proposals for effecting this are now under consideration.

17. In the Revenue Report for last year the length of distributary channels was overstated by 11 miles. During the year 1½ miles of distributary channel and two miles of village channels were constructed, the total length of canals and distributaries open at the end of the year being shown in the following table, which is extracted from paragraph 10 of the Superintending Engineer's Revenue Report :—

Name of Canal.	Length of Canal open.		Length of distributaries and village channels.	Area protected from flood.	Area under command.	Area provided with distributaries.	Assessed Areas.	
	For irrigation and navigation.	For irrigation only.					1879-80.	1880-81.
	Miles.	Miles.	Miles.	Acres.	Acres.	Acres.	Acres.	Acres.
Kendrapara	39	...	317	129,421	101,110	87,300	42,096	45,730
Gobree	15	...	...	27,251	21,290	...	3,549	4,198
Pattamoondi	...	47	...	65,600	51,250	...	11,996	11,943
Kendrapara extension ...	15	...	...	8,960	7,000	...	...	...
Taldandah	27	...	67	19,520	15,250	14,185	10,398	10,706
Machgong	4	15	113	44,928	71,600	35,100	26,881	28,694
High Level, 1st range ..	33	...	116	18,185	62,600	44,730	13,715	14,023
Ditto 2nd „ ...	12½	...	...	...	120,000	...	189	182
Ditto 3rd „ ...	17	...	...	...	57,500	...	214	1,745
Total ...	162½	62	613	313,865	507,600	181,315	109,038	117,221

18. The illicit irrigation is returned by Executive Engineers as 435 acres, whilst the Deputy Revenue Superintendent reports 496 acres assessed as unauthorized irrigation. The smallness of the area so assessed, and the concordance between the areas irrigated as returned by the Executive Engineers and Canal Revenue Department—116,485 acres in the one case and 117,221 acres in the other—are satisfactory, as showing that the people generally have found it more to their interest to take the water in a legitimate way, and also that the State is not defrauded of its proper dues.

19. The year opened with a balance of Rs. 58,977, due for water-rates and miscellaneous charges. Rs. 20,610 became due in 1880-81 on previous year's account, and the assessments for the year amounted to Rs. 1,75,375, making a total of Rs. 2,54,962 in all. The total collections were Rs. 1,89,547, the balance at the close of the year being Rs. 45,597, the difference, Rs. 19,818, representing

remissions during the year. The details of the remissions are given by the Deputy Revenue Superintendent as follows:—

		Rs.
Under clause 1 Revenue Rule 33 for non-receipt of water	...	4,746
2 of ditto for insufficient supply	...	180
3 of ditto for excess supply ...	...	9,924
4 of ditto for errors in measurements	...	2,848
Remitted on account of miscellaneous dues ...	...	64
Remitted by limitation under Section 9 of Act VII of 1880, or on account of the poverty of the assessees ...	...	2,056
		19,818

It has since been ascertained that Rs. 800 of the last item returned as barred by limitation was never legally due, but represents certain demands on account of rabi irrigation which were never assented to by the ryots, and made solely on the strength of entries in patrols' diaries. The attention of the Superintending Engineer will be called to the large remissions made on account of non-receipt of water or excess supply. Under the rules in force, which were passed by the Lieutenant-Governor on the 26th July 1880, and are appended to this note, remissions on these accounts are made by the Deputy Revenue Superintendent. Measures will be taken to ensure early intimation being given to divisional Canal Officers, so that the supply may be better controlled.

20. The percentage of cost of collection to receipts has amounted to 17·2, against 19·6 in the previous year and 23·1 in the one next preceding. The diminution of expenditure is almost wholly due to one Deputy Canal Revenue Superintendent having been on leave during the year. It appears probable that one such officer will be sufficient for the future, at least until the distributary system is further extended and irrigation consequently develops. Mr. Wylly reports that the system of collection through middlemen is working well, 70 per cent. of the water-rates falling due on the 1st of February being collected before the end of March. In all 253 such middlemen were appointed to collect Rs. 1,63,912. Out of this amount, Rs. 1,14,267 were realized by them, and Rs. 5,601-11-5 paid as commission during the year. This item of expenditure will probably increase in future years, but a diminution in the charge for measurement may be looked for, as the revision of areas under five years' leases by the aid of the cadastral maps is completed.

21. The percentage of lift to flow irrigation remains at about 5 per cent. for kharif and 30 per cent. for the rabi season.

22. The Superintending Engineer, in paragraphs 25 to 28 of his report, gives statements showing the duty of water in the kharif season on the different canals in the circle. The following table is extracted from his report:—

Name of Canal.	Effective average discharge in cubic feet.	Total for each main canal.	Area of kharif leased.	Total area for each main canal.	Average duty of each cubic foot.	Average duty of each main canal.
	C. ft.	C. ft.	Acres.	Acres.	Acres.	Acres.
Kendrapara	214		42,238		197·37	
Pattamoondi ...	77		11,519		149·59	
Gobree	47		4,035		85·85	
		338		57,792		170·98
High Level, 1st range ...	68		13,777		202·60	
		68		13,777		202·60
Taldandah	66		10,354		156·87	
Machgong	215		28,340		131·81	
		281		38,694		137·70
Total ..	687	687	110,263	110,263	160·49	160·49

The Pattamoondi and Gobree canals are not provided with distributaries, and on the area irrigated by them an average duty of 125 acres per cubic foot of discharge taken from the canals for irrigating purposes was obtained. On the remaining canals the average duty similarly calculated was 168 acres per

cubic foot of discharge. No account appears to have been taken of water escaping from distributaries; but both as regards canals and distributaries, much care was exercised in proportioning the supply to the volume required, and the distributaries being generally short, the amount so escaping was insignificant, and can be neglected without any sensible error. The Executive Engineer, Brahminee-Byturnee Division, remarks on one distributary on which special observations were made:—"One feature of the returns is that little or no tail discharge from distributary or branches took place not actually used for irrigation. From this and the fact that the outlets are either nine-inch pipes or wooden shoots 12 inches square, I am inclined to believe that the waste, where existing, occurred through the outlets."

The high duty obtained was in a large degree the result of the copious rainfall of the year, which is shown in paragraph 21 of the Superintending Engineer's report to have been, for an average of 13 registering stations, 76·20 inches, or 23·66 in excess of the average of the same in previous year. At Cuttack, where observations for 25 years are available, the rainfall was 15·44 inches in excess of the average. Abundant as the rainfall was during July and October it was only slightly in excess of an average fall, so that whilst exerting an important effect on increasing the average duty, it rather lessened the need for canal water during these two critical months than obviated the necessity for irrigation.

An exceptional rainfall of 10·53 inches in 24 hours at Kendupatna in August 1880 is reported by the Superintending Engineer.

23. Crop experiments were carried out as usual. There is still a difference in favour of irrigation, averaging Re. 1·32 in the Mahanuddy and Rs. 1·10 in the Brahminee-Byturnee Division for the principal crop (sarud rice). Last year the differences were Rs. 5·87 and Rs. 6·13.

24. On the whole the year has not been favourable to irrigation, notwithstanding which an encouraging increase in the leased area has been obtained in the Balasore district, and both demands and collections are in excess of any year to date. The low prices prevailing during the year are reported to have caused difficulties in promptly collecting water-rates. From the returns in the *Calcutta Gazette*, from which the table marginally noted has been compiled, it appears that the price of rice for the first eight months of the year, from April to November, averaged—for common rice $16\frac{12}{16}$ seers per rupee, whilst from December to March, during which period the crop from the proceeds of which the water-rates have to be defrayed is reaped and sold, the price averaged $27\frac{6}{16}$ seers per rupee. In the corresponding period of the previous year the prices were $15\frac{1}{16}$ and $17\frac{9}{16}$ seers respectively per rupee. In fact, during the latter part of the year under review the price of rice fell to nearly the average price for the seven years 1868 to 1874, which was 29 seers per rupee. The Commissioner on this subject observes:—"It does not appear to me that by allowing arrears to accrue fewer certificates will be needed, and revenue will certainly be lost. If, however, the Collector has any suggestions to make whereby the Government dues may be realized with reasonable punctuality and less trouble to the ryots, it will be worth considering. Although the number of cases in which notices and distraints were resorted to appear to have been large, the proportion in which the parties allowed sale to take place appears to have been comparatively small. The circumstances of the year were somewhat peculiar; zemindars have raised rents on the strength of the good crops resulting from the high prices of late years. Prices during the past year have

MEMO.

Price of Common Rice at Cuttack.

	Quantity per Rupee.	
	1879-80.	1880-81.
	S. c.	S. c.
April	17 1	17 12
May	16 6	14 7
June	14 7	18 0
July	14 7	16 6
August	13 12	16 1
September	13 12	21 0
October	15 2	20 5
November	15 12	20 5
	120 11	134 4
Average for 8 months ...	15 1	16 12
December	16 6	26 4
January	17 1	26 4
February	18 6	30 11
March	18 6	26 6
	70 3	109 7
Average for 4 months ..	17 9	27 6
Average for 12 months	15 14	20 5

been low, and though the crops were good, the ryots had not the same supply of money as before, and the zemindars being reluctant to lower rents, there was a certain amount of effort to get clear of the water-rate."

The Deputy Revenue Superintendent's explanation as to difficulties in collections, which is quoted from his report, is to a similar effect:—

"In 1878-79, the first year of the five-year system, I recorded my conviction that canal irrigation was appreciated for its own value, and though there was a very general desire this year to discredit any benefits as due to irrigation, yet this was only what might have been expected from the Uriyahs after a season of heavy rainfall. The heavy rainfall of August and September last was too much for the rice crops, which had been thoroughly irrigated in July. The yield was injuriously affected by the excessive and continuous moisture, and the average outturn per acre must have varied from twelve to fourteen annas against bumper crops of the three previous years. This decrease in the outturn, added to the low prices prevailing for rice, naturally caused discontent, and instead of being willing to pay up water-rates, the cultivators thought that it was the duty of a benevolent Government to forego them. This feeling of discontent will not be difficult to understand when it is considered that owing to various causes there has been a material increase in the land rent within the past seven or eight years, and that this enhancement is exacted regardless of the seasons, the state of the crops, or the market-value of the staple produce. This latter point has been prominently brought forw ard by me in a separate report. I only allude to it here to explain the causes of the general complaints which prevailed this year against the payment of water-rates.* There is no want of appreciation of canal irrigation among the cultivators wherever areas are properly commanded and drained. Were the conditions of the land settlement in Orissa similar to those in the Godavari district, the financial returns would be equally favourable here."

Notwithstanding the difficulties in collecting water-rates due to the low prices of produce and the diminished yield of the crops, the balance of assessment remaining to be collected at the end of the year compares favourably with that of former seasons. The balance has been reduced to Rs. 25,559 up to the 1st of September.

		Rs.
Balance, 1st April	1878 ...	28,217
	1879 ...	78,717
	1880 ...	58,928
	1881 ...	43,586

25. The canals open for navigation and toll collections of the year were as follows:—

Name of Canal.	Length open in miles.	Total collections.	Collections per mile of canal open.
	Miles.	Rs.	Rs.
Taldandah	27	3,017	97
Machgong	4		
Kendrapara	39	22,018	564
Gobree	15	7,414	494
High Level Canal, Range I	33	3,717	113
Ditto ditto II	12½	4,368	349
Ditto ditto III	17	763	45
Total ...	147½	41,297	280
Receipts from Government transport service ...	...	30,105	
Grand Total ...	...	71,402	

This table is based on collections as shown in Examiner's "Memorandum on the Revenue derived from Productive Public Works during the year 1880-81." The actual earnings on which the statistics in the Superintending Engineer's report are based will be considered later on. The Kendrapara Extension Canal has not been included in the lengths of canal open, the terminal lock not having been completed till after the close of the year under review. The High Level Canal Range I has been taken at 33 miles in length, the extra three miles shown in the Examiner's memorandum being river crossings.

26. The collections in previous years were exclusive of receipts on account of transport service—

	Rs.
1872-73	10,044
1873-74	18,577
1874-75	21,412
1875-76	16,377
1876-77	22,881
1877-78	33,844
1878-79	57,042
1879-80	62,389

The receipts for the year were therefore barely 66 per cent. of the previous year's results, and the falling-off in tollage earned is even more marked, the decrease being 37·33 per cent. Some particulars of this decrease are shown in the following table, which exhibits the total traffic on the canals during the year compared with 1879-80:—

—	Miles open.	Tollage.		Number of boats.		Tonnage.		Value of cargo.		Tollage per mile of canal.	
		1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.
		Rs.	Rs.	No.	No.	Tons.	Tons.	Rs.	Rs.	Rs.	Rs.
Taldandah ... Machgong ...	31	2,878	2,999	950	1,191	16,619	19,995	88,904	61,787	92·83	96·74
Kendrapara ... Gobree ...	54	35,432	29,211	5,553	5,945	46,654	39,702	23,15,584	17,19,005	656·15	540·95
High Level Canal, Range I ...	33	8,560	3,537	2,308	1,668	19,183	11,149	3,36,239	2,15,860	259·39	107·18
Ditto, Range II ...	12½	11,110	5,171	2,830	1,633	24,745	15,842	2,48,885	1,16,919	888·80	413·68
Ditto, Range III ...	17	1,240	952	361	429	2,987	3,175	34,000	25,841	72·94	56·00
TOTAL ...	147½	59,220	41,870	12,062	10,866	110,188	89,863	30,23,612	21,39,412	401·49	283·86
Government traffic ...	147½	12,751	7,227	2,957	3,383	34,334	28,340	22,372	25,017	86·45	48·99
Private traffic ...	147½	46,469	34,643	9,045	7,483	75,854	61,523	30,01,240	21,14,395	315·04	234·87

By canals the traffic compared with the previous year is shown in the following statement, which embraces private traffic only:—

NAME OF CANAL.	TONNAGE.				TOLLAGE PER MILE OF CANAL.			
	1879-80.	1880-81.	Increase.	Decrease.	1879-80	1880-81.	Increase.	Decrease.
Taldandah ... ... Machgong	12,181	15,338	3,157	...	72·77	79·32	6·55	...
Kendrapara ... ... Gobree	43,772	36,137	...	7,635	627·90	518·02	...	109·88
High Level, Range I ...	9.596	5,490	...	4,106	175·90	79·85	...	96·05
Ditto, Range II ...	7.517	3,548	...	3,969	269·12	102·16	...	166·96
Ditto, Range III ...	2,788	1,010	...	1,778	66·94	17·59	...	49·35
TOTAL ...	75,854	61,523	3,157	17,488	315·04	234·87	...	80·17
Decrease	...	...	...	14,331	...	...	...	...

The private traffic classified according to articles carried is shown in the table below:—

—	TONNAGE.			
	1879-80.	1880-81.	Increase.	Decrease.
	Tons.	Tons.	Tons.	Tons.
Articles of food	30,514	16,122	...	14,392
Stimulants	12	42	30	...
Clothing	3	264	261	...
Staples of manufacture	1,200	1,831	631	...
Fuel	461	607	146	...
Building materials	6,350	7,854	1,504	..
Cooking utensils	80	81	1	...
Miscellaneous	...	...	...	..
Passengers	...	...	...	...
Empty boats	...	...	...	...
TOTAL ...	38,620	26,801	2,573	14,392
Decrease	2	11,819	...	...

From the three preceding tables it will be observed that, with the exception of the Taldandah canal, in which there has been a small increase in private traffic, there has been a serious falling-off in the traffic on all the canals, which is thus summarised by the Superintending Engineer:—

SUB-HEADS.	Government traffic.	Private traffic	TOTAL.
Tollage	—5,524	—11,826	—17,350
Number of boats	+426	—1,562	—1,136
Tonnage	—5,994	—14,331	—20,325
Value of cargo	+2,645	—8,86,845	—8,84,200
Tollage per mile of canal	—37·46	—80·17	—1,17·63

The decrease is entirely in food-grains, empty boats, and passengers. The falling-off in the first and second of these items is consequent on the good harvest in other parts of India, Orissa rice not being so well liked as Bengal rice, and not in demand, unless the prices elsewhere are comparatively high. The export of grain from False Point, to which the canal traffic naturally tends, has fallen off from 25,236 tons in 1879-80 to 14,524 tons during the year under review. It is perhaps necessary to remark that a considerable number of the boats carrying grain for export returned empty, and that consequently the preceding explanation is fully applicable to both items. From the 1st of August 1880 the tolls on empty boats were reduced by one-half.

No wholly satisfactory reason for the falling-off in the tonnage of passenger boats, which affects all the canals nearly equally, is apparent. Some part of it is probably due to the increased use made of the Government transport service.

27. The discouraging results of the year can scarcely be due to the canal tolls being too high, as a material reduction covering nearly the whole of the scheme was made from the 1st of August 1880, the effect of which is clearly shown in paragraph 43 of the Superintending Engineer's report which is here reproduced:

"A revised schedule of tolls was sanctioned during the year, and came into force on the 1st August 1880, the alterations made by which were principally as follows:—

"*1st.*—In order to render the mileage rate of tolls uniform upon all the canals, the total tollage previously charged upon the Gobree and High Level Canals, 1st, 2nd, and 3rd ranges, was reduced so as to make the mileage rates of those canals similar to those prevailing upon the Kendrapara and Taldandah Canals.

"In this way the tolls upon the Gobree Canal were reduced by 18·75 per cent. and those upon the High Level Canal, 1st range, by 16·66 per cent., while the reduction made upon the 2nd and 3rd ranges of the High Level Canal amounted to 37·50 per cent., of the total tollage charges previously made upon those canals.

"*2nd.*—The tolls charged upon empty boats at all seasons of the year were reduced to one-half.

"*3rd.*—The tolls levied upon timber and bamboos were considerably reduced upon all the canals."

28. The miscellaneous revenue again shows a small but satisfactory increase, which is exhibited by sub-heads in the following table:—

——	1879-80.	1880-81.	Increase.	Decrease.
	Rs.	Rs.	Rs.	Rs.
Miscellaneous receipts by sale of water ...	8	25	17	...
Receipts from plantations	786	568	...	218
Receipts from other canal produce ...	960	686	...	274
Rents of buildings	2,783	2,548	...	235
Ditto of lands	3,891	5,672	1,781	...
Ditto of fisheries	63	434	371	...
Miscellaneous and other receipts ...	5,205	5,512	307	...
TOTAL ...	13,696	15,445	2,476	727

The receipts since 1872-73 are shown below:—

YEAR.	Water-rates.	Navigation.	Miscellaneous.	TOTAL.
	Rs.	Rs.	Rs.	Rs.
1872-73	19,071	10,044	7,508	36,623
1873-74	17,412	18,577	7,846	43,835
1874-75	20,382	21,412	6,691	48,485
1875-76	20,330	16,377	8,783	45,490
1876-77	40,378	22,881	11,298	74,557
1877-78	1,17,818	33,844	9,445	1,61,107
1878-79	1,16,416	57,042	8,546	1,82,004
1879-80	1,57,747	98,075	13,696	2,69,518
1880-81	1,78,047	71,402	*a* 20,325	2,69,774

(*a*) Inclusive of Rs. 4,880, revenue realized in England.

29. The working expenses are shown in the following table:—

PARTICULARS.	1872-73.	1873-74.	1874-75.	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
1.—*Maintenance.*	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Works	1,63,884	74,505	1,17,547	1,36,856	1,40,494	1,37,044	1,47,113	2,58,748*	1,99,554
Establishment, including direction and accounts	26,552	9,568	20,100	33,501	31,639	32,509	39,073	51,918	45,896
Tools and plant	...	683	18,070	5,823	11,658	8,234	17,238	8,389	12,266
Profit and loss	30	...	...	...	...	...	...	...	...
Refunds of revenue	...	...	...	...	...	41	623	512	777
Direct expenditure in England	...	...	...	...	...	...	...	...	1,260
TOTAL MAINTENANCE ...	1,90,466	84,756	1,55,717	1,76,180	1,83,821	1,77,828	2,04,047	3,19,567	2,59,753
2.—*Revenue Management.*									
Irrigation establishment ...	41,382	38,607	35,016	25,785	25,005	32,232	27,598	38,794	38,812
Navigation " ...	6,154	5,828	5,694	5,653	5,835	6,012	7,445	8,153	7,501
TOTAL REVENUE MANAGEMENT	47,536	44,435	40,710	31,438	30,840	38,244	35,043	46,947	46,313
TOTAL WORKING EXPENSES ...	2,38,002	1,29,191	1,96,427	2,07,618	2,14,661	2,16,072	2,39,090	3,66,514	3,06,066

* Works Rs. 208 and maintenance Rs. 2,58,450.

30. The cost of maintenance amounted to Rs. 1,99,554, against Rs. 2,58,450 expended during the previous year. The details for the two years are as follows: —

HEAD.	LENGTH.		EXPENDITURE.				INCREASE.		DECREASE.	
	1879-80.	1880-81.	1879-80.	Per unit.	1880-81.	Per unit.		Per unit.		Per unit.
Head works, feet	16,139	16,139	91,751	5·68	47,463	2·94	...	...	44,288	2·74
Main canal, miles	2094	2094	1,09,527	5·23	1,09,702	524	175	1	...	...
Distributaries, miles	610	613	25,649	42	23,946	39	...	...	1 703	3
Transport service	...	...	31,523	...	18,443	...	...	...	13,080	...
TOTAL	...	...	2,58,450	...	1,99,554	...	175	...	59,071	...

On the head works there has been a very considerable diminution in the cost of maintenance as compared with the previous year, when heavy repairs, consequent on damages sustained in the high flood of August 1879, were executed. The actual expenditure was, allowing for the Brahmince weir, the maintenance of which has been debited to capital since 1879-80 only, considerably under the average. The cost of maintenance of canals and distributaries differs very slightly from what was spent in the previous year, and calls for no special remarks.

31. The net results of the year's working is, as stated in paragraph 11, a loss of Rs. 36,292 as compared with Rs. 96,996 in 1879-80, and Rs. 57,086 in the previous year. This comparatively favourable result in the face of an adverse season is due to careful attention to collections, and to rigid economy both in revenue management and maintenance charges. It cannot be regarded as otherwise than creditable to the local officers.

32. The cost of the navigation establishment employed during the year amounted to Rs. 7,501, being Rs. 51 per mile of canal open, and 18·16 per cent. on the collections. The increased percentage (in the previous year it was only 12·74 per cent.) is wholly due to the diminished receipts, the establishment not having been increased during the year.

33. The receipts from the Government transport service have amounted during the year to Rs. 30,105, and the expenditure to Rs. 18,442. In last year's Revenue Report these items are entered as Rs. 35,686 and Rs. 31,523, so that there is an apparent decrease in the receipts of Rs. 5,581. This falling-off is only apparent, the figures in 1879-80 including the service from the time it was started. The real results of that particular year were—receipts Rs. 20,163, expenditure Rs. 13,199. The statement below gives some particulars of the

traffic, and it is noted that the working expenses are 61·2 per cent. of the gross receipts :—

	Traffic, 1880-81.									Traffic, 1879-80.								
	Kendrapara, Gobree, and Taldandah Canals.			High Level Canal.			Total.			Kendrapara, Gobree, and Taldandah Canals.			High Level Canal.			Total.		
	Passengers.	Goods.	Total receipts.	Passengers.	Goods.	Total receipts.	Passengers.	Goods.	Total Receipts.	Passengers.	Goods.	Total receipts.	Passengers.	Goods.	Total receipts.	Passengers.	Goods.	Total receipts.
	No.	Mds.	Rs.	No	Mds.	Rs.	No.	Mds.	Rs.	No.	Mds.	Rs.	No.	Mds.	Rs.	No.	Mds.	Rs.
April ...	604	667	1,873	136	11	51	740	678	1,924	436	111	1,288	141	447	140	577	558	1,428
May ...	...	...	...	...	..	...	...	...	...	4	...	331	.	...	...	4	...	331
June ...	611	340	1,719	80	19	30	691	359	1,749	671	203	1,580	107	281	100	778	484	1,680
July ...	1,570	238	3,143	288	186	137	1,858	424	3,280	907	145	1,908	284	420	198	1,191	565	2,106
August ...	820	295	2,005	229	281	137	1,049	576	2,142	616	159	1,384	236	331	163	852	490	1,547
September ...	1,162	327	2,329	258	257	139	1,410	584	2,468	767	131	1,421	253	93	121	1,020	224	1,542
October ...	1,698	412	3,757	374	210	185	2,072	622	3,942	1,478	206	3,458	389	343	219	1,867	549	3,677
November ...	1,673	359	3,993	172	158	98	1,845	517	4,091	684	245	1,715	432	479	215	1,116	724	1,930
December ...	1,128	611	2,931	239	113	85	1,367	724	3,016	796	254	2,000	193	158	97	989	412	2,097
January ...	582	497	1,859	161	179	100	743	676	1,959	620	198	1,757	236	691	196	856	889	1,953
February ...	442	778	1,154	151	149	93	593	927	1,247	706	100	2,021	137	891	165	843	991	2,186
March ...	440	70	1,223	209	175	102	649	245	1,325	748	477	2,160	125	269	117	873	746	2,277
Total ...	10,720	4,594	25,986	2,297	1,738	1,157	13,017	6,332	27,143	8,433	2,229	21,023	2,533	4,403	1,731	10,966	6,632	22,754

MIDNAPORE CANAL.

31. The capital interest and revenue accounts are given below :—

1.—CAPITAL ACCOUNT.

Particulars.	Outlay during 1880-81.	Outlay to end of 1880-81.
Direct Charges.	Rs.	Rs.
Works	1,23,701	52,08,136
Establishment	57,883	18,91,134
Tools and plant	54,318	6,12,378
Suspense balances	(—)5,262	34,466
Total ..	2,30,640	77,46,114
Less receipts on capital account ...	186	25,187
Net outlay ...	2,30,454	77,20,927
Indirect Charges.		
Capitalization of abatement of land revenue	...	...
Loss by exchange	...	67,768
Leave and pension allowances	9,289	1,78,335
Total indirect charges ...	9,289	2,46,103

2.—INTEREST ACCOUNT.

	Rs.
Interest to end of 1879-80	27,95,735
Ditto for 1880-81	3,42,256
Total to end of 1880-81 ...	31,37,991

3.—REVENUE ACCOUNT (ACTUALS).

—	Expenditure. During 1880-81.	Expenditure. To end of 1880-81.	—	Receipts. During 1880-81.	Receipts. To end of 1880-81.
	Rs.	Rs.		Rs.	Rs.
Works (extensions and improvements).	...	40,401	Water-rates ...	1,12,960	6,73,323
Repairs and maintenance.	1,21,607	9,53,329	Navigation ...	93,099	6,40,874
Establishment ...	49,638	4,66,375	Miscellaneous ...	10,407	77,489
Tools and plant ...	17,975	69,103			
Refunds of revenue ...	...	17			
Total ...	1,89,220	15,29,225	Total ...	2,16,466	13,91,686
Profit ...	27,246	(—)1,37,539			
	2,16,466	13,91,686			

35. The total debt for unpaid working expenses and interest amounted for the year to Rs. 3,15,010, and up to the end of the year to Rs. 32,75,530.

36. The expenditure and earnings are given below :—

REVENUE ACCOUNT (EARNINGS).

Expenditure.	Amount.	Earnings.	Amount.
	Rs.		Rs.
Works	1,21,607	Water-rates	1,63,013
Establishment	49,638	Navigation	89,796
Tools and plant ...	17,975	Miscellaneous	11,396
TOTAL ...	1,89,220	TOTAL ...	2,64,205
Profit ...	74,985		
	2,64,205		

37. The area under irrigation during the year amounted to 103,862 acres, against 100,178 acres irrigated in the previous year. This area is wholly under leases for four years or more, of which leases for 23,341 acres will end on the 31st of March 1882. The increase in the leased area, 3,684 acres, is almost wholly due to readjustments of area on old leases, only 582 acres having been leased during the year under review.

38. The following table gives particulars as to length of canals and distributaries, area commanded, and area under irrigation, for the last two years :—

PARTICULARS.	Totals as provided for in revised estimates.	Midnapore weir, Ranges Nos. IV and V.		Panchkoorah weir, Range No. III.		Tidal reaches, Ranges Nos. I and II.		TOTAL.	
		1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.
Length of distributaries and branch canals ... miles	290·12	208·65	215·47	27·50	34·00	18·00	18·00	254·15	267·47
Area actually commanded during the year ... acres	125,000	100,000	100,000	23,000	23,000	2,000	2,000	125,000	125,000
Area actually irrigated during the year ... acres	103,862	88,831	91,685	10,135	10,965	1,212	1,212	100,178	103,862
Percentage of area irrigated on area commanded ...	83·09	88·83	91·68	44·06	47·67	60·60	60·60	80·14	83·09

39. The rainfall of the year was abundant, being, as compared with the previous year and the average, as follows :—

STATION.	Rainfall, 1879-80.	Rainfall, 1880-81.	Average.	REMARKS.
Midnapore ...	38·11	59·91	53·77	Average of 12 previous years.
Panchkoorah ..	36·02	55·68	52·50	Ditto of 11 ditto.
Contai ...	47·91	87·46	75·05	Ditto of 11 ditto.

It is described by the Deputy Superintendent of Canal Revenue as almost continuous from June to the end of October, and during those months the average of the fall at Panchkoorah and Midnapore was 44·33 inches, against 28·31 inches during the corresponding five months of the previous year.

40. Notwithstanding this copious rainfall, both Superintending Engineer and the Deputy Superintendent remark on the small decrease in the demand for canal water. The latter, in paragraph 4 of his Revenue Report states :— "The Midnapore agriculturists have thoroughly appreciated the benefits of canal irrigation, and the lessees under existing quinquennial contracts vigilantly waited for opportunities for introducing the river-water to their land. Whenever practicable, the rain-water was drained out of the fields and the canal-water was admitted to them, whenever there was a cessation of rainfall, of even when it did not pour heavily. The silt which the river-water carries with it is much coveted by the cultivators, and they are unanimous in opinion that it does more good than home-made manure." The Superintending Engineer on the same subject observes that though the silt may have benefit-

ed the crops, it brought into the canal a larger quantity of silt than was actually necessary, as but for the constant unnecessary demand for canal-water, the supply entering the canal might have been much less than what it was. As a good harvest was obtainable without irrigation, it is satisfactory to find that even under unfavourable circumstances some of the advantages of irrigation are admitted on all sides; and the use made of the canals as a carrier for fertilizing silt is very far from being a circumstance to be regretted, even though some extra expense in the way of silt-clearing will have to be incurred.

41. The Superintending Engineer (paragraphs 11 to 18) has entered somewhat fully on the duty of water. The conclusion at which he arrives, is that on the data he has been able to obtain, the duty of water, calculated on the supply available for irrigation purposes, is 128 acres per cubic foot for 91,690 acres under the Midnapore and 152 acres per cubic foot for 10,917 acres under the Panchkoorah weir. It is not altogether clear how the discharges on which the duty has been calculated have been arrived at, though it would appear from paragraph 12 that they are based on observations of the discharge through head sluices, varying coefficients having been used in making the necessary calculations. The process employed is perhaps not wholly satisfactory, and the Superintending Engineer will be instructed to give in future years in detail the actual observed discharges.

42. The usual crop experiments have been made with the result of showing that under the Midnapore weir, which commands nine-tenths of the area irrigated, the difference in produce between the crops on irrigated and unirrigated fields averages two maunds of paddy and seven maunds of straw, together valued by Mr. Vertannes at Re. 1-11.

43. The year opened with a balance of Rs. 48,984 due for water-rates. Of this amount Rs. 39,649 was for 1879-80, and Rs. 9,335 on account of balances of former years. During the year Rs. 7,284 became due on account of former years, and Rs. 1,55,730 was assessed in the year under review, the total amount for collection being therefore Rs. 2,11,998. Of this amount Rs. 1,12,960 was recovered and Rs. 6,064 remitted, the balance at the end of the year being Rs. 92,974, of which Rs. 78,536 was on account of the year under review, and the balance due from former years.

44. The following statement shows the assessments and collections of water-rates since 1874-75, the assessment column showing the whole of the water-rates earned by the irrigation of the year, whether actually due during the year or not:—

Year.	Assessment.	Recoveries and remissions.	Balance outstanding at end of year.	Percentage of recoveries to assessments.
	Rs.	Rs.	Rs.	Rs.
1874-75 ...	1,17,069	67,145	49,924	57
1875-76 ...	87,789	25,576	62,213	29
1876-77 ..	49,156	4,703	44,453	9
1877-78 ...	29,960	7,961	21,999	26
1878-79 ...	88,777	62,717	26,060	70
1879-80 ...	1,51,587	1,07,140	44,447	70·6
1880-81 ...	1,55,730	77,194	78,536	49·5

The cost of collections was Rs. 14,650, or 11·96 per cent. of the recoveries; in the previous year this figure was 10·6.

45. The decline in the revenue from irrigation was wholly due to short collections, the assessment, as above noted, being in advance of the previous year. It is mainly attributable to the low price of paddy, which in February was selling in Midnapore at 36 seers per rupee, against 17 in the corresponding month of the previous year. In the preceding six or seven years the price of rice is stated not to have materially differed from the rate prevalent in 1879. It will be readily admitted that a fall of more than 50 per cent. in the value of the staple produced by the aid of canal-water must necessarily have exercised an unfavourable effect on the collections, and the closure of range 5 of

the canal from the 8th of January to the end of March is also stated to have increased the difficulty by shutting off means of communication with the usual market. As, however, this closure only affected the country near Midnapore, from which paddy is not usually exported in large quantities, the dulness in the rice trade must be looked on as the real cause of the heavy arrears. The Collector of Midnapore observes that compulsory process for the recoveries of the assessments of the year can only take effect from the 15th of March, the water-rates not being due until the 1st of February; and allowing 15 days for voluntary payment, compulsion on certificates filed on the 16th of February would not be possible until a month had elapsed. Since the close of the year considerable progress has been made in the collection of these large arrears, and it is satisfactory to add that though numerous warrants for the arrest of defaulters were issued, the amounts due were paid so soon as the warrant was executed. The Deputy Superintendent remarks that during the year it was not necessary in a single case to bring the defaulter to his office. Out of Rs. 1,22,489 realized by the Deputy Superintendent during the year, Rs. 98,241 were paid voluntarily and Rs. 24,248 realized by process of law.

46. The navigation revenue of the Midnapore Canal amounted during the year to Rs. 93,099, of which Rs. 77,143 represents the receipts from tolls on boats and Rs. 15,956 was earned by the steamers employed in the transport service. The Superintending Engineer states that Rs. 3,850, hire received for the steamer *Midnapore*, should be excluded from this amount, the cost of running that steamer, Rs. 2,557, being excluded from the working expenses.

47. The tollage collections for the last 11 years have been as follows :—

	Rs.
1870-71	11,781
1871-72	12,985
1872-73	20,994
1873-74	34,104
1874-75	44,886
1875-76	51,810
1876-77	67,651
1877-78	106,917
1878-79	77,340
1879-80	91,861
1880-81	77,143.

The tolls exhibit a considerable decrease, which, it will be noticed from the tables which follow, has occurred mainly in the items "articles of food" and "building materials." The decrease in the former was due to the dulness in the rice trade, and the latter to the Indian Cement Company having stopped procuring their supply of ghooting from the Midnapore district; but an important effect on the receipts must have been exerted by long closures of parts of the canal, which took place as below :—

Range V.—From 1st April to 15th May 1880; from 8th January to 31st March 1881.

Narainghur Distributary.—1st April to 15th May 1880; 8th January to 31st March 1881.

The closure in 1881 was due to special repairs to the Lutchmutpore lock. Opportunity was taken to effect the silt clearance at the same time.

48. Some particulars regarding the canal traffic contrasted with the previous eight years is given in the two following tables :—

CANAL TRAFFIC.

Description.		1872-73.	1873-74.	1874-75.	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
Miles opened at end of year ...	No.	24	48	48	48	48	48	48	48	48
Toll collections	Rs.	20,994	34,104	44,886	51,810	67,651	1,06,917	77,340	91,861	77,143
Rate of tolls per mile	"	874	710	935	1,079	1,401	2,227	1,610	1,913	1,607
Boats, including empties	No.	26,407	29,097	29,967	30,433	41,372	57,251	48,224	52,014	45,461
Measurement tonnage of boats, excluding empties ...	Tons	103,314	120,098	168,090	189,414	239,913	360,968	290,488	320,027	292,454
Passengers carried	No.	...	...	...	145,447	131,071	126,013	128,088	180,294	166,238
Estimated value of cargo	Rs.	76,25,108	91,65,525	1,18,23,308	1,22,07,019	1,13,28,866	1,71,09,384	1,50,51,856	1,59,41,496	1,43,15,668

CLASSIFICATION OF TRAFFIC.

Description.	1872-73.	1873-74.	1874-75.	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Articles of food	39,574	50,541	61,407	60,425	114,336	201,256	108,339	118,440	98,945
Stimulants	2,971	4,382	4,327	8,228	10,819	18,190	14,765	16,015	14,896
Clothing	7,601	7,073	7,355	6,554	5,801	8,993	8,950	10,223	10,290
Staples of manufacture	11,269	14,810	14,760	20,172	19,399	19,104	24,912	28,090	31,023
Building materials...	4,895	5,028	7,240	11,140	13,030	21,676	28,268	36,325	29,852
Fuel	18,173	15,009	5,609	4,707	6,142	8,952	11,558	10,342	13,428
Cooking utensils and other domestic implements	2,533	1,951	1,766	2,135	2,782	3,677	4,633	5,021	4,376
Miscellaneous	16,630	16,366	65,629	67,021	67,604	79,311	79,518	94,737	88,846

49. The transport service according to the Examiner has resulted in a loss of Rs. 5,318, but from the following extract from the Superintending Engineer's Revenue Report it is apparent that, excluding items belonging to former years or which have erroneously been included under this head, there has been a profit of Rs. 2,306, against a loss of Rs. 4,567 in the previous year:—

"According to the revenue accounts of the Examiner it appears that the total expenditure on the transport service of the Midnapore Canal was Rs. 21,274 during the year under review; but this amount includes the working expenses of the steamer *Midnapore*, an item of Rs. 6,917 charged erroneously in the previous year to the tools and plant account and written back this year to the transport service account, and a sum of Rs. 2,000 expended on the steamer *Sone*, which should have been charged to the general maintenance account of the Midnapore and Hidgellee canals. Excluding the above-mentioned sums from Rs. 21,274 shown by the Examiner, Public Works Accounts, in his statements, the actual expenditure on the transport service of the Midnapore canal during the year under review will be Rs. 9,800. The total revenue, as shown by the Examiner of Public Works Accounts, is Rs. 15,956; but excluding from this the hire of the *Midnapore* steamer, the actual gross revenue will be Rs. 12,106 for the transport service, the working expenses being Rs. 9,800, the net revenue will be Rs. 2,306."

The following table, extracted from the Superintending Engineer's Report, gives some particulars as to the traffic and receipts compared with the previous year:—

Year.	Passengers.										Goods.			Total amount realized.	Working expenses.	Profit.	Loss.
	First class		Second class.		Intermediate class.		Third class.		Total.								
	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Parcels.	Cargo.	Amount.				
		Rs.		Rs.		Rs.		Rs.		Rs.			Rs.	Rs.	Rs.	Rs.	Rs.
1879-80 ...	63½	398	95½	278	668	544	21,777½	8,964	22,598	10,184	548	2,923	1,153	13,668	18,235	...	4,567
1880-81 ..	138	1,111	341	800	56	34	23,377	8,279	23,912	10,244	264	61,433	1,881	12,106	9,800	2,306	...

50. The miscellaneous revenue realized during the year amounted to Rs. 10,407 against Rs. 11,567 collected in 1879-80, there being a decrease of Rs. 1,160, which is more than accounted for by the falling-off in *koyali* fees, which have chiefly, owing to competition by zemindars, been steadily diminishing for some time past. The assessment of the year compared with 1879-80 is shown in the following table, which includes only revenue for the collection of which the Deputy Revenue Superintendent is responsible:—

	1880-81.	1879-80.
	Rs.	Rs.
Land rent	6,277	5,846
Fruit „	40	40
Fisheries	565	951
Koyali	730	4,086
Grass	3	3
Miscellaneous	2,447	1,615
Total ...	10,062	12,541

51. The following statement shows the assessments and collections under this head since 1876-77:—

Year.	By Revenue Superintendent.			Collections by Executive Engineer.	Total.
	Assessment.	Balance.	Collections.		
	Rs.	Rs.	Rs.	Rs.	Rs.
1876-77	7,789	2,858	4,931	2,945	7,876
1877-78	8,349	1,962	6,302	3,391	9,693
1878-79	13,000	7,060	5,940	2,389	8,329
1879-80	12,541	4,357	8,184	3,338	11,522
1880-81	10,062	3,206	6,856	3,507	10,363

So far as the decrease in revenue is attributable to the falling-off in *koyali* fees, it is not to be regretted, as it indicates the opening of private ghâts, which must eventually tend to increase the navigation revenue. The balance of Rs.3,206 for 1880-81 and Rs. 5,623 for previous year's revenue due, but not collected, is however unsatisfactory.

52. The revenue receipts and working expenses for the past nine years are shown in the following tabular statements :—

Revenue Receipts.

YEAR.	Water-rates.	Navigation.	Miscellaneous.	TOTAL.
	Rs.	Rs.	Rs.	Rs.
1872-73	23,556	20,994	6,714	51,264
1873-74	35,823	34,104	2,711	72,638
1874-75	67,015	44,886	4,316	1,16,217
1875-76	52,791	51,810	6,508	1,11,109
1876-77	61,460	67,651	7,876	1,36,987
1877-78	53,483	1,06,917	9,693	1,70,093
1878-79	85,014	77,340	8,356	1,70,710
1879-80	1,30,140	1,05,518	11,567	2,47,225
1880-81	1,12,960	93,099	10,407	2,16,466

Working Expenses.

	1872-73.	1873-74.	1874-75.	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
Maintenance.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Works and repairs ...	62,844	88,486	92,185	1,13,225	1,09,509	1,41,334	1,09,211	94,488	1,21,607
Establishment ...	9,705	15,474	19,425	26,398	27,662	33,006	28,513	19,162	26,100
Tools and plant ...	...	...	714	4,164	9,714	6,117	13,083	17,036	17,975
Refunds ...	...	...	...	...	...	17	...	...	...
TOTAL MAINTENANCE ...	72,549	1,03,960	1,12,324	1,43,787	1,46,885	1,80,474	1,50,807	1,30,686	1,65,682
Irrigation establishment ...	9,316	10,701	11,006	16,493	17,245	16,189	14,802	16,377	16,101
Navigation ditto ...	5,133	5,896	7,097	7,119	7,149	7,151	7,227	7,340	7,437
TOTAL REVENUE MANAGEMENT	14,449	16,597	18,103	23,612	24,394	23,340	22,029	23,717	23,538
TOTAL WORKING EXPENSES .	86,998	1,20,557	1,30,427	1,67,399	1,71,279	2,03,814	1,72,836	1,54,403	1,89,220

53. There was therefore a net revenue of Rs. 27,246 in the year under review, against Rs. 92,822 in that preceding. The receipts were less by Rs. 30,759, and the working expenses more by Rs. 34,817.

The falling off in receipts, it has already been explained, is chiefly due to short collections of water-rates consequent on the low price of rice, and to diminished navigation tolls, due to the same cause, there being difficulty in disposing of it on any terms.

As regards working expenses, the item revenue management is slightly lower than last year; tools and plant do not materially differ, but maintenance has cost Rs. 1,21,607, against Rs. 94,888 in 1879-80; establishment is proportionally increased, as it is a percentage charge on this subhead. The increased cost of maintenance is partly due to the collection of materials for special repairs to the Lutchmutpore lock, and partly to increased use of dredgers. It also includes Rs. 6,917 debited to the transport service expended in former years and erroneously charged to tools and plant.

54. The following tables show the cost of maintenance of the Main Canal and distributaries as compared with previous years :—

Main Canal.

YEAR.	Length of canal open.	Cost of maintenance.	Cost per mile.
	Miles.	Rs.	Rs.
1872-73	24	26,543	1,106
1873-74	48	42,144	878
1874-75	48	56,281	1,172
1875-76	48	63,303	1,319
1876-77	48	65,343	1,361
1877-78	48	77,521	1,615
1878-79	48	59,787	1,246
1879-80	48	56,943	1,186
1880-81	48	80,990	1,687

Distributaries.

Year.	Length of distributaries open.	Cost of maintenance.	Cost per mile.
	Miles.	Rs.	Rs.
1872-73	103	7,012	68
1873-74	146	7,251	50
1874-75	178	8,917	50
1875-76	228	13,176	58
1876-77	251	25,025	99½
1877-78	255	22,726	89
1878-79	254	20,903	82
1879-80	254	16,159	63
1880-81	267	20,140	75

55. Further details as to the cost of repairs will be found in paragraphs 3 to 7 of Superintending Engineer's report. The rate for dredging is admitted to be excessive, and it is hoped that better arrangements for this important description of work will be made in future. The unsatisfactory results are doubtless largely due to the want of barges which cannot be procured till the revised estimates now before the Government of India are sanctioned.

HIDGELLEE TIDAL CANAL.

56. The Capital interest and revenue Accounts of this Canal are given below :—

1.—CAPITAL ACCOUNT.

	Outlay during 1880-81.	Outlay to end of 1880-81.
Direct charges	Rs.	Rs.
Works	...	12,66,239
Establishment	...	4,49,790
Tools and plant	...	57,585
Total ...	...	17,73,614
Less receipts on capital account	...	915
Net Outlay ...	...	17,72,699
Indirect charges.		
Capitalization of abatement of land revenue	...	11,206
Loss by exchange	...	20,571
Leave and pension allowances	...	33,597
Total indirect charges ...	...	65,374

2.—INTEREST ACCOUNT.

Interest to end of 1879-80	7,66,031
Ditto for 1880-81	79,771
Total interest to end of 1880-81 ...	8,45,802

3.—REVENUE ACCOUNT (ACTUALS).

	Expenditure			Receipts	
	During the year.	To end of the year.		During the year.	To end of the year.
	Rs.	Rs.		Rs.	Rs.
Works (extensions and improvements)	1,886	1,886	Water-rates ...	...	2,611
Repairs and maintenance ...	17,015	2,18,034	Navigation ...	53,338	4,12,031
Establishment	5,245	78,402	Miscellaneous ...	1,149	7,671
Tools and plant ...	1,444	5,547			
Total ...	25,590	3,03,869			
Profit	28,897	1,18,444			
	54,487	4,22,313		54,487	4,22,313

57. The total debt on account of interest charges amounted for the year to Rs. 50,874, and up to the end of the year to Rs. 7,27,358.

58. Calculated from the earnings instead of actual receipts, the Revenue account will stand as follows:—

Expenditure.	Amount.	Earnings.	Amount.
	Rs.		Rs.
Works	18,901	Navigation	54,058
Establishment	5,245	Miscellaneous	1,149
Tools and Plant	1,444		
TOTAL ...	25,590	TOTAL ...	55,207
Profit	29,617		

59. The navigation receipts of the year have amounted to Rs. 53,338, against Rs. 44,918 collected in the preceding year, the increase being Rs. 8,420. The canal was, however, open during the whole year, whilst in 1879-80 it was closed for 2½ months for silt-clearing. Compared with 1878-79, in which year there was no closure, there is a falling-off in receipts from tolls of Rs. 6,385, mainly owing to a decrease in the tonnage of "articles of food" due to the dulness in the rice trade, commented on in reviewing the traffic on the Midnapore canal. With the exception of "staples of manufacture" and "passengers," the other descriptions of goods carried exhibit an increase over the results of 1878-79 as well as 1879-80.

60. Details of traffic for the last nine years are given in the following tables:—

COMPARISON OF TRAFFIC.

—		1872-73.	1873-74.	1874-75.	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81
Miles of canal open ...	No.	26	29	29	29	29	29	29	29	29
Toll collections ...	Rs.	14,454	27,978	52,209	22,540	44,572	60,971	59,723	44,918	53,338
Rate of toll per mile of canal	,,	556	965	1,800	777	1,537	2,102	2,059	1,549	1,839
Number of boats ...	No.	7,721	13,918	15,443	10,958	22,818	23,882	22,969	16,311	21,783
Measurement tonnage of boats, exclusive of empties	Tons	19,153	63,077	132,282	67,997	131,488	154,426	164,687	120,021	152,781
Passengers carried ...	No.	...	...	...	...	...	1,932	3,623	3,061	3,531
Estimated value of traffic	Rs.	10,35,238	14,33,724	28,96,109	13,38,440	19,71,892	31,30,503	41,55,253	25,86,031	23,34,731

CLASSIFICATION OF GOODS.

—	1872-73.	1873-74.	1874-75	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Articles of food	15,430	53,669	87,625	37,852	84,248	101,230	105,687	80,423	80,423
Stimulants	1,257	1,852	3,005	896	1,900	706	1,719	788	788
Clothing	23	194	306	40	189	117	341	93	93
Staples of manufacture ...	67	786	971	1,341	1,630	1,202	2,839	1,129	1,129
Building materials ...	851	1,249	3,183	3,758	8,076	6,839	8,601	7,344	7,344
Fuel	509	575	1,144	1,678	1,045	768	1,729	1,164	1,164
Cooking utensils	32	318	336	434	297	250	388	319	319
Miscellaneous	927	14,042	35,100	22,004	34,103	47,321	42,773	28,744	28,744

61. The miscellaneous receipts during the year amounted to Rs. 1,149, against Rs. 863 collected in the previous year.

62. The receipts and working expenses since 1872-73 are shown in the following statements:—

REVENUE RECEIPTS.

YEAR.	Water-rates.	Navigation.	Miscellaneous.	TOTAL.
	Rs.	Rs.	Rs.	Rs.
1872-73	...	14,454	590	15,044
1873-74	2,598	27,978	639	31,215
1874-75	13	52,209	669	52,891
1875-76	...	22,540	305	22,845
1876-77	...	44,572	464	45,036
1877-78	...	60,971	1,309	62,280
1878-79	...	59,723	1,070	60,793
1879-80	...	44,918	863	45,781
1880-81	...	53,338	1,149	54,487

WORKING EXPENSES.

—	1872-73.	1873-74.	1874-75.	1875-76.	1876-77.	1877-78.	1878-79.	1879 80.	1880 81.
Maintenance.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Works and repairs ...	1,745	37,719	24,023	26,756	7,637	22,469	16,599	30,607	18,901
Establishment	6,320	1,215	6,338	8,033	1,793	5,466	3,854	8,794	2,289
Tools and plant	...	341	1,299	1,642	429	164	...	...	1,444
Refunds	...	...	...	...	...	...	...	...	...
TOTAL ...	8,065	39,275	31,660	36,431	9,859	28,099	20,453	39,401	22,634
Navigation establishment ...	1,145	1,933	2,874	2,607	2,571	2,465	2,727	2,883	2,956
TOTAL WORKING EXPENSES ...	9,210	41,208	34,534	39,038	12,430	30,564	23,180	42,284	25,590

63. The decrease in the working expenses is due to the canal not having been closed for silt-clearing during the year. Compared with 1878-79, in which year there was also no closure, there is a small increase of expenditure, the rate per mile for works only being Rs. 651·7, against Rs. 572·3 in that year.

64. The net revenue, Rs. 28,897, is owing to the diminished working expenses, in excess of that of 1879-80; but it compares unfavourably with the three preceding years.

SONE CANALS.

65. The Capital, Interest, and Revenue accounts of these canals are given below:—

I.—CAPITAL ACCOUNT.

—	Outlay during 1880-81.	Outlay to end of 1880-81.
Direct Charges.	Rs.	Rs.
Works	5,24,890	1,62,26,921
Establishment	2 55,144	45,51,559
Tools and Plant	1,25,206	17,93,637
Suspense balances	—58,741	2,44,009
TOTAL ...	8,46,499	2,28,16,126
Less receipts on Capital account	25,101	2,34,849
NET OUTLAY ...	8,21,398	2,25,81,277
Indirect Charges.		
Capitalization of abatement of land revenue	12,668	33,578
Loss by exchange	...	74,503
Leave and pension allowances	43,418	7,77,652
TOTAL INDIRECT CHARGES ...	56,086	8,85,733

II.—INTEREST ACCOUNT.

	Rs.
Interest to end of 1879-80	54,53,550
Ditto for 1880-81	9,97,676
TOTAL INTEREST TO END OF 1880-81 ...	64,51,226

III.—REVENUE ACCOUNT.

	Expenditure.			Receipts.	
	During the year.	To end of the year.		During the year.	To end of the year.
I.—Maintenance and repairs.	Rs.	Rs.		Rs.	Rs.
Works ...	2,85,649	11,17,586	Water-rates ...	3,78,266	13,66,571
Establishment, including direction and accounts ...	71,610	3,16,698	Navigation ..	61,145	1,61,962
Tools and Plant ...	580	10,048	Miscellaneous ...	39,233	1,44,697
TOTAL MAINTENANCE ...	3,57,839	14,44,332			
II.—Revenue management.					
Irrigation establishment ...	1,02,476	2,77,184			
Navigation „ ...	10,618	41,679			
TOTAL ...	1,13,094	3,18,863			
III.—Refunds of revenue ...	1,637	4,608			
TOTAL WORKING EXPENSES ...	4,72,570	17,67,803			
Profit ...	6,074	—94,573			
TOTAL ...	4,78,644	16,73,230	TOTAL ...	4,78,644	16,73,230

66. The total debt on account of interest and unpaid working expenses amounted for the year to Rs. 9,91,602, and to the end of the year to Rs. 65,45,798.

67. The Revenue account calculated on the earnings of the year is shown below:—

Expenditure.	Amount.	Earnings.	Amount.
I.—Maintenance and repairs.	Rs.		Rs.
Works	2,85,649	Water-rates	5,34,874
Establishment, including direction and accounts	71,610	Navigation	59,645
Tools and Plant	580	Miscellaneous	39,233
TOTAL MAINTENANCE ...	3,57,839		
II.—Revenue management.			
Irrigation establishment ...	1,02,476		
Navigation „ ...	10,618		
TOTAL ...	1,13,094		
III.—Refunds of revenue ...	1,637		
TOTAL WORKING EXPENSES ...	4,72,570		
Profit ...	1,61,182		
TOTAL ...	6,33,752	TOTAL ...	6,33,752

68. During the year the Sone canal system was increased by 34¼ miles of navigable canal, and 112¾ miles of branch canals and distributaries. The lengths of canals and distributaries, and areas commanded and which can be irrigated, are shown in the following table which exhibits the progress made to the end of the year:—

NAME OF CANAL.	Navigable canal.	Branch canal.	Distributaries.	Area under command.	Area which can be irrigated.		Total area which can be irrigated
					Kharif.	Rabi.	
	Miles.	Miles.	Miles.	Acres.	Acres.	Acres.	Acres.
Eastern Main and Patna canal ...	86¼	...	305¼	307,610	112,640	151,200	263,840
Arrah canal	65	70¼	436¾	441,500	132,800	178,200	311,000
Western Main and Buxar canal ...	65¼	39¼	217¼	546,814	135,840	210,600	346,440
TOTAL ...	216¾	110	959¼	1,295,924	381,280	540,000	921,280

The columns "area which can be irrigated" are obtained by multiplying the full supply of the canals by 80 for the area irrigable during the kharif season; and 3,000 cubic feet per second, which is taken as the supply available during the rabi season, by 180, for the area which can be watered then.

69. Considerable progress has been made in constructing village channels, full details regarding which will be found in paragraph 12 of the Superintending Engineer's report; 93½ miles of channels have been constructed by Government at the cost of the persons interested; and in the Arrah and Eastern Sone Divisions (information respecting the Buxar Division is wanting) 791 miles by the villagers themselves.

70. The irrigated area assessed during 1880-81 is given below, compared with the previous year's irrigation:—

Year.		Kharif. Acres.	Rabi. Acres.	Sugar cane. Acres.	TOTAL. Acres.
1879-80	...	41,132	62,266	27,158	130,556
1880-81	...	134,208	50,290	23,127	207,625

There has, therefore, been an increase of 77,039 acres in the area irrigated during the year, notwithstanding a falling-off of 11,976 acres in the rabi and 4,031 acres in the sugar cane irrigation. This extension of irrigation is chiefly due to the rainfall during September being much below what is necessary to mature the rice crop, which constitutes the main portion of the kharif irrigation. The rainfall in October was fully sufficient for the requirements of the rabi crop, more especially as the greater part of the fall occurred in the latter half of the month. The decline in the area of sugarcane irrigated occurred mostly in the Buxar Division, and was due to the long closure, from the 19th of April to the 30th June, of the Main Western Canal, from which all the canals of the Main Western Series are supplied. The average rainfall, division by division, the mean of the gauge observations at the head-quarters of sub-divisions being taken, is shown, for four years, in the following table, extracted from the Superintending Engineer's report:—

MONTH.	EASTERN SONE DIVISION.				ARRAH DIVISION.				BUXAR DIVISION.			
	1877-78.	1878-79.	1879-80.	1880-81.	1877-78.	1878-79.	1879-80.	1880-81.	1877-78.	1878-79.	1879-80	1880-81.
	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.	Inches	Inches.	Inches.	Inches	Inches.
April	0·15	0·24	...	0·11	0·35	0·64	...	0·08	Not available.	0·91	...	...
May	4·25	2·18	0·30	0·82	1·62	2·43	0·18	0·58		2·21	0·07	0·33
June	0·62	3·42	4·27	5·44	0·60	2·10	4·48	3·79		1·81	7.16	1·41
July	5·07	9·30	13·44	17·32	4·56	8·83	11·38	18·43		7·26	14·87	17·19
August	8·02	13·93	8·53	15·39	5·39	10·55	12·02	14·82	.....	8·80	9·62	7·88
September	1·62	4·64	11·35	2·24	2·70	4·79	17·59	3·60	1·16	5·42	20·43	2·23
October	2·91	0·23	4·38	4·91	1·95	0·37	4·81	4·14	0·75	0·43	3·84	3·87
November	...	0·58	...	0·12	..	1·21	...	0·39	....	0·86	...	0·85
December	0·32	...	...	...	...	...	...	0·01	...	..	...	0·01
January	0·82	...	...	...	1·55	..	0·04	0·04	1·18	0·04	...	0·04
February	...	0·81	1·47	0·04	0·20	1·10	1·99	0·10	0·24	1·35	1·78	0·12
March	0·10	...	...	1·16	...	..	...	1·32	0·06	...	..	0·92
TOTAL ...	23·88	35·32	43·74	47·55	18·92	32·02	52·49	47·30	Incomplete.	20·19	55·97	34·78

71. The average rainfall in the three divisions during August, September, and October, which determines the kharif irrigation, was 19·69 inches, against 30·86 inches in the same months of the previous year, whilst for October, November, and December, on the rainfall during which the rabi crop is dependent, it was 4·77 inches, against 4·32 inches in 1879-80. In 1880-81 three-quarters of the rainfall during the rabi season occurred during the latter half of October, and in November and December, whilst in the previous year this proportion fell in the first half of October, when rain is not so much required as later in the season. The area irrigated by divisions and canals is given in the following table:—

Division.	Canal.	Kharif.	Rabi.	Sugarcane.	TOTAL.
		Acres.	Acres.	Acres.	Acres.
Arrah ...	Arrah	74,137	31,796	15,897	122,230
Buxar ...	Main Western and Buxar	42,161	8,116	5,455	55,732
Eastern Sone ...	Main Eastern and Patna	17,570	10,378	1,775	29,623
	TOTAL ...	134,268	50,290	23,127	207,625

72. As water can be given for 921,280 acres, the area irrigated, including sugarcane, in both rabi and kharif, is 25 per cent. of the area for which water is available. For kharif only, the figures are more favourable, being 40·3 per cent. of the crop area which can be irrigated, and for the Arrah canal only, 80·3 per cent.

73. By crops for the year under review, and that preceding, the area under irrigation is shown in the following statement:—

Name of Crops.	Eastern Sone Division.		Arrah Division.		Buxar Division.		Total.	
	1879-80	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
Kharif	4,713	16,870	25,808	72,446	7,618	41,859	38,139	131,175
Indigo	206	320	298	615	138	21	642	956
Gardens	23	44	5	3	262	6	290	63
Bhadoi	151	285	1,734	1,473	447	281	2,332	2,039
Sugarcane	2,002	1,775	15,060	15,897	10,095	5,455	27,157	23,127
Rabi	10,052	8,474	40,503	30,843	7,447	7,891	58,005	47,208
Opium	2,404	1,885	1,351	953	236	219	3,991	3,057
Total ...	19,554	29,663	84,759	122,230	26,243	55,732	130,556	207,625

74. The proportion of flow to lift irrigation was 91·6 to 8·4 per cent., against 88·4 to 11·6 per cent. in the preceding year. Of the 207,625 acres irrigated, 147,844 acres were leased, and the remainder was excess irrigation beyond leases. The approximate measurement by patrols, inclusive of 15,378 acres of three years leases which are not measured by patrols, amounted to 186,247 acres, or within a fraction of 90 per cent. of area ultimately assessed.

75. No three years leases have been issued since June 1879, the difference of rates Rs. 2-4 for rabi, including bhadoi, and Rs. 1-8 for kharif, caused practical difficulties in carrying out the system which prevented its becoming popular. Rules under which land, in compact blocks of not less than 50 acres, can be leased for 5 years at a uniform rate of Rs. 2 per acre without reference to the crop grown have been sanctioned, and are apparently acceptable; this rate covers irrigation from the 25th of June to the 1st of April; between these dates only a limited supply of water is available, and a special rate of Rs. 4 per acre is charged and willingly paid. The rules now in force, enacted by the Lieutenant-Governor under section 99 of Act III (B. C.) of 1876, are appended.

76. Considerable attention has been paid to observations for determining the duty of water, and in certain selected distributaries special observations, with a view to accurately determine the quantity of water actually used in irrigation, were made. There are considerable differences in the results to date, which are doubtless chiefly due to the short time over which the observations extend. The discharge of the Main Western Canal was ascertained by a daily observation of the canal itself, mean velocity rods being employed, and the results may be considered as near approximations to the actual quantity of water entering that canal. In the Main Eastern Canal the same plan was followed for the greater part of the year. Details regarding the distributary observations will be found in paragraph 9 of the Superintending Engineer's report. The result of most practical value to be deduced from the data obtained, is that the kharif duty, calculated on the mean discharge entering the Main Western Canal from July to November, was 90 acres per cubic foot of discharge. For October only when irrigation was most required, it fell to 67 acres.

77. The usual observations on the discharge of the river Sone were made, the minimum observed discharge being 681 cubic feet per second, against 447 cubic feet per second in 1879, and 380 in 1878. Up to the closure of the Western Main Canal the supply never fell below 1,700 cubic feet per second.

78. The year opened with a balance of Rs. 3,18,378; the assessments of the year amounted to Rs. 5,34,874, making a total of Rs. 8,53,252; out of this amount Rs. 3,78,266 were collected, and Rs. 10,725 remitted; the balance outstanding on the 1st April 1881 being Rs. 4,64,261; of this balance Rs. 2,63,621 was due on account of the current, and Rs. 2,00,640 for former years. The amount

remaining due from former years is unduly enhanced by a sum of Rs. 48,559—assessments of 1877-78, when great destruction of crops was occasioned by insects, which had been conditionally remitted for some years; the balance, omitting the demands for 1880-81, which were communicated to the Collectors in the last three months of the year, is, however, heavier than it should be. The Commissioner's remarks on this subject in reviewing the progress of collection in the Shahabad district are reproduced, as explaining the chief cause of the backwardness in collections:—"I am inclined to think that the collections during the year would have been much larger, but for the indifference of the two Deputy Collectors formerly employed on the work. The backward state of the collections compelled me, in February last, to alter slightly the arrangement under which the collections were made. Deputy Collector, Babu Chunder Narain Singh, who was employed wholly on office work, was placed directly in charge of the collection department; and the two Deputy Collectors who were entrusted with the collections, were replaced by two Sub-Deputy Collectors. The effect of this arrangement, apart from the reduction of expenditure, has been that, during the last four months, *i.e.*, from March to June, a sum of Rs. 2,14,528 has been collected." The Commissioner also notices the small percentage, 1·3, recovered by process of law; and, referring to some complaints adverted to by the Officiating Collector who held charge of the district for three months only, commencing after the close of the year under review, states that such complaints can hardly be avoided, considering the large area over which the operations extend, and that they can be easily rectified. It is hoped that the marked improvement in the collections, which has taken place since the change of system described by the Commissioner has been brought into operation, will continue. In Gya and Patna Rs. 68,286 were received during the year, against Rs. 39,619, the maximum collection of any year to date; the balance, Rs. 32,956, is not excessive, allowance being made for demand statements for Rs. 35,588, which reached the Collectors in the last two months of the year. Remissions were granted amounting to Rs. 10,725, against Rs. 10,517 in the year preceding.

79. The usual crop experiments were made, showing an average excess yield of md. 1-29 of rice and mds. 3-15 of straw on land irrigated from the canal, over land otherwise irrigated. It is perhaps necessary to remark that, in the districts commanded by the Sone canals, the rice crop is nearly always artificially irrigated in some way or other; and that the difference does not represent the increased yield over crops on which no expenditure on artificial irrigation has been incurred, but above rice crops irrigated from *aharas* and tanks, which cost something to construct and require yearly repairs.

80. There has been a small decrease in the cost of the irrigation establishment, mostly in headmen's fees. The expenditure on revenue management cannot, however, be suddenly reduced so as to be kept rigidly proportional to the revenue of the year; the establishment is partly permanent, and the headmen's fees are dependent on the previous year's revenue; whilst the temporary measurement establishment is in proportion to the area irrigated during the year, the greater part of the revenue for which is collected after its close. The cost as compared with the previous year is detailed below:—

—	1879-80.		1880-81.	
	Amount.	Percentage on collections	Amount.	Percentage on collections.
	Rs.	Rs.	Rs.	Rs.
Permanent and temporary establishments, such as zilladars, ameens, patrols, &c.	55,589	12 50	54,454	14·40
Establishments employed under Collectors	23,411	5·26	25,850	6·83
Headmen's fees	27,534	6·20	22,171	5·86
TOTAL ...	1,06,534	23·96	1,02,475	27·09

An increasing use of the cadastral maps is noticeable in measurements of the area irrigated; the actual results show a considerable saving in the cost of measurements so conducted, with the drawback however of an increase in the number of complaints, the cost of disposing of which cannot be accurately

stated. For the five years leases the maps are of great assistance, and, on the recurrence of a year similar to 1877-78, it is almost certain that the greater part of the area under command will be so leased, after which a considerable saving in the cost of measurements may be expected.

81. During the year 4,465 complaints were disposed of by Executive Engineers and their Assistants. Of these 541 were applications to the Executive Engineer for remission of water-rates, and the remainder miscellaneous applications or petitions received and disposed of by sub-divisional officers.

82. The navigation receipts of the canals to date are shown in the following table :—

Years.	Eastern Main Series.			Western Main Series.			Total	Tollage, omitting steamer traffic.
	Number of miles open.	Receipts from tollage.	Receipts from steamers.	Number of miles open.	Receipts from tollage.	Receipts from steamers.		
1876-77	...	...	...	86¾	4,852	...	4,852	4,852
1877-78	86¼	9,401	...	86¾	17,373	...	26,774	26,774
1878-79	86¼	18,570	...	86¾	10,762		29,332	29,332
1879-80	86¼	14,112	5,046	96¼	13,192	7,209	39,859	27,604
1880-81	86¼	27,337	8,512	130¼	12,482	12,814	61,145	39,819

The increased mileage of the Western Main Series, caused by opening of the Buxar canal as far as the railway, was not, however, available for traffic until late in December, and has had very little influence on the returns of the year.

83. Details regarding the traffic for the past five years are given in the following table, which includes boats carrying materials for the works, but not the steamer transport service :—

	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
Number of miles open at the end of the year ... miles	84	171	174	182½	216¾
Toll collections ... Rs.	4,852	26,774	29,332	27,604	39,819
Rate of toll per mile ... ,,	58	156	168	151	183
Boats, including empties No.	2,421	8,693	6,876	6,943	7,482
Measured tonnage of boats, including empties ... tons	26,040	81,897	66,289	66,286	69,597
Estimated value of cargo Rs.	1,04,399	12,79,257	26,98,541	34,82,626	33,74,946

The increase in the rate of toll per mile is however not fairly represented by the difference between Rs. 183 and Rs. 151, as would appear from the foregoing table. Excluding Rs. 482, tolls on the Buxar canal opened in December, and the 34¼ miles added to the length of canals open, the tollage per mile becomes Rs. 215, which is considerably in advance of previous year's results. Omitting tolls on boats employed on the Government works, and steamers, the *assessed* tollage for the last four years is shown in the following table :—

Year.	Eastern Main and Patna Canal.	Western Main Canal.	Arrah Canal.	Buxar Canal.	Total.
1877-78	2,778	1,194	7,171	...	11,146
1878-79	13,762	1,008	6,729	...	21,499
1879-80	13,555	1,417	10,767	...	25,739
1880-81	26,529	2,247	6,847	316	35,939

There is therefore an increase in the tollage paid on private boats of Rs. 10,200, which is wholly due to the development of traffic on the Patna canal. There were small increases in the returns from the Western Main and Buxar canals, but these were more than covered by a falling-off of Rs. 3,920 in the tollage of the Arrah canal. It must be remembered that the Arrah canal was closed for navigation for fully three months, and this fact accounts for the smaller traffic as compared with the previous year on that canal; some part, though not a large proportion of the increase in the navigation income of the

Eastern Main Series, is probably owing to the same cause. The private traffic, classified by description of goods, is shown in the succeeding statement for the last five years :—

	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
	Tons.	Tons.	Tons.	Tons.	Tons.
Articles of food	843	11,445	9,049	17,577	15,392
Stimulants	24	760	1,143	1,319	2,675
Clothing	17	78	591	405	564
Staples of manufacture ...	13	988	4,878	9,600	13,169
Building materials	153	2,265	7,387	7,792	5,593
Live-stock	...	...	...		...
Fuel	...	957	1,949	791	726
Cooking utensils and other domestic implements	...	290	1,059	163	...
Miscellaneous	940	6,197	14,445	21,567	20,818

There has been a small increase of Rs. 135 in the cost of the navigation establishment, consequent on the opening of the Buxar canal.

84. The steamer service on the Arrah canal has been kept up without intermission, as also that on the Patna canal, to which the steamer *Umpire*, mentioned in last year's report as plying on the Arrah canal, has been transferred. For the Arrah canal a new steamer (the *Bunas*), with a stern-wheel, has been built, but the machinery, which was of an entirely new type, for some time did not work satisfactorily, there being numerous breakdowns, when the *Sir Arthur Cotton* was run in her stead.

Notwithstanding these accidents which being provided for did not interfere with the regularity of the service, though they added considerably to its cost, there has been a profit of Rs. 2,103 on the year's working, and the accommodation to the public has been very great.

The Collector of Shahabad referring to the service on the Arrah canal says—"The passenger steamers plying between Arrah and Dehree, and Buxar and Dehree, are very popular, and at the same time financially successful." The latter line was established after the close of 1880-81. No less than 28,047 passengers were carried during the year, of which 360 travelled in the cabin and the remainder were intermediate or deck-passengers.

The total receipts amounted to Rs. 21,326, including Rs. 359, arrears of last year; and the expenditure to Rs. 18,865, of which Rs. 4,814 represents the cost of keeping up the *Sir Arthur Cotton* for the whole year, whilst for five months she was never employed on the transport service, and only very partially during the remaining seven.

85. There has been a falling-off in the miscellaneous receipts under the heads 'profits on workshop manufacture,' 'costs of process,' and 'receipts from plantations,' but an increase on all the other heads. The workshop profits vary with the work done, whilst a decrease in the receipts from legal processes for compulsorily realizing water-rates is not to be regretted. The following table shows the miscellaneous revenue by sub-heads as compared with the previous year :—

	1879-80.	1880-81.
	Rs.	Rs.
Miscellaneous receipts by sale of water	87	112
Water-supply to towns	...	79
Receipts from plantations	562	117
Do. from other canal produce	1,972	3,719
Rents of buildings	5,453	5,483
Do. of lands	5,687	7,059
Do. of fisheries	80	302
Fines	1,7 0	3,579
Profits on sales from workshop manufacture ...	17,581	7,662
Miscellaneous and other receipts	13,871	11,121
TOTAL ...	47,013	39,233

86. The revenue from all sources, and the working expenses for the last three years, are shown in the following table :—

	1878-79.	1879-80.	1880-81.
Receipts—	Rs.	Rs.	Rs.
Water-rates	3,73,312	4,44,716	3,78,266
Navigation receipts	29,332	39,859	61,145
Miscellaneous	34,982	47,013	39,233
TOTAL ...	4,37,626	5,31,588	4,78,644
Working expenses—			
Maintenance	2,94,084	2,38,335	3,57,839
Irrigation Establishment	66,173	1,06,534	1,02,476
Navigation ditto	9,971	10,183	10,618
Refunds	276	1,945	1,637
TOTAL ...	3,70,504	3,57,297	4,72,570
BALANCE NET REVENUE ...	+67,122	+1,74,291	+6,074

There has, therefore, been a decrease in the receipts, and an increase in the working expenses during the year, compared with 1879-80. Allusion has already been made to changes in the system of collection, made by the Commissioner of Patna, in consequence of the heavy arrears, Rs. 4,64,261, which had accumulated at the close of the year under review. A large part of the falling-off in revenue is, however, due to the decrease in the irrigated area during 879-80, and consequently in the assessments in that year, which amounted to Rs. 4,69,200, against Rs. 6,06,821 in 1877-78, and Rs. 5,34,874 in 1880-81. The low price of grain as noticed in the case of the Orissa and Midnapore canals interfered materially with both the ability and willingness of the cultivators to pay their dues. The small proportion of the receipts recovered by process of law is noticed by the Commissioner, and is further evident from a decrease of 75 per cent., compared with the previous year, in the process fees received. The excess expenditure was nearly entirely due to heavy silt-clearing in the Main Western Canal, which was closed from the 19th April to the 30th July for that purpose. During the closure, opportunity was taken to examine the masonry works on the distributaries and to thoroughly repair them where necessary.

87. The expenditure on the head works amounted to Rs. 41,266, against Rs. 44,753 in the year preceding; of this amount Rs. 26,400, or slightly more than Rs. 2 per foot, was the cost of maintaining the weir proper, and the remainder was expended on buildings, tramway, causeway, and subsidiary works.

88. The following table shows the cost per mile of repairing the canals and distributaries in the circle, a column showing the cost per mile in the year preceding is added. The distributaries taking off from the Buxar canal, and those in the Eastern Sone Division are omitted, their maintenance having been charged to the original estimate, the banks not having yet become consolidated :—

NAME OF CANAL.	Name of Division.	Number of miles.	Cost per mile.	
			1879-80.	1880-81.
			Rs.	Rs.
Eastern Main	Eastern Sone...	7¼	972	3,166
Western	Arrah ...	9	2,669	8,967
	Buxar ...	12¾	336	324
Patna	Eastern Sone...	79	390	404
Arrah	Arrah ..	65	421	457
Doomraon Branch ...	" ...	40¼	198	160
Beheea " ...	" ...	30¼	148	187
Chowsa " ...	Buxar ...	39½	...	142
Bhojpore Main Distributary ...	" ...	42½	114	105
Distributaries	Arrah ...	430¾	55	65
	Buxar ...	12¼	67	53

89. During the year two English ladder dredgers and seven Fouracres' bucket-dredgers were kept at work in the Main Western and Main Eastern Canals; Rs. 26,530 being expended on this item, against Rs. 14,210 in 1879-80; in which year the two English dredgers were not in regular work, and only three Fouracres' dredgers were ready. In the Main Eastern Canal 35 lakhs of cubic feet of silt were removed by dredging, and 17 lakhs in the Main Western Canal, besides 6½ lakhs in the river-crossing. The cost averaged Rs. 3-11-9 per 1,000 cubic feet for silt excavated in the Eastern Sone Division by Fouracres' dredgers, and Rs. 2-12-3 in the Arrah Division. With the English dredgers, the average rate was Rs. 7-1-5 per 1,000 cubic feet. In the Main Western Canal, the silt was chiefly removed by hand, the canal being closed for nearly three months for that purpose; 8,744,958 cubic feet, out of 12,348,382 cubic feet measured before the canal was closed, were excavated. Upwards of 36 lakhs cubic feet silt remained in the bed when the canal was re-opened on the 1st of July, and it is not improbable that another closure to allow of this remaining silt being removed will be necessary. The Superintending Engineer brings forward data from which it appears that the siltage during the rains amounted to 10¼ lakhs of cubic feet in the Main Eastern Canal, and 17¾ lakhs in the Main Western Canal; should subsequent experience show that these figures fairly represent the average quantity of silt to be removed yearly, it will in all probability be possible, once the canals are clear of silt to bed level, to dispense with closures except for a few days to examine masonry works.

90. Weed clearance still constitutes a heavy item in the working expenses, the expenditure, notwithstanding the long closure of the Main Western Canal, having exceeded that of the previous year by Rs. 1,964. The increase is mainly due to weeds having spread further down both the Arrah and Patna canals; in earlier years, there were few weeds except in the first and last reaches. The following table shows the expenditure in weed-clearing compared with former years:—

Name of Canal.	1877-78.	1878-79.	1879-80.	1880-81.
	Rs.	Rs.	Rs.	Rs.
Eastern Main Canal	...	...	2,784	2,705
Patna Canal	...	..	3,069	7,617
Western Main Canal	3,680	3,129	11,087	6,270
Arrah Canal	1,613	1,940	4,916	7,198
Total ...	5,293	5,069	21,856	23,820

The possibility of diminishing the cost of this item by employing steam-power has not been lost sight of, and a rake devised by Mr. Fouracres will be experimented on during the current year.

SARUN CANALS.

91. The Sarun canals, which have been constructed from provincial revenues, were brought into operation during the year, the head sluice of the head cut having being completed in June, and first opened for the supply of water on the 17th October 1880. The following table, extracted from the Superintending Engineer's report, gives the size of the channels and other information regarding them:—

Channel.	Length.	Calculated discharges.		Bottom width.	Area irrigable.	
		Kharif.	Rabi.		Commanded.	Leased by guarantors.
	Miles.	Cubic feet per second.	Cubic feet per second.	Feet.		
Head cut	6·34	1084·6	403·2	50	.....	.....
Daha feeder ...	3·34	364·4	148·2	28	471	1,500
Gunducki feeder ...	1·57	634·3	258·4	50	613	5,000
Dhamai " ...	1·00	292·4	116·1	30	245	8,000
Gangri " ...	6·57	406·9	116·1	30	383	5,500

92. The Gunduck river is the source of supply, and is connected with the four feeding channels by a *sota* or old river bed which in the rains is connected and filled with water from the Gunduck and in the dry weather is supplied from the same source by the head cut lately constructed and the Daha feeder. The rivers Daha, Gunducki, Dhanai, and Gangri, have a total length of 295½ miles, and have now been re-connected with the Gunduck, from which they were cut off by silting up or embankments. Irrigation commenced in June and July, and during the year 2,434 acres rabi, and 853 kharif, were supplied with water, in addition to that used for manufacturing indigo, the supply for which forms an important feature of the works.

93. The total capital expended on the Sarun Project was Rs. 5,84,066, exclusive of indirect charges, and the interest for the year Rs. 24,056. The revenue realized was Rs. 10,080, so that there is a deficit of Rs. 13,976 on the year's operations.

94. Interest on capital to the extent of Rs. 23,000 per annum has, however, been guaranteed by the landholders affected, in consideration of receiving, free of charge, water for the irrigation of such areas of land, or for the manufacture of such quantities of indigo, as, at rates to be determined on, would be an equivalent for the amount guaranteed. Rules under Act III (B.C.) of 1876 have been sanctioned by the Lieutenant-Governor, giving effect to these stipulations. These rules are appended to this report.

95. The advantage secured to the villages in the neighbourhood of the canals, by a supply of good drinking water being available throughout the year, is noticed by the Superintending Engineer.

CALCUTTA CANALS AND NUDDEA RIVERS.

96. There are two works now managed by the Irrigation Branch of the Public Works Department, for which no capital or revenue accounts are kept, but of which it is desirable that a short notice of the results of the year's operations should be included in the Annual Revenue Report, these are the Calcutta Canals, and the Nuddea Rivers, in both cases the management of the revenue collections rests with the Board of Revenue.

97. The following table shows the income from, and expenditure on, these works for the current year, and that immediately preceding—

	1879-80. Rs.	1880-81. Rs.
REVENUE REALIZED—		
Calcutta Canals	3,44,565	4,14,145
Nuddea Rivers	2,30,627	2,32,633
TOTAL ...	5,75,192	6,46,778
WORKING EXPENSES—		
Calcutta Canals—		
Collection charges	38,296	38,994
Maintenance...	1,21,135	1,05,328
TOTAL ...	1,59,431	1,44,322
Nuddea Rivers—		
Collection charges	21,717	20,905
Maintenance	65,230	1,00,941
TOTAL ...	86,947	1,21,846
NET REVENUE, EXCLUDING EXTENSIONS AND IMPROVEMENTS—		
Calcutta Canals	1,35,134	2,69,823
Nuddea Rivers	1,43,680	1,10,787
TOTAL ...	3,28,814	3,80,610

	1879-80. Rs.	1880-81. Rs.
EXTENSIONS AND IMPROVEMENTS—		
Calcutta Canals	2,79,809	6,85,447
Nuddea Rivers	627	.....
TOTAL ...	2,80,436	6,85,447
NET REVENUE, EXCLUDING EXTENSIONS AND IMPRVOEMENTS—		
Calcutta Canals	—94,675	—4,15,624
Nuddea Rivers	+1,43,053	+1,10,787
TOTAL ...	+48,378	—3,04,837

98. The improved returns, from the Calcutta Canals are stated by the Board of Revenue to be due to increased imports of rice, jute, and firewood, from the Sunderbuns and Eastern Districts. The Dhappa Lock has been opened since the close of the year under review, and it is expected that the Chitpore Lock which is being rebuilt will be completed before the next rainy season. The full effect of these improvements cannot, however, be felt until the storm-water diversion works, which are now under consideration, are carried out, when these are finished a considerably enhanced revenue from the Calcutta Canals may be expected.

GENERAL REMARKS.

99. The Budget Estimate showed a net estimated revenue from Productive Public Works of Rs. 3,88,000, this was reduced in the regular estimate to Rs. 17,000, and the actual result of the year's operations has been a profit of Rs. 22,305. The deficiency in revenue, Rs. 1,51,509, is mainly due to the collections of water-rates having fallen into arrears, consequent on the decline in the value of produce and the difficulty experienced by the cultivators in converting their crops into money. The increase in the working expenses is due to heavy silt clearing having been carried out during the year in the Sone and Midnapore Canals, and to special repairs to one of the Midnapore locks. Calculated by earnings instead of actuals, the surplus on the year's operations would be much greater, the results for each series of canals being—

	Rs.
Orissa Canals	—32,243
Midnapore Canals	74,985
Hidgellee Canals	29,617
Sone Canals	1,61,182
TOTAL ...	2,33,541

100. The approximate value of the irrigated crops is shown in the following statement:—

	ORISSA CANALS.		MIDNAPORE CANALS.		SOAN CANALS.	
	Areas irrigated.	Value of crop.	Area irrigated.	Value of crop.	Area irrigated.	Value of crop.
	Acres.	Rs.	Acres.	Rs.	Acres.	Rs.
Kharif	112,171	17,38,650	103,862	19,99,309	184,208	18,77,395
Rabi	4,877	2,52,704	...	...	50,290	7,80,997
Perennial ...	173	43,661	...	...	23,127	12,71,985
TOTAL ...	117,221	20,35,015	103,862	19,99,309	207,625	39,30,377

H. C. LEVINGE,

Chief Engineer, Bengal, Irrigation Branch.

The 12th November 1881.

Statement of Financial Results of Irrigation Works in Bengal, based on Actual Receipts for, and to end of, 1880-81.

	Productive Public Works.					Works other than Productive Public Works.										
	Works in operation.					Works in abeyance.			Work suspended.	Works in progress.				Total.	Grand Total	Remarks.
	Orissa Canals.	Midnapore Canal.	Tidal Canal.	Sone Canals.	Total.	Tirhoot Project.	Hooghly Project.	Total.	Damoodah Project.	Joojooty Project.	Sarun Project.	Orissa Coast Canal.	Total.			
Capital outlay, excluding charges for interest.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
For the year. Ordinary ...	...	...	...	...	...	...	...	...	—1,000	2,39,270	98,964	71,752	4,09,986	4,08,986	4,08,986	
Productive Public Works ...	4,50,582	2,30,454	...	8,21,398	15,02,444	...	...	...	...	...	...	...	...	...	15,02,444	
Capitalization of abatement of land revenue.	223	...	...	12,668	12,891	...	...	...	...	...	...	...	...	...	12,891	
Leave and pension allowances	8,607	9,289	...	43,418	61,314	...	...	...	...	8,790	3,969	278	13,037	13,037	74,351	
Total ...	4,59,422	2,39,743	...	8,77,484	15,76,649	...	...	...	—1,000	2,48,060	1,02,933	72,030	4,02,023	4,22,023	19,98,672	
To end of year. Ordinary ...	3,37,047	2,54,577	92,558	88,635	7,72,817	5,31,425	1,42,426	6,73,851	1,56,773	2,81,851	5,84,066	71,752	9,37,669	17,68,293	25,41,110	
Productive Public Works ...	1,88,59,474	74,66,350	16,80,141	2,24,92,642	5,05,28,607	...	...	...	...	...	...	...	...	...	5,05,28,607	
Capitalization of abatement of land revenue.	80,596	...	11,208	33,578	75,380	...	151	151	...	...	...	...	...	151	75,531	
Leave and pension allowances	4,10,302	1,78,335	33,597	7,77,652	13,99,886	74,650	2,665	77,315	16,122	10,521	21,535	278	32,334	1,25,771	15,25,657	
Loss by exchange... ...	2,94,089	67,768	20,571	74,503	4,56,931	...	...	...	...	...	...	...	...	...	4,56,931	
Total ...	1,99,61,508	79,67,030	18,38,073	2,34,67,010	5,32,33,621	6,06,075	1,45,242	7,51,317	1,72,895	2,92,372	6,05,601	72,030	9,70,003	18,94,215	5,51,27,836	
Revenue account. *Gross Revenue.* For the year. Direct ...	2,69,774	2,16,466	54,487	4,78,644	10,19,371	...	...	...	...	...	10,080	...	10,080	10,080	10,29,451	
Indirect ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	2,69,774	2,16,466	54,487	4,78,644	10,19,371	...	...	...	...	...	10,080	...	10,080	10,080	10,29,451	
To end of year. Direct ...	12,57,227	13,91,686	4,22,313	16,73,230	47,44,456	...	...	...	...	...	10,080	...	10,080	10,080	47,54,536	
Indirect ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Total ...	12,57,227	13,91,686	4,22,313	16,73,230	47,44,456	...	...	...	...	...	10,080	...	10,080	10,080	47,54,536	
Working expenses. For the year. Direct ...	3,06,066	1,89,220	25,590	4,72,570	9,93,446	...	...	...	...	...	...	...	...	...	9,93,446	
Indirect ...	15,889	8,823	930	31,638	57,280	...	...	...	...	...	...	...	...	...	57,280	
Total ...	3,21,955	1,98,043	26,520	5,04,208	10,50,726	...	...	...	...	...	...	...	...	...	10,50,726	
To end of year. Direct ...	24,55,285	15,29,225	3,03,869	17,67,802	60,56,181	...	...	...	...	...	...	...	...	...	60,56,181	
Indirect ...	1,33,253	80,588	13,537	1,07,974	3,35,352	...	...	...	...	...	...	...	...	...	3,35,352	
Total ...	25,88,538	16,09,813	3,17,406	18,75,776	63,91,533	...	...	...	...	...	...	...	...	...	63,91,533	
Net Revenue— For the year. From direct returns only ...	—52,181	18,423	27,967	—25,564	—31,355	...	...	...	...	...	10,080	...	10,080	10,080	—21,275	
From direct and indirect returns	—52,181	18,423	27,967	—25,564	—31,355	...	...	...	...	...	10,080	...	10,080	10,080	—21,275	
To end of year. From direct returns only ...	—13,31,311	—2,18,127	1,04,907	—2,02,546	—16,47,077	...	...	...	...	...	10,080	...	10,080	10,080	—16,36,997	
From direct and indirect returns	—13,31,311	—2,18,127	1,04,907	—1,02,546	—16,47,077	...	...	...	...	...	10,080	...	10,080	10,080	—16,36,997	
Simple interest at 4½ per cent. on capital outlay (including interest while works were under construction). For the year ...	8,55,055	3,42,256	79,771	9,97,676	22,74,758	23,914	6,409	30,323	7,055	7,300	24,056	1,614	32,970	70,348	23,45,106	
To end of year ...	77,12,759	31,37,991	8,45,802	64,51,226	1,81,47,778	1,34,002	39,029	1,73,031	89,713	10,417	44,196	1,614	56,227	3,18,971	1,84,66,749	
Difference between net revenue and interest. For the year. If credit be taken for direct returns only.	—9,07,236	—3,23,833	—51,804	—10,23,240	—23,06,113	—23,914	—6,409	—30,323	—7,055	—7,300	—13,976	—1,614	—22,890	—60,268	—23,66,381	
If credit be taken for indirect returns also.	—9,07,236	—3,23,833	—51,804	—10,23,240	—23,06,113	—23,914	—6,409	—30,323	—7,055	—7,300	—13,976	—1,614	—22,890	—60,268	—23,66,381	
To end of year. If credit be taken for direct returns only	—90,44,070	—33,56,118	—7,40,895	—66,53,772	—1,97,94,855	—1,34,002	—39,029	—1,73,031	—89,713	—10,417	—34,116	—1,614	—46,147	—3,08,891	—2,01,03,746	
If credit be taken for indirect returns also.	—90,44,070	—33,56,118	—7,40,895	—66,53,772	—1,97,94,855	—1,34,002	—39,029	—1,73,031	—89,713	—10,417	—34,116	—1,614	—46,147	—3,08,891	—2,01,03,746	

General Abstract of financial results of Irrigation Works in Bengal, based on assessments for the year 1880-81.

	Capital outlay.		Revenue Account, 1880-81.								Charges for interest, 1880-81.	Percentage revenue on capital outlay to end of 1880-81.		
			Revenue receipts.			Working expenses.			Net revenue.					
	During 1880-81.	To end of 1880-81.	Direct.	Indirect.	Total.	Direct.	Indirect.	Total.	From direct returns.	From direct and indirect returns.		Direct.	Indirect.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Productive Public Works—														
Works in operation—														
Orissa canals ...	4,59,422	1,99,61,508	2,65,777	...	2,65,777	3,06,066	15,889	3,21,955	—56,178	—56,178	8,55,055	—0·28	...	—0·28
Midnapore canal ...	2,39,743	79,67,030	2,64,205	...	2,64,205	1,89,220	8,823	1,98,043	66,162	66,162	3,42,256	0·83	...	0·83
Hidgellee Tidal canal	...	18,38,073	55,207	...	56,207	25,590	930	26,520	28,687	28,687	79,771	1·56	...	1·56
Sone canals ...	8,77,484	2,34,67,010	6,33,752	...	6,33,752	4,72,570	31,638	5,04,208	1,29,544	1,29,544	9,97,676	0·55	...	0·55
Total ...	15,76,649	5,32,33,621	12,18,941	...	12,18,941	9,93,446	57,280	10,50,726	1,68,215	1,68,215	22,74,758	2·66	...	2·66
Works other than Productive Public Works—														
Works in abeyance—														
Tirhut project ...	...	6,06,075	...	...	...	...	...	...	...	...	28,914	...	...	...
Hooghly „ ...	...	1,45,242	...	...	...	...	...	...	...	...	6,409	...	...	...
Total ...	...	7,51,317	...	...	...	...	...	...	...	...	35,323	...	...	...
Works suspended—														
Dámoodah project...	—1,000	1,72,895	...	...	...	...	...	...	...	...	7,055	...	...	...
Works in progress—														
Joojooty project ...	2,48,660	2,92,372	...	...	...	...	...	...	...	...	7,300	...	...	...
Sarun	1,02,933	6,05,601	10,080	...	10,080	...	...	...	10,080	10,080	24,056	1·66	...	1·66
Orissa coast canal ...	72,030	72,030	...	...	...	...	...	...	...	...	1,614	...	...	...
Total ...	4,23,023	9,70,003	10,080	...	10,080	...	...	...	10,080	10,080	32,970	1·66	...	1·66
GRAND TOTAL ...	19,98,672	5,51,27,836	12,29,021	...	12,29,021	9,93,446	57,280	10,50,726	1,78,295	1,78,295	23,45,106	4·32	...	4·32

GOVERNMENT OF BENGAL, PUBLIC WORKS DEPARTMENT.

IRRIGATION BRANCH.

IRRIGATION OPERATIONS IN BENGAL.

Comparative Statement of Irrigation in 1880-81 and 1879-80.

Name of Canal.	Area.			Area irrigated in 1880-81.				Area irrigated in 1879-80.				1880-81 compared with 1879-80.	
	Area commanded.	Area provided with distributaries.	Area for which distributaries have been constructed.	Kharif.	Rubbee.	Perennial.	Total.	Kharif.	Rubbee.	Perennial.	Total.	Increase.	Decrease.
Orissa Canals—	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
Kendrapara canal, including extension and Gobri branch ...	129,400	87,300	87,300	46,273	3,581	74	49,928	43,021	2,532	92	45,645	[illegible]	...
Patamoondi canal ...	51,250	...	...	11,519	424	...	11,943	11,79[illegible]	206	...	11,996	...	53
Taldunda canal ...	15,250	14,185	14,185	10,354	321	31	10,706	10,073	259	66	10,398	308	...
Machgong ...													
High level canal, 1st range... ...	71,600	35,100	35,100	28,340	301	53	28,694	26,442	380	59	26,881	1,8[illegible]	...
High level canal, 2nd range (Balasore district) ...	62,600	44,730	44,730	13,956	246	3	14,205	13,657	238	9	13,904	301	...
High level canal, 3rd range (Balasore district) ...	120,000 / 57,500	...	...	1,729	4	12	1,745	203	1	10	214	1,531	...
Total Orissa Canals ...	507,600	181,315	181,315	112,171	4,877	173	117,221	105,186	3,616	236	109,038	8,236	53
Midnapore Canal—													
Under the Midnapore weir ...	250,000	100,000	89,195	91,684	...	...	91,685	88,831	...	...	88,831	2,854	...
Under the Panchkoorah weir ...	67,000	20,600	14,800	10,965	...	...	10,965	10,135	...	...	10,135	830	...
Tindal reaches ...	16,000	11,500	11,500	1,212	...	...	1,212	1,212	...	...	1,212	...	...
Total Midnapore Canal	333,000	132,100	115,495	103,862	...	...	103,862	100,178	...	...	100,178	3,684	...
Sone Canals—													
Western Main Canal Series ...	1,433,000	988,314	657,440	116,698	39,912	21,352	177,962	36,943	49,804	25,155	111,002	66,960	...
Eastern Main Canal Series ...	307,610	307,610	263,840	17,510	10,378	1,775	29,663	5,089	12,462	2,003	19,554	10,109	...
Total Sone Canals ...	1,740,610	1,295,924	921,280	134,208	50,290	23,127	207,625	41,132	62,266	27,158	130,556	77,069	...
Grand Total ...	2,581,210	1,609,339	1,218,090	350,241	55,167	23,300	428,708	246,496	65,882	27,394	339,772	88,989	53

Comparison between rainfall in Kharif and Rubbee seasons of the years 1880-81 and 1879-80.

		Kharif.							Rubbee.							Total of year.	Remarks.
		June.	July.	August.	September.	October.	November.	Total.	December.	January.	February.	March.	April.	May.	Total.		
		In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	
Orissa ...	1880-81	9·93	11·19	24·77	9·78	8·51	1·76	65·94	...	...	...	1·70	0·60	0·78	3·08	69·02	This Statement has been prepared from Returns as published in the Monthly Irrigation Gazette.
	1879-80	3·23	13·27	18·96	9·19	5·14	0·21	50·00	1·45	0·05	1·80	...	1·40	6·61	11·31	61·31	
Average rainfall for 25 years		...	...	...	...	...	...	...	...	...	...	...	...	...	...	56·04	
Midnapore ...	1880-81	10·12	8·02	17·09	7·90	3·62	0·06	46·81	0·07	0·15	...	5·06	0·89	4·81	10·98	57·79	
	1879-80	2·98	11·62	5·12	8·77	1·58	...	30·07	0·21	0·07	2·61	0·47	0·95	6·87	11·18	41·25	
Average rainfall for 12 years		...	...	...	...	...	...	...	...	...	...	...	...	...	...	53·77	
Panchkoorah	1880-81	10·17	7·91	10·42	9·90	3·62	...	42·02	...	...	...	4·04	1·06	5·31	10·41	52·43	
	1879-80	3·99	5·90	6·02	7·20	3·44	...	26·55	...	...	4·20	0·70	3·55	6·07	14·52	41·07	
Average rainfall for 11 years		...	...	...	...	...	...	...	...	...	...	...	...	...	...	52·50	
Buxar ...	1880-81	1·94	23·83	6·14	1·74	5·06	0·71	39·42	0·04	0·07	0·30	0·32	...	1·29	2·02	41·44	
	1879-80	5·62	15·73	7·90	17·85	3·81	...	51·00	...	...	2·06	...	...	0·66	2·72	53·72	
Arrah ...	1880-81	5·14	19·81	16·75	3·32	4·27	0·39	49·68	...	0·11	0·21	...	0·85	2·73	3·90	53·58	
	1879-80	7·14	7·97	10·56	16·37	5·21	...	47·25	...	0·25	2·39	...	0·03	0·60	3·27	50·52	
Bankipore ...	1880-81	6·72	20·17	21·67	2·39	6·28	0·16	57·39	...	...	...	1·20	...	5·44	6·64	64·03	
	1879-80	5·05	9·70	13·34	9·34	4·29	...	41·72	...	...	1·38	...	0·35	1·14	2·87	44·59	

IRRIGATION BRANCH.

Statement showing the total traffic during 1880-81, as compared with 1879-80 on the Orissa, Midnapore and Sone Canals.

Name of Canals.	Number of miles open.		Number of boats including empties.		Tonnage of Boats.		Value of cargo.		Tolls.	
	1879-80.	1880-81.	1879-80.	1880-81	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.
Orissa Circle.	Miles.	Miles.	No.	No.	Tons.	Tons.	Rs.	Rs.	Rs.	Rs.
Taldunda	27	27	950	1,201	16,616	20,092	88,753	60,656	2,878	2,999
Machgong	4	4								
Kendrapara	39	39	5,560	5,922	46,654	39,702	23,15,581	17,19,005	85,432	20,211
Gobri	15	15								
High Level 1st range	33	83	2,326	1,668	24,745	11,149	2,48,885	2,15,860	8,560	3,537
Ditto 2nd "	12½	12½	2,308	1,008	19,183	15,842	3,36,230	1,16,919	11,110	5,171
Ditto 3rd "	17	17	356	429	2,987	3,175	34,000	25,841	1,240	952
TOTAL ...	147½	147½	11,500	10,828	110,185	80,960	30,23,461	21,38,281	59,220	41,870
South-Western Circle.										
Midnapore	48	70*	52,044	45,461	320,927	292,452	1,59,41,496	1,33,15,068	92,067	77,692
Hidgellee Tidal	29	29	16,311	21,783	120,021	152,781	25,86,031	23,34,731	44,528	54,058
TOTAL ...	77	99	68,355	67,244	440,948	445,233	1,85,27,527	1,66,49,799	1,36,595	1,31,750
Sone Circle.										
Eastern Main and Patna ...	86	86	2,699	4,169	27,905	39,593	10,80,607	19,18,344	13,868	27,471
Western Main	22	22	516	485	5,280	6,070	3,29,077	3,31,351	1,567	2,462
Arrah	65	65	3,727	2,591	33,101	22,453	20,72,942	10,94,478	11,899	8,205
Buxar	9½	43¾	...	237	...	1,481	...	29,773	...	398
TOTAL ...	182½	216¾	6,942	7,482	66,286	69,597	34,82,626	33,73,946	27,334	38,536
GRAND TOTAL ...	407	463½	86,797	85,554	617,419	604,790	2,50,33,614	2,21,62,026	2,23,149	2,12,156

* Inclusive of 5 miles of canalised river and 17 miles of Naraingbur channel.

PRIVATE TRAFFIC.

Statement showing the number of boats, class of goods, tonnage, and value of cargoes, and tolls levied on the Orissa canals in 1880-81, as compared with 1879-80.

	Number of boats.		Tonnage of cargo.		Value of cargo.		Tolls.	
	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.
	No.	No.	Tons.	Tons.	Rs.	Rs.	Rs.	Rs.
Articles of food	2,794	1,779	30,514	16,122	23,12,720	12,01,859	18,659	9,080
Stimulants	2	3	12	42	44,000	8,000	12	10
Clothing	1	10	3	264	3,000	32,175	1	61
Staples of manufacture	101	148	1,200	1,831	2,04,588	3,32,525	965	1,209
Building materials	498	581	6,350	7,854	2,69,153	1,80,463	5,434	4,073
Live-stock	...	...	...	...	...	...	...	...
Fuel	41	49	461	607	995	3,223	198	198
Cooking utensils and domestic implements ...	15	23	80	81	651	2,510	37	38
Miscellaneous	5,653	4,890	37,234	34,722	1,62,133	3,53,640	21,163	19,368
TOTAL ...	9,045	7,483	75,854	61,523	30,01,240	21,14,395	46,469	34,643
1880-81 ... More	...	...	...	...	...	...	...	...
1880-81 ... Less	...	1,562	...	14,331	...	8,86,845	...	11,826

Statement showing the number of boats, class of goods, tonnage, and value of cargoes, and tolls levied on the Midnapore canals in 1880-81 as compared with 1879-80.

Articles of food	16,648	17,157	1,98,864	1,88,844	69,66,922	51,03,872	66,325	61,485
Stimulants	1,715	2,048	16,803	17,562	8,87,024	8,98,681	5,033	4,651
Clothing	999	1,016	10,316	10,718	42,34,723	39,50,367	2,629	2,448
Staples of manufacture	2,192	2,555	29,209	32,317	49,92,629	55,43,087	7,215	[illegible]
Building materials	3,434	3,185	43,669	42,155	4,31,016	3,30,545	11,137	10,105
Live-stock	99	137	296	419	7,020	12,742	85	154
Fuel	686	797	11,506	15,674	74,342	96,440	3,148	4,673
Cooking utensils and domestic implements ...	625	519	5,340	4,802	1,09,581	42,077	1,094	964
Miscellaneous	41,582	39,624	1,23,481	1,28,395	8,19,503	6,55,426	39,241	37,098
TOTAL ...	68,280	67,068	4,39,484	1,40,916	1,85,16,960	1,66,33,237	1,35,907	1,29,589
1880-81 ... More	...	...	...	1,432	...	...	...	...
1880-81 ... Less	...	1,212	...	...	...	18,83,723	...	6,318

Statement showing the number of boats, class of goods, tonnage and value of cargoes, and tolls levied on the Sone canals in 1880-81, as compared with 1879-80.

Articles of food	1,588	1,212	17,577	15,392	14,95,685	7,74,357	8,402	8,236
Stimulants	98	210	1,310	2,675	68,225	7,58,772	793	1,648
Clothing	58	69	405	564	52,200	92,250	214	279
Staples of manufacture	621	716	9,600	13,169	6,13,279	9,02,568	4,257	8,495
Building materials	556	433	7,792	5,503	30,272	46,693	2,346	2,989
Live-stock	...	...	...	...	...	...	...	...
Fuel	59	68	791	726	6,027	4,564	171	153
Cooking utensils and domestic implements ...	21	...	163	...	2,440	...	53	...
Miscellaneous	2,962	3,445	21,567	20,818	4,97,837	6,89,100	9,503	14,140
TOTAL ...	5,963	6,183	59,214	58,987	27,65,905	32,68,313	25,739	35,910
1880-81 ... More	...	220	...	...	...	5,02,348	...	10,201
1880-81 ... Less	...	...	...	277	...	...	...	...

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENT OF PRICES CURRENT OF FOOD-GRAINS FOR THE 1st HALF OF FEBRUARY 1882, PUBLISHED IN PAGES 466 AND 467 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 18th MARCH 1882.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of last year.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of last year.	Rice. Best sort. Present fortnight.	Rice. Best sort. Past fortnight.	Rice. Best sort. Corresponding fortnight of last year.	Rice. Common. Present fortnight.	Rice. Common. Past fortnight.	Rice. Common. Corresponding fortnight of last year.	Great Millet (Cholum, Jowar), *Holcus Sorghum.* Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of last year.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata.* Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of last year.	Lesser Millets, Ragi, &c. (Kavaru, Veragoo, Sawee, Cheena, Coraloo, Murhwa, Nuglee, &c.), *Panicum Miliaceum, Eleusine Coracana, &c.* Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of last year.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of last year.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of last year.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of last year.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of last year.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
Central India.	Indore	17 2	19 9	20 13	...	...	...	8 14	8 0	8 0	10 0	9 3	9 3	24 0	26 10	43 9	24 0	24 0	30 0	...	...	...	27 7	26 10	28 3	100 0	100 0	100 0	...	.	...	8 0	7 4	8 8
	Gwalior	18 15	17 14	15 0	20 1	19 3	22 7	7 7	7 5	6 6	9 15	10 1	9 8	21 15	20 9	20 2	18 4	18 4	19 3	...	...	...	20 13	19 7	19 1	118 10	118 10	109 8	.	...	...	10 1	10 1	9 10
	Goona	28 0	28 0	22 0	20 0	20 0	16 0	10 0	10 0	8 8	11 0	11 0	9 8	35 0	34 0	34 0	24 0	24 0	20 0	...	...	...	33 0	32 8	32 0	200 0	200 0	200 0	...	...	...	10 8	10 0	11 0
	Baghelkhand (Sutna)	22 0	21 8	20 10	35 4	30 2	32 10	7 0	7 0	7 0	22 0	20 0	19 10	36 0	34 8	29 12	25 0	26 0	23 15	...	...	..	31 6	30 0	26 5	160 0	160 0	160 0	...	...		10 12	10 12	10 12

T. C. HOPE,
Secretary to the Government of India.

GOVERNMENT

DEPARTMENT OF FIN

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Madras.	Ganjam	13 5	11 13	12 11	...	...	...	17 13	17 13	18 10	19 10	19 10	19 10	...	...	...	...	...	...
	Vizagapatam	15 0	16 0	15 8	...	...	...	9 13	9 13	15 11	12 6	12 6	16 14	25 14	25 14	...	25 11	23 13	...
	Godavery	16 3	18 0	11 11	...	...	...	14 13	14 13	11 14	19 0	19 0	17 0	28 13	30 11	22 2	...	...	...
	Kistna	13 11	10 13	8 13	...	...	...	20 8	20 5	17 5	21 11	22 0	17 14	32 3	32 3	25 0	...	...	...
	Nellore	9 0	9 0	8 2	...	...	...	15 13	15 13	13 14	17 0	17 0	16 0	38 6	33 10	27 13	...	...	25 3
	Cuddapah	15 6	15 6	13 3	...	...	...	12 6	12 6	10 11	14 2	14 8	12 6	31 10	31 10	36 11	37 11	37 0	35 3
	Bellary	19 3	19 3	15 6	...	...	...	11 13	11 13	12 13	13 0	13 0	14 0	35 0	35 0	41 3	30 2	30 2	32 0
	Kurnool	15 3	15 3	13 5	...	...	...	11 6	11 6	11 0	11 13	12 2	11 6	34 3	34 3	38 6	30 0	30 0	33 13
	Madras	11 2	11 2	8 13	...	...	...	14 3	14 3	13 11	15 13	15 13	15 2	23 0	23 0	23 0	29 11	29 11	23 2
	Chingleput	...	...	8 13	...	...	...	15 0	15 0	13 14	16 10	15 13	15 2	...	...	...	...	...	...
	North Arcot	11 0	11 0	10 3	...	...	...	15 14	15 14	16 5	16 14	16 14	17 5	31 13	31 13	23 11	33 0	33 0	31 5
	South Arcot	9 6	9 6	9 6	...	...	...	14 13	14 13	15 3	18 13	18 13	16 10	...	26 14	33 10	33 2	33 14	29 5
	Tanjore	9 8	9 8	8 2	...	...	...	21 3	19 2	17 6	22 8	20 6	...	44 8	42 14	30 3	39 2	37 11	32 10
	Trichinopoly	9 3	9 3	9 10	...	...	...	18 0	17 5	16 14	18 13	18 2	17 6	30 13	30 13	...	33 0	34 5	21 10
	Madura	10 2	10 2	10 14	...	...	...	16 13	16 0	15 2	17 11	17 11	16 14	30 0	27 8	25 14	32 5	30 14	29 6
	Tinnevelly	9 3	9 3	9 10	...	...	...	15 8	12 5	12 5	16 0	15 3	14 0	...	...	...	...	...	...
	Coimbatore	10 11	10 11	12 5	...	...	...	14 6	14 6	15 11	15 6	15 6	16 5	27 13	27 13	34 13	38 2	38 2	39 11
	Nilgiris	10 10	9 14	*9 14	...	...	...	9 10	9 10	12 0	12 13	12 13	12 13	22 5	21 10	20 13	22 6	21 0	20 5
	Salem	11 0	11 0	10 3	...	...	...	15 0	14 10	13 10	17 8	17 14	16 14	27 5	27 5	23 11	23 0	23 0	22 14
	South Canara	9 0	9 0	10 5	...	...	...	10 11	10 11	8 11	15 11	15 11	15 11	...	...	...	...	...	...
	Malabar	9 0	9 6	10 13	...	...	...	16 10	16 10	16 3	17 3	17 3	18 3	...	...	...	...	...	...
Bombay.	Bombay	13 7	11 7	10 14	20 13	21 12	20 6	7 15	7 15	7 12	13 13	12 2	10 2	20 0	20 1	26 1	16 14	17 14	18 8
	Ahmedabad	15 0	15 8	18 0	...	19 0	39 0	7 0	8 0	8 0	10 0	10 0	13 0	20 0	20 0	33 0	16 0	15 8	27 8
	Kaira	13 5	13 5	14 9	24 9	24 9	40 0	9 2	9 2	9 6	15 4	15 4	14 9	20 0	20 0	32 0	15 4	15 4	23 11
	Surat	13 6	10 7	12 9	6 3	6 8	15 4	7 7	7 7	7 7	8 5	8 5	8 5	16 14	15 4	22 13	11 3	15 9	17 4
	Broach	15 3¾	14 1	16 0	...	...	...	9 9½	9 9½	8 14¼	12 5	13 0	12 4¾	17 12	17 8	21 5¼	16 0	16 0	17 12
	Tanna (Salsette)	10 5	10 5	10 5	...	...	...	8 2	8 2	7 13	11 4	11 4	10 0	18 10	18 10	12 0	17 11	17 11	17 11
	Colába (Alibág)	8 15	10 0	10 8	...	...	...	9 4	10 0	8 8	15 0	16 0	12 0	...	...	16 0	15 0	...	14 8
	Khandesh (Dhulia)	19 7	19 7	22 1	...	...	...	7 4	7 4	7 4	10 15	10 15	12 12	27 3	27 3	28 6¼	23 6½	23 6½	23 6½
	Násik	17 2	14 5	18 4	...	...	...	7 7	7 0	5 15	12 10	12 10	11 14	...	...	27 8	22 9	22 9	19 13
	Ahmednagar	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Poona	12 10	12 10	11 8	...	...	...	11 0	11 0	9 13	12 4	12 4	12 4	26 2	26 2	21 12	20 11	20 11	18 6
	Sholápur	16 5	15 6	17 11	...	...	...	11 7	10 5	11 6	12 0	11 13	12 1	34 8	34 8	31 1	28 8	29 6	30 5
	Kaládgi (Bagalkot)	22 0	23 0	17 4	14 8	15 0	13 0	6 8	6 8	7 2	9 0	9 0	10 0	35 0	34 0	34 4	31 8	29 1	35 4
	Satara	12 1	12 1	11 6	...	...	...	9 11	9 11	7 8	11 7	11 7	8 9	27 9	27 14	18 10	24 9	23 5	18 3
	Belgaum	20 0	20 0	16 8	11 0	11 0	12 0	10 8	10 8	11 8	11 0	11 0	12 0	28 0	28 0	26 8	27 0	27 0	29 0
	Dharwar (Hubli)	23 0	23 0	24 0	...	...	...	11 0	11 0	14 0	12 0	12 0	17 0	27 0	24 0	43 0	26 0	24 0	42 0
	Ratnágiri	11 13	11 5	10 9	...	...	...	11 6	11 6	10 0	16 15	16 15	14 2	20 13	20 13	18 3	19 10	19 10	14 11
	Kanara (Karwar)	16 0	16 0	11 8	...	...	...	8 0	8 0	6 4	17 0	17 0	15 8	22 0	22 0	21 0	16 0	16 0	16 0
	Pánch Mahals (Godhra)	11 6	11 6	11 6	...	...	...	11 6	11 6	11 6	15 0	15 0	16 0	32 0	32 0	50 0	17 12	17 12	32 0
	Aden	8 0	8 0	8 0	...	...	...	6 3	6 3	6 3	7 0	7 0	7 0	11 3	11 3	9 5	9 5	9 5	8 0
	Asirgarh	16 4	15 0	16 0	...	...	...	12 0	10 8	9 0	14 0	14 0	12 0	35 0	39 0	34 0	28 0	36 0	30 0
	Baroda	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Disa	16 0	16 0	17 0	...	...	...	6 6	6 6	6 6	8 6	8 6	8 6	18 0	18 0	31 0	17 0	17 0	24 13
	Nimach	17 8	16 0	18 0	23 0	23 0	27 0	8 8	9 0	7 8	10 0	11 0	9 0	24 0	25 0	30 0	20 0	20 0	24 0
	Nasirabad	18 8	18 8	17 0	25 0	25 0	26 0	6 0	6 0	6 0	7 0	7 0	7 0	28 0	28 0	27 10½	19 5	19 0	20 0
	Rájkot	14 0	14 0	18 4	...	...	...	6 0	6 0	5 8	11 0	11 0	12 0	19 0	19 0	25 8	16 4	16 0	21 4
	Upper Sindh Frontier	14 8	14 8	10 10½	26 8	21 0	16 0	11 4	10 0	8 0	21 5	20 0	10 0	35 8	32 8	17 12½	29 0	...	16 6
	Karachi	12 0	11 5	10 10	20 0	20 0	19 0	10 0	10 0	8 0	17 0	17 0	12 0	23 0	22 0	19 0	20 0	20 0	16 3
	Haidarabad (Nakur)	14 0	12 8	11 0	20 0	20 0	20 0	13 0	12 4	9 0	20 0	20 0	13 0	27 0	30 0	18 0	26 8	28 0	18 0
	Shikarpur	13 5	13 5	10 10	24 0	23 0	18 0	12 2	12 4½	9 0	20 0	20 0	12 12	23 4	23 0	14 4	32 0	32 0	16 0
	Thar and Parkar (Umarkot)	13 0	13 0	12 1	...	...	...	...	...	...	11 0	11 1	9 4	...	...	...	21 0	21 2	16 4
Bengal.	*Western Districts.*																		
	Burdwan	12 0*a*	13 8	16 0	60 0	40 0	40 0	29 0	30 12	27 8	32 8	32 8	33 0	...	...	...	...	...	...
	Bancoorah	13 0*b*	13 8	15 0	18 0	14 0	20 0	25 0	25 0	25 0	38 0	40 0	25 0	...	...	...	...	...	...
	Beerbhoom	12 0*c*	13 0	16 0	...	...	...	24 0	24 0	24 0	30 0	31 0	30 0	...	...	...	...	...	...
	Midnapore	14 8*d*	14 8	11 0	...	...	...	20 0	20 0	20 0	28 0	28 0	32 0	...	...	...	...	...	...
	Hooghly	15 0*e*	15 0	20 0 to 22 0	...	...	...	10 0	10 0	10 0	20 0	20 0	22 0	...	...	...	...	...	...
	Howrah	13 8	15 0	17 12	...	...	...	18 0	16 8	18 0	25 0	20 0	21 12	...	...	...	...	...	...

* The figure now quoted for the corresponding fortnight of 1881 is correct.

a In the interior prices range as follow:—Wheat 14-4 to 17 seers, barley 36 to 40 seers, best rice 20 to 24-8 seers, common rice 27 to 30 seers, gram 21 to 27 seers, firewood 120 seers, and salt 10 to 10-4 seers.

b In the interior prices range as follow:—Wheat 10 to 18 seers, barley 22 to 45 seers, best rice 22 to 36 seers, common rice 25 to 40 seers, maize or Indian-corn 32 to 52 seers, gram 15 to 24 seers, firewood 160 to 600 seers, and salt 9 to 12 seers.

INDIA.

NCE AND COMMERCE.

DIA FOR THE 2nd HALF OF FEBRUARY 1882.

SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Coraloo, Murhwa, Nuglee), *Panicum Miliaceum, &c.*			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			Districts.	Provinces.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		
3	35 3†	35 3	26 10	26 10	50 11	215 13	215 13	215 13	...	...	...	12 0	12 0	12 0	Ganjam	Madras.
5	24 3	28 5	33 14	32 13	40 14	89 14	89 14	87 8	11 11	11 11	11 11	11 2	10 8	10 8	Vizagapatam	
6	36 6	36 6	33 10	33 10	42 0	194 6	194 6	160 6	12 8	12 8	12 8	12 8	12 8	12 8	Godavery	
3	39 3	41 3	34 3	30 13	29 10	145 13	145 13	145 13	12 14	12 14	13 6	12 13	12 13	12 13	Kistna	
6	34 10	29 2	19 14	23 2	25 3	93 5	93 5	93 5	11 11	12 11	13 3	11 11	12 11	12 11	Nellore	
8	33 0	30 6	39 10	39 10	29 11	194 6	194 6	194 6	14 6	14 6	13 14	13 14	13 14	13 8	Cuddapah	
0	31 0	32 0	33 10	31 6	34 11	97 3	97 3	97 3	12 13	12 8	13 2	12 8	12 8	12 8	Bellary	
...	...	...	31 8	33 0	31 8	202 3	186 10	...	12 14	12 14	12 8	12 8	12 8	12 2	Kurnool	
2	29 13	28 2	28 8	28 8	29 0	81 6	81 6	82 10	14 3	14 3	14 6	13 11	13 11	13 14	Madras	
13	27 6	27 11	26 8	26 8	28 2	77 13	77 13	77 13	14 5	14 5	14 5	13 14	13 14	13 14	Chingleput	
3	34 3	30 13	36 6	34 8	33 8	140 0	140 0	140 0	12 11	12 11	12 11	12 5	12 5	12 5	North Arcot	
10	34 3	30 3	24 11	31 2	26 8	201 11	201 11	201 11	15 11	15 11	15 5	15 5	15 5	14 13	South Arcot	
5	45 5	34 11	33 3	33 3	29 11	194 6	194 6	194 6	12 14	12 14	12 14	12 14	12 14	12 14	Tanjore	
11	39 5	31 6	32 5	30 13	27 11	97 3	97 3	97 3	14 10	14 10	13 13	13 13	13 13	13 0	Trichinopoly	
2	32 8	27 14	40 14	42 11	34 11	121 8	121 8	126 6	14 3	13 11	14 8	14 0	13 8	14 0	Madura	
...	...	...	27 13	28 10	27 2	81 10	81 10	81 10	15 3	15 3	14 13	14 13	14 13	14 5	Tinnevelly	
13	32 13	37 11	36 2	37 0	43 11	131 3	131 3	131 3	12 11	12 11	13 3	12 3	12 3	12 11	Coimbatore	
10	22 5	18 11	23 3	24 14	21 10	121 8	121 8	121 8	9 3	9 3	9 3	9 3	9 3	9 3	Nilgiris	
10	30 13	27 6	41 6	37 6	35 8	151 10	151 10	151 10	13 5	13 5	13 14	12 5	12 5	13 14	Salem	
0	22 0	21 2	22 3	22 3	24 3	109 5	109 5	109 5	13 2	13 2	13 2	12 2	12 2	12 3	South Canara	
6	23 6	23 6	27 11	27 11	29 6	121 8	121 8	121 8	11 11	11 11	12 2	10 13	10 13	11 3	Malabar	
9	15 10	13 9	20 9	18 10	18 2	61 7	61 7	71 10	12 9	12 9	14 2	11 2	11 2	12 9	Bombay	Bombay.
...	...	...	26 0	25 8	25 0	80 0	80 0	80 0	13 4	13 4	11 0	13 0	13 0	10 8	Ahmedabad	
...	...	...	20 0	18 13	24 10	80 0	80 0	80 0	...	...	...	12 13	12 13	10 0	Kaira	
...	...	...	15 9	17 5	17 4	80 0	80 0	80 0	11 6	11 4	13 5	11 6	11 4	11 13	Surat	
...	...	...	19 0	19 0	20 0	106 0	106 0	106 0	12 12¾	12 12¾	12 12¾	12 12¾	12 12¾	12 12¾	Broach	
11	25 11	20 0	15 10	15 10	14 5	71 0	71 1	71 1	11 7	11 7	10 1	10 2	10 2	9 7	Tanna (Salsette)	
...	...	...	14 8	14 0	13 0	110 0	110 0	100 0	13 0	12 8	12 8	12 8	12 0	12 0	Colába (Alibág)	
...	...	...	25 2½	26 15	27 13	140 0	140 0	140 0	13 2	13 2	12 10	13 0	13 0	12 8	Khandesh (Dhulia)	
8	34 8	27 10	23 8	26 13	24 1	114 0	114 0	128 0	12 4	12 4	13 0	12 0	12 0	12 13	Násik	
...	...	...	...	...	...	...	...	...	...	...	...	No re	turn re	ceived	Ahmednagar	
...	...	...	23 0	20 11	18 6	68 0	68 0	76 0	11 15	11 15	11 6	11 11	11 11	11 2	Poona	
...	...	...	25 1	23 12	25 9	106 0	106 0	91 6	12 0	12 0	11 8	11 12	11 12	11 4	Sholápur	
...	...	...	15 0	16 0	17 5	110 0	120 0	110 0	12 0	12 0	11 0	11 0	11 0	10 0	Kaládgi (Bagalkot)	
...	...	...	18 3	15 13	15 10	137 1	137 1	110 15	12 6	12 6	11 10	11 10	11 10	10 14	Satara	
0	35 0	31 0	17 0	17 0	18 8	70 0	70 0	250 0	11 0	11 0	12 8	10 0	10 0	12 0	Belgaum	
0	29 0	49 0	13 0	12 0	21 0	80 0	80 0	80 0	9 8	9 8	8 12	9 0	9 0	8 0	Dharwar (Hubli)	
14	25 14	18 13	14 0	16 13	15 6	150 0	120 0	180 0	11 0	11 0	10 6	11 0	11 0	10 6	Ratnágiri	
0	22 0	20 0	16 0	16 0	14 8	213 5	213 5	213 5	11 8	11 8	11 0	11 0	11 0	10 8	Kanara (Karwar)	
0	32 0	50 0	32 0	32 0	32 0	200 0	200 0	200 0	12 13	12 13	...	12 4	12 4	11 6	Pánch Mahals (Godhra)	
...	...	...	9 5	9 5	9 5	65 5	65 5	65 5	...	...	...	32 0	32 0	32 0	Aden	
...	...	...	24 0	31 0	21 0	160 0	160 0	160 0	11 4	10 0	10 0	11 4	10 0	10 0	Asirgarh	
...	...	...	...	...	...	...	...	...	...	...	...	No re	turn re	ceived	Baroda	
...	...	...	16 0	16 0	20 4	137 8	137 8	137 8	11 8	11 8	9 0	10 8	10 8	8 0	Disa	
...	...	...	24 0	23 0	23 0	160 0	160 0	160 0	...	...	...	10 0	10 8	9 0	Nimach	
...	...	...	24 11	25 0	25 3	83 1¼	80 0	78 1	13 10‡	13 10‡	...	13 0	13 0	13 0	Nasirabad	
...	...	...	20 8	21 0	27 0	80 0	80 0	90 0	60 0§	50 0§	40 0§	50 0	40 0	...	Rájkot	
0	40 0	...	21 0	19 8	13 12	160 0	160 0	160 0	10 2½	10 0‖	7 9¾	10 0	10 0‖	7 9¾	Upper Sindh Frontier	
8	13 0	7 8	19 0	18 0	16 0	105 0	105 0	110 0	14 3	14 3	14 3	14 0	14 0	14 0	Karachi	
...	...	...	10 0	9 0	11 0	320 0	320 0	320 0	12 0	11 0	10 0	12 0	11 0	10 0	Haidarabad (Nakur)	
...	...	...	21 4	21 4	14 0	260 0	270 0	240 0	11 8	11 4	11 0	11 0	11 2	10 14	Shikarpur	
...	...	...	...	...	7 4	160 0	160 0	160 0	9 10	9 10	10 10	9 10	9 10	10 10	Thar and Parkar (Umarkot)	
									Prices per md. of 40 seers.						*Western Districts.*	Bengal.
									Rs. A. P.	Rs. A. P.	Rs. A. P.					
...	...	...	26 0	26 0	24 0	120 0	120 0	80 0	3 13 0	3 14 0	...	10 6	10 0	10 0	Burdwan	
...	...	...	21 0	21 0	20 0	320 0	320 0	320 0	4 2 0	4 3 0	...	9 0	9 0	9 0	Bancoorah	
...	...	...	24 0	21 0	19 0	180 0	180 0	200 0	4 3 6	4 3 3	...	9 8	9 8	9 0	Beerbhoom	
...	...	...	19 0	19 0	17 0	160 0	160 0	160 0	3 13 0	3 13 0	...	10 0	10 0	9 0	Midnapore	
...	...	...	21 0	21 0	20 0	100 0	100 0	120 0	3 13 0	3 13 0	...	9 0	9 0	9 0	Hooghly	
...	...	...	22 0	22 8	20 0	80 0	80 0	80 0	3 13 0	3 14 0	4 0 0	10 8	10 0	...	Howrah	

† The figure now quoted for the past fortnight of 1882 is correct. ‡ Sambhur. § Common. ‖ In common use.

c In the interior prices range as follow:—Wheat 15 to 17 seers, best rice 24 to 35 seers, common rice 28 to 38·8 seers, gram 18 to 30 seers, firewood 80 to 200 seers, and salt 9 to 10·8 seers.

d In the interior prices range as follow:—Wheat in (Ghattal) 13 seers, best rice 23 to 28 seers, common rice 32 to 40 seers, gram 16 to 22·8 seers, firewood 120 to 180 seers, and salt 9 to 11 seers.

e In the interior prices range as follow:—Wheat 12 to 19 seers, barley 19 to 34 seers, best rice 10 to 26 seers, common rice 20 to 34 seers, gram 20 to 23 seers, firewood 100 to 160 seers, and salt 9 to 10 seers.

PRICES CURRENT OF FOOD-GRAINS THROUGHOU

QUANTITIES PER RUP

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Baira), *Penicillaria Spica*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Bengal—*continued.*	*Central Districts.*																		
	Calcutta	14 0	13 5	15 0	29 0	26 14	32 0	10 0	10 0	6 12	17 12	17 12	17 0	30 4	26 14	26 0	...	...	...
	24-Pergunnahs	11 4	13 5	13 5	26 0	25 0	21 8	10 0	10 0	10 0	20 0*	20 0	20 0	26 0	26 8	20 0	...	...	16
	Nuddea	16 0f	16 0	18 13	32 0	32 0	...	22 15	22 15	20 0	24 10	24 10	23 11	...	...	...	...	...	...
	Jessore	14 0g	14 4	18 0	...	...	...	21 4	21 4	23 0	28 0	29 0	29 0	...	...	...	...	...	...
	Moorshedabad	14 0h	17 0	18 0	...	...	...	20 0	18 0	22 0	32 0	30 0	32 0	...	...	...	...	...	...
	Dinagepore	14 0i	14 0	12 8	24 0	24 0	30 0	25 9	25 12	25 0	32 0	30 0	30 0	...	...	...	...	...	...
	Rajshahye	13 8j to 16 0	13 8 to 16 0	12 3 to 19 11	48 12	48 12	37 8	12 8 to 14 0	22 8 to 24 0	21 0 to 22 8	27 3 to 30 0	26 11 to 32 0	22 8 to 28 2	...	...	...	...	...	...
	Rungpore	12 0k	15 0	18 0	...	...	...	15 0	15 0	15 0	25 14	22 8	25 11	...	...	...	...	...	...
	Bogra	20 4	21 6	24 0	...	...	...	18 12	20 4	22 8	33 12	31 14	37 8	...	...	...	...	...	...
	Pubna	22 8l	22 8	20 0	...	...	...	12 0	10 0	18 0	28 8	27 0	32 12	...	...	...	...	...	...
	Darjeeling	8 0	8 0	8 0	8 0	8 0	8 0	6 0	6 0	5 0	14 0	15 0	13 0	...	...	...	...	...	...
	Julpaiguri	9 0m	9 0	10 0	20 0	20 0	...	16 0	13 0	16 0	23 0	23 0	23 0	...	...	...	...	...	...
	Eastern Districts.																		
	Dacca	14 8n	14 8	13 5	53 4	40 0	45 0	26 12	27 0	28 8	32 0	35 0	35 0	...	...	...	...	...	...
	Furreedpore	19 0	20 0	20 0	30 0	30 0	40 0	20 0	20 0	7 0	26 0	25 0	26 0	...	...	...	...	...	...
	Backergunge	... o	...	...	...	...	...	23 0	23 0	24 0	29 0	29 0	31 0	...	...	...	...	...	...
	Mymensingh	10 0p	11 0	11 12	...	...	...	20 0	20 0	20 0	29 0	30 0	25 0	...	...	...	...	...	...
	Tipperah	11 8	11 8	13 0	...	...	...	22 0	27 8	27 0	30 4	36 0	36 8	...	...	...	...	...	...
	Chittagong	9 0q	9 0	12 4	...	...	...	17 0	18 0	18 0	24 0	24 0	30 0	...	...	...	...	...	...
	Noakholly	... r	...	...	...	...	...	28 0	28 0	22 0	32 0	32 0	32 0	...	...	...	...	...	...
	Chittagong Hill Tracts	...	...	...	...	...	...	13 5	13 5	16 0	16 0	16 0	17 3	...	...	...	...	...	...
	Hill Tipperah	10 0	10 0	9 0	...	...	...	25 0	24 0	21 0	38 0	38 0	34 0	...	...	...	...	...	...
	Behar.																		
	Patna	19 0	19 0	26 0	50 0	50 0	40 0	13 6	13 6	16 0	21 0	28 0	26 10	...	...	...	...	...	...
	Gya	15 0s	14 0	21 0	34 0	35 0	39 0	11 8	11 8	14 0	22 0	22 0	24 0	30 0	31 0	...	...	...	...
	Shahabad	14 8t to 16 0	14 8 to 16 0	20 0	36 0	38 0	38 0	20 0 to 22 0	20 0 to 22 0	20 0	23 0 to 25 0	23 0 to 24 0	24 0	...	...	...	...	...	...
	Durbhunga	12 8u	14 0	21 0	...	25 0	50 0	13 0	14 0	16 0	18 0	24 0	22 0	...	...	...	...	...	...
	Mozufferpore	13 0v	12 0	19 0	40 0	40 0	50 0	13 0	12 0	13 0	20 0	21 0	24 0	...	...	...	...	...	...
	Sarun	13 8	13 0	18 8	42 0	44 0	46 0	10 8	10 0	10 4	23 0	23 0	23 0	38 0	40 0	40 0	...	...	...
	Chumparun	11 0w	14 0	20 0	...	50 0	46 0	12 0	12 0	14 0	25 0	28 0	21 0	...	...	...	...	...	...
	Monghyr	16 0x	15 0	19 6	30 0	55 0	31 8	16 0	13 0	16 12	22 0	22 0	27 4	...	...	...	...	...	...
	Bhágulpur	11 9y	13 14	15 12	...	37 14	46 14	25 4	22 12	20 3	26 8	27 12	24 0	...	...	...	...	...	...
	Purneah	16 0z	15 0	18 0	40 0	40 0	40 0	26 0	26 0	26 0	32 0	32 0	32 0	...	...	...	...	...	...
	Maldah	16 0	16 0	16 0	...	...	...	20 0	20 0	15 0	28 0	26 0	29 0	...	...	...	...	...	...
	Sonthal Pergunnahs	11 0a1	11 0	13 0	...	...	...	25 0	25 0	26 0	30 0	30 0	20 0	...	...	...	...	...	...
	Orissa.																		
	Cuttack	17 1	18 6	18 6	...	...	...	19 11	18 6	18 6	31 8†	28 14	28 14	...	...	...	...	...	...
	Pooree	14 12	14 0	13 0	...	...	...	22 12	20 0	22 8	35 0	32 8	26 4	...	...	...	...	...	...
	Balasore	13 0	13 0	13 5	...	...	...	26 0	26 0	26 12	32 0	32 0	31 12	...	...	...	...	...	...
	Chota Nagpore—South-Western Frontier Agency.																		
	Hazaribagh	12 0z2	12 0	18 0	24 0	24 0	20 0	11 0	12 0	12 0	23 8	24 0	24 0	...	...	...	...	...	...
	Lohardugga	12 0z3	12 0	14 0	...	...	...	22 0	22 0	24 0	26 0	26 0	28 0	...	...	...	...	...	...
	Singbhoom	21 0	21 0	16 0	40 0	40 0	32 0	32 0	32 0	32 0	36 0	36 0	36 0	...	...	...	...	...	...
	Manbhoom	14 0z4	13 0	14 0	...	...	24 0	21 0	21 0	20 0	34 0	33 0	32 0	...	...	32 0	...	...	...

* In the sub-divisions price of common rice varies from 20 to 32 seers per rupee.

† In the interior price of common rice varies from 26-4 to 39-8 seers per rupee.

f In the interior prices range as follow:—Wheat 16-12 to 27 seers, barley 32 to 40 seers, best rice 8-8 to 21-8 seers, common rice 24-2 to 33 seers, gram 20 to 32 seers, firewood 80 to 200 seers, and salt 9-2 to 10 seers.

h In the interior prices range as follow:—Wheat 8 to 11 seers, best rice 9 to 26 seers, common rice 25 to 34 seers, gram 8 to 16 seers, firewood 100 to 160 seers, and salt 8 to 8-8 seers.

i In the interior prices range as follow:—Wheat 14 to 18 seers, barley 38 to 40 seers, best rice 17 to 25 seers, common rice 26 to 30 seers, gram 24 to 20 seers, firewood 100 to 140 seers, and salt 9 to 9-8 seers.

j In the interior price range as follow:—Wheat 12 to 15 seers, best rice in (Raigunge) 20-4 seers, common rice 30 to 35-8 seers, gram 15 to 20 seers, firewood 140 to 160 seers, and salt 8 to 10 seers.

l In Nattore prices are—Wheat 30 seers, best rice 12 seers, common rice 28-8 seers, gram 21-4 seers, firewood 160 seers, and salt 9 seers.

k In the interior prices range as follow:—Wheat 12 to 18 seers, barley (in Bagdogra) 15-8 seers, best rice 15 to 24 seers, common rice 21 to 28 seers, lesser millets (in Kurigram) 32 seers, gram 12 to 12-5 seers, firewood 80 to 200 seers, and salt 8 to 9 seers.

l In Seraggunge prices are—Wheat 24 seers, best rice 10-8 seers, common rice 25 seers, gram 18 seers, and salt 9 seers.

m In the interior prices range as follow:—Wheat (in Beds) 9 seers, best rice 10 to 17 seers, common rice 16 to 26-12 seers, gram 8 to 13-14 seers, firewood 64 to 80 seers, and salt 8-10 to 8 seers.

n In the interior prices range as follow:—Wheat (in Jaffergunge) 24 seers, barley (in Jaffergunge) 52-8 seers, best rice 16 to 29 seers, common rice 26 to 32 seers, gram 22 to 30 seers, firewood 80 to 120 seers, and salt 8 to 10 seers.

o In the interior prices range as follow:—Best rice 24 to 27-9 seers, common rice 28 to 34 seers, gram 10 to 20 seers, firewood 80 to 200 seers, and salt 8 seers.

p In the interior prices range as follow:—Best rice 25 to 26-10 seers, common rice 30 to 32 seers, gram 14-8 to 20 seers, and salt 8 to 9-12 seers.

q In the interior prices range as follow:—Best rice 24 seers, common rice 26 to 32 seers, firewood (in Cox's Bazar) 214 seers, and salt 8 to 9 seers.

r In the interior prices range as follow:—Best rice 20 to 35 seers, common rice 29 to 40 seers, and salt 6 to 10 seers.

s In Nowada prices are—Wheat 12 seers, barley 45 seers, common rice 26 seers, lesser millets 50 seers, maize or Indian-corn 50 seers, gram 30 seers, firewood 200 seers, and salt 8 seers.

INDIA FOR THE 2nd HALF OF FEBRUARY 1882—*continued.*

IN SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Coraloo, Murhwa, Nagiee), *Panicum Miliaceum, &c.*			Gram.			Firewood.			Salt.										
									Wholesale prices per maund of 40 seers.			Retail.						Districts.	Provinces.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.					
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	Rs. A. P.	Rs. A. P.	Rs. A. P.	S. Ch.	S. Ch.	S. Ch.					
																		Central Districts.	Bengal—*continued.*
...	...	...	24 12	24 12	21 0	90 0	90 0	90 0	4 0 0	4 0 0	4 0 0	8 0	8 0	...				Calcutta	
...	...	...	22 8	22 8	21 4	100 0	100 0	100 0	4 0 0	4 0 0	...	9 0	9 0	9 0				24-Pergunnahs	
...	...	...	29 0	29 0	26 10¾	...	...	120 0	3 12 0	3 12 0	...	9 2	9 2	10 0				Nuddea	
...	...	...	20 0	20 0	16 0	110 0	110 0	110 0	4 0 0	4 0 0	...	8 0	8 0	8 0				Jessore	
...	...	...	33 0	33 0	30 0	120 0	120 0	120 0	4 4 0	4 0 0	...	9 0	9 0	8 0 to 9 0				Moorshedabad	
...	...	...	20 0	20 0	15 0	160 0	160 0	190 0	4 4 0	4 4 0	...	9 0	9 0	8 8				Dinagepore	
...	...	...	26 4 to 28 2	13 8 to 16 0	22 8	240 0	240 0	250 0	4 6 0	4 6 0	...	9 6	9 6	9 6				Rajshahye	
...	...	...	20 0	12 0	11 4	135 0	135 0	120 0	4 0 0	4 6 0	...	10 0	9 0	8 12				Rungpore	
...	...	...	15 0	15 0	19 8	67 8	67 8	67 8	4 4 0	4 4 0	...	8 10	8 10	8 10				Bogra	
...	...	...	21 0	21 0	18 12	200 0	200 0	200 0	4 1 6	4 1 6	4 1 6	9 10	9 9	9 0				Pubna	
9 0	9 0	9 0	10 0	8 0	8 0	160 0	160 0	160 0	6 0 0	6 0 0	...	6 0	6 0	5 0				Darjeeling	
...	...	...	16 0	16 0	11 5	120 0	128 0	64 0	4 4 0	4 4 0	...	9 0	9 0	8 0				Jalpáiguri	
																		Eastern Districts.	
...	...	...	25 4	26 8	20 0	91 4	100 0	106 0	...	3 13 0	4 2 0	10 8	10 0	9 11				Dacca	
...	...	...	15 0	15 0	12 0	...	...	...	4 1 8	4 1 8	...	9 8	9 8	9 8				Furreedpore	
...	...	...	21 0	21 0	18 8	100 0	100 0	100 0	4 8 0	4 8 0	...	8 0	8 0	8 12				Backergunge	
...	...	...	20 0	20 0	19 0	...	...	...	4 4 0	4 2 0	...	9 8	9 12	9 8				Mymensingh	
...	...	...	20 0	20 0	17 0	...	...	...	4 2 0	4 2 0	...	9 8	9 4	9 8				Tipperah	
...	...	...	16 0	16 0	14 0	80 0	80 0	80 0	3 11 0	3 11 0	3 14 0	10 0	10 0	10 0				Chittagong	
...	...	...	16 0	16 0	16 0	...	...	...	4 6 0	4 4 0	...	8 8	9 0	8 0				Noakholly	
...	...	...	...	...	...	320 0	320 0	320 0	4 8 0	4 8 0	...	8 0	8 0	8 0				Chittagong Hill Tracts	
...	...	...	13 0	13 0	9 0	...	...	...	4 4 0	4 4 0	...	8 0	8 0	8 0				Hill Tipperah	
																		Behar.	
...	...	...	42 8	39 0	40 0	130 0	130 0	100 0	3 15 6	3 15 6	...	9 1	9 1	9 14				Patna	
...	...	42 8	31 0	32 0	31 0	140 0	140 0	160 0	4 3 0	4 3 0	...	9 0	9 0	9 0				Gya	
...	...	...	32 0	32 0 to 33 0	33 0	120 0	120 0	120 0	4 0 0	4 0 0	...	9 8	9 8	9 8				Shahabad	
37 8	40 0	35 0	28 0	26 0	36 0	160 0	160 0	160 0	4 6 10	4 6 10	...	9 0	9 0	9 4				Durbhunga	
...	...	...	30 0	27 0	30 0	140 0	140 0	140 0	4 4 0	4 4 0	...	9 0	9 0	9 8				Mozufferpore	
32 0	34 0	33 0	30 0	31 0	38 0	160 0	160 0	160 0	4 3 0	4 4 0	...	9 0	9 0	9 0				Sarun	
...	...	...	23 0	24 0	29 0	...	...	...	4 8 0	4 8 0	...	8 12	8 12	8 0				Chumparun	
...	...	...	32 0	32 0	31 8	120 0	120 0	126 0	4 0 0	4 0 0	...	8 0	8 0	8 6				Monghyr	
...	...	...	29 4	31 9	32 12	138 12	137 8	126 4	4 0 1	3 13 6	...	9 7	9 7	9 6				Bhágalpur	
...	...	...	22 0	23 0	22 0	120 0	120 0	120 0	4 5 0	4 7 1⅓	...	8 0	8 0	8 0				Purneah	
...	...	...	23 0	20 0	19 0	120 0	130 0	100 0	4 4 0	4 6 0	...	9 0	9 0	9 0				Maldah	
...	...	...	20 0	20 0	20 0	200 0	200 0	200 0	4 8 0	4 8 0	...	8 0	8 0	8 0				Sonthal Pergunnahs	
																		Orissa.	
14 7	14 7	14 7	22 5	23 10	26 4	160 0	160 0	160 0	3 8 0	3 8 0	3 8 0	11 0	11 0	11 0				Cuttack	
...	...	...	17 8	20 0	20 0	105 0	105 0	100 0	3 6 0	3 6 0	...	11 0	11 0	11 13				Pooree	
...	...	...	16 0	16 0	13 5	160 0	160 0	91 0	3 12 0	3 12 0	4 6 0	10 0	9 3	9 4				Balasore	
																		Chota Nagpore—South-Western Frontier Agency.	
39 0	42 0	48 0	26 0	27 0	28 0	240 0	240 0	240 0	4 2 0	4 2 0	...	8 0	8 0	8 0				Hazáribagh	
44 0	46 0	56 0	16 0	16 0	16 0	140 0	120 0	160 0	4 10 0	5 0 0	...	8 0	7 8	8 0				Lohardugga	
...	...	...	21 0	21 0	16 0	160 0	160 0	160 0	5 8 3	5 8 3	...	7 0	7 0	7 0				Singbhoom	
60 0	60 0	64 0	20 0	20 0	18 0	120 0	120 0	130 0	4 6 0	4 6 0	4 0 0	8 8	8 8	9 0				Manbhoom	

t In the interior prices range as follow:—Wheat 14 to 16 seers, barley 30 to 35 seers, best rice 12 to 15 seers, common rice 18-8 to 24 seers, bulrush millet (in Buxar) 30 seers, great millet (in Buxar) 28 seers, lesser millets 35 to 42-8 seers, maize or Indian-corn (in Buxar) 34 seers, gram 30 to 31 seers, firewood 90 to 320 seers, and salt 8 to 9 seers.

u In the interior prices range as follow:—Wheat 12 to 14 seers, barley 33 to 48 seers, best rice 12 to 28 seers, common rice 25 to 31 seers, lesser millets 40 to 45 seers, maize or Indian-corn 39 to 45 seers, gram 26 to 27-8 seers, firewood 200 seers, and salt 9 seers.

v In the interior prices range as follow:—Wheat 13 to 20 seers, barley 40 to 55 seers, best rice 12 to 30 seers, common rice 20 to 33 seers, lesser millets 40 to 62 seers, maize or Indian corn 37-8 to 60 seers, gram 30 to 40 seers, firewood 120 to 160 seers and salt 8 to 10 seers.

w In the interior prices range as follow:—Wheat 12-8 to 22 seers, barley 40 to 60 seers, best rice 15 to 22-8 seers, common rice 23 to 28-8 seers, maize or Indian-corn 48-8 to 60 seers, gram 22 to 45 seers, firewood (in Bettiah) 210 seers, and salt 8 to 10 seers.

x In the interior prices range as follow:—Wheat 13 to 18 seers, barley 36 to 50 seers, best rice 12 to 21 seers, common rice 21 to 23 seers, jowar 40 to 45 seers, murwa 45 seers, maize or Indian-corn 40 to 45 seers, gram 28 to 45 seers, firewood 160 seers, and salt 8-8 to 9-8 seers.

y In the interior prices range as follow:—Wheat 14 to 20 seers, barley (in Soopole) 50 seers, best rice 29 to 32 seers, common rice 32 to 35 seers, lesser millets (in Soopole) 42 seers, maize or Indian-corn (in Banka) 40 seers, gram 25 to 28 seers, firewood 160 seers, and salt 8 to 8-8 seers.

z In the interior prices range as follow:—Wheat 13 to 16 seers, barley 40 seers, best rice 16 to 26 seers, common rice 27 to 32 seers, gram 13 to 22 seers, firewood 64 to 120 seers, and salt 8 seers.

z1 In Godda prices are—Wheat 12-8 seers, barley 30 seers, best rice 32 seers, common rice 36 seers, maize or Indian-corn 54 seers, gram 25 seers, firewood 128 seers, and salt 8 seers.

z2 In the interior prices range as follow:—Wheat 14 seers, barley 30 seers, best rice 14 to 15 seers, common rice 22-8 to 25 seers, lesser millets 32 to 50 seers, maize or Indian-corn 29 to 32 seers, gram 25 to 26 seers, firewood 200 to 320 seers, and salt 8-8 to 9-8 seers.

z3 In Lohardugga prices are—Best rice 21 seers, common rice 28 seers, gram 23 seers, firewood 200 seers, and salt 8-8 seers.

z4 In Jhalda prices are—Wheat 14 seers, barley 20 seers, best rice 23 seers, common rice 26 seers, gram 14 seers, firewood 360 seers, and salt 8 seers.

PRICES CURRENT OF FOOD-GRAINS THROUGHOU

QUANTITIES PER RUPE

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Assam.	Sylhet	13 0	13 0	13 0	...	...	...	17 0	17 0	16 0	35 0	35 0	28 0	...	...	...	...	...	...
	Cachar	10 0	11 2	10 0	16 0	20 0	20 0	21 5	21 10	22 12	25 10	29 1	26 10	...	...	...	...	...	...
	Goálpára	22 14	22 13	26 11	...	...	...	12 12¾	13 5	16 0	20 0	20 0	20 0	...	...	...	...	...	...
	Gáro Hills	4 0	4 0	4 0	...	...	...	5 0	5 0	5 0	16 0	20 0	20 0	...	...	...	...	...	...
	Kámrúp	19 0	18 0	14 0	...	...	...	13 0	13 0	18 0	22 0	20 0	22 0	...	...	...	...	...	...
	Darrang	...	...	8 0	...	...	...	10 0	10 0	8 0	16 0	16 0	11 8	...	...	...	...	...	...
	Nowgong	...	...	...	...	...	...	13 8	13 8	12 0	16 0	16 0	16 0	...	...	...	...	...	...
	Sibságar	...	...	...	...	...	...	7 0	7 0	8 0	16 0	16 0	16 0	...	...	...	...	...	...
	Lakhimpur	8 0	8 0	8 0	10 0	9 0	...	5 8	10 0	6 0	16 0	14 0	14 0	...	...	...	...	...	...
	Khási & Jaintiá Hills	10 0	10 0	8 0	...	...	...	9 0	9 0	8 8	10 0	10 0	9 8	...	...	...	...	...	...
	Nága Hills	...	...	...	...	...	...	4 0	4 0	5 0	8 0	8 0	...	...	...	...	...	...	...
N. W. Provinces.	Dehra Dún	19 8	19 8	17 0	28 0	27 0	28 0	12 0	12 0	12 0	13 8	13 0	13 0	24 0	24 0	24 0	27 0	23 0	24 0
	Saháranpur	21 9	21 9	17 4	30 3	32 5½	25 14	10 12	10 12	8 10	13 7	13 7	11 14	26 15	26 15	24 13	30 3	30 3	22 10
	Muzaffarnagar	21 0	20 4	18 11	33 0	30 12	26 6	6 9	6 9	6 9	14 5	14 5	14 5	29 11	29 11	23 2	23 2	23 2	21 0
	Meerut	19 0	19 0	19 8	27 0	27 0	27 0	6 0	6 0	5 0	16 0	16 0	14 0	27 0	27 0	23 0	24 0	24 0	21 0
	Bulandshahr	20 4	20 8	21 2	27 0	27 4	29 8	6 0	6 0	6 0	10 5	10 5	10 0	26 0	26 0	26 0	23 0	23 0	26 0
	Aligarh	17 8	17 8	18 4	24 8	24 8	25 8	6 0	6 0	6 0	16 0	16 0	14 8	25 8	25 8	23 0	22 8	22 8	22 0
	Kumaun	18 0	18 0	13 0	20 0	20 0	14 0	10 0	10 0	8 0	14 0	14 0	12 0	...	...	...	...	...	...
	Garhwál	22 0	21 0	17 8	28 0	25 0	20 0	10 0	10 0	9 0	16 0	16 0	13 12	...	...	...	‡‡	‡‡	‡‡
	Bijnor	18 9	18 5	18 4	27 9	27 4	24 12	11 4	11 4	11 4	13 8	13 8	12 15	24 8	24 12	20 4	21 6	22 4	19 11
	Moradabad	20 10	20 0	20 10	25 0	24 6	28 12	8 2	7 8	8 2	15 0	15 10	15 0	27 8	26 14	20 10	23 2	23 12	23 2
	Budaun	18 14	18 12	19 10	...	...	25 12½	9 9½	9 9½	6 0	15 9½	16 12½	15 9½	22 12½	24 0	24 0	20 1½	22 3	21 0
	Bareilly	17 13	17 8	18 12	26 4	26 4	25 0	7 8	7 8	6 4	15 0	15 10	15 0	21 4	24 6	22 8	20 10	24 6	22 8
	Sháhjahánpur	18 8	19 4	20 12	26 0	27 12	29 4	9 4	9 4	7 0	17 4	17 4	16 8	22 0	26 4	26 8	21 8	25 2	24 12
	Turái Pergunnahs	20 8	20 8	20 0	35 0	35 0	33 12	10 0	10 0	8 12	15 0	15 0	15 0	27 0	28 12	25 0	25 0	23 12	22 8
	Muttra	17 0	16 12	18 0	24 0	25 0	25 0	8 0	8 0	8 0	14 0	14 0	14 0	23 0	24 0	19 0	22 0	21 8	18 8
	Agra	17 4	17 8	18 4	23 0	25 0	23 0	6 0	6 0	4 0	14 0	14 0	13 8	22 0	24 0	22 8	21 0	24 0	20 0
	Farukhabad	18 12	18 15½	19 15½	27 6	27 5	25 8	7 2½	7 2½	5 12½	17 1	16 9½	14 11	24 1½	24 15	23 9	[illegible]	[illegible]	23 5
	Mainpuri	17 0	18 0	18 4	23 0	25 0	22 8	5 0	5 0	5 8	13 0	12 0	12 8	22 0	22 0	20 8	[illegible]	[illegible]	20 8
	Etáwah	17 8	18 0	19 0	25 8	25 8	24 0	6 0	6 0	6 0	14 8	14 8	14 0	23 0	25 0	23 0	24 0	24 0	22 8
	Etah	19 8	19 8	19 8	24 0	24 0	23 0	6 0	8 0	6 0	15 0	15 0	14 0	21 0	22 0	...	20 0	20 0	...
	Jalaun	22 0	22 0	21 0	20 0	20 0	23 0	10 0	10 0	8 0	14 0	14 0	12 0	29 0	29 0	24 0	27 0	27 0	[illegible]
	Jhánsi	24 3½	25 2½	22 8	33 10	31 0	31 7	9 8	9 12½	7 8	17 0	17 0	13 0	30 0	30 4½	28 3½	23 8	23 8	...
	Lalitpur	26 0	26 0	22 8	35 0	35 0	35 0	9 0	9 0	9 0	14 0	13 0	11 0	31 0	33 0	34 0	29 0	29 0	26 0
	Cawnpore	19 8	19 4	21 8	31 0	32 0	29 0	11 0	11 0	10 8	17 0	17 0	15 8	28 8	30 0	29 0	28 0	29 0	27 0
	Fatehpur	15 12	17 14	18 4	28 0	27 0	25 0	10 10	10 10	9 0	19 4	19 4	13 4	31 0	32 0	...	30 0	30 0	25 0
	Bánda	22 0	22 8	18 8	24 0	23 0	25 0	10 0	10 0	8 4	18 0	18 0	14 8	36 0	38 0	28 0	33 0	33 0	25 0
	Allahabad	17 8	18 0	19 4	27 0	27 8	28 0	11 8	11 0	11 0	18 8	17 8	17 0	33 0	33 0	27 8	31 8	31 0	25 0
	Hamirpur	22 8	20 12	17 10	22 8	...	25 14	13 0	13 8	11 2	15 0	16 10	16 0	29 13	31 4	23 15	29 9	30 6	20 1
	Jaunpur	18 5	18 5	21 14	33 14	33 14	33 10	8 7	8 7	7 12	18 5	17 10	16 15	34 9	32 7	32 7	25 6	25 6	24 0
	Gorakhpur	16 3	17 1½	21 9½	43 3	45 0	48 9½	16 3	18 0	16 3	21 9½	21 9½	23 6½	36 0	45 0	45 0	23 6½	32 6½	37 14
	Basti	18 8	19 0	23 8	46 0	46 0	46 0	17 0	17 0	18 8	23 0	23 0	23 0	49 0	54 0	50 0	...	...	...
	Azamgarh	16 4	17 11	19 3	34 10	35 6	32 7	10 5	11 0	8 12	19 3	19 3	19 3	41 5	41 5	39 12	...	...	...
	Mirzapur	15 0	15 8	17 0	24 0	27 0	28 0	10 0	10 0	9 0	16 0	20 0	16 0	27 0	28 0	29 0	26 0	26 0	28 0
	Benares	15 11½	16 4	18 7	27 10	26 10	27 2	12 7	13 0	13 0	18 15½	18 15½	21 2	28 12	27 10	30 6	27 10	27 10	30 6
	Gházipur	16 1½	16 1½	22 8	30 15	30 15	35 8	11 0	11 0	10 15	18 10½	18 10½	16 1	41 3	41 3	41 3	29 11	29 10	32 3
	Balia	15 0	16 4	20 0	31 4	33 12	39 0	10 0	10 0	9 0	22 8	22 8	17 8	37 8	37 8	...	...	...	...
	Pilibhít	18 12	18 4	...	29 12	28 4	...	15 1	15 0	...	17 8	17 8	...	22 10	25 8	...	23 8	23 8	...
Oudh.	Lucknow	16 1½	16 6¾	18 7	28 4¼	28 3	26 10	6 0	6 0	6 0	16 7	16 8	15 12	27 15	29 3	28 0	27 2¾	27 9	24 0
	Unáo	17 7½	17 5¼	19 8	28 15¼	29 0	24 0	12 0	12 0	8 0	17 0	17 0	14 0	33 15¼	34 0	28 0	26 0	26 8½	24 0
	Bára Banki	19 4	17 4	19 0	28 0	28 0	26 8	10 0	10 0	8 0	19 0	19 0	15 0	32 0	35 0	31 0	27 0	27 0	22 0
	Sitapur	18 13	19 14	22 2	28 0	28 3	34 0	8 0	8 0	8 8	19 10	20 0	16 12	30 0	30 9½	32 0	28 8	28 8	28 4
	Bardui	17 2	17 2	19 3	26 4	24 4	31 8	7 8	7 8	4 11	12 11	13 2	15 0	23 0	24 14	...	28 0	23 7	...
	Kheri	17 8	19 4	22 8	27 0	27 0	35 0	7 0	7 0	7 0	16 0	17 0	17 0	27 0	35 0	34 0	...	...	30 0
	Fyzabad	16 8	17 0	17 12	29 0	28 0	30 0	12 0	13 0	10 0	17 0	17 8	15 0	35 0	35 0	29 0	...	...	25 0
	Bharaich	15 0	15 0	19 0	37 0	37 0	38 0	9 0	9 0	9 0	18 0	18 0	18 0	45 0	45 0	42 0	16 0	16 0	16 0
	Gonda	18 3	18 9	21 14	32 8	32 12	33 8	18 12	18 8	16 12	21 8	21 8	18 13	45 8	45 0	41 0	27 12	29 8	30 8
	Rai Bareli	16 14	17 15	19 14	25 0	29 0	24 0	18 0	19 0	12 0	19 0	20 0	13 0	29 8	30 8	22 0	30 0	31 0	...
	Sultánpur	20 0	20 0	22 0	33 0	32 0	32 0	11 0	11 0	11 0	22 0	22 0	17 0	30 0	30 0	29 0	26 0	26 0	24 0
	Partabgarh	18 1	19 13	21 12	30 8	29 14	33 2	17 6	18 0	14 13	19 6	19 13	16 3	29 6	29 0	28 0	29 0	28 12	26 0
Punjab.	Delhi	19 8	19 0	18 8	27 8	27 0	23 8	...	...	...	14 0	14 0	14 0	26 4	26 0	23 12	23 8	23 0	21 8
	Gurgaon	20 0	20 0	20 0	27 0	28 0	26 0	...	...	...	13 0	13 0	13 8	25 0	24 0	25 0	23 0	25 0	22 8
	Karnál	20 8	20 8	17 8	35 0	35 0	28 0	...	...	...	13 0	13 0	12 0	32 0	32 0	25 8	28 0	25 0	22 0
	Hissar	20 0	20 0	15 8	31 0	31 0	28 0	...	...	...	10 0	10 0	10 0	36 0	36 0	25 0	30 0	30 0	20 8
	Rohtak	21 8	21 8	17 12	26 0	26 0	22 0	...	...	...	9 0	9 0	10 0	28 0	28 0	24 0	25 0	25 0	21 0
	Sirsa	21 0	20 8	16 8	47 0	45 0	30 0	...	...	...	14 0	14 0	12 0	47 0	46 0	26 8	36 0	36 0	21 0
	Umballa	23 8	23 8	15 12	40 0	35 0	24 0	...	...	...	14 8	14 8	12 0	36 0	34 0	24 8	27 0	27 0	22 8
	Ludhiana	25 0	25 0	17 0	42 0	43 0	26 0	...	...	...	12 0	12 0	12 0	39 0	38 0	24 0	32 0	26 0	21 0
	Simla	19 0	16 0	14 0	...	...	18 0	...	...	...	13 0	13 0	11 0	...	23 0	...	...	...	...
	Jullundur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Hoshiárpur	24 0	21 0	18 0	39 0	40 0	24 0	...	...	...	12 0	12 0	10 0	20 0	28 0	22 0	25 0	25 0	20 0
	Kangra	22 0	22 0	16 0	34 0	34 0	22 0	...	...	...	15 0	15 0	13 0	...	...	...	...	...	...

* Jowar (large). † Choti jowar. ‡ Kodon. § Makai, moth, kodon, and sawan. ‖ Murwa, kodon, kakun, sawan, and lahara. ¶ Murwa. ** Pons, arhar, and mash.
‡‡ Mandua—present 35 seers, past 30 seers, and corresponding 24 seers.

NDIA FOR THE 2nd HALF OF FEBRUARY 1882—*continued.*

SEERS OF 80 TOLAHS.

esser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Coraloo, Murhwa, Nuglee), *Panicum Miliaceum, &c.*			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			Districts.	Provinces.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	Rs. A. per maund	Rs. A.	Rs. A.	S. Ch.	S. Ch.	S. Ch.		
...	...	...	22 0	22 0	16 0	108 0	108 0	108 0	4 2	...	...	9 8	9 8	9 0	Sylhet	Assam.
...	...	...	18 4	22 2	15 4	80 0	80 0	64 0	4 4	...	...	9 2	9 6	9 2	Cachar	
...	...	...	14 14	10 0	10 11	120 0	120 0	120 0	4 8	...	...	8 14	8 14	8 0	Goálpárá	
...	...	...	8 0	8 0	6 8	160 0	160 0	160 0	6 4	...	...	5 5	5 5	5 5	Gáro Hills	
...	...	...	7 0	7 0	13 0	100 0	200 0	200 0	4 3	...	...	9 0	9 8	8 0	Kámrúp	
...	...	...	8 11	8 6	6 15	160 0	160 0	160 0	5 8	...	...	7 0	7 0	6 8	Darrang	
...	...	...	8 0	8 0	8 0	120 0	120 0	80 0	5 0	...	...	8 0	8 0	8 0	Nowgong	
...	...	...	10 0	10 0	8 0	80 0	120 0	120 0	5 8	...	...	7 0	7 0	6 8	Sibságar	
...	...	...	11 0	11 0	10 0	80 0	80 0	80 0	5 4	...	...	7 8	7 8	6 0	Lakhimpur	
...	...	...	...	...	...	...	...	...	7 8	...	...	5 5	5 5	5 12	Khási & Jaintiá Hills	
...	...	...	2 0	2 0	3 0	120 0	120 0	120 0	15 0	...	...	2 8	2 8	2 0	Nága Hills	
									S. Ch.	S. Ch.	S. Ch.					
...	...	...	24 8	25 0	19 8	160 0	160 0	200 0	...	...	...	10 8	10 8	10 8	Dehra Dún	N. W. Provinces.
...	...	...	28 9	29 2	19 14	150 0	150 0	129 0	...	...	...	10 4	10 4	10 3	Saháranpur	
...	...	...	27 8	26 14	19 12	132 0	132 0	132 0	...	...	...	...	...	...	Muzaffarnagar	
...	...	...	26 0	25 8	22 0	110 0	110 0	110 0	...	...	...	9 4	9 4	9 0	Meerut	
...	...	...	22 8	23 0	24 0	120 0	120 0	140 0	...	...	...	...	...	...	Bulandshahr	
...	...	...	24 0	24 0	21 8	140 0	140 0	140 0	...	...	...	11 4	11 4	11 0	Aligarh	
...	...	...	12 8	12 8	12 0	200 0	200 0	200 0	...	...	...	7 0	7 0	7 0	Kumaun	
...	...	...	9 0	9 0	6 0	240 0	240 0	200 0	...	...	...	7 0	7 8	7 8	Garhwál	
...	...	...	22 1	23 12	19 2	135 0	135 0	135 0	...	...	...	...	...	...	Bijnor	
...	...	...	23 2	23 12	20 10	125 0	125 0	120 0	...	...	...	...	...	...	Moradabad	
...	...	...	22 12½	24 0	20 11	192 0	192 0	192 0	...	...	...	10 12½	10 12½	10 3	Budaun	
...	...	...	20 0	20 10	18 0	125 0	125 0	137 8	...	...	...	10 0	10 0	10 0	Bareilly	
...	...	...	20 0	20 0	23 6	160 0	160 0	160 0	...	...	...	10 8	10 8	10 6	Shahjáhánpur	
...	...	...	20 0	20 0	19 4	120 0	120 0	120 0	...	...	...	10 0	10 0	10 0	Taráí Pergunnahs	
...	...	...	22 0	22 0	20 8	120 0	100 0	100 0	...	...	...	...	...	11 0	Muttra	
...	...	...	23 0	22 0	19 0	100 0	100 0	80 0	...	...	...	11 8	11 8	11 0	Agra	
...	...	...	22 5½	22 2½	20 14	149 14	149 14	156 4	...	...	...	...	...	...	Farukhabad	
...	...	...	22 0	22 0	18 4	160 0	160 0	160 0	...	...	...	...	...	...	Mainpuri	
...	...	...	24 8	24 8	23 8	120 0	120 0	120 0	...	...	...	8 0	8 0	8 8	Etáwah	
...	...	...	21 0	21 0	19 8	140 0	140 0	140 0	...	...	...	...	...	11 0	Etah	
...	...	...	28 0	28 0	23 0	140 0	140 0	120 0	...	...	...	...	...	...	Jalaun	
...	...	...	30 0	30 7	26 11½	200 0	200 0	200 0	...	...	...	...	...	...	Jhánsi	
...	...	...	34 0	34 0	33 0	160 0	160 0	160 0	...	...	...	...	...	8 0	Lalitpur	
...	...	...	28 0	27 0	23 0	140 0	140 0	160 0	...	...	...	12 0	12 0	13 0	Cawnpore	
...	...	...	25 4	25 4	21 0	200 0	200 0	200 0	...	...	...	...	...	...	Fatehpur	
...	...	...	35 0	33 0	27 0	160 0	160 0	180 0	...	...	...	...	...	...	Banda	
...	...	...	28 4	28 0	23 11	140 0	120 0	160 0	...	...	...	8 4	8 8	8 4	Allahabad	
...	...	...	30 10	28 7	23 14	140 0	140 0	140 0	...	...	...	...	...	...	Hamírpur	
...	...	...	29 10	29 10	28 4	141 4	141 4	141 0	...	...	...	8 15	8 15	7 12	Jaunpur	
...	...	...	32 6½	36 0	32 6½	160 0	160 0	120 0	...	...	...	8 6½	8 6½	8 6½	Gorakhpur	
...	...	...	31 0	32 0	30 0	140 0	140 0	140 0	...	...	...	8 0	8 0	8 0	Basti	
...	...	...	28 0	28 8	26 9	147 8	147 8	147 8	...	...	...	9 3	9 3	8 2	Azamgarh	
...	...	...	23 0	25 0	22 0	100 0	100 0	100 0	...	...	...	9 0	9 0	9 0	Mirzapur	
...	...	...	24 15	24 15	26 0	140 0	120 0	120 0	...	...	...	...	...	...	Benares	
...	...	...	29 10	29 10	30 14	103 0	103 0	180 0	...	...	...	9 10	9 10	9 1	Gházipur	
...	...	...	28 12	28 12	33 12	100 0	100 0	120 0	...	...	...	...	...	...	Balia	
...	...	...	19 10	22 8	...	150 0	150 0	...	...	...	...	10 2	10 3	...	Pilibhít	
11*	34 12	32 0	20 4	20 4	21 4½	120 0	120 0	120 0	...	...	...	8 10½	8 8	9 0	Lucknow	Oudh.
6¾†	29 15	26 0	22 0	22 0	20 0	160 0	160 0	160 0	...	...	...	9 0	9 0	9 0	Unáo	
0‡	44 0	32 0	24 0	32 0	27 0	130 0	130 0	120 0	...	...	...	9 8	9 8	9 0	Bára Banki	
5§	33 6	30 0	24 0	24 0	26 12	160 0	160 0	160 0	...	...	...	10 0	10 0	9 8	Sitapur	
...	...	...	19 11	20 10	25 5	240 0	240 0	280 0	...	...	...	8 7	8 7	8 15	Hardui	
0‡	45 0	45 0	20 0	20 8	28 0	200 0	200 0	200 0	...	...	...	8 8	8 8	10 0	Kheri	
...	...	...	25 8	27 0	24 0	120 0	120 0	140 0	...	...	...	9 0	8 12	9 0	Fyzabad	
0‡	55 0	44 0	25 0	25 0	29 0	160 0	160 0	160 0	...	...	...	8 4	8 4	8 4	Bharaich	
2‖	43 4	43 13	25 8	26 4	30 2	200 0	200 0	240 0	...	...	...	9 10	9 10	9 8	Gonda	
0¶	37 8	...	17 12	18 8	20 0	160 0	160 0	160 0	...	...	...	8 0	8 0	8 0	Rai Bareli	
0¶	42 0	34 0	26 0	26 0	29 0	160 0	160 0	160 0	...	...	...	10 0	10 0	10 12	Sultánpur	
10**	30 0	26 12	20 8	20 0	22 1	200 0	200 0	200 0	...	...	...	8 12	8 13	8 5	Partábgarh	
...	...	...	24 0	24 0	21 12	80 0	80 0	85 0	11 8	11 8	...	10 8	10 8	10 12	Delhi	Punjab.
...	...	...	24 0	24 8	22 8	140 0	120 0	120 0	11 0	11 0	...	10 0	10 0	10 0	Gurgáon[a]	
...	...	...	28 0	28 0	20 8	160 0	160 0	160 0	10 8	10 6	...	10 4	10 0	10 0	Karnál	
...	...	...	31 0	30 0	26 0	80 0	80 0	100 0	11 0	10 8	...	10 8	10 0	10 8	Hissar	
...	...	...	26 8	26 8	23 0	100 0	100 0	120 0	10 0	10 0	...	9 3	9 3	10 8	Rohtak	
...	...	...	40 0	43 0	26 0	120 0	120 0	120 0	10 8	10 8	...	10 0	10 0	10 0	Sirsa[b]	
...	...	...	34 0	31 0	20 0	140 0	160 0	160 0	11 11	11 10	...	11 8	11 8	11 4	Umbalia[c]	
...	...	...	36 0	36 0	23 8	100 0	100 0	100 0	11 13	11 13	...	11 12	11 12	12 0	Ludhiána[d]	
...	...	...	23 0	24 0	17 0	100 0	100 0	90 0	9 2	9 2	...	8 9	8 9	7 8	Simla	
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Jullundur	
...	...	...	32 0	31 0	22 0	100 0	100 0	110 0	11 12	11 12	...	11 8	11 8	11 8	Hoshiárpur	
...	...	...	20 0	19 0	16 0	140 0	140 0	116 0	10 0	10 0	...	9 0	9 0	9 0	Kangra	

(a) Firewood falling. (b) Gram rising. (c) Barley falling and firewood rising. (d) Barley falling.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Punjab—*continued.*	Amritsar [a]	23 8	22 8	15 8	46 0	45 0	23 8	...	...	...	13 8	12 8	11 8	33 4	30 4	22 0	26 8	27 8	18
	Siálkot	No return received			...	...	...	...	...	...	..	...	...	...	...	..	...	...	
	Gurdaspur	27 0	26 0	17 0	30 0	30 0	23 0	...	...	...	16 0	16 0	14 0	26 0	26 0	20 0	14 0	14 0	13
	Lahore [b]	22 0	22 0	15 0	38 0	38 0	24 0	...	...	...	10 0	10 0	9 0	35 0	35 0	20 0	21 0	21 0	18
	Ferozepore [c]	22 0	20 8	15 0	42 0	38 0	26 0	...	...	...	12 0	10 0	10 0	40 0	38 0	21 0	29 0	30 0	18
	Gujránwála [c]	22 8	21 8	15 0	45 0	40 0	24 0	...	...	...	16 0	16 0	11 0	30 0	30 0	19 0	20 0	20 0	16
	Ráwalpindi [d]	17 12	17 8	10 4	32 0	29 0	14 0	...	...	...	9 4	9 0	6 8	31 0	28 0	15 0	21 0	21 0	11
	Jhelum	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Gujrát [c]	23 4	22 8	13 11	37 8	34 0	19 10	...	...	...	11 2	9 8	8 0	32 0	30 8	18 8	30 0	28 8	17
	Shahpur [c]	18 0	18 8	11 12	32 0	29 0	16 0	...	...	...	13 0	13 0	9 0	23 0	23 0	15 8	21 0	21 0	13
	Mooltan	17 4	16 8	11 12	26 0	24 0	19 8	...	...	...	10 0	10 0	8 0	24 0	24 0	15 0	23 0	23 0	14
	Jhang [e]	18 12	20 0	13 0	34 0	33 0	18 0	...	...	..	10 0	10 0	8 0	25 0	28 0	17 0	24 0	24 0	16
	Montgomery	20 0	20 0	13 4	26 0	27 0	18 0	...	...	...	5 8	5 8	5 8	26 0	25 0	17 0	27 0	25 0	16
	Muzaffargarh	19 0	18 0	12 4	28 0	26 0	21 0	...	...	...	5 0	5 0	5 0	21 0	20 0	17 0	22 0	21 0	15
	Dera Ismail Khán	18 5	18 9	10 5	34 13	35 0	16 6	...	...	...	8 2	8 2	7 8	32 8	33 0	16 14	26 0	25 10	13
	Dera Ghazi Khán [f]	16 14	16 14	11 4	23 12	23 12	16 14	...	...	...	7 8	7 8	6 4	23 12	23 12	15 10	23 12	23 12	14
	Bannu [g]	19 1	19 11	9 6	34 1	41 4	18 2	...	...	...	10 0	10 0	6 14	27 8	27 8	17 3	20 0	23 12	12
	Peshawar	13 8	13 10	7 13	33 8	32 8	10 1	...	...	...	9 0	9 0	6 0	24 0	24 10	9 10	14 8	14 8	
	Kohat [h]	14 15	14 0	7 10	30 9	27 6	11 13	...	...	...	11 8	11 8	7 10	20 6	20 6	10 3	19 2	19 2	10
	Hazára	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Central Provinces.	Nágpur	19 12	19 12	22 4	...	...	...	8 8	7 8	9 12	17 0	17 4	16 12	30 12	30 2	29 12	...	...	
	Bhandára	21 0	17 0	23 0	...	...	...	10 0	8 12	8 12	19 0	20 0	17 0	26 0	26 0	28 8	...	...	
	Chanda	20 8	19 0	23 0	..	...	...	...	...	...	14 8	13 0	13 8	9 0	31 0	34 0	...	...	
	Wardha	23 0	23 4	24 8	...	...	...	8 12	8 12	8 12	16 12	16 12	14 12	34 0	34 0	27 12	...	...	
	Bálaghat	24 0	25 0	17 8	...	...	...	17 3	15 0	14 0	26 0	27 0	20 0	...	...	...	...	...	
	Jubbulpore	21 8	21 0	21 8	16 0	16 0	18 0	13 0	12 0	14 0	18 0	18 0	24 0	25 0	27 0	43 0	20 0	21 0	28
	Saugor	25 0	25 0	27 0	...	...	39 0	8 0	8 8	8 8	10 0	10 0	10 0	...	...	44 0	...	...	32
	Damoh	29 0	29 0	27 8	...	...	...	13 8	13 8	13 4	14 8	14 8	13 12	...	...	54 0	...	...	39
	Seoni	24 0	23 0	21 8	...	...	...	12 8	12 8	13 0	18 8	18 8	24 0	...	...	...	...	...	
	Mandla	22 0	23 8	23 0	...	...	...	15 0	15 0	16 8	22 0	23 8	23 0	...	...	...	...	...	
	Betúl	20 0	18 8	24 0	...	...	...	12 0	12 0	12 8	13 0	13 0	14 0	29 0	28 0	43 0	...	...	
	Chhindwára	24 0	24 0	15 0	...	...	...	10 0	10 0	10 0	14 0	14 0	14 0	31 0	31 0	30 0	...	...	
	Hoshungabad	20 12	18 15	21 6	...	...	...	4 0	4 0	4 12	10 12	11 8	10 2	27 8	25 0	36 0	24 8	23 0	33
	Narsinghpur	20 4	20 8	23 8	...	...	...	10 8	10 0	13 0	12 4	12 0	14 8	...	10 0	41 0	...	32 0	41
	Nimar	17 8	17 8	24 0	...	...	...	...	...	...	12 8	12 8	11 8	33 13	35 14	37 8	28 9	28 9	31
	Raipur	34 0	33 8	36 0	...	...	..	22 0	23 4	19 0	45 0	47 0	36 0	...	...	...	...	...	
	Sambalpur	28 0	25 0	34 0	...	...	...	16 0	33 0	37 0	54 0	52 0	42 0	...	...	...	...	...	
	Biláspur	40 0	50 0	40 0	...	...	...	36 0	38 0	40 0	63 0	66 0	56 0	...	...	...	...	...	
British Burma.	*Arakan Division.*																		
	Akyab																		
	Northern Arakan																		
	Kyoukpyoo																		
	Sandoway																		
	Pegu Division.																		
	Rangoon town and Hanthawaddy																		
	Thurrawaddy																		
	Prome																		
	Irrawaddy Division.																		
	Henzada	No return received				...	...	...	...	...	...	...	...	...	...	...	...	...	
	Bassein																		
	Thonegwa																		
	Thayetmyo																		
	Tenasserim Division.																		
	Moulmein town and Amherst																		
	Tavoy																		
	Mergui																		
	Toungoo																		
	Shwaygyin																		
	Salween																		
Hyderabad Assigned Districts.	Secunderabad	No return received				...	...	...	...	...	...	...	...	...	...	...	...	...	
	Bolarum																		
	Chudderghat																		
	Amraoti	18 0	18 8	22 0	11 0	11 0	11 0	8 0	8 0	8 0	9 8	9 8	10 0	32 0	32 0	34 0	26 0	26 0	28
	Akola	21 0	19 0	9 0	...	...	...	7 0	8 0	6 0	10 0	10 0	10 0	30 0	40 0	32 0	27 0	27 0	13
	Ellichpur	18 0	18 0	18 0	12 0	12 0	16 0	8 0	8 0	9 0	12 0	12 0	13 0	28 0	28 0	27 0	28 0	28 0	28
	Buldana	20 0	20 0	20 0	...	...	...	...	...	...	11 0	11 0	11 0	32 0	34 0	40 0	30 0	34 0	30
	Wun	15 0	16 0	17 0	...	...	...	7 8	7 8	7 0	10 8	10 8	11 0	32 0	34 0	32 0	...	...	
	Básim	23 0	23 0	26 0	...	...	...	5 4	5 0	5 0	12 0	12 0	13 0	32 0	32 0	39 0	...	...	

a Jowar falling. b Firewood falling. c Barley falling. d Barley and Jowar falling.

NDIA FOR THE 2nd HALF OF FEBRUARY 1882—*continued.*

SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Cornloo, Murhwa, Nugloo), *Panicum Miliaceum*, &c.			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			Districts.	Provinces.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		
...	...	...	32 8	30 8	20 4	90 0	90 0	90 0	12 4	12 5	...	12 0	12 0	12 8	Amritsar	Punjab—*continued.*
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Siálkot	
...	...	...	28 0	27 0	17 8	120 0	120 0	120 0	11 8	11 8	...	11 0	11 0	11 0	Gurdáspur	
...	...	...	30 0	30 0	20 0	80 0	70 0	80 0	12 0	12 0	...	11 0	11 0	11 12	Lahore	
...	...	...	35 0	35 0	22 0	90 0	90 0	70 0	11 8	11 8	...	11 0	11 0	11 8	Ferozepore	
...	...	...	27 8	27 8	18 4	95 0	95 0	95 0	12 10	12 10	...	12 0	12 0	12 8	Gujránwála	
...	...	...	22 12	23 4	12 12	80 0	85 0	40 0	12 2	12 2	...	12 0	11 14	11 4	Ráwalpindi	
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Jhelum	
...	...	...	27 6	26 6	17 0	100 0	100 0	90 0	...*	...*	...	12 10	12 8	12 0	Gujrát	
...	...	...	23 0	22 0	14 12	320 0	320 0	320 0	14 0	14 0	...	13 0	13 0	14 0	Shahpúr	
...	...	...	24 0	24 0	16 0	90 0	90 0	80 0	13 0	13 0	...	12 12	12 12	12 0	Mooltan	
...	...	...	24 0	25 0	17 0	200 0	200 0	190 0	12 6	12 8	...	12 0	12 4	12 12	Jhang	
...	...	...	25 0	24 0	17 8	200 0	200 0	200 0	11 4	11 4	...	10 4	10 4	10 0	Montgomery	
...	...	...	22 0	20 0	14 8	100 0	100 0	100 0	...*	...*	...	12 0	12 0	11 8	Muzaffargarh	
...	...	...	27 11	28 7	13 4	100 0	100 0	106 0	62 8	62 8	...	60 0	60 0	47 8	Dera Ismail Khán	
...	...	...	25 0	25 0	16 4	125 0	125 0	125 0	30 0	37 12	...	28 12	31 14	26 4	Dera Ghazi Khán	
...	...	...	27 8	32 8	13 4	80 0	80 0	100 0	100 0	100 0	...	80 0	80 0	80 0	Bannu	
...	...	...	17 8	17 10	9 12	92 0	87 0	66 0	58 8	58 8	...	55 8	55 8	33 0	Pesháwar	
...	...	...	20 6	21 0	9 4	127 0	102 0	76 8	102 0	102 0	...	81 9	81 9	71 6	Kohát	
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Házára	
...	...	...	25 12	23 12	23 12	150 0	150 0	110 0	10 8	10 8	10 8	10 4	10 4	10 4	Nágpur	Central Provinces.
...	...	...	26 0	26 0	21 0	...	...	...	10 0	10 0	10 0	9 12	9 4	9 8	Bhandára	
...	...	...	29 0	21 0	20 0	360 0	360 0	360 0	...	...	...	9 8	10 0	8 0	Chánda	
...	...	...	22 8	22 8	20 4	135 0	135 0	135 0	10 12	10 12	10 12	10 8	10 8	10 8	Wardha	
...	...	...	35 0	35 0	22 8	275 0	275 0	275 0	10 0	9 10	...	10 0	9 8	9 8	Bálaghát	
...	...	...	39 0	38 0	32 0	130 0	120 0	130 0	10 0	9 4	...	9 8	8 12	9 8	Jubbulpore	
...	...	...	38 0	36 4	33 0	160 0	160 0	160 0	8 0	8 0	...	7 12	7 12	8 4	Saugor	
...	48 0	50 0	49 0	44 0	37 0	200 0	200 0	200 0	8 4	8 8	7 8	8 0	8 4	7 4	Damoh	
...	...	...	31 0	31 0	33 0	220 0	230 0	200 0	7 8	7 8	8 0	7 4	7 4	7 12	Seoni	
2 8	35 0	40 0	52 8	55 0	42 8	256 0	256 0	256 0	...	...	...	8 0	8 0	8 0	Mandla	
1 0	21 0	25 0	32 0	32 0	32 0	240 0	240 0	240 0	9 8	9 8	9 8	...	9 0	9 0	Betúl	
3 0	23 0	18 0	37 0	35 0	26 0	200 0	200 0	200 0	9 0	9 0	8 8	8 0	8 0	8 0	Chhindwára	
...	...	...	34 0	34 0	33 12	160 0	160 0	120 0	8 4	6 10	...	7 0	5 0	8 0	Hoshangabad	
...	...	...	41 0	40 0	41 0	160 0	160 0	160 0	9 0	9 0	9 0	8 8	8 8	8 12	Narsinghpur	
...	...	...	25 11	26 11	23 15	160 0	160 0	120 0	11 8	11 8	11 13	11 0	11 0	11 5	Nimár	
...	...	...	32 0	32 0	27 0	80 0	80 0	80 0	8 12	8 12	8 12	8 8	8 2	8 8	Raipur	
...	...	...	25 0	25 0	23 0	130 0	120 0	240 0	8 0	9 0	9 0	7 0	8 8	8 8	Sambalpur	
70 0	170 0	160 0	50 0	50 0	38 0	140 0	140 0	140 0	...	...	...	8 0	8 0	7 8	Biláspur	
...	...	...	...	...	...	...	...	...	...	...	No return received.				*Arakan Division.* Akyab; Northern Arakan; Kyoukpyoo; Sandoway; *Pegu Division.* Rangoon town and Hanthawaddy; Tharrawaddy; Prome; *Irrawaddy Division.* Henzada; Bassein; Thonegwa; Thayetmyo; *Tenasserim Division.* Moulmein town and Amherst; Tavoy; Mergui; Toungoo; Shwaygyin; Salween	British Burma.
...	...	...	...	...	...	...	...	...	...	...	No return received.				Secunderabad; Bolarum; Chudderghat	Hyderabad Assigned Districts.
...	...	...	26 0	26 0	24 0	70 0	64 0	80 0	11 0	11 0	11 0	10 8	10 8	10 0	Amraoti	
7 0	7 0	8 0	26 0	27 0	11 0	64 0	64 0	64 0	10 0	9 0	9 0	9 0	8 0	8 0	Akola	
...	...	...	28 0	25 0	23 0	64 0	64 0	64 0	...	...	...	9 0	9 0	9 0	Ellichpur	
...	...	...	30 0	34 0	28 0	...	...	...	...	...	...	9 0	9 0	10 0	Buldána	
...	...	...	32 0	18 0	20 0	100 0	100 0	100 0	...	...	...	8 0	8 0	8 0	Wún	
...	...	...	32 0	32 0	25 0	64 0	64 0	64 0	9 0	8 8	8 8	8 0	8 0	8 0	Básim	

e Jowar rising. f Salt (wholesale and retail (rising.) g Barley rising. h Barley and firewood falling. * Salt not sold wholesale.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Mysore	Bangalore	11 9	12 7	10 10	13 10	13 14	11 2	10 4	10 3	10 8	12 2	12 1	12 0	24 11	26 3	25 5	...	...	...
	Kolar	...	...	...	11 2	11 2	8 5	12 14	12 14	11 4	15 3	15 3	14 6	...	...	...	...	...	...
	Túmkúr	14 0	15 0	12 8	14 0	14 0	12 0	12 0	12 0	13 0	13 0	12 8	15 0	...	...	...	...	...	...
	Mysore	10 8	10 8	10 0	...	...	...	10 8	10 8	12 8	11 0	11 0	12 4	20 0	20 0	30 0	...	...	...
	Hassan	12 0	11 0	10 0	13 0	12 0	11 0	12 0	11 0	13 8	13 0	12 0	14 8	...	...	...	...	...	...
	Shimoga	15 12	14 11	12 10	16 13	18 14	15 12	12 10	11 9	13 10	14 11	14 11	17 5	29 6	26 4	50 6	...	...	...
	Kadur	16 0	16 0	12 0	15 0	15 0	...	12 0	12 0	18 0	15 0	15 0	22 0	...	...	...	...	...	...
	Chitaldroog	14 0	14 0	12 0	18 0	18 0	16 0	11 0	11 0	12 0	12 0	12 0	13 0	32 0	32 0	41 0	28 0	28 0	32 [illegible]
Coorg	Coorg	8 13	8 8	8 2	9 11	10 4	8 11	11 0	11 1	13 6	15 6	15 6	19 4	...	...	...	...	...	...
Rajpootana	Jeypore	16 0	16 8	14 8	23 0	21 8	23 0	6 0	7 0	6 0	9 0	9 0	8 4	23 4	20 0	24 4	21 0	21 8	21 [illegible]
	Kishengurh	17 8	17 0	16 8	26 0	25 8	27 8	9 0	10 0	7 0	10 0	12 0	8 8	28 8	26 0	30 0	23 0	23 0	22 [illegible]
	Kerrowlee	17 0	17 8	*	17 0	17 8	*	13 8	13 0	*	15 0	14 0	*	21 8	21 8	*	18 0	17 4	*
	Ulwur	17 9	17 5	16 11	21 13	22 5	23 8	8 0	8 0	8 0	12 14	12 11	11 14	21 15	22 9	23 10	19 8	20 6	21 1[illegible]
	Bhurtpore (City)	16 0	17 0	16 8	23 0	21 0	22 0	6 8	6 8	6 12	7 0	7 0	7 2	22 0	21 8	21 4	21 0	20 0	19 [illegible]
	Ajmere	16 0	16 0	15 8	24 0	24 0	25 0	5 0	5 0	5 0	8 0	8 0	8 0	24 0	24 0	23 0	21 0	21 0	20 [illegible]
	Deoli Cantonment	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Erinpura	17 4	17 4	19 4	31 0	31 0	30 0	...	...	...	8 0	8 0	7 0	25 0	25 0	24 0	23 0	23 0	24 [illegible]
	Sirohee	18 0	18 0	20 0	27 0	27 0	34 0	7 0	6 0	6 0	8 8	8 0	7 0	18 0	18 0	18 0	22 0	22 0	27 [illegible]
	Abu	16 0	16 0	15 8	23 8	24 0	25 0	6 0	5 12	5 4	8 2	8 8	7 12	...	...	...	18 8	18 4	20 1[illegible]
	Anadra	18 0	18 0	17 8	28 0	28 0	30 0	6 0	6 0	5 12	8 8	8 8	7 12	...	...	...	21 0	21 0	24 [illegible]
	Hilly Tracts of Meywar	24 0	25 0	22 0	37 0	38 0	42 0	...	...	...	18 0	22 0	14 0	...	...	...	...	...	...
	Meywar (Oodeypore)	15 10	15 10	15 10	18 5¾	18 12	22 10¼	10 15	10 15	10 2¼	...	...	...	...	...	...	...	...	...
	Bánswára (Meywar Agency)	24 6	26 4	32 8	...	...	...	7 8	7 8	6 4	18 12	18 12	20 0	...	...	...	...	...	...
	Partábgarh („)	17 13	19 1	23 2	...	...	...	9 1	9 1	10 0	14 6	14 6	15 0	...	...	...	...	...	...
	Marwar (Jodhpore)	16 4	15 10	15 12	25 0	22 8	21 4	6 4	6 4	5 0	7 8	7 8	6 4	25 0	22 8	20 10	19 6	20 0	18 1[illegible]
	Bikaneer	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Boondee																		
	Kotah	21 12	21 8	20 0	26 4	24 8	33 0	8 0	8 0	7 12	10 0	10 0	8 12	27 4	26 4	35 0	17 0	16 0	18 [illegible]
	Tonk	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Jhallawar	19 2½	19 2½	19 8	23 14	23 14	19 14½	...	...	...	8 13½	8 13	7 1	22 0	22 0	25 8	17 1	17 1	18 3
	Shahpoora	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Dholpur	17 10	17 9	16 9	22 13	23 9	21 4	10 2	10 2	7 14	13 8	13 8	11 13	22 9	22 8	20 6	21 6	20 10	19 1[illegible]
Central India	Indore	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Gwalior																		
	Goona																		
	Baghelkhand (Sutna)																		

* Not received.

DIA FOR THE 2nd HALF OF FEBRUARY 1882—*concluded.*

SEERS OF 80 TOLAHS.

er Millets, Ragi, (Kavaru, Veragu, wee, Cheena, Coraloo, rhwa, Nuglee), *Panic Miliaceum, &c.*			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			Districts.	Provinces.
	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		
6	23 10	32 3	34 0	36 0	38 7	90 0	90 0	90 0	10 14	10 8	10 8	10 0	10 0	10 0‡	Bangalore	Mysore.
0	20 0	35 1	41 1	42 3	39 14	172 6	172 6	172 6	11 1	11 1	11 5	10 13	10 13	11 1‡	Kolar	
0	25 0	45 0	40 0	39 0	45 0	340 0	340 0	340 0	12 8	12 8	12 8	12 0	12 0	12 0§	Túmkúr	
8	20 0	33 5	33 0	33 0	34 0	84 0	84 0	75 0	8 4	8 4	8 12	8 0	8 0	8 8‡	Mysore	
0	22 0	36 0	24 0	22 0	38 0	500 0	500 0	600 0	...	...	...	8 0	8 8	9 0‡	Hassan	
6	25 12	45 2	29 6	29 6	50 2	480 0	480 0	480 0	...	...	...	8 15	8 15	8 6‡	Shimoga	
0	22 0	39 0	22 0	22 0	31 0	64 0	64 0	60 0	...	...	...	8 0	8 0	9 0‡	Kadur	
10	34 10	56 0	28 0	28 0	44 0	100 0	100 0	100 0	12 0	12 0	12 0	12 0	12 0	12 0§	Chitaldroog	
13	23 6	36 1	26 1	26 9	34 15	110 0	110 0	110 0	...	...	...	9 1	8 12	8 13	Coorg	Coorg.
..	...	...	21 0	21 0	21 4	...	...	...	...	...	...	12 8	12 0	11 0	Jeypore	Rajpootana.
..	...	...	23 0	23 0	26 8	...	...	...	...	...	...	13 4	13 0	12 8	Kishengurh	
..	...	...	20 0	18 0	*	...	...	...	...	...	...	10 8	10 8	*	Kerrowlee	
..	...	...	20 9	21 10	21 1	...	...	...	12 15	12 13	...	12 11	12 10	11 14	Ulwur	
..	...	...	21 0	20 8	19 0	...	...	...	...	...	...	11 0	11 0	11 6	Bhurtpore (City)	
..	...	...	24 0	24 0	23 0	70 0	70 0	60 0	...	...	...	12 0	12 0	11 0	Ajmere	
..	...	...	...	...	...	...	...	...	...	...	No	return	receiv	ed	Deoli Cantonment	
..	...	...	20 0	20 0	20 0	170 0	170 0	160 0	...	...	...	12 0	12 0	10 8	Erinpura	
..	...	...	20 0	20 0	15 0	160 0	160 0	120 0	...	...	...	11 7	11 7	11 7	Sirohee	
..	...	...	20 4	17 0	14 4	160 0	160 0	160 0	...	...	...	10 8	10 8	9 8	Abu	
..	...	...	19 4	17 12	16 4	...	...	...	...	...	...	11 8	11 8	10 0	Anadra	
..	...	...	32 0	32 0	39 0	†	†	†	...	...	...	9 0	9 0	6 8	Hilly Tracts of Meywar	
..	...	...	16 12¾	17 15½	22 10½	200 0	200 0	200 0	...	...	...	8 12½	8 9½	8 9½	Meywar (Oodeypore)	
..	...	...	42 8	42 8	50 0	...	...	...	...	...	...	9 6	9 6	7 8	Bánswára (Meywar Agency)	
..	...	...	26 9	25 10	37 12	...	...	...	...	...	...	9 6	9 6	8 7	Partabgarh (")	
..	...	...	20 0	18 12	16 9	...	...	...	...	...	...	14 6	15 0	15 0	Marwar (Jodhpore)	
..	...	...	...	...	...	...	..	...	...	...	No	return	receiv	ed	Bikaneer / Boondee	
..	...	...	27 4	26 4	26 0	240 0	240 0	240 0	11 8	11 4	...	11 0	11 0	10 4	Kotah	
..	...	...	...	...	...	...	...	...	...	...	No	return	receiv	ed	Tonk	
..	...	...	22 1½	22 1½	23 2	...	...	...	...	...	...	9 6	8 13½	8 10	Jhalawar	
..	...	...	...	...	...	...	...	...	...	...	No	return	receiv	ed	Shahpoora	
..	...	...	21 15	22 10	19 13	...	...	...	...	...	...	10 11	10 11	10 11	Dholpur	
	...	...	...	...	...	...	...	...	...	...	No	return	receiv	ed	Indore / Gwalior / Goona / Baghelkhand (Sutna)	Central India.

† Eight pies per bundle. ‡ Sea Salt. § Earth Salt.

T. C. HOPE,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

No. V OF 1882.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total mean length open	Receipts for week ending 5th February 1881.		Total mean length open.	Receipts for week ending 4th February 1882.		Total Receipts from 1st April 1880 to 5th February 1881.		Total Receipts from 1st April 1881 to 4th February 1882.		Total Increase in 1881-82.	Total Decrease in 1881-82.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	Guaranteed.		Rs.	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
25th Feb. 1882	Eastern Bengal ...	176	76,748	436	172	86,103	501	38,57,517	502	46,08,003	605	7,50,486	...
25th ditto ...	Oudh and Rohilkhand	547	89,341	163	547	1,23,577	226	38,33,485	158	43,87,569	181	5,54,084	...
25th ditto ...	Sind, Punjab & Delhi	676	2,15,300	318	676	1,94,851	288	1,04,71,797	349	80,04,523	267	...	24,67,2
25th ditto ...	Madras ...	858	1,21,114	141	858	1,23,908	144	51,41,868	135	53,10,128	140	1,68,260	...
25th ditto ...	South Indian ...	655	68,321	104	655	63,882	97	30,72,407	108	31,69,204	109	96,797	...
25th ditto ...	Great Indian Peninsula	1,448	6,50,201	449	1,446	9,39,169	649	2,15,72,686	339	2,81,35,452	439	65,62,766	...
25th ditto ...	Bombay, Baroda and Central India ...	444	1,79,623	405	444	1,78,570	402	69,19,103	351	79,37,481	404	10,18,378	...
	TOTAL ...	4,804	14,00,648	291	4,798	17,10,060	357	5,48,68,863	259	6,15,52,360	290	66,83,497	...
	State.												
25th Feb. 1882	East Indian. ...	1,507	9,17,551	609	1,504	11,58,340	770	3,60,74,499	539	3,92,12,104	589	31,37,605	...
18th ditto ...	Calcutta and South-Eastern ...	28	2,440	87	28	3,396	121	1,20,930	97	1,28,195	104	7,265	...
18th ditto ...	Nalhati ...	27	1,530	57	27	1,203	45	54,571	45	55,406	46	835	...
18th ditto ...	Northern Bengal ...	231	42,134	182	233	35,7 0	154	13,83,355	135	16,16,290	157	2,32,935	...
18th ditto ...	Tirhoot ...	82	11,292	138	85	18,174	214	4,62,563	130	4,91,217	136	28,654	...
18th ditto ...	Patna-Gya ...	57	7,449	131	57	14,757	259	4,08,944	162	4,39,126	174	30,182	...
25th ditto ...	Muttra-Hathras ...	29	2,233	77	29	2,377	82	1,20,207	93	1,10,497	86	...	9,7
25th ditto ...	Cawnpore-Farukhabad	86	4,681	54	86	7,958	93	12,366	31	2,83,202	74	2,70,836	...
18th ditto ...	Dildarnagar-Ghazipur	12	582	49	12	928	77	12,685	59	34,527	65	21,842	...
25th ditto ...	Rajputana-Malwa ...	981	1,57,837	161	1,117	2,43,157	218	48,16,941	133	80,10,247	174	31,93,306	...
18th ditto ...	Wardha Coal ...	45	3,375	75	45	13,411	298	1,83,513	88	4,27,143	214	2,43,630	...
18th ditto ...	Nagpur & Chhattisgarh	53	3,859	73	98	13,770	141	1,24,588	53	2,78,187	94	1,53,599	...
18th ditto ...	Rangoon and Irrawaddy Valley ...	161	39,024	242	161	34,049	211	10,29,522	143	11,31,640	159	1,02,118	...
18th ditto ...	Sindia ...	70	3,919	56	75	6,088	81	1,83,985	60	2,72,254	83	88,269	...
25th ditto ...	Punjab Northern ...	285	1,03,016	361	363	56,733	156	31,35,349	351	25,70,678	160	...	5,64,6
25th ditto ...	Indus Valley and Kandahar ...	...	1,17,920	179	660	1,03,598	157	59,99,674	213	43,71,340	150	...	16,28,3
25th ditto ...	Muttra-Achneyra ...	...	...	...	23	1,059	46	...	...	9,697	33	9,697	...
	TOTAL ...	2,807	5,01,291	179	3,099	5,56,438	180	1,80,49,193	166	2,02,29,646	154	21,80,453	...
	Native States.												
25th Feb. 1882	Bhavnagar-Gondal ...	192	8,051	42	192	16,509	86	36,311	39	6,57,792	87	6,21,481	...
25th ditto ...	Nizam's ...	121	13,686	113	121	9,856	164	5,88,618	110	6,51,956	122	63,338	...
11th ditto ...	Mysore ...	35	581	17	58	2,358	41	581	21	1,27,890	50	1,27,309	...
	TOTAL ...	348	22,318	64	371	38,723	104	6,25,510	99	14,37,638	91	8,12,128	...
	GRAND TOTAL ...	9,466	28,41,808	300	9,772	34,63,561	354	10,96,18,065	279	12,24,31,748	287	1,28,13,683	...
	GROSS ESTIMATED EXPENSES ...	...	...	...	...	...	...	5,62,36,272	143	6,01,19,522	141	...	...
	NET RECEIPTS ...	...	...	...	...	...	...	5,33,81,793	136	6,23,12,226	146	89,30,433	...

No. VI of 1882.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total mean length open.	Receipts for week ending 12th February 1881.		Total mean length open.	Receipts for week ending 11th February 1882.		Total Receipts from 1st April 1880 to 12th February 1881.		Total Receipts from 1st April 1881 to 11th February 1882.		Total Increase in 1881-82.	Total Decrease in 1881-82.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
			Rs.	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	Guaranteed.												
4th Feb. 1882	Eastern Bengal ...	176	81,616	464	172	83,496	485	39,39,133	501	46,91,499	602	7,52,366	...
5th ditto ...	Oudh and Rohilkhand	547	88,509	162	547	1,12,832	206	39,21,994	158	45,00,401	181	5,78,407	...
5th ditto ...	Sind, Punjab & Delhi	676	2,19,457	325	676	1,77,978	263	1,06,91,254	318	81,82,501	267	...	25,08,753
5th ditto ...	Madras ...	858	1,16,548	136	858	1,21,302	141	52,58,416	135	54,31,430	140	1,73,014	...
5th ditto ...	South Indian ...	655	72,089	110	655	64,087	98	31,44,496	108	32,33,291	109	88,795	...
5th ditto ...	Great Indian Peninsula	1,448	5,98,092	413	1,446	9,07,704	628	2,21,70,778	341	2,90,43,156	444	68,72,378	...
5th ditto ...	Bombay, Baroda and Central India ...	444	1,93,425	436	444	1,82,167	410	71,12,528	353	81,19,648	404	10,07,120	...
	TOTAL ...	4,804	13,69,736	285	4,798	16,49,566	344	5,62,38,599	260	6,32,01,926	290	69,63,327	...
	State.												
25th Feb. 1882	East Indian ...	1,507	9,46,260	628	1,504	11,07,524	736	3,70,20,759	511	4,03,19,628	592	32,98,869	...
18th ditto ...	Calcutta and South-Eastern ...	28	2,573	92	28	3,633	129	1,23,503	97	1,31,828	104	8,325	...
18th ditto ...	Nalhati ...	27	1,519	56	27	1,430	53	56,090	45	56,836	46	746	...
18th ditto ..	Northern Bengal ...	231	32,726	142	233	39,870	171	14,16,081	135	16,56,160	157	2,40,079	...
18th ditto ...	Tirhoot ..	82	10,545	129	85	13,194	155	4,73,108	130	5,04,411	137	31,303	...
18th ditto ...	Patna-Gya ...	57	8,778	154	57	13,625	239	4,17,722	161	4,52,751	176	35,029	...
25th ditto ...	Muttra-Hathras ...	29	2,198	76	29	2,467	85	1,22,405	93	1,12,964	86	...	9,441
25th ditto ...	Cawnpore-Farukhabad	86	4,868	57	86	7,904	92	17,234	36	2,91,106	75	2,73,872	...
18th ditto ...	Dildarnagar-Ghazipur	12	554	46	12	693	57	13,239	59	35,220	65	21,981	...
25th ditto ...	Rajputana-Malwa ...	981	1,79,305	182	1,117	2,54,290	228	49,96,246	134	82,64,537	176	32,68,291	...
18th ditto ...	Wardha Coal ...	45	3,486	77	45	12,688	282	1,86,999	87	4,39,831	216	2,52,832	...
18th ditto .	Nagpur & Chhattisgarh	53	3,509	66	98	16,851	172	1,28,097	53	2,95,038	96	1,66,941	...
18th ditto ...	Rangoon and Irrawaddy Valley ...	161	48,163	299	161	34,815	216	10,77,685	147	11,66,455	160	88,770	...
18th ditto ...	Sindia	70	4,794	68	75	7,450	99	1,88,779	60	2,79,704	83	90,925	...
25th ditto ...	Punjab Northern ...	285	57,618	202	363	71,098	196	31,92,967	347	26,41,776	161	...	5,51,191
25th ditto ..	Indus Valley & Kandahar	660	88,531	136	660	1,01,485	154	60,88,205	211	44,72,825	150	...	16,15,380
25th ditto ...	Muttra-Achneyra ...	...	...	...	23	957	41	...	...	10,654	34	10,654	...
	TOTAL ...	2,807	4,49,167	160	3,099	5,82,450	188	1,84,98,360	166	2,08,12,096	155	23,13,736	...
	Native States.												
25th Feb. 1882	Bhavnagar-Gondal ...	192	9,736	51	192	16,963	88	46,047	42	6,74,755	87	6,28,708	...
25th ditto ...	Nizam's ...	121	14,705	121	121	18,034	149	6,03,322	110	6,69,990	122	66,668	...
11th ditto ...	Mysore ...	35	1,117	32	58	1,881	33	1,698	28	1,29,771	50	1,28,073	...
	TOTAL ...	348	25,558	73	371	36,878	99	6,51,067	97	14,74,516	92	8,23,449	...
	GRAND TOTAL ...	9,466	27,90,721	294	9,772	33,76,418	346	11,21,08,785	279	12,58,08,166	288	1,33,99,381	...
	GROSS ESTIMATED EXPENSES ...	...	...	...	...	...	...	5,74,92,095	143	6,19,06,438	142	...	...
	NET RECEIPTS ...	...	...	...	...	...	...	5,49,16,690	136	6,39,01,728	146	89,85,038	...

No. VII of 1882.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total mean length open.	Receipts for week ending 19th February 1881.		Total mean length open.	Receipts for week ending 18th February 1882.		Total Receipts from 1st April 1880 to 19th February 1881.		Total Receipts from 1st April 1881 to 18th February 1882.		Total Increase in 1881-82.	Total Decrease in 1881-82.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
			Rs.	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	Guaranteed.												
25th Feb. 1882	Eastern Bengal ...	176	71,212	405	172	77,983	453	40,10,345	499	47,69,482	601	7,59,137	...
25th ditto ...	Oudh and Rohilkhand	547	91,500	167	547	1,05,398	193	40,13,494	158	46,05,799	182	5,92,305	...
25th ditto ...	Sind, Punjab and Delhi	676	2,15,300	319	676	1,90,131	281	1,09,06,554	347	83,72,632	267	...	25,33,92
25th ditto ...	Madras ...	858	1,14,279	133	858	1,15,099	134	53,72,095	135	55,46,529	140	1,73,834	...
25th ditto ...	South Indian ...	655	73,617	112	655	59,435	91	32,18,143	107	32,92,726	108	74,583	...
25th ditto ...	Great Indian Peninsula	1,448	5,58,899	386	1,446	8,29,291	573	2,27,29,677	342	2,98,72,447	447	71,42,770	...
25th ditto ...	Bombay, Baroda and Central India ...	444	1,79,982	405	444	1,89,202	426	72,92,510	353	83,08,850	404	10,16,340	...
	TOTAL ...	4,804	13,04,819	272	4,798	15,66,539	327	5,75,43,418	260	6,47,68,465	292	72,25,047	...
	State.												
25th Feb. 1882	East Indian ...	1,507	9,52,200	632	1,504	10,16,122	676	3,70,72,959	542	4,13,35,750	594	33,62,791	...
18th ditto ...	Calcutta and South-Eastern ...	28	2,352	84	28	3,130	112	1,25,855	97	1,34,958	104	9,103	...
18th ditto ...	Nalhati ...	27	1,304	48	27	1,622	61	57,394	45	58,458	46	1,064	...
18th ditto ...	Northern Bengal ...	231	29,118	126	233	38,120	164	14,45,199	134	16,94,280	157	2,49,081	...
18th ditto ...	Tirhoot ...	82	13,594	166	85	11,914	140	4,86,702	131	5,16,325	137	29,623	...
18th ditto ...	Patna-Gya ...	57	8,994	158	57	11,655	204	4,26,716	161	4,64,406	176	37,690	...
25th ditto ...	Muttra-Hathras ...	29	2,272	78	29	2,382	82	1,24,677	92	1,15,346	86	...	9,33
25th ditto ...	Cawnpore-Farukhabad	86	3,974	46	86	8,583	100	21,208	37	2,99,689	76	2,78,481	...
18th ditto ...	Dildarnagar-Ghazipur.	12	644	54	12	625	52	13,883	59	35,845	65	21,962	...
25th ditto ...	Rajputana-Malwa ...	981	1,94,605	198	1,117	2,39,978	215	51,90,853	136	85,04,515	176	33,13,662	...
18th ditto ...	Wardha Coal ...	45	15,093	335	45	12,898	287	2,02,092	92	4,52,729	217	2,50,637	...
18th ditto ...	Nagpur and Chhattisgarh ...	53	3,862	73	98	17,014	174	1,31,979	54	3,12,052	99	1,80,073	...
18th ditto ...	Rangoon and Irrawaddy Valley ...	161	51,404	319	161	42,036	261	11,29,089	151	12,08,491	162	79,402	...
18th ditto ...	Sindia ...	70	4,629	66	75	5,585	74	1,93,408	60	2,85,289	83	91,881	...
25th ditto ...	Punjab Northern ...	285	1,13,960	400	363	75,747	209	33,06,927	347	27,17,523	162	...	5,89,4
25th ditto ...	Indus Valley and Kandahar ...	660	91,535	138	660	88,478	134	61,79,740	200	45,61,303	149	...	16,18,4
25th ditto ...	Muttra-Achneyra ...	...	...	...	23	980	43	...	...	11,634	34	11,634	...
	TOTAL ...	2,817	5,37,360	191	3,099	5,60,747	181	1,90,35,722	167	2,13,72,843	155	23,37,121	...
	Native States.												
25th Feb. 1882	Bhavnagar-Gondal ...	192	9,934	52	192	16,059	84	55,081	42	6,90,814	87	6,34,833	...
25th ditto ...	Nizam's ...	121	11,572	96	121	13,957	115	6,14,894	109	6,83,947	122	69,053	...
11th ditto ...	Mysore	35	961	27	...	(a)	...	(b)1,698	28	(c)1,29,771	50	1,28,073	...
	TOTAL ...	348	22,467	64	313	30,016	96	6,72,573	96	15,04,532	92	8,31,959	...
	GRAND TOTAL ...	9,476	28,16,846	297	9,714	31,73,424	327	11,52,24,672	279	12,89,81,590	289	1,37,56,918	...
	GROSS ESTIMATED EXPENSES ...	...	...	...	...	...	...	5,87,59,245	142	6,33,83,948	142	...	...
	NET RECEIPTS ...	...	...	...	...	...	...	5,64,65,427	137	6,55,97,642	147	91,32,215	...

(a) Return not received. (b) Total receipts from 1st February to 12th February 1881. (c) Total receipts from 1st April 1881 to 11th February 1882.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

Comparative Statement of the Nett Indian Sea and Land Customs Revenue (excluding Salt Revenue), for the first eleven months of the official year 1881-82, and of the ten preceding years.

(IN THOUSANDS OF RUPEES.)

FOR THE ELEVEN MONTHS, APRIL TO FEBRUARY.

YEAR.	BENGAL.				BOMBAY.				SINDH.				MADRAS.				BRITISH BURMA.				TOTAL BRITISH INDIA.					YEAR.
	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	Total Import Revenue.	Export Revenue.	Total Revenue.	
1871-72 .	9,67	66,57	23,12	99,36	5,74	44,09	4,22	54,05	1,04	1,26	2,04	4,34	3,46	11,53	12,85	27,84	1,55	4,06	17,79	23,40	21,46	1,27,51	1,48,97	60,02	2,08,99	1871-72.
1872-73 .	10,92	63,46	25,56	99,94	5,11	40,48	3,39	48,98	97	1,16	1,84	3,97	3,56	11,27	10,34	25,17	2,78	4,77	28,32	35,87	23,34	1,21,14	1,44,48	69,45	2,13,93	1872-73.
1873-74 .	10,27	60,67	20,39	91,33	5,85	45,55	3,63	55,03	1,22	93	1,13	3,28	3,44	12,72	13,26	29,42	3,03	4,79	22,32	30,14	23,81	1,24,66	1,48,47	60,73	2,09,20	1873-74.
1874-75 .	10,96	70,33	17,53	98,72	6,51	45,29	4,23	56,03	1,04	83	1,48	3,35	3,37	12,30	12,41	28,08	3,49	6,30	15,44	25,23	25,27	1,35,05	1,60,32	51,09	2,11,41	1874-75.
1875-76 .	12,03	63,51	19,11	94,65	6,77	42,10	4,21	53,08	1,22	96	1,14	3,32	4,25	12,39	10,44	27,08	3,45	4,86	25,75	34,06	27,72	1,28,82	1,56,54	60,65	2,17,19	1875-76.
1876-77 .	12,01	60,19	18,90	91,10	7,78	39,36	1,09	48,23	1,34	71	31	2,36	4,93	10,96	6,20	22,09	3,81	5,04	22,10	30,95	29,87	1,16,26	1,46,13	48,60	1,94,73	1876-77.
1877-78 .	13,26	74,49	19,46	1,07,21	7,92	45,48	1,24	54,64	1,73	84	44	3,01	5,52	9,09	2,23	16,84	4,55	5,97	20,13	30,65	32,98	1,35,87	1,68,85	43,50	2,12,35	1877-78.
1878-79 .	11,97	58,52	19,35	90,04	7,78	41,56	2,17	51,51	1,75	57	29	2,61	4,98	8,56	4,41	17,95	6,03	6,56	22,33	34,92	32,41	1,16,07	1,48,48	48,55	1,97,03	1878-79.
1879-80 .	11,39	54,65	13,56	79,60	8,73	36,93	2,23	47,89	3,02	70	32	4,04	4,66	8,46	7,43	20,55	6,34	6,54	26,01	38,89	34,14	1,07,28	1,41,42	49,85	1,91,27	1879-80.
1880-81 .	12,10	54,94	15,27	82,21	8,11	51,41	2,41	61,93	4,50	1,14	23	5,87	4,89	9,62	7,08	21,59	4,42	7,72	31,74	43,88	33,93	1,24,73	1,58,66	56,73	2,15,39	1880-81.
1881-82 .	12,31	47,15	17,23	76,69	9,35	44,11	1,79	55,25	3,65	1,21	40	5,26	4,57	8,89	4,37	17,83	6,80	7,49	33,52	47,81	38,68	1,05,86	1,45,53	57,31	2,02,84	1881-82.

DEPARTMENT OF FINANCE AND COMMERCE,
STATISTICAL BRANCH;
Calcutta, 20th March 1882.

T. C. HOPE,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORT OF THE GEOLOGICAL SURVEY OF INDIA AND OF THE GEOLOGICAL MUSEUM, CALCUTTA, FOR THE YEAR 1881.

Extract from the Proceedings of the Government of India in the Revenue and Agricultural Department (Surveys),—No. 87S., under date Fort William, the 16th March 1882.

Read—

The Report of the Geological Survey of India and of the Geological Museum, Calcutta, for the year 1881, received with the Superintendent's letter dated 1st February 1882.

RESOLUTION.

The coloured map which forms the frontispiece to the Report illustrates the progress which has been made up to the present time in the various branches of the Geological Survey of India. Broadly speaking almost every portion of the British possessions, except the extensive plains of the Western Punjab, the Gangetic Valley, and Eastern Bengal, have been subjected to inspection and report by the Geological Survey.

2. The following field-work was done by the Department during the year. Mr. King, after closing his work in the Godavari region, took up the unsurveyed country in Travancore, and his examination of a tract of gneissic upland in that district has dispelled the belief formerly entertained that the rocks were auriferous. The gneissic and coastal formations of the Madura District were examined by Mr. Foote. Mr. Hacket completed his inspection of the immense stretch of country between Delhi and Neemuch, occupied by the Aravali series and the outlying rocks of the Vindhyan range. The South Rewah basin was examined for coal by Mr. Hughes, and some good seams were traced, though unfortunately they are distant from any existing line of railway. The coal-fields in the Upper Damuda Valley were visited by Dr. Feistmantel. Mr. Bose reported on the cretaceous rocks of the Narbada Valley. In Kattywar a large area was mapped by Mr. Fedden, and in Kashmir the Kishanganga Valley was examined with interesting results by Mr. Lydekker. Another officer, Mr. Oldham, was at work on the Simla region of the Himalayas, while Mr. Griesbach completed the survey of the Kumaun series up to the Nepal frontier. In the Darjeeling District some newly discovered copper beds were examined by Mr. Mallet.

3. The most important publication during the year was the 3rd Volume of the Manual of Indian Geology compiled by Mr. Ball. This last instalment of a very valuable work summarizes all that is known up to the present time as to the economic geology of India. Three parts of the Memoirs of the Department, comprising among other subjects Mr. Griesbach's explorations in Southern Afghanistan, were issued. Volume XIV of the Records of the Department, containing 28 papers of varied interest, was also published. Among these Mr. Hacket's paper on the Aravali rock series merits notice for its bearing on the unsettled problems of rock classification. Mr. King also contributed a valuable memorandum on the lower basin of the Godavari, the only tract in Southern India in which coal deposits of any considerable extent have as yet been discovered. Considerable progress was also made in the publication of maps for tracts which had been surveyed in previous years; these included an extensive area in Rajputana of which Ajmere may be taken as the centre, a portion of the Godavari basin, and detached areas near Gilgit and Kandahar.

4. At the Bologna Conference, which was held in September 1881, the Department was represented by Mr. Blanford, who has published a full account

of the proceedings in the Records. The Conference appears to have made some approach to a uniform system of nomenclature and to a universal scale of colouring for application to geological maps, and the Government of India is glad to believe that as much was accomplished as could reasonably be expected.

5. Several changes have occurred in the *personnel* of the Department. Mr. Theobald retired after a labourious service of 32 years, and His Excellency the Goverenor General in Council desires to record his sense of the value of the work done by that officer in Pegu and other parts of India. Mr. Ball also was compelled to retire on a medical pension. In acknowledgment of his services as Compiler of the Economic Section of the Manual, the Government of India has since been pleased to grant him an honorarium of Rs. 1,000.

6. Of the two Native Sub-Assistants attached to the Department, one was employed in Gwalior, and the other in investigating the coal-formation of South Rewah under Mr. Hughes' directions. Both are commended for care and industry, though doubts are expressed as to their competency for original work, for the performance of which a trained geologist is required. The Government of India reserves the expression of any decisive opinion on the results of the experiment until a longer time has been given for the trial of Native Agency. The Native Sub-Assistants in question are young, and may be expected to improve. In the meantime it is desirable that as far as possible they should work in direct subordination to a European Observer until their aptitude for independent work is better established.

7. The Department throughout the year has been administered by Mr. Medlicott, and the Government of India records its satisfaction at the efficient manner in which he has discharged his important duties.

ORDER.—Ordered, that the above Resolution be communicated to the Superintendent of the Geological Survey for information and communication to the officers of the Department, and also that it be published in the *Supplement to the Gazette of India.*

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 21st MARCH 1882.

GENERAL REMARKS.—The rainfall during the week has been confined to Assam and to one or two districts in Bombay, the Punjab and the Central Provinces.

Harvesting is in progress in almost all parts of the Madras Presidency, but the outturn of dry crops is below the average; general prospects are good. In Bombay the *rabi* harvest continues in some of the districts; scarcity of drinking water is still felt in Dharwar; in Thana there has been a number of cases of cholera, otherwise public health is generally good. The *rabi* harvest is progressing in Bengal and is expected to yield an average outturn, except in a few districts where the rainfall was deficient; preparation of lands for autumn crops going on; general health good, but small-pox continues to be reported from several places, and there is cattle disease in a few parts.

In the North-Western Provinces and Oudh hot winds have set in; general health continues good; cattle disease still exists in Kumaun and Jhánsi, and there have been a few cases of cow-pox in Benares. Harvest prospects are favourable throughout the Punjab, and the health is good; prices are now generally steady. In the Central Provinces *rabi* harvesting continues and prospects are good; a few cases of cholera and small-pox are reported, but the public health is otherwise good.

In Mysore the dry crops have been harvested, but those dependent on irrigation are suffering from scarcity of water; prospects are fairly good, although the want of drinking water and pasturage is still felt in parts; health generally good. Harvesting has commenced in most districts in Rajputana and prospects are good. There is a little cattle disease in British Burma, otherwise prospects are generally good in that Province and in Assam and Berar and Hyderabad.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—(March 22nd)		
Bellary ...	...	Standing crops, wet generally good; dry withering in parts; harvest wet and dry grains; sugarcane yield below average; fever and small-pox in parts.
Kurnool ...	...	Standing crops, dry generally good; harvest dry grains, outturn below average; cattle disease in one taluk.
Ganjam ...	...	Standing crops, gingelly and cotton thriving.
Kistna ...	...	Standing crops good; harvest dry grains; turmeric, oil-seeds and cotton outturn below average; ague, small-pox and cattle disease in parts.
Chingleput (Madras) ...	...	Standing crops under larger tanks and river channels in good condition, elsewhere backward; harvest paddy, outturn below average; agricultural operations progressing.
Coimbatore ...	...	Standing crops, wet generally good; dry suffering from want of rain and from insects; harvest wet and dry grains, outturn wet about average, dry poor; slight cholera in two taluks.
Tanjore ...	...	Standing crops good; harvest wet and dry grains, outturn below average; cholera in parts but much less severe.
Madura ...	...	Standing crops, wet suffering from blight and deficient water-supply in parts; harvest paddy, yield moderate.
Malabar ...	...	Fever and cattle disease in parts; small-pox more generally prevalent.
Travancore ...	...	Harvest paddy progressing; fever continues.
		General Remarks.—No rain anywhere; general prospects good.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bombay—(March 22nd)		
Kurrachee ...	...	Weather cloudy; river at Kotri on 20th 3¼ feet against 4 feet 1 inch on same date last year; fever in eight talukas; harvesting of *rabi* crops commenced; some damage done to crops in Dadu, Sehwan and Manjhand by frost; prices of wheat, red rice and *bajri*—in Kurrachee 22, 40 and 37, Sehwan 30, 58 and 52, Manjhand 24, 44 and 52, Mirpur Batoro 20, 56 and 56, Ghorabari 16, 44 and 44, and Tatta 23, 44 and 54 pounds per rupee, respectively.
Hyderabad ...	...	*Rabi* crops being harvested; fever in four talukas; cattle disease in taluka Mirpur; wheat 26, *jowari* 48, *bajri* 45, rice red 34, and rice white 22 pounds per rupee.
Ahmedabad ...	...	*Rabi* harvest progressing; health good; wheat 30, and *bajri* 32 pounds per rupee.
Baroda ...	...	Harvesting of *rabi* in progress; public health good; hot weather set in; prices—*bajri* 31 and rice common 24 pounds per rupee.
Surat ...	...	Cotton picking and wheat harvesting continue; *jowari* 39, and *nagli* 52 pounds.
Násik	...	Reaping of *rabi* crops completed in places; cattle disease in Igatpuri; *bajri* 44, wheat 31 and *jowari* 67 pounds per rupee.
Colaba (Bombay) ...	...	Average abnormal temperature 4° warm; abnormal wind northerly except on 19th, when it was southerly and moist; distant lightning on 21st instant.
Poona ...	...	Health good; average prices—*bajri* 48 and *jowari* 61 pounds; in Poona bazar, *bajri* 51 and *jowari* 52 pounds per rupee.
Ahmednagar ...	...	Land is being prepared for next season in Akola; *jowari*, maximum 96 pounds in Jamkhed, minimum 66 pounds in Kopergaon; *bajri* 66 lbs. in Jamkhed, and 48 in Kopergaon.
Sholapur ...	·29 on 18th	Slight cattle disease in Madha; *rabi* harvest continues; *jowari* 76 pounds 17 tolas and *bajri* 60 pounds 14 tolas.
Dharwar ...	...	Weather cloudy; wheat and gram nearly harvested; cotton-picking in progress; *rabi* and *jowari* withering in Navalgund; scarcity of drinking water in Navalgund, Gadag, Hanagal, Karajghi, Khalghatgi, and Kod; public health generally good; slight cattle disease in two talukas; rice 23 and *jowari* 61 pounds per rupee.
Kanara ...	...	Slight fever continues in some talukas; cattle disease subsiding; second crop ripening; common rice in Karwar 17 seers, in district average 17½ seers.
Rajkot ...	...	Weather hot; fever prevalent in some places; *bajri* 29, *jowari* 35 pounds.
		General Remarks.—*Rabi* harvest still in progress in some districts; scarcity of drinking water in parts of Dharwar continues; slight fever and cattle disease in a few districts; cholera in Thana 74 cases, 46 deaths; prices generally steady.
Bengal—(March 21st)		
Chittagong ...	*Nil*	Weather hot, with cold nights; prospects and yield of crops good; prices a little high; small-pox and cholera still prevail; general health good.
Dacca ...	*Nil*	State and prospects of crops continue satisfactory; health generally good.
24-Pergunnahs ...	*Nil*	Harvesting of winter crops finished, yield fair; lands are being prepared for early and *amun* crops; public health generally good; cholera of a sporadic nature reported from the Barripore sub-division.
Moorshedabad ...	*Nil*	*Rabi* crops are being cut; outturn is expected to be an average one; ploughing for next season is going on; there are cases of cholera here and there, but more especially in the town of Jungipore.
Rajshahye ...	*Nil*	Prospects of crops fair; spring crops are being harvested; land is being ploughed for paddy; price of rice stationary; cholera reported from two out-posts.
Burdwan ...	*Nil*	Such crops as are still on the ground are doing well; cholera still reported from a few villages.
Rungpore ...	*Nil*	Weather warmer; prospects of crops favourable; sugarcane still being cut; public health good.
Bhagulpore ...	*Nil*	Prospects of crops fair; *rabi* crops are being harvested; a few cases of cholera and small-pox reported.
Purneah ...	*Nil*	Deficient crops of tobacco and linseed; wheat and oats promise to be fair crops; cultivation of *bhadoi* crops in progress; cholera still prevalent in the interior.
Patna ...	*Nil*	*Rabi* harvest in progress; *rabi* prospects in the Sadr sub-division are bad; public health good.
Durbhanga ...	*Nil*	*Rabi* harvest pretty good; indigo prospects so far very good; cholera and small-pox reported from south-east of Madhubani.
Hazaribagh ...	*Nil*	Weather hot; harvesting of *rabi* crops in progress; public health generally good.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bengal—*contd.*		
Cuttack ...	*Nil*	Rain very much wanted for cultivation ; *dalua* rice ripening ; a few cases of cholera reported. *General Remarks.*—Hot weather has fairly set in throughout these provinces ; *rabi* harvest is progressing, and is expected to yield an average outturn, except in some districts where the crops suffered from want of timely rain ; preparation of lands for autumn crops going on, but rain would facilitate it ; cases of cholera and small-pox continue to be reported from several places ; cattle disease exists in a few places.
N.-W. Provinces and Oudh—		
Benares (March 21st)	*Nil*	Weather rapidly growing hotter, and the hot winds have been blowing for 3 or 4 days ; harvest operations are being vigorously carried on ; the outturn is under the average, being from 8 annas to 12 annas crop ; health of men good ; some deaths are reported in the interior of Chandauli amongst cattle from cow-pox ; bazars well supplied with food grains at moderate prices, with no material alteration from last week's quotations.
Allahabad („ 22nd)	...	Little variation in prices, tendency is to fall slightly ; harvest going on well ; general health very good, but cholera has very slightly increased.
Gorakhpur („ 21st)	...	Weather fair ; harvest well advanced in south and begun in north ; some sporadic cholera in south ; prices slightly rising.
Jhansi („ „)	...	Crops on unirrigated land nearly cut ; cutting of those on irrigated land beginning ; prices stationary ; health good ; isolated cases of cattle disease.
Agra („ „)	...	Harvest operations in progress, sugarcane being sown and irrigated by wells ; slight small-pox reported in one parganah and in the city ; general health good ; prices of gram and barley have fallen.
Bareilly („ „)	...	Crops fair except in light soil ; prices steady ; cattle and people in good condition.
Meerut („ „)	...	Strong, dusty, hot west wind ; health good ; crops ripening rapidly ; barley harvest begun ; prices stationary.
Kumaun („ „)	...	Crops good ; general health good ; small-pox in some places ; cattle disease continues.
Lucknow („ „)	*Nil*	Harvest operations in full swing ; prospects fair ; health good ; prices stationary.
Partabgarh („ „)	...	Crops are being cut, the outturn is rather above than below average ; public health good.
Cawnpore („ „)	...	Weather clear but windy in day time ; harvest operations in progress ; people healthy ; prices almost stationary.
Sitapur („ „)	...	Weather seasonable ; harvest in progress ; prices stationary ; health good.
Farukhabad („ „)	...	Harvest progressing ; prospects fair ; health good ; prices slightly fallen.
Fyzabad („ „)	*Nil*	*Rabi* nearly all safely in ; good harvest.
Rae Bareli („ 20th)	...	Weather seasonable ; off and on cloudy during the week ; harvest in progress ; prospects good. *General Remarks.*—No rain has fallen during the week and the weather was seasonable, but in some districts the hot winds have set in ; harvesting in progress in most districts ; prices are steady in Benares, Cawnpore, Sitapur, Bareilly, Jhansi, Aligarh, Meerut, and Saharanpore, and have risen slightly in Gorakhpur, but have fallen in Allahabad, Farukhabad, Moradabad, and Agra ; a few cases of sporadic cholera occurred in Gorakhpur, and cholera is slightly on the increase in Allahabad and Agra, but the general health continues good ; cattle disease continues in Kumaun and Jhansi, and some deaths have occurred amongst cattle from cow-pox in Benares.
Punjab—(March 21st)		
Delhi ...	*Nil*	Prospects good ; small-pox in city ; prices fluctuating.
Hissar ...	...	Weather seasonable ; prospects unchanged ; prices fluctuating ; health good.
Umballa ...	*Nil*	*Rabi* crops flourishing ; prices steady ; health good.
Jullundur ...	*Nil*	Crops and health good ; prices steady ; weather hot.
Lahore ...	*Nil*	Crops and health good ; prices steady.
Ferozepore ...	*Nil*	Crops and health good ; prices steady.
Sialkot ...	...	Rain wanted ; crops and health good ; prices steady.
Ráwalpindi ...	·15	Prospects fair ; fever in Attock tahsil ; prices rising.
Peshawar ...	·8	Health and harvest prospects fairly good ; prices rising.
Mooltan ...	*Nil*	Crops and health good ; prices steady.
Dera Ismail Khan ...	...	Rain wanted ; health good ; prospects fair ; prices steady. *General Remarks.*—Harvest prospects favourable ; health good, but small-pox in Delhi city, and fever in Attock, Ráwalpindi district ; prices generally steady.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Central Provinces—		
Nagpur (March 22nd)	...	Weather hot; health good; prices stationary.
Jubbulpore („ 21st)	...	Weather warm; *rabi* being reaped; isolated cases of cholera and small-pox; prices—wheat 23 seers per rupee.
Saugor („ 20th)	...	Weather cloudy; *rabi* being harvested; small-pox prevalent; prices steady.
Seoni („ 21st)	...	Weather cloudy and warm; reaping and threshing progressing; cholera and small-pox reported; prices stationary.
Khandwa („ „)	...	Weather warm; small-pox reported; *kharif* preparations continue; general health good; prices—wheat 18 seers per rupee.
Hoshangabad(„ „)	...	Weather hot; *rabi* harvesting continues; small-pox reported; prices—wheat 22 seers per rupee.
Raipur („ 18th)	·4	Weather cloudy; *rabi* being harvested; health good; few cases of cattle disease; prices—rice 52 seers per rupee.
Sambalpur („ 16th)	...	Days warm, nights cool; prospects and health good; prices—rice 56 seers per rupee.
		General Remarks.—Cloudy during early part of week with slight shower; weather warm; *rabi* harvest progressing; a few cases of cholera and small-pox; public health good; prices stationary.
British Burma— (March 18th)		
Akyab ...	*Nil*	Total rainfall ·40; 14 cases of small-pox in Akyab town; disease prevailing also in three townships, otherwise public health good; slight cattle disease.
Rangoon ...	*Nil*	Total rainfall ·34; one case of cholera, otherwise public health good.
Bassein ...	*Nil*	Total rainfall ·62; public health good.
Prome ...	...	Twelve deaths from cholera in Prome town, otherwise public health good.
Amherst (Moulmein) ...	...	Public health in Moulmein and district good; crops fair.
Toungoo ..	*Nil*	Total rainfall ·3; small-pox broken out in Toungoo town in epidemic form; 58 cases, principally children, otherwise public health good; slight cattle disease in one township.
		General Remarks.—Small-pox prevalent in Akyab and Toungoo, and some cases of cholera in a few places; otherwise public health good; a little cattle disease.
Assam—		
Gauháti (March 22nd) ...	·34	Weather getting warm; sowing of *asu* in progress; rain wanted; some cholera in north of district.
Sylhet („ „) ...	·29	Cultivation of *amun* still in progress; linseed and mustard crops are being gathered, cutting of sugarcane not yet finished; transplantation of *bura dhan* finished; prospects generally good; cholera still about and small-pox.
Cachar („ „) ...	·93	Weather very warm in the day; no more cholera reported; prices—common rice 29 1/6 seers per rupee.
Dibrugarh („ „) ...	0·84	Weather becoming hot; sowing of *ahu* commenced; public health good generally, but small-pox reported in North Lakhimpur.
Mysore and Coorg—		
Bangalore ...	...	Wet crops withering; drinking water and pasturage becoming scarce; harvesting of dry crops completed; prospects fair; prices—rice 11¼ seers per rupee, *ragi* 25, and gram 33½ seers.
Mysore ...	...	Pasturage scanty; prospects fair; prices—rice 11 seers per rupee, *ragi* 20, and horse-gram 30 seers.
Mercara ...	...	Weather hot; want of water for drinking purposes felt n some villages in the Nidta, Hobli, and Yetusavioushime taluks; season over; prices of food grains stationary; sales of cardamom and coffee very limited consequent on low prices offered; small-pox on the increase.
		General Remarks.—Wet crops suffering from scarcity of water; dry crops harvested; prospects fairly good; want of drinking water and pasturage being felt in parts of Shimoga and Hassan districts; prices—*ragi* 20 seers per rupee, in Chitaldroog 28 to 40 seers; a few isolated cases of cholera in the Hassan district.
Berar & Hyderabad— (March 22nd)		
Amraoti ...	...	Threshing of *rabi* crops in progress, yield good; wheat 18 and *jowari* 36 seers.
Akola ...	...	Weather warm; threshing continues.
Hyderabad... ...	...	*Rabi* reaping continues; *tabi* crops being weeded; scarcity of water is felt in some taluks: small-pox prevails in one taluk; fever and cattle disease in places; prices—wheat 18, coarse rice 10¼, white *jowari* 25, yellow *jowari* 31 and *tur* 31 seers per current sicca rupee.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Central India States— (March 22nd)		
Indore ...	...	Weather abnormally hot for March; variable winds; health good; agricultural prospects continue favourable; prices stationary; high wind.
Sutna ...	...	Weather hot.
Neemuch ...	...	Weather hot; prices falling; crops good; twelve cases of small-pox in cantonment, two cases reported from Neemuch district.
Goona ...	...	Crops and health good; wheat 26 seers.
Bhopal ...	...	Health and prospects good.
Agar ...		
Nowgong ...	...	*Rabi* crop is being reaped; weather cloudy and hot; cholera still prevalent in Chhatarpore State.
Munipur ...	...	Weather cloudy and warm; extracting opium twice still continues; wheat crop ready to be cut; prices stationary.
Rajputana—		
Abu (March 22nd)	...	Weather windy and slightly cloudy, getting warmer daily.
Sirohi („ 19th)	...	Tanks, wells and health good; crops very good; weather hot.
Marwar („ 17th)	...	Abundant water in tanks and wells; health and prospects good; weather cloudy; prices fluctuating; crops being gathered at places.
Meywar („ 18th)	...	Tanks, wells and health good; crops very good and being cut.
Harowti („ „)	...	Small-pox in parts, otherwise health good; wheat and barley being cut.
Jhallawar („ 15th)	...	Weather seasonable; health and prospects good.
Ajmere („ 21st)	...	Weather cloudy; harvest commencing.
Jeypore („ „)	...	Crops maturing promisingly; full average expected; health good.
Ulwar („ „)	...	Harvesting commenced; health good; wells falling.

E. C. BUCK,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

ANNUAL REPORT ON THE OPERATIONS OF THE POST OFFICE OF INDIA, 1880-81.

No. 1677, dated Fort William, the 20th March, 1882.

RESOLUTION—By the Government of India, Department of Finance ad Commerce.

Read—

Report on the operations of the Post Office in India for the year 1880-81.

RESOLUTION.—The same steady and successful rate of progress, which has characterised the administration of the Post Office for several years, has been maintained during the year under review.

2. The leading changes made included an expansion and revision of the Foreign Money Order system, the introduction of an improved system of check of postage accounts, the reduction in the minimum rate for inland parcels and of the rate of commission on value-payable articles, a careful and thorough revision of the establishment and arrangements of the Calcutta Post Office, and the successful conclusion of an arrangement for additional postal accommodation on the Great Indian Peninsula Railway. An entirely new Post Office Manual was also introduced in the course of the year.

3. The number of Post Offices increased by 112, of letter-boxes by 294, and of village postmen by 131, during the year. There are now 4,522 Imperial and 728 District Post Offices, 6,720 letter-boxes, and 2,833 village postmen, under the control of the Post Office.

Considerable success has attended the efforts made to increase the number of Post Offices by the employment of cheap agencies—a system under which schoolmasters, shop-keepers and others are entrusted with postal work, for the conduct of which a small monthly allowance is given. Attention has also been directed, especially in Bengal, to an improvement in rural deliveries, by the employment of stationary postmen to receive the mails from runners, thus saving the time formerly spent in conveying the mails to and from the Post Office.

4. The distances over which the mail was carried show no material increase, owing chiefly to the abolition of lines temporarily maintained in connection with the war in Northern Afghanistan.

5. The number of articles given out for delivery during the year has increased by about 11 per cent., and represents a total of 158,667,000. Post-cards have increased nearly 50 per cent., and now number 14,865,000; paid letters about 9 per cent., from 88,000,000 to 96,000,000; but registered letters have decreased about 10 per cent., from 3,000,000 to 2,710,000. It is satisfactory to note the increase in paid letters, as indicating that the large expansion in post-cards has not diminished the number of letters written.

The fall in the number of registered letters is explained to be due to the large expansion of the money-order business under the new system recently introduced, and it would appear that remittances formerly made by means of currency notes in registered envelopes are now to a considerable extent made by money orders.

6. The operations of the Dead Letter Office were satisfactory. The total number of articles received amounted to 3,300,000 during the year, of which only 673,000, or about 20 per cent., have not been disposed of. This result compares favourably with the results of the previous year.

7. The foreign parcel post continues to exhibit a satisfactory development. Since the introduction of the system in 1873-74, the number of parcels has increased from 22,000 to nearly 80,000.

8. The gross revenue from the sale of ordinary postage stamps amounted to Rs. 50,23,000 as compared with Rs. 49,95,000 in the previous year. The increase was chiefly from the sale of post-cards and half-anna envelopes. The reduction in 1873 in the charge for half-anna envelopes from 10 annas to 8 annas per packet of 16 envelopes has had the most marked effect on the sale of such envelopes. In 1872-73 the gross value of half-anna embossed envelopes sold amounted only to Rs. 3,106. In the succeeding year the value increased to Rs. 81,662, and the increase has been so rapid that in 1880-81 the gross number of such envelopes sold was 37,899,000, and their gross value Rs. 11,85,000. The consumption has in fact reached the maximum number procurable from

England in the year, and it has been necessary to contract for an increased supply by which 57,600,000 envelopes will in future be supplied annually.

9. The total postage revenue collected in cash has increased by about 4 per cent., owing to the change in system by which money order fees and parcel postage are credited in cash instead of in stamps. This effect will be even more marked in future owing to the rapid extension of money order business.

10. Money order business was transferred from District Treasuries to the Post Office on 1st January 1880. The increased facilities thus offered have resulted in an enormous increase of business. The monthly average value of money orders issued in 1878-79 under the old system was Rs. 7,44,000; in March 1880, under the new system, the average was Rs. 31,14,000, and for 1880-81 the monthly average value has been Rs. 38,10,000, giving a monthly average commission of Rs. 44,700. More than 4½ crores of rupees have thus been transmitted from one part of India to the other in small sums averaging Rs. 28½ for each order; and although a novel and heavy pecuniary responsibility was placed on the servants of the Department, the total sum decreed against the security fund during the year on account of defalcations in this branch of business amounted to less than Rs. 1,500. As remarked by the Director General, satisfactory evidence is thus afforded of the honesty of the natives of the country, who naturally form the great bulk of Post Masters in India.

11, The total value of articles insured increased from about 7 to about 8 crores of rupees during the year, while losses of every kind amounted in all to Rs. 10,404.

12. Six thousand four hundred and sixty-three complaints were made by the public during the year. A large number of complaints were really inquiries relative to the new branch of money order business. It is satisfactory to observe that complaints of loss of articles posted in registered letters fell to 295 as compared with 441 in the previous year.

13. The financial results of the year compare favourably with those of the previous year, the net postal revenue, after payment of all charges, having increased from Rs. 10,96,000 to Rs. 11,19,000 during the year. But if the cost of railway service, English stores, marine subsidies, pensions and other additional charges is added, the surplus is changed into a deficit of nearly 3 lakhs of rupees.

14. The following table, extracted from paragraph 61, exhibits the general progress of the Department:—

Year.	Comparison of number of letters and newspapers (those of 1855-56 being represented by 100).	Comparison of revenue from private correspondence (that of 1855-56 being represented by 100).	Comparison of expenditure (that of 1855-56 being represented by 100).
1855-56 first complete year of new rates...	100	100	100
1870-71 sixteenth ditto ...	257	235	175
1879-80 twenty-fifth ditto ...	428	417	234
1880-81 twenty-sixth ditto ...	476	452	252

15. The thanks of the Government of India are due to Mr. Hogg for his able and energetic administration of the Department.

The work done by the officers* of the Department, mentioned in paragraph 62 of the report, also deserves public acknowledgment.

* Mr. H. E. M. James.
Mr. Chandulal Mathuradas.
Mr. S. Sullen.
Mr. F. P. Williams.
Mr. Sutherland.

ORDERED, that this Resolution be communicated to the Director General of the Post Offices of India, and that the Report and the Resolution be published in the *Gazette of India*.

R. LOGAN,

ANNUAL REPORT

ON THE

OPERATIONS OF THE POST OFFICE OF INDIA

FOR THE YEAR

1880-81.

No. 10560 dated 29th December 1881.

From—F. R. Hogg, Esq., *Officiating Director General of the Post Office of India,*
To—*The Secretary to the Government of India,* Department of Finance.

I have the honour to submit the Annual Report on the operations of the Post Office of India during the year 1880-81.

UNIVERSAL POSTAL UNION.

2. Eight more countries joined the Universal Postal Union as shown below:—

Countries belonging to the Universal Postal Union on the 31st March 1880.

Argentine Republic.
Austria.
Belgium.
Brazil.
British India.
Bulgaria.
Denmark.
Danish Colonies.
Egypt.
France.
French Colonies.
Germany.
Great Britain.
British possessions, *viz.*:—
Bermuda.
British Guiana.
British Honduras.
Canada.
Ceylon.
Cyprus.
Falkland Islands.
Gibraltar.
Gold Coast.
Heligoland.
Hong-Kong.
Labuan.
Malta.
Mauritius.
Newfoundland.
Straits Settlement.
West Coast of Africa.
West Indies, *viz.*:—
Antigua.
Dominica.
Jamaica.
Montserrat.
Nevis.
St. Christopher.
Trinidad.
Virgin Islands.
Greece.
Holland.
Dutch Colonies.
Honduras.
Hungary.
Italy.
Japan.
Liberia.
Luxembourg.
Mexico.
Montenegro.
Norway.
Persia.
Peru.
Portugal.
Portuguese Colonies.
Roumania.
Russia.
Salvador.
Servia.
Spanish Colonies.
Sweden.
Switzerland.
Turkey.
United States of America.
Venezuela.

Countries admitted to the Universal Postal Union during the year 1880-81.

		Date of admission.
South America	Ecuador Uruguay	1st July 1880.
West Indies	Republic of San Domingo	1st October 1880.
British West Indies	Grenada Santa Lucia Tobago Turks' Island Bahamas	1st February 1881.

FOREIGN MONEY ORDERS.

3. Money order arrangements were concluded with the undermentioned countries, exchanges being introduced from the dates indicated :—

Ceylon	1st October 1880.
South Australia West Australia New South Wales Queensland	1st April 1881.

4. A revision was also made of the previously existing money order arrangements as respects the countries noted in the margin ; this revision consisted in raising the maximum limit of a single money order from £10 to £20 and in reducing the commission payable by remitters.

Germany.	Italy.
Belgium.	Denmark.
Netherlands.	Luxembourg.
Switzerland.	Heligoland.

SEA COMMUNICATION WITH EUROPE.

5. Communication by sea between India and Europe is a service which has always been treated as distinct from the Indian Inland Post to which this report relates. Nevertheless, it is usual to give some information respecting the cost of maintaining this communication. Sea postage, whether collected in India or Great Britain, is deducted from the cost of the service by sea, and the balance or net cost is made a charge in equal shares between the two countries. The Indian share of the net loss since the year 1869-70 is exhibited below :—

	£	
1869-70	73,110	Adjusted amounts as explained above. The increase in 1876-77 and following years was caused by the reduction of postage carried out on 1st July 1876, when India entered the Union. The increase in 1879-80 is due to the reduction of postage introduced from 1st April 1879 under the convention of Paris.
1870-71	69,150	
1871-72	68,110	
1872-73	61,072	
1873-74	54,770	
1874-75	57,170	
1875-76	53,125	
1876-77	66,685	
1877-78	70,749	
1878-79	71,051	
1879-80	88,160	The final calculation of the sum properly belonging to this year not having been received from London the amount shown has been estimated.
1880-81	71,051	

Day of departure from Bombay of the weekly overland mail steamer.

6. Last year's report contained an account of the new contract with the Peninsular and Oriental Company for the conveyance of the East India and China mails, which came into force on the 1st February 1880. Considerable controversy arose as to the day on which the weekly homeward bound steamers were to quit Bombay, each mercantile centre advocating its own interests. Eventually Saturday evening was selected as a fixed day throughout the year. But this settlement having given satisfaction neither to the community of Bombay nor to the public in Great Britain, representations were made to Her Majesty's Secretary of State for India, which resulted in evening departures from Bombay on Thursday in the fair season and on Tuesday in the monsoon being fixed. This change took place with effect from February 1881. Exception to the new arrangement was promptly taken by the public of Calcutta, whose principal

foreign mail thus fell for despatch on Monday in the fair season, and on Saturday in the monsoon. This vexed question still remains unsettled, it being practically impossible to harmonise all the conflicting interests involved both in India and in the United Kingdom.

LOCAL STEAM SERVICE.

7. The changes made during the year in the Local Steam Services have been made the subject of remarks opposite the entries affected thereby in the following statement:—

By the British India Steam Navigation Company.	
(1.) Weekly communication between Calcutta and Rangoon *viâ* Chittagong and Akyab, with a provisional fortnightly extension to Kyouk-Phyoo, pending the arrangement of a local service for that port: and a weekly service with Bassein on outward trips during the fair season. (2.) Fortnightly communication between Calcutta and Rangoon *viâ* Akyab. (3.) Weekly communication between Calcutta, Rangoon and Moulmein. (4.) Five-weekly communication between Rangoon, Penang and intermediate ports, the vessels running in connection with lines Nos. 1 and 5. (5.) Weekly communication between Moulmein and Singapore *viâ* Penang and Malacca. (6.) Weekly communication between Madras, Rangoon and intermediate ports on the north-east coast. (7.) Weekly communication between Calcutta and Bombay, touching at intermediate ports on the Coromandel and Malabar Coasts. (8.) Semi-weekly communication between Bombay and Karachi, with a weekly continuation to the Persian Gulf. (9.) Four weekly communication between Aden and Karachi . (10). Four weekly communication between Calcutta and Port Blair with extensions to Camorta and Rangoon.	Nos. 1 to 9 are under the control of the Indian Post Office by which a subsidy of Rs. 7,25,000 per annum is paid. No. 2. This line was abolished in consequence of alterations effected last year on line No. 1 by which Akyab got a weekly service. No. 3. An acceleration was effected in the rate of speed on this line, the Company undertaking to perform the voyage, when practicable, from Calcutta to Rangoon in 84 hours instead of 98½ hours (the contract time). Nos. 5 and 6. Fortnightly communication only is provided for under contract, the additional trips being performed by the Company on its own account. No. 10 is under the control of the Military Department, the consideration given being not in the form of subsidy but of guaranteed rates for the transport of Government stores.
By other Agencies.	
(11.) By the Irrawaddy Flotilla Company, a weekly communication between Rangoon, Mandalay and intermediate ports, with a monthly extension to Bhamo, the subsidy being Rs. 5,000 per mensem. (12.) By the Irrawaddy Flotilla Company, a semi-weekly communication between Rangoon and Bassein on a monthly subsidy of Rs. 1,500. (13.) By the Burmese Steam Tug Company a fortnightly communication between Moulmein, Tavoy and Mergui on a monthly subsidy of Rs. 1,500.	Nos. 11 to 13 are under the control of the Chief Commissioner of British Burmah, the Post Office contributing a portion (Rs. 500 per mensem) of the subsidy for No. 12.
(14.) By Jardine, Matheson and Co. (of Hong-Kong) and Apcar and Co., (of Calcutta), a monthly communication between Calcutta, the Straits and Hong-Kong, the dates of departure being regulated primarily with reference to the Calcutta opium sales.	No subsidy for No. 14.
(15.) By the Euphrates and Tigris Steam Navigation Company, weekly communication between Busreh and Bagdad.	No. 15 is under the control of Her Majesty's Secretary of State for India, the subsidy is £300 per mensem. The contract came into force on the 1st January 1876, and will end on the 30th April 1884. Steamers run in connection with line No. 8. Weekly communication has been introduced in supersession of the previous service working thrice a month.
(16.) By the Irrawaddy Flotilla Company daily communication between Prome and Thyetmyo on a monthly subsidy of Rs. 500.	No. 16 is under the control of the Chief Commissioner, British Burmah, and began working in June 1879. The Post Office contributes a portion (Rs. 125 per mensem) of the subsidy.
(17.) By the Peninsular and Oriental Steam Navigation Company, fortnightly communication between Bombay and Galle. (18.) By the Peninsular and Oriental Steam Navigation Company, fortnightly communication between Calcutta and Galle touching at Madras.	Nos. 17 and 18 are non-contract lines maintained by the company on its own account in connection with the China and Australian mail services. The Post Office pays by weight for the conveyance of mails forwarded by these non-contract services.

8. A service worked by local native boats is maintained by the Ceylon Government between Point Calimere on the Indian side and Kankesanturai on the Ceylon side.

PARCEL POST CONFERENCE.

9. A conference took place at Paris in October 1880, with the object of arranging a system for the international exchange of parcels. This conference was attended by delegates from most of the important countries who compose the Universal Postal Union; and India also had its representative. A convention was prepared which adopted 3 kilogrammes (6½ lbs) as its unit, and fixed that weight also as its maximum limit. Under this scale one uniform charge governs all parcels, whether heavy or light, and no parcel weighing more than 6½ lbs can be accepted for transmission by the Post Office. India already possesses special foreign post arrangements under which parcels can be sent to the United Kingdom, and to certain other countries in Europe and Asia, up to a maximum weight of 50lbs, at a charge to the public of 8 annas or 1 shilling per lb. Deeming its existing arrangements more convenient to the public than those adopted by the convention, India declined to ratify the treaty.

NEW POST OFFICE MANUAL.

10. Since the issue of the last Post Office Manual in 1873, the advance of the Indian Post Office has been rapid. Not only has there been natural expansion as respects correspondence, but additional classes of responsibilities have also been undertaken. Thus, the value-payable and insurance systems have been introduced, posting certificates given, and acknowledgments for registered letters and parcels obtained when demanded by the public, and the management of the money order business taken over. Necessarily, therefore, the method of conducting Post Office work has been considerably modified. Formerly post-masters were never allowed to keep money in deposit, immediate payment of collections into the treasury being the prevailing rule. Now every Post Office must retain a certain amount of cash in hand to meet demands from the public. Moreover, the enormous development of money order and other extraneous branches of Post Office business imperatively demanded a simplification of system coupled with a reduction of clerical work. Shorter periods for the submission of accounts had also to be arranged. An entirely new Post Office Manual was, therefore, framed, which embodied all the changes of the past nine years and introduced the needed reform of system.

EXAMINERS OF HEAD OFFICE ACCOUNTS.

11. One important change effected by the new Post Office Manual was the abolition of letter bills, parcel bills, and claim bills, together with the provision of a new system of check by the employment of examiners of head office accounts. In other words, the check of postage accounts, in lieu of being concentrated in one central office, is now exercised on the spot by examiners, who compare the books kept by head offices with the original documents from which they were compiled and verify the entries recorded.

REDUCTION IN THE MINIMUM RATE FOR INLAND PARCELS.

12. With effect from 15th August 1880 the minimum rate of postage for inland parcels was reduced from eight annas for a parcel not exceeding 40 tolas to four annas for a parcel not exceeding 20 tolas in weight.

REDUCTION OF RATE OF COMMISSION ON VALUE-PAYABLE ARTICLES.

13. Also, with effect from the 1st August 1880, the rate of commission charged on the realization of the value of parcels and registered book packets sent under the "value-payable" system was reduced by one-half (*i. e.*, from two per cent. to one per cent.), and thereby assimilated to the rates of commission charged on the issue of money orders. The number of Post Offices to which the system applied was also considerably extended.

INDIAN POSTAL GUIDE.

14. This publication first appeared in April 1869, when it was sold to the public at a cost of Rs. 1-8 per copy. In April 1873 the price was reduced to one rupee. A further reduction to eight annas was made in December 1879, and since August 1880 the Indian Postal Guide has been sold at four annas. An effort to disseminate postal information among the rural population was made, by the issue, in some parts of India, of a vernacular Postal Abstract, comprising the more important rules, rates, and conditions of the Inland Post. This publication was distributed gratis.

REVISION OF THE CALCUTTA POST OFFICE.

15. A very careful revision of the establishment attached to the Calcutta Post Office, and of the arrangements for local delivery was made by the Post Master General of Bengal during the year under review. This revision comprised the appointment of an Assistant Post Master, a thorough re-organisation of the constitution of the branch offices attached to the General Post Office, and the creation of three new branch offices. Additional facilities in respect to posting were given, and the delivery of local correspondence accelerated. These measures were sanctioned with effect from the 1st April 1881.

ADDITIONAL ACCOMMODATION ON THE GREAT INDIAN PENINSULA LINE OF RAILWAY.

16. Since the year 1870 a need for additional postal accommodation on the Great Indian Peninsula Railway has existed, but, notwithstanding frequent negotiation, the department had been unable to obtain satisfactory terms. In January last, an arrangement was concluded which provided ample space both for the daily ordinary and for the weekly overland mail,—a lump monthly payment having been agreed to, which includes every description of charge except that incurred for the use of special engines, the demand for which is necessarily irregular. A question of ten years' standing was thus brought to a satisfactory termination.

WAR IN AFGHANISTAN.

17. Throughout the year, postal arrangements had to be maintained in connection with the military occupation of Afghanistan. On the evacuation of Kabul in August 1880, the temporary postal circle that had been formed in Northern Afghanistan was abolished, and a new circle created for Southern Afghanistan, where the British Army was for the most part concentrated. It was not till the evacuation of Kandahar in April 1881, and the return of the greater portion of the troops to India, that the pressure on the resources of the postal department materially abated.

SECTION I.—POST OFFICES, LETTER BOXES AND VILLAGE POSTMEN.

18. On the margin is given a table exhibiting the number of Post Offices, letter-boxes and village postmen at the close of the years 1879-80 and 1880-81. Further details relating to each postal circle will be found in Appendix No. I. It was not till the latter half of the year that restrictions against increased expenditure arising out of the financial pressure were partially removed: the progress made after the removal of those restrictions was great. Efforts were directed towards the multiplication of Post Offices by the employment of cheap agencies. Under this system school-masters, shop-keepers, Government pensioners and others are entrusted with postal work, for the conduct of which a small monthly allowance is given. This is an economical method of extending postal facilities to places which are too poor to support an independent Post Office: and the success already attained in this direction promises a considerable future development of the cheap agency system. Attention, especially in Bengal, was further given to the important subject of rural delivery, stationary postmen having been appointed who receive their mails from runners, thus saving the time formerly spent in going to and from the Post Office. Village postmen were also entrusted with the duty of registering letters, thus extending facilities for registration to small places unprovided with a local Post Office.

	No. at close of 1879-80.	No. at close of 1880-81.	Increase.
Post Offices . . .	4,410	4,522	112
Letter-boxes . . .	6,426	6,720	294
Village Postmen . . .	2,702	2,833	131

SECTION II.—POSTAL LINES.

19. Annexed on the margin is a statement shewing the distances over which the mail was carried by the several methods of conveyance. Appendix No. II contains the usual statistics for each postal circle. The decrease under the heads of "mail cart, &c.," and "runners" is due mainly to railway extension, but partly also to the abolition of lines temporarily maintained in connection with the war in Northern Afghanistan. A list of extensions under the head of railway is given below:—

Year.	Railway.	Mail cart, horse and camel lines.	Runners and boats.	Sea.	Total.
1879-80 . .	8,606	3,042	32,284	14,308	58,240
1880-81 . .	9,455	2,635	31,962	14,308	58,360
Increase . .	849	...	...	...	120
Decrease . .	...	407	322	...	...

		Miles.	Miles.
Madras—	Chingleput to Conjeeveram	22	57
	Bangalore to Chinnaputna	35	
Bombay—	Bhavnagar to Wadhwan	105	205
	Miyagam to Dabhoi	20	
	Dhoraji to Dhola	80	
North-Western Provinces	Cawnpore to Fatehgarh	84	96
	Dildarnagar to Tarighat	12	
Punjab and Sind—	Rattial to Hajishah	110	195
	Hurriah to Miani	15	
	Farnal junction to Jand	60	
	Sibi to Nari-Gorge	10	
Central Provinces—	Nagpur to Tumsar	53	66
	Dowhali to Tirora	13	
Rajputana—Raipur to Palanpur			168
Central India—Jaora to Neemuch			62
			849

SECTION III.—CORRESPONDENCE.

20. Appendix No. III contains an estimate of the number of articles given out for delivery in each postal circle, while the results for the whole of India are summarised on the margin. Each heading exhibits growth and the total per centage of increase, amounting to nearly 11 per cent., is very satisfactory.

Year.	Letters (including Post cards.)	Newspapers.	Parcels.	Books and Pattern Packets.	Total.
1879-80 . .	128,567,058	11,251,021	1,074,262	2,085,303	142,977,644
1880-81 . .	143,538,105	11,942,304	1,080,868	2,105,579	158,666,856
Increase . .	14,971,047	691,283	6,606	20,276	15,689,212
Per centage of Increase.	11·64	6·14	·61	·97	10·97

21. A further analysis of the returns relating to letters and post-cards is tabulated on the margin. Post-cards were introduced into India on the 1st July 1879, so that the figures for 1880-81 have been compared with those of nine months only during the preceding year. Taking the same period of time for both years the increase has been very nearly 50 per cent. Side by side with this large increase paid letters have progressed to the extent of no less than 9·21 per cent., a result which tends to shew that the progress of letter-writing in India has not been diminished by the recent introduction of post-cards. The fall in the number of registered letters is doubtless due to the large expansion of the money order business under the new system introduced by the Post Office. Remittances which used to be sent by currency notes in registered envelopes are now to a considerable extent transmitted as money orders.

Year.	Post-cards.	Letters Paid.	Letters Unpaid.	Letters Registered.	Total.
1879-80 . .	7,471,984	87,973,330	30,099,109	3,022,635	128,567,058
1880-81 . .	14,865,121	96,075,668	29,884,636	2,712,680	143,538,105
Increase .	7,393,137	8,102,338	.....	.....	14,971,047
Decrease .	.....	.....	214,473	309,955	.....
Per centage of increase.	98·94	9·21	.....	.....	11·64
Per centage of decrease.	.....	.....	·71	10·25	.....

22. Under the head of parcels in the above returns all parcels, foreign as well as inland, have been included: the statement given below relates solely to the foreign branch of this business:—

FOREIGN PARCELS.

Parcel Exchanges.	Total number of Parcels.		Average weight of each Parcel.		Net revenue derived by the Indian Post Office after deductions of Customs duty and sums due to Peninsular and Oriental Company.	
	1879-80.	1880-81.	1879-80.	1880-81.	1878-80.	1880-81.
With United Kingdom.	No.	No.	lb. oz.	lb. oz.	Rs.	Rs.
To India	48,593	52,018	5 11·68	6 0·42	87,654	95,5[illegible]
From India	19,113	21,494	2 14·53	2 13·97	21,209	23,9[illegible]
	67,706	73,512	4 14·93	5 1·67	1,08,863	1,19,48[illegible]
With Continent of Europe.						
To India	1,238	1,458	6 9·88	6 13·63	2,384	2,888
From India	2,147	2,906	4 9·97	4 14·12	3,186	4,560
	3,385	4,364	5 5·64	5 8·65	5,570	7,449
With Ceylon, Aden & Straits.						
To India	258	325	2 0·76	2 8·04	192	370
From India	1,476	1,481	4 3·90	3 8·05	3,459	2,911
	1,734	1,806	3 14·67	3 5·17	3,651	3,281
TOTAL	72,825	79,682	4 14·86	5 1·41	1,18,084	1,30,219

23. The foreign parcel post was instituted in the year 1873-74. Since then its yearly progress has been very marked, as will be seen from the following summary:—

	No. of Parcels.
1873-74	21,923
1874-75	25,563
1875-76	35,819
1876-77	45,325
1877-78	59,095
1878-79	69,534
1879-80	72,825
1880-81	79,682

24. The correspondence entered in the table given on the margin of paragraph 20, was disposed of as follows:—

Sent out for delivery	158,666,856
Received back undelivered	5,691,601
Balance actually delivered	152,975,255
Sent to Dead Letter Offices	2,574,645
	155,549,900

NOTE.—Of the number received back undelivered, some are subsequently delivered under re-issue, the remainder being sent to Dead Letter Offices.

25. *Foreign correspondence* has already been included in the general statistics referred to in paragraph 20, but it is specially dealt with in the table given on the margin. It should be explained that the figures are derived from statistics of bulk weight. By actual enumeration extending over a few mails the number of articles of each class that make up on the average one pound of weight are ascertained, and by the results thus obtained the figures for the year and for succeeding years are deduced from the gross weight of the mail bags. A fresh enumeration has recently been taken: and the results yielded by the new assessment have so altered the averages on which previous assessments were worked out as to destroy the value of the returns for the purposes of comparison. I have therefore deemed it best, on the whole, to attempt no contrast between the figures for the year under report and those for the previous year, but to confine the return to those statistics which relate to the year 1880-81.

	Estimated aggregate number.
	1880-81.
Despatched from India to the United Kingdom—	
Letters (including Post cards)	2,242,289
Newspapers	286,434
Books	425,405
Received in India from the United Kingdom *viâ* Brindisi—	
Letters (including Post-cards)	2,605,957
Newspapers	2,041,508
Soldiers' letters	189,000
Books	1,612,460
Grand Total — Letters (including Post-cards)	4,848,246
Grand Total — Newspapers	2,327,942
Grand Total — Soldiers' letters	189,000
Grand Total — Books	2,037,865
Despatched from India to Foreign countries other than the United Kingdom—	
Letters (including Post cards)	614,707
Other articles	209,234
Received in India from Foreign countries other than the United Kingdom—	
Letters (including Post-cards)	585,818
Other articles	393,788
Grand Total — Letters (including Post-cards)	1,200,525
Grand Total — Other articles	603,022

26. *Dead Letter Offices.*—On the 1st July 1880 a new Dead Letter Office was opened at Dinapore for the province of Behar. Appendix IV contains the usual statistics relating to the working of the several Dead Letter Offices of which the following is an abstract:—

Dead Letters.			Number.		Per centage.	
			1879-80.	1880-81.	1879-80.	1880-81.
Total number of articles received in Dead Letter Offices			2,925,764	3,301,154		
	1879-80.	1880-81.				
Deduct—						
Articles issued by Dead Letter Offices for delivery to the addressees or senders and received back again as undeliverable	151,419	170,308				
Articles transferred to other Dead Letter Offices	633,281	766,296	784,700	936,604		
Net receipts to be disposed of by the Dead Letter Offices			2,141,064	2,364,550	100	100
Articles disposed of by the Dead Letter Offices, less the proportion of articles returned undelivered. — Disposed of by re-direction to addressees			259,916	341,308	12·14	14·43
Articles disposed of by the Dead Letter Offices, less the proportion of articles returned undelivered. — Disposed of by return to senders			1,223,080	1,350,134	57·12	57·10
Articles undisposable and deposited as dead			658,068	673,108	30·74	28·47

27. It is the duty of a Dead Letter Office in the first instance to try and trace the addressees, and, failing success, then to endeavour to discover the senders of articles which the ordinary establishment have been unable to deliver. More than 70 per cent. of the articles received were disposed of by he Dead Letter Office during the year, in one or other of the above ways.

28. *Postage stamps.*—Figures indicating the sale of postage stamps of each denomination for the several postal circles are contained in Appendix No. V (ordinary stamps) and Appendix No. VI (service stamps): the following statement includes the sale for the whole of India:—

Ordinary Postage Stamps		½-anna Post-cards.	¼-anna Post-cards.	9-pie Soldiers' Envelopes.	9-pie Labels.	½-anna Envelopes.	1-anna Envelopes.	½-anna Labels.	1-anna Labels.	2-anna Labels.	4-anna Labels.	6-anna Labels.	8-anna Labels.	12-anna Labels.	1-Rupee Labels.	Gross value.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1879-80	Value of each kind of stamps sold	1,26,635	11,640	1,783	24,384	11,02,382	10,269	12,42,664	3,74,201	2,98,437	10,20,221	69,415	3,21,023	39,597	3,51,694	49,94,345
	Proportion of each to whole value of stamps sold	2·53	·23	·04	·49	22·07	·20	24·89	7·50	5·98	20·42	1·39	6·43	·79	7·04	100
1880-81	Value of each kind of stamps sold	2,07,513	6,298	2,465	17,784	11,84,316	9,187	12,67,601	3,45,179	2,31,931	9,36,636	37,994	2,70,287	39,389	4,66,371	50,22,951
	Proportion of each to whole value of stamps sold in previous year	4·15	·13	·05	·36	23·71	·18	25·38	6·91	4·64	18·76	·76	5·41	·79	9·34	100·57

Service Postage Stamps.		½-anna Post-cards.	9-pie Labels.	½-anna Labels.	1-anna Labels.	2-anna Labels.	4-anna Labels.	8-anna Labels.	Gross value.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1879-80	Value of each kind of stamps sold	28	80	2,97,505	6,98,394	1,03,629	1,34,303	1,06,150	13,40,089
	Proportion of each to whole value of stamps sold	...	...	22·20	52·12	7·74	10·02	7·92	100
1880-81	Value of each kind of stamps sold	8,068	41	2,86,107	6,95,549	98,761	1,37,441	1,05,114	13,31,081
	Proportion of each to whole value of stamps sold in previous year	·64	...	21·34	51·90	7·36	10·25	7·84	99·33

29. Measures were taken to effect an entire revision of all classes of postage stamps, including the introduction of two new denominations of stamps. The result of this revision will find its place in the next annual report.

30. *Embossed envelopes.*—A few observations are called for on the subject of ½-anna envelopes. Prior to the year 1873 these used to be sold at a cost of 10 annas per packet of 16 envelopes: but in that year the Government, wishing to encourage the habit of prepayment among the native population and to induce them to use covers of a proper size and texture, ordered the supply of embossed envelopes at a charge represented by the value of the stamps borne by them. This led to a largely enhanced demand, which has since been steadily on the increase as the marginal figures will show. The consumption having attained the highest amount procurable from England in the year (35,712,000 envelopes), a new contract was entered into providing as a maximum annual supply for 120,000 reams, being the equivalent of 57,600,000 envelopes. And at this enhanced rate the envelopes have been received month by month since January 1881.

Sale of half anna Embossed Envelopes.	Gross Number.	Gross value.
		Rs.
1871-72	106,021	4,177
1872-73	99,391	3,106
1873-74	2,613,195	81,662
1874-75	5,804,140	1,81,380
1875-76	11,046,006	3,45,190
1876-77	17,915,653	5,59,864
1877-78	25,163,257	7,86,852
1878-79	30,872,300	9,64,759
1879-80	35,276,216	11,02,382
1880-81	37,898,120	11,84,316

31. Below is given a statement which compares the proportion of revenue collected in cash and stamps since the year 1874-75:—

	1874-75.	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Total postage revenue...	100	100	100	100	100	100	100
Cash	31·23	30·97	30·71	29·33	26·62	24·86	28·74
Proportion derived from ordinary stamps ...	52·08	52·37	52·29	53·87	57·30	58·76	55·91
Proportion derived from service stamps ...	16·69	16·66	17·00	16·80	16·08	16·38	15·35

32. As explained in the last annual report, the change of system under which money order fees and parcel postage are credited in cash instead of in stamps has produced the effect of swelling the proportion of revenue realised in cash and reducing that derived from stamps. This effect will be still more marked in next report, when the change will have operated over a large portion of the year.

SECTION IV.—DISTRICT POSTS.

33. The organization called the District Post originated in the need for establishing the means of official communication between the head-quarters of each district and the police and revenue stations in the interior. Provision for its maintenance is made in some places by local cesses and in others by Imperial grants of money. Although never administered by this Office, the management of the District Post has for several years rested in the hands of provincial Post Masters General, working under the direction of the several Local Governments. Almost the only exception to this rule is British Burma, where the control still remains with district officers. But steps are in progress for the gradual utilization there also of the local officers of the Imperial postal service for the supervision of District Post arrangements. Postal development has hitherto been very slow in Burma: and it is to be hoped that the extension to that Province of the system referred to will be attended with the same success that has marked its introduction in other parts of India.

34. Appendix No. VII contains returns of correspondence exchanged between the Imperial and District Posts. The usual figures are given in the following statement: but as explained in previous reports, these figures cannot wholly be depended upon either for completeness or accuracy owing to the variety of systems followed in different localities and the absence of a central office of account.

Names of Postal Circles.		Number of District Post Offices and Receiving Offices.	Number of District Post Village Postmen and Postmen.	Number of District Post Letter-Boxes.	Distance in miles of District Post lines.	Local Cess.	Grant from Imperial Revenue.	Expenditure.	Articles received from the Imperial and District Posts for delivery by the District Post.	Articles posted in the District Post for despatch to the Imperial or District Post.	Articles returned by the District to the Imperial Post undelivered.	Percentage of those returned on the total number received for delivery by the District Post.
						Rs.	Rs.	Rs.	No.	No.	No.	
Bengal	1879-80	173	...	150	7,017	1,58,594	...	1,54,072	704,726	654,561	37,069	5·26
	1880-81	173	...	174	7,342	1,63,392	...	1,64,670	771,360	684,541	41,287	5·35
Madras	1879-80	6	862	604	2,947	...	1,08,630	1,05,437	1,241,655	466,347	61,404	4·99
	1880-81	6	864	594	2,974	...	1,08,630	1,07,466	1,434,592	4,67,800	62,591	4·36
Bombay	1879-80	2	504	576	128	...	86,964	85,755	808,362	212,826	49,425	6·11
	1880-81	2	504	590	128	...	86,292	86,729	905,199	247,810	48,612	5·37
North-Western Provinces	1879-80	296	439	39	6,320	95,516	54,036	1,49,552	765,216	674,236	47,229	6·17
	1880-81	274	428	48	6,320	95,516	54,036	1,49,552	838,332	748,445	54,135	6·46
Punjab	1879-80	19	371	61	4,332	72,411	45,000	1,08,984 (f)	44,590	46,225	2,525	5·66
	1880-81	19	369	44	4,277	81,391	45,000	1,08,121 (f)	57,233	57,682	3,307	5·78
British Burma (a)	1879-80	4	4	47	1,734	8,781	...	8,781	7,663	5,481	153	2·00
	1880-81	4	4	55	1,985	15,090	...	15,090	10,635	5,658	308	2·90
Central Provinces	1879-80	48	76	40	2,217	41,123	18,192	53,536	121,916	114,255	11,109	9·11
	1880-81	50	72	43	2,246	39,566	19,619	57,425	145,237	140,476	13,383	9·21
Oudh	1879-80	72	227	93	1,093	39,300	...	35,669	248,025	215,582	26,001	10·48
	1880-81	48	229	97	1,067	36,500	...	34,670	227,035	199,808	24,147	10·63
Rajputana	1879-80	9	9	2	143	790	4,600	4,208	23,978	23,283	1,140	4·75
	1880-81	9	9	2	143	794	4,000	4,617	30,243	22,832	1,453	4·80
Assam	1879-80	16	5	4	680 (e)	13,271	744	13,856	27,188	24,308	2,318	8·53
	1880-81	15	7	4	705 (e)	15,010	750	14,471	43,118	33,936	2,945	6·83
Behar	1879-80	81	...	48	3,357	86,089	...	77,366	322,699	308,812	24,782	7·68
	1880-81	86	1	52	3,340	79,906	...	82,024	372,646	329,890	34,982	9·38
Eastern Bengal	1879-80	42	...	19	1,497	41,939	...	43,872	200,114	183,803	8,818	4·41
	1880-81	42	...	20	1,506	42,497	...	45,780	218,020	198,398	10,027	4·60
Total	1879-80	768 (b)	2,497 (c)	1,683	31,465 (d)	5,57,814	3,18,166	8,41,088	4,506,132	2,929,719	271,973	6·04
	1880-81	728	2,487	1,723	32,033	5,69,662	3,18,327	8,70,615	5,053,650	3,137,276	297,177	5·88

(a). The District Post in British Burma is entirely under the control of the district officers.
(b). Including 8 Post Offices omitted in Bengal and excluding 10 excess shewn in Central Provinces in 1879-80.
(c). Including 1 village postman less shewn in Rajputana in 1879-80.
(d). Including 204 miles in Bengal and 30 miles in Eastern Bengal less shewn, and excluding 71 miles in Punjab, 2 miles in Rajputana and 103 miles in Behar excess shewn in 1879-80.
(e). The distance in the rainy season was 865 miles in 1879-80 and 917 miles in 1880-81.
(f). On purely District Post Establishment Rs. 90,516 in 1879-80 and Rs. 89,653 in 1880-81, besides an annual subsidy for the Dera Ismael Khan and Chickawatni hill cart line of Rs. 18,468 in each year.

NATIVE STATES.

35. But little improvement has taken place in the relations between the ImperialPost and Native States to which reference was made in the last annual report. An effort to take over the management of the Anche or Mysore district post proved unsuccessful. Negotiations for a more satisfactory exchange of correspondence with the Native Post Office orgainzation in Hyderabad, Deccan, under a special arrangement were opened but not concluded. Several offices and lines were established in the Tributary Mehals of Orissa, called the Gurgut, under special arrangement with the local Rajahs and Chiefs, and a few offices were experimentally opened in Central India.

SECTION V.—MONEY ORDERS.

36. Money order business was transferred from the Treasury Department to the Post Office with effect from the 1st January 1880. Facilities for this description of remittance were thus, for the first time, extended to the interior of districts, and this, coupled with other advantages offered by the Post Office, led to a very considerable increase of business, as the following figures will shew :—

Inland money order transactions.

	Number of Money Orders issued.	Value of Money Orders issued.	Commission realized.
	No.	Rs.	Rs.
Monthly average for the year 1878-79 under the old system	20,605	7,43,727	8,823
Figures for March 1880* under the new system	97,284	31,13,815	36,238
Monthly average for the year 1880-81 under the new system	**133,681**	**38,09,048**	**44,665**

37. A further statement given below shews the results attained during the year in the several postal circles into which India is divided :—

Names of Postal Circles.	Number of Inland Money Orders.	Value of Inland Money Orders issued.	Commission realized.
	No.	Rs.	Rs.
Bengal	308,169	72,44,439	88,443
Madras	218,597	55,42,507	68,978
Bombay	151,379	45,55,470	44,970
North-Western Provinces	207,565	46,25,528	58,431
Punjab (including South Afghanistan)	257,160	90,74,951	1,04,453
British Burma	42,338	19,52,104	21,841
Central Provinces	84,563	29,52,907	33,732
Oudh	51,894	12,24,802	15,039
Rajputana	37,069	11,97,412	13,871
Assam	42,796	12,78,088	15,177
Behar	100,654	24,20,949	29,825
Central India	47,461	14,50,735	16,918
Eastern Bengal	54,529	21,88,688	24,298
TOTAL	1,604,174	4,57,08,580	5,35,976

38. More than $4\frac{1}{2}$ crores of rupees has thus been transmitted from one part of India to another, in small sums averaging Rs. 28-8-0 for each order, which furnishes strong evidence of the popularity both of the system adopted and the agency by which it was worked. The total number of orders forfeited amounted to 1,842, aggregating in value of Rs. 34,805. Out of this total, 436 orders, amounting to Rs. 14,781, have been repaid, leaving an outstanding balance of 1,406 orders representing a value of Rs. 20,024. This money will gradually be repaid as claims for the same are advanced. One satisfactory feature in this the first complete year's history of Post Office Money Order work

* In paragraph 52 of the annual report for 1879-80 it was erroneously stated that Foreign Money Orders had been excluded from the figures given. The figures for the last quarter of 1880, given in paragraph 52, and for March 1880, in paragraph 53 of that report, have now been corrected.

is the trivial amount of loss which has resulted from suddenly throwing a novel and heavy pecuniary responsibility on the servants of this Department. While no less than Rs. 4,57,08,580 were sent as money orders, the total sum decreed against the security fund during the year on account of defalcations in this branch of business amounted to less than Rs. 1,500. Satisfactory evidence is thus afforded of the honesty of the natives of the country who naturally form the great bulk of Post Masters in India.

39. Turning now to Foreign Money Orders. Two tables are given which contrast the operations of the year under review with those of the last quarter of the preceding year. Figures for the entire year 1879-80 have not been given as Foreign Money Order work only came under postal management on the 1st January 1880. Satisfactory growth is exhibited by the weekly average.

Foreign money order transactions for the year 1880-81.

Countries.	Orders issued by India.		Orders paid in India.	
	No.	Amount.	No.	Amount.
		£ s. d.		£ s. d.
United Kingdom (including Canada)	18,235	86,382 12 2	2,037	6,428 11 1
Denmark	39	279 10 0	4	22 19 6
Germany	382	2,108 19 8	120	870 0 5
Italy	172	992 13 5	10	84 12 6
Netherlands	4	22 2 10	5	28 9 11
Switzerland	164	351 17 7	2	14 4 6
Total	18,996	90,137 15 8	2,178	7,448 17 11
Weekly average	365	1,733 8 4	42	143 4 11½

*Foreign Money Order transactions for the last quarter of 1879-80.**

Countries.	Orders issued by India.		Orders paid in India.	
	No.	Amount.	No.	Amount.
		£ s. d.		£ s. d.
United Kingdom (including Canada)	3,444	16,608 18 8	325	938 4 2
Denmark	1	8 6 8	2	10 19 10
Germany	70	387 13 3	22	153 9 10
Italy	56	453 8 10	4	21 13 6
Netherlands	...	.....	...	.....
Switzerland	18	40 18 6	2	4 19 6
Total	3,589	17,499 5 11	355	1,129 6 10
Weekly average	276	1,346 1 11	27	86 17 5

40. The average rate of exchange, both outward and inward, is given below:—

	Outward.	Inward.
	s. d. f.	s. d. f.
1878-79	1 7 3·3	1 7 3·7
Last quarter of 1879-80	1 8 0·12	1 8 0·12
1880-81	**1 7 3·48**	**1 7 3·48**

41. Allusion has already been made to the new Money Order arrangement concluded with Ceylon which came into force on 1st October 1880. The following figures show the first six months' working of this exchange:—

Country.	Orders issued by India.		Commission realized.	Orders paid in India.	
	No.	Amount.	Amount.	No.	Amount.
		Rs. A. P.	Rs. A. P.		Rs. A. P.
Ceylon	285	16,419 9 0	177 14 0	1,850	96,415 5 0
Weekly average	11	631 8 0	6 13 0	71	3,708 4 0

* The Foreign Money Order figures for the last quarter of 1879-80, as given in the table under paragraph 54 of report for 1879-80, had not been adjusted. Subsequent adjustment has created certain difference. The figures shown in the table now given are correct.

SECTION VI.—INSURANCE.

42. Under this system valuables can be declared and sent by the public through the post, the Post Office accepting responsibility and paying compensation in the event of loss occurring in transit. For this protection a charge of about ¼ per cent. is levied in addition to postage. One great merit of this measure is that it encourages the transmission of articles of value with those branches of the mail which travel under the security of registration. The introduction into India of currency notes was followed by their extensive circulation through the post as ordinary letters. This led to serious risk. For numerous letters might be destroyed by a dishonest postal servant in the hope of finding paper money. The advantages afforded by the system of Insurance have certainly done much towards reducing remittances by currency notes sent in unregistered letters. The table given below shows the very great popularity of this system: property to the aggregate value of nearly eight crores of rupees having been insured for transmission by post during the year:—

	Value Insured.			Insurance Fees.
	Letters.	Parcels.	Total.	
	Rs.	Rs.	Rs.	Rs.
1877-78, last quarter being the commencement of the system . .	6,66,320	18,60,191	25,26,511	13,230
1878-79	89,71,775	2,81,21,219	3,70,92,994	1,23,556
1879-80	1,63,25,058	5,34,34,161	6,97,69,219	1,97,790
1880-81	1,57,33,428	6,30,26,524	7,87,59,952	2,01,046

43. As the Post Office have accepted responsibility for the transit of insured articles, it is interesting to enquire the extent of the loss which this responsibility has caused. Losses of every kind in connection with the insured portion of the mail are included in the following summary. They amounted in all to Rs. 10,404:—

	1879-80.			1880-81.		
	Rs.	A.	P.	Rs.	A.	P.
Losses by accident or by departmental fraud or neglect .	* 50,544	13	10	14,032	9	0
Losses by highway robbery in British territory . . .	2,123	0	8	1,399	2	0
Losses by highway robbery in Native States . . .	20,025	9	0	878	2	0
	72,693	7	6	16,309	13	0
Value of property recovered	19,321	10	10	5,887	0	2
	53,371	12	8	10,422	12	10
Claims not preferred	21	0	0	18	0	0
Total .	53,350	12	8	10,404	12	10

* Including a sum of Rs. 30,322 paid as compensation for contents of parcels lost in the wreck of the Steam Ship *Vingorla.*

44. *Value Payable System.*—This system was introduced in the year 1877-78 with the object of providing a means under which the declared value of the contents of parcels and registered book packets could be realised through the agency of the Post Office and paid to the sender. Statistics cannot be furnished showing the extent to which this system has been utilised by the public during the year, as the value realised, together with the commission, instead of appearing under a separate head, is now remitted by Money Order and included in the accounts of that branch of the Department. There can, however, be no doubt that this facility is largely used by tradesmen in the principal commercial centres of India.

SECTION VII.—MISCELLANEOUS.

45. *Security taken from Post Office servants.*—On the failure of the European Assurance Guarantee Association in 1872 a departmental arrangement was made with effect from the 1st April 1873, under which security was taken from postal employés for the faithful discharge of their duties in the form of deductions from salary. These deductions consist of a half-yearly subscription of one rupee from those attached to pensionable grades and eight annas from those belonging to non-pensionable grade. Subscriptions from the pensionable class are returnable on resignation or death of subscribers, in the proportion borne by the surplus income to the total income; while subscriptions from the non-pensionable class are not returnable at all. Notwithstanding enhanced risks, arising from the ordinary expansion of the Department, the introduction of the insurance system and the assumption of Money Order business, this fund has continued to prosper, as will be seen from the following figures which exhibit the balance at credit year by year after deduction of cost of establishment and charges decreed against the fund for losses :—

Year.	Returnable portion of balance.	Non-Returnable portion of balance.	Total balance at credit.
	Rs.	Rs.	Rs.
1873-74	8,657	8,629	17,286
1874-75	17,358	18,747	36,105
1875-76	27,176	30,054	57,230
1876-77	37,448	42,286	79,734
1877-78	46,253	55,298	1,01,551
1878-79	58,407	69,081	1,27,488
1879-80	70,408	84,874	1,55,282
1880-81	80,758	1,01,072	1,81,830

46. The year 1882-83 will be accompanied by a new description of risk in connection with Savings Banks which are to be opened at all Post Offices in Bengal. Should the fund, as I anticipate, nevertheless continue to prosper, it will be desirable to form its accumulations into a provident or other fund for the benefit of the employés of the Postal Department to whom the surplus income properly belongs. A statement of receipts and charges for the year is given below :—

Receipts.	Number of Employés.		Amount of Subscription.			Charges.	Amount.
	First half year.	Second half year.	First half year.	Second half year.	Total.		
			Rs.	Rs.	Rs.		Rs.
Balance	...	...	...	...	1,55,282		
Interest on balance @ 4¼ per cent.					6,470		
Credited in the Lucknow Post Office to subscription in lieu of security by recovery of fine from Sub-Postmaster, Safipore.					8		
						(a) *Pensionable.*	
(a) *Pensionable.*						Sums decreed against the fund	6,132
						Rateable refunds to subscribers	711
Imperial	7,162	7,422	7,162	7,422	14,584	Cost of Establishment	1,000
District	319	348	319	348	667	Total	7,843
Total	7,481	7,770	7,481	7,770	15,251	(b) *Non-Pensionable.*	
(b) *Non-Pensionable.*						Sums decreed against the fund	620
						Rewards to persons who gave information leading to important results in Post Office robbery cases.	20
Imperial	10,902	11,026	5,451	5,513	10,964	Cost of establishment	1,000
District	3,346	3,329	1,673	1,665	3,338		
Total	14,248	14,355	7,124	7,178	14,302	Total	1,640
						Total charges	9,483
						Balance at credit	1,81,830
Grand Total	...	...	...	...	1,91,313	Grand Total	1,91,313

	1879-80. Rs.	1880-81. Rs.
Total balance	1,55,282	1,81,830
Returnable portion	70,408	80,758
Non-Returnable portion	84,874	1,01,072

47. *Complaints from the public.*—There were 6,463 complaints made by the public during the year, which came to the notice of the heads of the several postal circles, as compared with 6,237 in the previous year, the increase being largely due to enquiries relative to the new branch of Money Order business. As the Department expands and acquires fresh descriptions of work, complaints must necessarily augment. But small weight can be attached to such complaints as the means of testing the efficiency of the postal service. Grave delinquencies pass often without notice from the public, while petty irregularities, real or supposed, form sometimes the subject of frequent representation.

48. Below is given an analysis of complaints relating to the loss of articles posted in registered letters or parcels during the last two years. Notwithstanding enhanced risks, the total number of such complaints fell from 441 to 295: and in 128 out of those 295 cases the Post Office servants were shewn to be free from blame:—

	Registered letters.		Parcels.		Total.	
	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.
I.—Cases in which the enquiry shewed either that no loss had occurred, or that the loss had not occurred through the fault of postal officials.	160	79	98	49	258	128
II.—Cases in which the postal establishment was proved to be in fault, or in which there was strong ground for believing it to be so.	68	26	68	33	136	59
III.—Cases in which no definite conclusion was arrived at.	19	48	28	60	47	108
TOTAL . .	247	153	194	142	441	295

Class I includes 4 insured cases under the head of registered letters and 14 insured cases under the head of parcels.
Class II includes 17 insured cases under the head of parcels.
Class III includes 4 insured cases under the head of parcels.

49. A detail of the number of legal convictions and departmental punishments for offences punishable by law will be found in Appendix No. VIII of which the following is a summary:—

	1879-80.	1880-81.
Number of legal convictions	216	194
Number of cases punished departmentally .	74	67
	290	261

50. *Highway Robberies.*—From the marginal abstract it will be seen that the number of highway robberies of the mail has risen from 39 to 49. But the ten robberies which form this increase all occurred beyond the limits of British India in the country held temporarily under military occupation in

Names of Circles.	1879-80.			1880-81.		
	British Territory.	Foreign Territory.	Total.	British Territory.	Foreign Territory.	Total.
Bengal	1	...	1	...	...	...
Madras	9	3	12	6	3	9
Bombay	1	5	6	4	6	10
North-Western Provinces . . .	5	5	10	7	...	7
Punjab	6	...	6	3	2	5
British Burma	...	...	...	...	...	...
Central Provinces	1	...	1	...	1	1
Oudh	1	...	1	2	...	2
Rajputana	...	...	...	1	1	2
Assam	2	...	2	...	...	...
Behar	...	...	...	2	...	2
Eastern Bengal	...	...	...	...	...	...
Sind	...	...	...	...	10	10
Central India	...	...	...	...	1	1
Total .	26	13	39	25	24	49

South Afghanistan, mail conveyance through an enemy's country, being of course attended with exceptional risk. The aggregate number of highway robberies of the mail since the year 1871-72 is given below :—

	British Territory.	Foreign Territory.	Total.
1871-72	24	12	36
1872-73	13	12	25
1873-74	21	11	32
1874-75	19	6	25
1875-76	14	12	26
1876-77	12	4	16
1877-78	34	18	52
1878-79	28	18	46
1879-80	26	13	39
1880-81	25	24	49

51. A more detailed statement is now submitted showing the localities in which the robberies occurred during the year under review :—

1880-81.

Names of Postal Circles.	British Territory.			Foreign Territory.		
	Names of Districts.	No. of robberies.	No. of attempts.	Names of Native States.	No. of robberies.	No. of attempts.
Madras	Nowtalaghat	...	1	Cochin	1	...
	Chingleput	1	...	Mysore	1*	...
	Tinnevelly	1	...	Sundar	1	...
	Madura	1	...			
	Ramchandrapur	1	...			
	Guntoor	1	...			
	Coorg	1	...			
	South Canara	...	1			
		6	2		3	...
Bombay	Poona	1	...	Mohanipur	1	...
	Ahmedabad	1	...	Junagarh	1	...
	Kanara	2	...	Mahikanta	1	...
	Barsi Road	...	1	Chamoo	1	...
				Bhavnagar	1	...
				Jetpur	1	...
		4	1		6	...
North-Western Provinces.	Agra	1	...	Alipura	...	1
	Etah	1	1			
	Bulandshahr	1	...			
	Meerut	1	...			
	Aligarh	1	...			
	Muradabad	1	...			
	Bijnor	1	...			
		7	1		...	1
Oudh	Rae Bareli	2	...			
	Fyzabad	...	1			
		2	1		...	...
Behar	Muzafferpur	1	...			
	Sarun	1	...			
		2	...		...	...

* This relates to a robbery of the Anchal or Mysore local post and occurred on a line not controlled by the Imperial Post.

Names of Postal Circles.	British Territory.			Foreign Territory.		
	Names of Districts.	No. of robberies.	No. of attempts.	Names of Native States.	No. of robberies.	No. of attempts.
Central India	...	...	...	Chatarpur	1	1
				Bhopal	...	1
		...	...		1	2
Rajputana	Nasirabad	1	...	Bikaner	...	1
	Ajmair	...	1	Marwar	1	...
				Meywar	...	1
		1	1		1	2
Sind and South Afghanistan.	...	...	...	Killa Abdulla	1	...
				Khojak Pass	2	...
				Dubrai	1	...
				Kuch	1	...
				Harnai	1	...
				Dazan	1	...
				Khelat-i-Gilzai	3	...
		...	...		10	...
Punjab	Rewari	1	...	Jind	1	...
	Gurgaon	1	...	Kateputli	1	...
	Rohtack	1	...			
		3	...		2	...
Central Provinces				Nizam's Territory.	1	...
		...	...		1	...
	Total	25	6		24	5

Total (British) 25, besides 6 attempts. Total (Foreign) 24, besides 5 attempts.

52. Out of nine robberies and two attempts in Madras convictions were obtained in three cases and the greater portion of the property recovered. In the Bombay cases (ten robberies and one attempt) one only was successfully prosecuted and almost all the plundered amount recovered. Of the seven robberies and two attempts recorded against the North-Western Provinces convictions were in two instances obtained and nearly half the stolen articles

recovered. Five robberies took place in the Punjab, where two convictions were got and very little of the property recovered. Ten cases occurred in South Afghanistan, all of which remained unpunished, the recovery of property being trifling. The remaining eight robberies and six attempts were unsuccessfully investigated. Two of the robberies which occurred in South Afghanistan were attended with loss of life, the horsemen who carried the mail having been killed.

53. *The numerical strength* of the establishment in the several postal circles is shown in Appendix IX. All grades below that of Deputy Post Master General are included in the marginal abstract.

Postal Officials.	1879-80.	1880-81.
Superintendents and Inspectors of Post Offices	209	264
Post Masters, Deputy and Sub-Post Masters	4,112	4,223
Clerks	3,498	4,048
Postmen and other servants	7,044	7,489
Road establishment	12,571	12,217
Village Postmen	2,606	2,812
Total	30,010	31,053

SECTION VIII.—NON-POSTAL BRANCHES OF THE DEPARTMENT.

54. *The Government carrying agency* commonly called the Government Bullock Train, is an agency for the booking of passengers and goods. Now that this branch of the Department is fast being superseded by railway extension, a brief description of its origin and development will not be out of place. Prior to the year 1846 goods were transmitted by river steamer from Calcutta to Allahabad, where the Post Master arranged for their onward transmission to destination by country cart or coolie. This arrangement having been found slow and imperfect a carrying agency, called the "Bullock Train," was organized by the Post Office in 1846, consisting of carts drawn by bullocks posted in relays at fixed intervals on the Grand Trunk Road between Allahabad and Delhi. A considerable acceleration was thus effected: for goods, instead of moving as before by short daily stages, travelled day and night at an average speed of about two miles an hour. Gradually extensions were made, and in 1855-56 the Government Bullock Train worked regularly between Calcutta and Peshawar, maintaining at the same time various branch lines throughout the Presidency of Bengal. The undertaking was a successful one. Heavy packages, troops and passengers were carried in safety at a moderate charge, and, after paying all expenses, a profit always accrued to Government. This led to the establishment of other similar organisations under private companies; and the Government, not wishing to compete with private enterprise, transferred the Government Bullock Train work to the Indian Carrying Company with effect from the 1st May 1862. This Company having failed, the Post Office again took over the business in 1868, and has since maintained it, utilising in some cases the railway as an auxiliary, and in other cases reducing its lines and closing its agencies as railway construction progressed. The business has now largely diminished and soon will be limited to the line between Umballa and Simla. During the year the following lines were closed:—

Ratial to Hajishah.	Lahore to Mooltan.
Wazirabad to Sialkot.	Saharanpur to Roorkee and Mussoorie.
Turnool to Thul.	Aligarh to Moradabad.
Rawal Pindi to Murree.	Cawnpore to Fatehgarh.

55. At the close of the year the following lines still existed:—Calcutta to Hajishah (rail), and onwards to Peshawar (bullock train), with branches to Gwalior (partly rail and partly bullock train), Simla (bullock train), and Ludhiana to Lahore *viâ* Ferozepore (Bullock train).

56. *Passenger services* on mail cart lines were reduced by the abolition of the following lines:—

Ratial to Hajishah.	Peshawar to Jumrood.
Amritsar to Pathankot.	Turnool to Kushalgar.
Wazirabad to Sialkot.	Kohat to Thul.
Rawal Pindi to Murree.	

57. At the close of the year passenger services were still maintained on the following lines :—

	Miles.		Miles.
Hajishah to Peshawar	50	Umballa to Simla	95
Kushalgar to Kohat	39	Bareilly to Ranibagh	65

SECTION IX.—FINANCIAL RESULTS.

58. A review of the financial results is given in the following statement. The purely postal service exhibits a growth of receipts to the extent of about 5½ lakhs, together with an increase in disbursements of nearly 5¼ lakhs of rupees. Less favourable results appear under the head of non-postal branches. For the Bullock Train receipts have fallen to the extent of nearly 4 lakhs of rupees, while the disbursements of the Punjab Military Van Dâk are not even covered by its receipts. In other words, these two non-postal branches of the Department, if taken together, were worked at a loss of Rs. 43,773, instead of at a gain of Rs. 3,24,937 as in the previous year. This was due partly to loss of traffic through railway extension, but mainly to the recent war. During the year 1879-80 the Bullock Train receipts were abnormally swollen through demands created by the campaign in Afghanistan, while the effects of that campaign were to denude the country of cattle and enormously to raise the price of grain and fodder, thus largely enhancing the cost of maintaining the cattle by which the Bullock Train and Van Dâk were worked.

	1879-80.	1880-81.
PURELY POSTAL SERVICE.	Rs.	Rs.
Receipts including sale of Service Postage Stamps	79,89,726	85,33,595
„ excluding „ „	66,40,852	71,92,446
Disbursements	68,93,135	74,14,125
Net revenue excluding sale of Service Postage Stamps	10,96,291	11,19,470
NON-POSTAL BRANCHES.		
Bullock Train.		
Receipts	14,01,158	10,04,299
Disbursements	* 10,89,724	9,66,150
Surplus	3,11,434	38,149
PUNJAB MILITARY VAN DAK.		
Receipts	3,00,385	2,51,137
Disbursements	2,86,882	3,33,059
	Surplus.	Deficit.
Surplus and Deficit	13,503	81,922
PASSENGER SERVICE ON MAIL CART LINES.		
Receipts	1,66,852	2,03,294
Disbursements	1,66,852	2,03,294
Contract subsidies to local steamers employed to a large extent on general and military considerations but paid entirely through the Post Office as a matter of convenience.		
Disbursements	7,12,000	7,09,281

These results may be summarised briefly as follows:—

	1879-80.	1880-81.
	Rs.	Rs.
A net revenue in the purely Postal Department of . .	10,96,291	11,19,470
A net surplus in the Bullock Train Department of . .	3,11,434	38,149
A net surplus in 1879-80 and deficit in 1880-81 in the Punjab Military Van Dâk of	13,503	—81,922
	14,21,228	10,75,697

	1879-80.	1880-81
	Rs.	Rs.
Purely Bullock Train	10,88,397	9,64,853
Postal charges debited to Bullock Train . .	1,327	1,297
TOTAL . . .	10,89,724	9,66,150

59. The review given above is restricted to those figures which appear in the regular accounts of the Department. Other items of charge exist which find no place in those accounts. These are given in the margin, and represent an increase of Rs. 1,43,907, due to heavier demands on the press, the obtainment of larger supplies of embossed envelopes and post-cards, extensions of the railway mail service, and general growth of the Department.

	1879-80.	1880-81.
	Rs.	Rs.
Cost of stationery supplied by the Superintendent of Stationery . .	69,371	1,04,748
Railway service estimated at . 1879-80. Rs 4,17,443 / 1880-81. Rs. 5,69,215		
Loss actual payments . . 1,52,108 / 2,68,280	2,65,000	3,01,000
2,65,335 / 3,00,935		
English stores	2,74,150	3,15,970
Value of service rendered to the Post Office by the Government Press .	38,690	45,239
Rent of Government buildings	2,10,336	2,16,850
Estimated postal share of marine subsidies	2,55,446	2,55,446
Gratuities	5,160	5,354
Leave allowances paid in Great Britain	13,969	25,792
Pensions (being the average of five years)	1,36,611	1,42,191
Total . . .	12,68,683	14,12,590

60. Excluding, then, its carrying agencies for passengers and goods, which are fast disappearing under railway competition, how far is the purely postal service of India a self-supporting institution? A surplus of more than 11 lakhs of rupees is shown by the regular accounts; but if to the disbursements be added the cost of railway service, English stores, marine subsidies, pensions and other additional charges, this surplus is changed into a deficit of nearly 3 lakhs of rupees.

SECTION X.—GENERAL REVIEW OF PROGRESS.

YEAR.	Comparison of number of letters and newspapers (those of 1855-56 being represented by 100.)	Comparison of revenue from private correspondence (that of 1855-56 being represented by 100).	Comparison of expenditure (that of 1855-56 being represented by 100).
1855-56 first complete year of new rates .	100	100	100
1867-68 thirteenth ditto . . .	207	237	161
1868-69 fourteenth ditto . . .	228	258	182
1869-70 fifteenth ditto . . .	253	246	190
1870-71 sixteenth ditto . . .	257	236	175
1871-72 seventeenth ditto . . .	269	272	173
1872-73 eighteenth ditto . . .	270	279	177
1873-74 nineteenth ditto . . .	328	284	184
1874-75 twentieth ditto . . .	348	305	189
1875-76 twenty-first ditto . . .	352	326	191
1876-77 twenty-second ditto . . .	368	345	198
1877-78 twenty-third ditto . . .	387	378	206
1878-79 twenty-fourth ditto . . .	394	390	222
1879-80 twenty-fifth ditto . . .	428	417	234
1880-81 twenty-sixth ditto . .	476	452	252

61. A cheap scale of postage rates was first introduced into India in the year 1854. On the margin is given the usual table which exhibits the advance made by the Department as indicated by its correspondence, revenue and expenditure.

SECTION XI.—NOTICES OF POST OFFICE OFFICIALS.

62. For the first four months of the year the Post Office was administered by Mr. A. M. Monteath. During the remainder of the year I officiated as Director General of the Post Office. My acknowldgments are due to Mr. H. E. M. James, Post Master General of Bengal, for a very careful and thorough revision of the Calcutta Post Office. Mr. Chandulal Mathuradas, Superintendent, is specially mentioned by the Post Master General of Bombay for the skill with which he investigated an important robbery case and the success with which his exertions were met in spite of exceptional difficulties. Messrs. Sullen and Williams have been named by the Post Master General of the Punjab for good management of the passenger service line during the strain caused by the war, and Mr. Sutherland deserves thanks for his compilation of a Railway Sorter's Hand-book.

APPENDIX No. I.

Statement showing the number of Post Offices and Letter Boxes opened and Village Postmen entertained during the year 1880-81 and the total number that stood at the end of the official years 1879-80 and 1880-81.

Names of Postal Circles.	Existing on the 31st March 1880.			Opened or Entertained in 1880-81.			Total of 1880-81.			Closed or Discontinued in 1880-81.			Balance on the 31st March 1881.			Increase or Decrease.		
	Post Offices.	Letter Boxes.	Village Postmen.	Post Offices.	Letter Boxes.	Village Postmen.	Post Offices.	Letter Boxes.	Village Postmen.	Post Offices.	Letter Boxes.	Village Postmen.	Post offices.	Letter boxes.	Village post-men.	Post Offices.	Letter boxes.	Village postmen.
	No.	No.	No.	No.	No.	No	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
Bengal	749	2,158	560	43	177	98	792	2,335	658	9	55	17	783	2,280	641	Increase 34	Increase 122	Increase 81
Madras	708	729	315	20	33	5	728	762	320	11	25	6	717	737	314	Increase 9	Increase 8	Decrease 1
Bombay	730	1,324	513	16	128	28	746	1,452	541	11	72	28	735	1,380	513	Increase 5	Increase 56	...
North-Western Provinces	556	164	1	24	33	...	580	197	1	...	10	...	580	187	1	Increase 24	Increase 23	...
Punjab	523	257	(c) 195	10	11	4	533	268	199	18	2	1	515	266	198	Decrease 8	Increase 9	Increase 3
British Burma	28	39	...	...	8	...	28	47	...	...	1	...	28	46	...	...	Increase 7	...
Central Provinces	(a) 251	289	(c) 215	5	17	8	256	306	223	4	25	4	252	281	219	Increase 1	Decrease 8	Increase 4
Oudh	130	91	81	32	16	7	162	107	88	2	5	1	160	102	87	Increase 30	Increase 11	Increase 6
Rajputana	78	(b) 44	42	...	1	2	78	45	44	2	3	...	76	42	44	Decrease 2	Decrease 2	Increase 2
Assam	125	90	(c) 161	5	14	8	130	104	169	...	1	5	130	103	164	Increase 5	Increase 13	Increase 3
Behar	266	344	410	2	37	20	268	381	430	1	35	4	267	346	426	Increase 1	Increase 2	Increase 16
Eastern Bengal	132	294	131	3	30	15	135	324	146	2	9	3	133	315	143	Increase 1	Increase 21	Increase 12
Central India	53	51	22	8	...	5	61	51	27	...	3	1	61	48	26	Increase 8	Decrease 3	Increase 4
Sind	81	29	56	15	...	1	96	29	57	11	...	..	85	29	57	Increase 4	...	Increase 1
Railway Mail Service	...	(b) 523	...	...	48	...	...	571	...	...	13	...	...	558	...	...	Increase 35	...
Total	(a) 4,410	(b) 6,426	(c) 2,702	183	553	201	4,593	6,979	2,903	71	259	70	4,522	6,720	2,833	Increase 112	Increase 294	Increase 131

(a) Including 1 post office omitted in 1879-80.
(b) Including 6 letter boxes omitted in Rajputana and 28 omitted in Railway Mail Service in 1879-80.
(c) Including 1 village postman omitted in Central Provinces and excluding 93 village postmen excess shown in Punjab, and one in Assam, in 1879-80.

APPENDIX No. II.

Statement showing the distance over which mails were conveyed by Railway, Mail Cart, Horses, Camels, Runners, Boats and Steamers, during the years 1879-80 and 1880-81.

Names of Postal Circles.	Railway.								Mail Carts, Horses, Camels, &c.		Runners or Boats.		Sea.		Grand Total.	
	Under Local Contract.		Under Inspector General, Railway Mail Service. Served by Mail Guards.		Served by Railway Mail Service Sorting Sections.		Total.									
	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.
	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.	Miles.
Bengal	...	...	107	117	567	557	674	674	60	60	3,349	3,535	2,900	2,900	6,983	7,169
Madras	...	...	165	174	1,576	1,624	1,741	1,798	34	34	6,718	6,614	3,064	3,064	11,557	11,510
Bombay	...	...	138	56	1,135	1,422	1,273	1,478	712	688	6,817	6,571	5,430	5,430	14,232	14,167
N.-W. Provinces	...	...	157	74	975	1,154	1,132	1,228	262	190	1,986	1,865	...	...	3,380	3,283
Punjab	...	...	224	148	1,191	904	1,415	1,052	1,237	971	2,239	2,097	...	...	4,891	4,120
British Burma	163	163	...	...	...	...	163	163	68	68	1,227a	1,427a	2,914	2,914	4,372	4,572
Central Provinces	...	...	60	60	674	740	734	800	238	220	2,535	2,528	...	...	3,507	3,548
Oudh	...	...	22	22	252	252	274	274	193	164	813	858	...	...	1,280	1,296
Rajputana	...	...	108	88	241	429	349	517	...	...	1,626	1,412	...	...	1,975	1,929
Assam	...	...	...	...	...	...	...	...	...	...	1,541	1,516	...	...	1,541	1,516
Behar	...	...	171	61	450	560	621	621	4	4	666	716	...	...	1,291	1,341
Eastern Bengal	...	...	...	...	...	...	...	...	...	...	784	800	...	...	784	800
Central India	...	...	66	144	164	148	230	292	1	3	1,147	1,204	...	...	1,378	1,499
Sind	...	...	...	151	...	407	...	558	233	233	836	819	...	...	1,069	1,610
Total	163	163	1,218	1,095	7,225	8,197	8,606b	9,455	3,042c	2,635	32,284d	31,962	14,308e	14,308	58,240	58,360

a Including river steamers.
b The distance of railway lines in 1879-80 was 99 miles more than that shown in the statement of that year. It was also incorrect regarding the distribution of these lines into Postal Circles or into classes served by mail guards or sorting sections.
c Including 8 miles omitted in Punjab in 1879-80.
d The increase of 14 miles is due to omission of certain small lines in 1879-80.
e The figures for 1879-80 corrected owing to the omission of the Port Blair and Camorta line.

APPENDIX

Statement showing the estimated number of Letters, Post-cards, Newspapers, Packets and Parcels in Rajputana, Assam, Behar, Eastern Bengal, Central India and*

Names of Postal Circles.	Bengal.		Madras.		Bombay.		N.-W. Provinces.		Punjab.		British Burma.	
	Number given out for delivery.		Number given out for delivery.		Number given out for delivery.		Number given out for delivery.		Number given out for delivery.		Number given out for delivery.	
	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.
Letters paid	11,834,898	12,968,033	16,513,659	17,512,205	17,432,162	18,513,061	(a) 10,207,688	9,631,933	(b) 14,108,542	12,356,918	1,050,812	1,104,516
" unpaid	5,315,183	5,110,939	3,035,526	2,920,521	4,609,875	4,359,716	4,992,423	4,249,095	4,199,170	3,189,605	588,345	641,253
" registered	811 135	624,046	567,091	491,838	358,208	317,628	357,059	396,859	380,823	299,978	27,842	25,967
" service privileged	750,927	902,671	5,150	4,771	1,150	5,058	1,176,507	1,276,725	1,123,515	1,192,038	12,052	6,675
Post-cards	1,374,175	2,603,362	1,364,796	2,644,451	1,384,939	2,734,137	1,176,175	2,228,768	987,407	1,910,123	24,278	43,383
Total	20,086,318	22,209,051	21,426,222	23,573,786	23,786,334	25,929,600	17,909,852	17,785,380	20,799,457	18,948,662	1,703,329	1,821,794
Newspapers	1,549,435	1,562,513	1,949,238	2,268,240	1,697,927	1,713,127	1,415,766	1,270,044	2,343,210	1,820,985	441,108	434,063
Book and Pattern Packets. Ordinary	279,519	265,511	452,977	474,709	372,353	407,653	231,416	211,439	294,421	214,542	41,985	41,975
Book and Pattern Packets. Registered	5,461	9,464	4,479	7,821	3,182	10,872	6,561	6,492	5,402	12,488	354	469
Parcels paid	144,962	91,120	117,904	79,648	130,113	101,314	178,112	102,200	227,234	132,391	29,201	12,410
" unpaid	...	51,439	...	47,476	...	32,980	...	55,689	...	69,115	...	16,086
Grand Total	22,065,695	24,189,098	23,950,820	26,451,680	25,989,909	28,195,546	19,741,707	19,431,244	23,669,724	21,198,183	2,215,977	2,326,797
Deduct number of letters returned undelivered	530,517	455,364	790,063	832,435	1,221,630	1,194,019	741,176	714,201	1,206,990	836,658	44,600	47,789
Net actually delivered ...	21,535,178	23,733,734	23,160,757	25,619,245	24,768,279	27,001,527	19,000,531	18,717,043	22,462,734	20,361,525	2,171,377	2,279,008
Add number of articles sent to Dead Letter Offices	578,040	508,173	165,299	175,670	496,464	530,235	468,574	455,474	351,512	501,978	9,085	11,541
Total	22,113,218	24,241,907	23,326,056	25,794,915	25,264,743	27,531,762	19,469,105	19,172,517	22,814,246	20,863,503	2,180,462	2,290,549

* Post-cards were introduced with effect from 1st July 1879. (a) Including Central India. (b) Including Sind.

No. III.

the Post Offices under the Bengal, Madras, Bombay, North-Western Provinces, Punjab, British Burma, Central Provinces, Oudh, Sind Postal Circles during the years 1879-80 and 1880-81.

Central Provinces.		Oudh.		Rajputana.		Assam.		Behar.		Eastern Bengal.		Central India.		Sind.		Total.	
Number given out for delivery.		Number given out for delivery.		Number given out for delivery.		Number given out for delivery.		Number given out for delivery		Number given out for delivery.		Number given out for delivery.		Number given out for delivery.		Number given out for delivery.	
1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.
3,590,565	3,582,423	1,742,892	2,032,894	1,959,486	2,172,272	1,176,089	1,381,056	2,694,257	2,893,746	1,401,858	1,543,090	...	1,429,184	...	4,119,207	83,712,908	91,240,538
1,452,314	1,479,058	1,126,470	1,235,525	770,482	829,228	607,116	643,495	2,405,352	2,510,679	996,853	962,427	...	849,485	...	903,610	30,099,109	29,884,636
101,460	100,297	49,619	41,792	43,371	45,130	41,567	40,176	179,732	140,551	104,728	75,372	...	34,128	...	78,918	3,022,635	2,712,680
306,943	391,202	91,866	113,515	23,476	20,466	57,122	50,709	528,609	572,685	183,105	245,619	...	...	...	50,996	4,260,422	4,835,130
287,021	525,939	279,439	509,566	84,229	172,384	113,025	249,895	273,311	461,178	183,189	368,859	...	132,312	...	280,764	7,471,984	14,865,121
5,738,303	6,078,919	3,290,286	3,933,202	2,881,044	3,239,480	1,994,919	2,365,331	6,081,261	6,578,839	2,869,733	3,195,367	...	2,445,109	...	5,433,495	128,567,058	143,538,105
381,032	396,625	283,754	323,155	168,208	160,78	384,195	417,742	416,063	436,357	221,090	229,689	Included in North-Western Provinces.	234,226	Included in Punjab.	674,755	11,251,021	11,942,304
101,408	117,269	77,200	50,735	25,962	29,591	71,632	50,552	68,703	77,171	37,593	25,758		21,665		53,603	2,055,169	2,042,173
1,238	2,503	432	1,408	432	2,320	432	2,086	1,729	3,885	432	652		1,330		1,616	30,134	63,406
37,254	23,907	62,011	30,556	41,331	30,347	25,515	15,069	55,658	26,880	24,967	12,879		15,095		26,071	1,074,262	699,887
...	15,147	...	10,064	...	12,175	...	22,187	...	22,578	...	8,317		8,864		8,864	...	380,981
6,259,235	6,634,370	3,713,683	4,349,210	3,116,972	3,474,696	2,476,693	2,872,967	6,623,414	7,145,710	3,143,815	3,472,662	...	2,726,289	...	6,198,404	142,977,644	158,666,856
322,268	387,969	181,222	196,605	80,990	94,222	78,455	88,825	240,619	251,224	78,978	83,767	...	128,636	...	379,887	5,517,503	5,691,601
5,936,972	6,246,401	3,532,461	4,152,605	3,035,982	3,380,474	2,398,238	2,784,142	6,382,795	6,894,486	3,074,837	3,388,895	...	2,597,653	...	5,818,517	137,460,141	152,975,355
103,921	106,465	71,585	79,425	47,159	55,068	33,174	50,412	...	100,204	...	...	...	...	...	...	2,324,813	2,574,645
6,040,893	6,352,866	3,604,046	4,232,030	3,083,141	3,435,542	2,431,412	2,834,554	6,382,795	6,994,690	3,074,837	3,388,895	...	2,597,653	...	5,818,517	139,784,954	155,549,900

APPENDIX No. V.

Statement showing the number of ordinary Postage Labels of each denomination sold in each Postal Circle, and the gross value thereof, during the years 1879-80 and 1880-81.

Names of Postal Circles.	½ Anna Post-cards.	1½ Anna Post-cards.	9 Pie Soldiers' Envelopes.	9 Pie Labels.	½ Anna Envelopes.	1 Anna Envelopes.	½ Anna Labels.	1 Anna Labels.	2 Anna Labels.	4 Anna Labels.	6 Anna Labels.	8 Anna Labels.	12 Anna Labels.	1 Rupee Labels.	Gross Value.	Discount.
	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	Rs.	Rs.
Bengal	2,306,745	8,176	2,736	11,242	4,645,164	11,616	8,219,509	1,267,619	426,058	807,648	29,691	130,095	7,766	93,687	9,50,322	29,600
Madras	2,302,062	12,340	2,944	51,591	6,526,135	35,118	8,891,980	906,213	326,414	607,361	16,864	53,150	10,496	43,396	8,57,164	26,249
Bombay	2,631,902	11,488	2,080	67,047	8,404,497	13,778	9,158,802	1,080,489	406,487	557,409	32,421	127,431	12,342	237,608	11,75,603	36,321
North-Western Provinces	2,026,361	7,808	4,712	60,892	4,853,655	19,655	4,011,497	475,922	135,556	384,972	4,295	40,662	2,721	12,700	4,93,385	15,349
Punjab	1,937,783	13,648	20,974	113,838	6,643,140	40,566	4,240,099	728,150	206,506	574,292	3,596	87,259	7,224	35,238	6,81,769	20,734
British Burma	29,248	2,742	...	14,742	252,249	3,798	790,200	219,402	67,785	118,291	6,074	24,996	6,334	26,541	1,32,045	4,112
Central Provinces	455,504	2,094	240	16,051	1,950,808	2,832	860,951	126,213	50,143	127,931	1,528	14,959	937	3,488	1,54,506	4,779
Oudh	421,744	1,941	2,432	15,373	655,856	1,232	845,842	137,791	30,754	71,562	505	8,395	434	1,746	91,435	2,823
Rajputana	117,056	976	5,856	676	934,448	1,840	365,702	44,709	20,715	56,259	1,472	15,349	1,812	6,947	78,998	2,552
Assam	196,784	2,912	...	...	470,680	2,480	637,673	138,876	50,039	95,852	1,435	7,139	611	1,330	82,932	2,571
Behar	427,340	1,584	192	5,696	1,246,832	2,600	1,179,805	201,954	69,021	199,076	1,256	9,471	437	1,642	1,61,293	5,028
Eastern Bengal	310,496	416	...	...	553,168	336	922,425	126,623	43,346	87,324	1,538	4,578	890	555	90,275	2,782
Central India	117,824	1,056	2,912	22,244	761,488	2,144	438,739	68,906	22,626	58,566	642	17,090	514	1,493	73,224	2,271
Total of 1880-81	**13,280,849**	**67,181**	**45,078**	**379,392**	**37,898,120**	**146,995**	**40,563,224**	**5,522,867**	**1,855,450**	**3,746,543**	**101,317**	**540,574**	**52,518**	**466,371**	**50,22,951***	**1,55,171†**
Total of 1879-80	8,104,661	124,156	32,608	520,197	35,276,216	164,309	39,765,247	5,987,217	2,387,499	4,080,882	185,107	642,045	52,796	351,694	49,94,345	1,54,175

* Differs from the adjusted amount (Appendix X) to the extent of Rs. 16,453 of which Rs. 6,019 represent ordinary stamps used by the Presidency Banks and branches in connection with Government Treasury business and have been adjusted under orders of Government as sale of Service Stamps; Rs. 9,212 represent telegraph revenue realized in postage stamps, and the balance Rs. 1,222 represent differences between the figures given respectively by the Civil Accountants General and the Superintendents of Stamps.

† Differs from the adjusted amount (Appendix X) to the extent of Rs. 636, which represent the net difference between the figures given respectively by the Civil Accountants General and the Superintendents of Stamps.

Statement showing the number of Service Postage Labels of each denomination sold in each Postal Circle and the gross value thereof, during the years 1879-80 and 1880-81.

Names of Postal Circles.	½ Anna Post-Cards.	9 Pie Labels.	½ Anna Labels.	1 Anna Labels.	2 Anna Labels.	4 Anna Labels.	8 Anna Labels.	Gross Value
	No.	No.	No.	No.	No.	No.	No.	Rs.
Bengal	66,168	...	955,423	1,431,715	103,081	98,647	27,727	1,71,783
Madras	88,619	...	2,269,187	1,666,881	104,041	49,081	25,732	2,14,618
Bombay	56,824	608	1,606,277	2,322,639	181,321	105,627	38,515	2,64,607
North-Western Provinces	72,425	...	1,332,068	1,255,381	110,034	63,357	19,222	1,60,424
Punjab	138,235	260	1,456,756	2,635,251	166,475	155,554	75,598	3,09,896
British Burma	7,040	...	96,286	185,057	10,134	4,748	1,762	18,020
Central Provinces	25,148	...	506,005	505,373	40,029	22,481	8,129	62,480
Oudh	20,928	...	284,784	283,995	30,070	15,794	5,651	37,509
Rajputana	6,080	...	66,509	79,123	3,954	3,708	522	8,801
Assam	18,096	...	139,262	221,574	9,122	9,572	2,550	23,291
Behar	8,500	...	278,313	279,371	18,859	10,433	2,043	32,278
Eastern Bengal	3,360	...	78,340	117,056	6,366	4,941	842	12,269
Central India	4,936	...	86,206	145,377	6,606	5,820	1,935	15,105
Total of 1880-81	516,359	868	9,155,416	11,128,793	790,092	549,763	210,228	13,31,081*
Total of 1879-80	1,818	1,700	9,520,165	11,174,303	829,034	537,214	212,[illegible]99	13,40,089

* Differs from the adjusted amount (Appendix X) to the extent of Rs. 10,068 of which Rs. 6,019 is the amount of ordinary postage stamps adjusted as service postage as stated above, and the balance Rs. 4,049 represent the differences between the figures given respectively by the Civil Accountants General and the Superintendent of Stamps.

APPENDIX No. VII.

Statement showing the correspondence sent to, and received from, the District Post in each Postal Circle during the years 1879-80 and 1880-81.

NAMES OF POSTAL CIRCLES.	ARTICLES RECEIVED FROM THE IMPERIAL POST OR FROM THE DISTRICT POST FOR DELIVERY BY THE DISTRICT POST.							ARTICLES POSTED IN THE DISTRICT POST FOR DESPATCH TO THE IMPERIAL POST OR TO THE DISTRICT POST.							ARTICLES RETURNED BY THE DISTRICT POST TO THE IMPERIAL POST UNDELIVERED.						
	PAID.				UNPAID.		TOTAL.	PAID.				UNPAID.		TOTAL.	PAID.				UNPAID.		TOTAL.
	Registered articles.	Letters.	Parcels.	Packets.	Letters.	Parcels and redirected packets.		Registered articles.	Letters.	Parcels.	Packets.	Letters.	Parcels and redirected packets.		Registered articles.	Letters.	Parcels.	Packets.	Letters.	Parcels and redirected packets.	
	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
Bengal	12,644	443,110	1,671	29,247	283,729	959	771,360	8,820	467,617	1,161	3,422	203,295	226	684,541	416	7,866	27	896	32,054	28	41,287
Madras	30,338	950,918	2,445	53,412	396,532	947	1,434,592	2,367	318,678	62	3,078	143,313	302	467,800	2,937	12,283	83	468	46,727	93	62,591
Bombay	13,193	490,355	1,703	18,024	381,474	450	905,199	406	145,003	9	35	102,347	10	247,810	2,024	10,231	46	161	36,136	14	48,612
North-Western Provinces	14,610	462,725	3,741	24,954	331,510	792	838,332	7,883	482,510	1,467	5,801	250,526	258	748,445	743	9,182	87	680	43,335	108	54,135
Punjab	525	39,405	232	3,183	13,784	104	57,233	299	45,890	136	1,717	9,608	32	57,682	18	921	8	124	2,233	3	3,307
British Burma	76	6,900	50	1,837	1,733	39	10,635	80	4,633	39	43	863	...	5,658	6	53	...	22	224	3	308
Central Provinces	3,296	89,146	423	6,990	45,204	178	145,237	2,420	100,629	363	1,999	35,002	63	140,476	421	3,423	15	184	9,337	3	13,383
Oudh	3,087	103,525	1,934	6,420	111,867	202	227,035	1,437	82,748	469	891	114,135	128	199,808	270	3,756	104	255	19,704	58	24,147
Rajputana	538	20,211	142	1,721	7,574	57	30,243	348	15,863	63	409	6,132	17	22,832	30	459	1	24	936	3	1,453
Assam	776	20,908	173	4,650	16,484	127	43,118	455	20,105	164	149	13,033	30	33,936	11	355	7	156	2,416	...	2,945
Behar	5,957	167,738	1,355	13,154	183,255	1,187	372,646	4,470	187,127	467	1,052	136,684	90	329,890	400	4,847	47	587	29,065	36	34,982
Eastern Bengal	4,383	111,332	762	8,433	92,836	274	218,020	3,363	119,619	478	775	74,117	46	198,398	122	1,343	7	248	8,300	7	10,027
Total of 1880-81	89,423	2,906,278	14,631	172,025	1,865,982	5,316	5,053,650	32,348	1,990,422	4,878	19,371	1,089,055	1,202	3,137,276	7,398	54,719	432	3,805	230,467	356	297,177
Total of 1879-80	78,437	2,419,650	28,719	149,800	1,823,661	5,865	4,506,132	31,574	1,773,511	12,261	19,386	1,090,171	2,816	2,929,719	6,799	45,543	1,006	3,405	214,793	427	271,973

APPENDIX No. VIII.

Statement showing the offences punishable by law committed by the Post Office officials during the years 1879-80 and 1880-81.

	Number of ascertained cases of dishonesty on the part of the Post Office Employees.		Total.
	Number of legal convictions.	Number of cases departmentally punished.	
Bengal	27	4	31
Madras	23	6	29
Bombay	17	13*	30
North-Western Provinces	25	4	29
Punjab	20	10	30
British Burma	...	2	2
Central Provinces	20	1	21
Oudh	8	1	9
Rajputana	1	1*	2
Assam	18	2	20
Behar	13	16	29
Eastern Bengal	10	1	11
Central India	8	...	8
Sind	1	5	6
Railway Mail Service	3	1	4
Total of 1880-81	194	67	261
Total of 1879-80	216	74	290

* Including one case in which the offender absconded.

APPENDIX No. IX.

Statement showing the Staff of Officers, Clerks and others of the Post Office Department in British India on the 31st March 1880 and 1881.

	Bengal.		Madras.		Bombay.		North-Western Provinces.		Punjab.		British Burma.		Central Provinces.		Oudh.		Rajputana.		Assam.		Behar.		Eastern Bengal.		Central India.		Sind.		Total.	
	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.	1879-80.	1880-81.
Director General of the Post Office	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...	1	1
Deputy Director General of the Post Office	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...	1	1
Assistant Director General of the Post Office	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...	1	1
Assistant Director General, Railway Mail Service	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...	...	1
Assistant Director General, Foreign Post Branch	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...	...	1
Comptroller, Post Office	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...	1	1
Assistant Comptroller, Post Office	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...	1	1
Post Masters General and Deputy Post Masters General	1	1	1	1	1	1	2*	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		1	14	14
Superintendents and Assistant Superintendents, Post Offices and Railway Mail Service, including Inspectors	40	52	38	42	21	25	31	44	31	37	1	2	7	7	9	11	7	7	4	5	11	16	6	5	3	3		8	209	264
Post Masters including Deputy and Sub-Post Masters	741	753	652	663	573	607	533	558	589	513	20	22	238	240	127	150	76	75	117	120	264	260	131	131	51	51		80	4,112	4,223
Clerks (English and Vernacular)	838	936	509	557	628	691	519	673	498	420	42	46	143	169	59	99	64	87	32	36	84	117	42	56	40	50		111	3,498	4,048
Village Postmen	558	627	313	312	510	510	1	1	245	216	...	..	214	217	5	87	42	43	161†	163	404	413	131	143	22	24		56	2,606‡	2,812‡
Postmen and other servants	1,413	1,550	1,128	1,149	1,006	1,120	1,348	1,520	856	644	80	88	237	276	265	216	137	153	73	70	197	225	164	168	140	131	Included in Punjab.	179	7,044	7,489
Road establishment consisting of Superintendents, Overseers, Mutsuddees, Runners, Bearers, Coachmen, Syces, Boatmen, Mail guards and others	1,674	1,400	2,624	2,565	1,986	1,879	801	807	1,512	1,271	10	7	783	878	224	222	629	530	876	952	312	358	650	682	490	451		215	12,571	12,217
Total	5,269	5,326	5,265	5,289	4,725	4,833	3,235	3,604	3,732	3,102	154	166	1,623	1,788	690	786	956	896	1,264	1,347	1,273	1,390	1,125	1,186	747	711		650	30,058	31,074

* Inspector General, Railway Mail Service, and the Postmaster General, North-Western Provinces.
† Excluding one excess shown in 1879-80.
‡ The difference between this and the figure shown in Appendix I, is due to the exclusion of experimental village postmen from this statement, and also to difference of classification.

APPENDIX No. X.

Comparative Statement showing the Receipts of the Post Office Department for the years 1879-80 and 1880-81.

Heads of Receipts.	1879-80.	1880-81.	Increase.	Decrease.
Postal Service.	Rs.	Rs.	Rs.	Rs.
Postage on Letters and Banghy Parcels.				
Bengal	3,43,608	4,24,511	80,903	...
Madras	1,98,494	2,60,562	62,068	...
Bombay	2,90,842	2,66,857	...	23,985
North-Western Provinces	3,24,237	3,46,851	22,614	...
Punjab	2,85,655	3,70,972	85,317	...
British Burma	73,790	95,048	21,258	...
Central Provinces	88,164	1,21,912	33,748	...
Oudh	71,969	90,526	18,557	...
Rajputana	62,991	76,775	13,784	...
Assam	49,380	71,039	21,659	...
Behar	1,54,214	1,83,764	29,550	...
Eastern Bengal	60,269	83,871	23,602	...
Central India	24,144	72,637	48,493	...
Sind	19,532	45,705	26,173	...
Total	20,47,289	25,11,030	4,87,726	23,985
Sale of Ordinary Postage Stamps.				
Bengal	9,75,783	9,40,039	...	35,744
Madras	8,33,630	8,56,384	22,754	...
Bombay	10,59,534	11,73,676	1,14,142	...
North-Western Provinces	5,35,892	4,93,157	...	42,735
Punjab	6,44,997	6,33,512	...	11,485
British Burma	1,34,323	1,32,047	...	2,276
Central Provinces	1,65,535	1,54,499	...	11,036
Oudh	82,380	91,328	8,948	...
Rajputana	87,223	78,909	...	8,314
Assam	91,857	82,869	...	8,988
Behar	1,85,722	1,60,264	...	25,458
Eastern Bengal	95,840	90,275	...	5,565
Central India	36,823	73,073	36,250	...
Sind	63,676	79,372	15,696	...
Total	49,93,215	50,39,404	1,97,790	1,51,601
Deduct—Discount on sale of postage stamps	1,55,316	1,55,837	521	...
Net Total	48,37,899	48,83,567	1,97,269	1,51,601
Sale of Service Postage Stamps.				
Bengal	1,76,729	1,76,510	...	219
Madras	2,16,887	2,15,399	...	1,488
Bombay	2,70,841	2,64,805	...	6,036
North-Western Provinces	1,67,297	1,60,695	..	6,602
Punjab	2,92,261	2,87,558	...	4,703
British Burma	17,095	18,020	925	...
Central Provinces	61,367	62,485	1,118	...
Oudh	36,446	37,617	1,171	...
Rajputana	12,003	8,892	...	3,111
Assam	19,806	23,292	3,486	...
Behar	31,842	32,353	511	...
Eastern Bengal	11,868	12,269	401	...
Central India	5,771	15,256	9,485	...
Sind	28,661	25,998	...	2,663
Total	13,48,874	13,41,149	17,097	24,822

APPENDIX No. X—*continued.*

Heads of Receipts.	1879-80.	1880-81.	Increase.	Decrease.
Postal Service—*continued.*	Rs.	Rs.	Rs.	Rs.
Steam Postage due by the London Post Office.				
Bengal	4,497	7,987	3,490	...
Bombay	1,60,145	1,94,193	34,048	...
Total	1,64,642	2,02,180	37,538	..
Payment by Colonial and Foreign Administrations.				
Bombay	...	977	977	...
Total	1,64,642	2,03.157	38,515	...
Miscellaneous.				
Bengal	(w) 2,449 6,586	(w) 2,320 4,531	...	2,184
Madras	(w) 1,009 6,117	(w) 1,104 7,804	1,782	...
Bombay	(w) 1,942 (s) 25 16,773	(w) 2,016 (s) 33 14,420	...	2,271
North-Western Provinces	(w) 240 6,148 (s) 3	(w) 216 4,089 ...	...	2,086
Punjab	(w) 106 8,697	(w) 133 5,488	..	3,182
British Burma	(w) 1,164 1,414	(w) 1,320 824	...	434
Central Provinces	1,762	1,437	...	325
Oudh	1,414	1,031	...	383
Rajputana	690	879 (s) 5	194	...
Assam	(w) 756 2,074	(w) 468 1,350	...	1,012
Behar	(w) 36 2,867	(w) 60 1,367	...	1,476
Eastern Bengal	(w) 12 652	(w) 24 472	...	168
Central India	295	(w) 12 908	625	...
Sind	(w) 108 483	(w) 24 1,049	482	...
Total (a)	63,822	53,384	3,083	13,521

(w) Window Delivery Tickets.
(s) Sale of Service Books.
(a) See note in next page.

APPENDIX X—*continued.*

Heads of Receipts.	1879-80.	1880-81.	Increase.	Decrease.
	Rs.	Rs.	Rs.	Rs.
Total of Postal Service.				
Bengal	15,09,652	15,55,898	46,246	...
Madras	12,56,137	13,41,253	85,116	...
Bombay	18,00,102	19,16,977	1,16,875	...
North-Western Provinces	10,33,817	10,05,008	...	28,809
Punjab	12,31,716	12,97,663	65,947	...
British Burma	2,27,786	2,47,259	19,473	...
Central Provinces	3,16,828	3,40,333	23,505	...
Oudh	1,92,209	2,20,502	28,293	...
Rajputana	1,62,907	1,65,460	2,553	...
Assam	1,63,873	1,79,018	15,145	...
Behar	3,74,681	3,77,808	3,127	...
Eastern Bengal	1,68,641	1,86,911	18,270	...
Central India	67,033	1,61,886	94,853	...
Sind	1,12,460	1,52,148	39,688	...
Total	86,17,842	91,48,124	5,59,091	28,809
Deduct—Discount on sale of Postage Stamps	1,55,316	1,55,837	521	..
Net Total	84,62,526	89,92,287	5,58,570	28,809
Deduct— *Amount credited to London Post Office.*				
Bengal	1,22,598	1,00,581	...	22,017
Bombay	3,47,939	3,41,368	...	6,571
	4,70,537	4,41,949	...	28,588
Deduct— *Payment to Colonial and Foreign Administrations.*				
Bombay	2,263	16,743	14,480	...
Total	4,72,800	4,58,692	14,480	28,588

(*a*) Including Sale Proceeds of the Indian Postal Guides and Postal Rates and Passage-money in Dâk Boats as follows :—

	Sale of Postal Guides and Postal Rates.		Passage-money in Dâk Boats.	
	1879-80.	1880-81.	1879-80.	1880-81.
	Rs.	Rs.	Rs.	Rs.
Bengal	488	153	694	639
Madras	419	159	...	...
Bombay	393	120	9,622	9,194
North-Western Provinces	414	128	...	...
Punjab	443	157	...	...
British Burma	216	53	278	483
Central Provinces	72	26	...	...
Oudh	78	22	...	...
Rajputana	22	4	...	...
Assam	115	37	...	...
Behar	95	21	...	...
Eastern Bengal	34	17	...	...
Central India	8	23	...	...
Sind	31	...	...	...
Total	2,828	920	10,594	10,316

APPENDIX X—*continued.*

HEADS OF RECEIPTS.	1879-80.	1880-81.	Increase.	Decrease.
POSTAL SERVICE—*continued.*	Rs.	Rs.	Rs.	Rs.
Net Amount.				
Bengal	13,87,054	14,55,317	68,263	...
Madras	12,56,137	13,41,253	85,116	...
Bombay	14,19,900	15,58,866	1,08,966	...
North-Western Provinces	10,33,817	10,05,008	...	28,809
Punjab	12,31,716	12,97,663	65,947	...
British Burma	2,27,786	2,47,259	19,473	...
Central Provinces	3,16,828	3,40,333	23,505	...
Oudh	1,92,209	2,20,502	28,293	.
Rajputana	1,62,907	1,65,460	2,553	...
Assam	1,63,873	1,79,018	15,145	...
Behar	3,74,681	3,77,808	3,127	..
Eastern Bengal	1,68,611	1,86,911	18,270	...
Central India	67,033	1,61,886	94,853	...
Sind	1,12,460	1,52,148	39,688	...
	81,45,012	86,89,432	5,73,199	28,809
Deduct—Discount on sale of Postage Stamps	1,55,316	1,55,837	521	...
NET AMOUNT	79,89,726	85,33,595	5,72,678	28 809
NON-POSTAL BRANCHES.				
Bullock Train.				
Bengal	1,00,892	89,838	...	11,054
North-Western Provinces	1,17,365	85,660	...	31,705
Punjab	11,75,179	8,27,104	...	3,48,075
Central India	7,722	1,697	...	6,025
TOTAL	14,01,158	10,04,299	...	3,96,859
Military Van Dák.				
Punjab	3,00,385	2,51,137	...	49,248
Passenger Service.				
North-Western Provinces	1,490	1,120	...	370
Punjab	1,60,467	1,99,575	39,108	...
Sind	4,895	2,599	...	2,296
TOTAL	1,66,852	2,03,294	39,108	2,666
Total for Non-Postal charges.				
Bengal	1,00,892	89,838	...	11,054
North-Western Provinces	1,18,855	86,780	...	32,075
Punjab	16,36,031	12,77,816	...	3,58,215
Central India	7,722	1,697	...	6,025
Sind	4,895	2,599	...	2,296
TOTAL	18,68,395	14,58,730	...	4,09,665

APPENDIX No. X—*continued.*

Comparative Statement showing the Charges of the Post Office Department for the year 1879-80 and 1880-81.

Heads of Charges.	1879-80.	1880-81.	Increase.	Decrease.
Postal Service.				
Salaries and Establishments.	Rs.	Rs.	Rs.	Rs.
Director General of the Post Office of India	1,07,521	1,06,839	...	682
Comptroller, Post Office	93,906	1,46,728	52,822	...
Bengal	7,62,839	8,06,482	43,643	...
Madras	7,32,260	7,48,225	15,965	...
Bombay	8,72,346	9,12,987	40,641	...
North-Western Provinces	5,78,272	5,41,170	...	37,102
Punjab	4,63,545	5,00,505	36,960	...
British Burma	1,07,883	1,16,283	8,400	...
Central Provinces	2,18,902	2,39,188	20,286	...
Oudh	1,04,142	1,15,603	11,461	...
Rajputana	1,28,012	1,26,252	...	1,760
Assam	1,74,797	1,85,105	10,308	...
Behar	1,91,912	2,18,716	26,804	...
Eastern Bengal	1,26,665	1,37,416	10,751	...
Central India	39,520	95,709	56,189	...
Sind	52,744	32,289	...	20,455
Railway Mail Service	5,11,239	6,01,181	89,942	...
Total	52,66,505	56,30,678	4,24,172	59,999
Miscellaneous and Contingencies.				
Director General of the Post Office of India	10,999	14,899	3,900	...
Comptroller, Post Office	7,967	10,964	2,997	...
Bengal	(a) 730 1,10,986 (c) 2,480 (g) 3,300	(a) 318 1,41,005 (c) —647 (g) 8,225	31,405	...
Madras	(a) 394 65,797 (b) —245 (c) 3,593	(a) 20 71,825 (b) ... (c) 325	2,631	...
Bombay	(a) 707 1,73,469 (c) 17,022	(a) 261 1,27,860 (c) 29,710	...	33,367
North-Western Provinces	(a) 131 1,07,958 (c) 450	(a) 60 1,20,401 (c) 55	11,977	...
Punjab	(a) 55 94,702 (c) 1,200	(a) 133 1,05,060 (c) 2,528	11,764	...
British Burma	(a) 10 5,829 (c) 323 (e) 5,881	(a) 6 10,870 (c) 117 (e) 2,755	1,705	...
Central Provinces	(a) 30 (b) 646 24,313 (c) 1,322	(a) 26 ... 43,858 (c) 132	17,705	...
Oudh	(a) 16 14,235 (c) 180	(a) 5 13,328 (c) —49	...	1,147
Carried over	6,54,480	7,04,050	84,084	34,514

(a) to (h) See explanatory notes on next page.

APPENDIX No. X—*continued.*

HEADS OF CHARGES.	1879-80.	1880-81.	Increase.	Decrease.
POSTAL SERVICE,—*continued. Miscellaneous and Contingencies,*—contd.	Rs.	Rs.	Rs.	Rs.
Brought forward .	6,54,480	7,04,050	84,084	34,514
Rajputana	(a) 8 14,570 (c) 4,233	(a) 10 8,088 (c) 21	...	10,692
Assam	(a) 89 21,099 (h) 784 (c) 330	(a) 28 28,803 (h) 2,450 (c) 25	9,004	...
Behar	(a) 29 10,637 (c) 50	(a) 215 18,303 (c) ...	7,802	...
Eastern Bengal	(a) 147 9,016 (c) ...	(a) 147 9,340 (c) 141	465	...
Central India	(a) 12 1,705 (c) 300	(a) 5 6,228 (c) 1,449	5,665	...
Sind	(a) 28 4,030 (c) 1,380	... 2,822 ...	...	2,616
Railway Mail Service . .	(a) 146 (e) 94,895 2,44,535 (f) 51,332 (d) 14,478	(a) 205 (e) 2,52,768 2,73,777 (f) 12,757 (d) 12,339	1,46,460	...
TOTAL* .	11,28,313	13,33,971	2,53,480	47,822

(a) Law charges.
(b) Famine charges.
(c) Compensation for loss of insured parcels.
(d) Special train hire.
(e) Payments to State railways.
(f) Haulage of sorting carriages.
(g) Payments to Railway Tonga and Steam Service.
(h) Naga Expedition.

	1879-80. Rs.	1880-81. Rs.
* Including Printing Charges—		
Bengal	2,933	420
Madras	1,437	1,334
Bombay	23,930	19,418
North-Western Provinces	67,450	61,976
Punjab	39,847	22,470
British Burma	140	...
Central Provinces	1,030	1,075
Oudh	6,343	1,469
Rajputana	1,607	113
Assam	...	...
Behar	...	625
Eastern Bengal	22	54
Central India	143	391
Sind	154	...
Railway Mail Servibe	21,287	15,874
TOTAL .	1,66,278	125,223

APPENDIX No. X—*continued.*

Heads of Charges.	1879-80.	1880-81.	Increase.	Decrease.
	Rs.	Rs.	Rs.	Rs.
Postal Service,—*continued.*				
Mail Cart (after deducting charges for Passenger Service).				
Bengal	7,885	7,482	...	403
Madras	7,800	7,665	...	135
Bombay	99,322	88,962	...	10,360
North-Western Provinces	40,699	36,614	...	4,085
Punjab	2,99,511	2,58,515	...	40,996
British Burma	1,350	1,320	..	30
Central Provinces	15,117	16,456	1,339	...
Oudh	3,996	6,600	2,604	...
Assam	...	400	400	...
Behar	501	490	...	11
Central India	1,027	1,175	148	...
Sind	4,045	3,692	...	353
Total	4,81,253	4,29,371	4,491	56,373
Bounty Money.				
Bengal	7	...	...	7
Madras	214	169	...	45
Bombay	925	842	...	83
British Burma	95	94	...	1
Total	1,241	1,105	...	136
Construction and repairs of Post Office Buildings.				
Bengal	9,303	8,845	...	458
Madras	180	256	76	...
Bombay	836	1,417	581	...
North-Western Provinces	368	636	268	...
Punjab	672	857	185	...
British Burma	5	3	...	2
Central Provinces	870	405	...	465
Oudh	279	427	148	...
Rajputana	305	43	...	262
Assam	1,471	1,799	328	...
Behar	1,110	794	...	316
Eastern Bengal	634	2,975	2,341	...
Central India	1	23	22	...
Sind	27	41	14	...
Railway Mail Service	62	479	417	...
Total	16,123	19,000	4,380	1,503

APPENDIX No. X—*continued.*

Heads of Charges.	1879-80.	1880-81.	Increase.	Decrease.
Postal Service,—*continued.*	Rs.	Rs.	Rs.	Rs.
Total Postal Service.				
Director General of the Post Office of India	1,18,520	1,21,738	3,218	...
Comptroller, Post Office	1,01,873	1,57,692	55,819	...
Bengal	8,97,530	9,71,710	74,180	...
Madras	8,09,993	8,28,485	18,492	...
Bombay	11,64,627	11,62,039	...	2,588
North-Western Provinces	7,27,878	6,98,936	...	28,942
Punjab	8,59,685	8,67,598	7,913	...
British Burma	1,21,376	1,31,448	10,072	...
Central Provinces	2,61,200	3,00,065	38,865	...
Oudh	1,22,848	1,35,914	13,066	...
Rajputana	1,47,128	1,34,414	...	12,714
Assam	1,98,570	2,18,610	20,040	...
Behar	2,04,239	2,38,518	34,279	...
Eastern Bengal	1,36,462	1,50,019	13,557	...
Central India	42,565	1,04,589	62,024	...
Sind	62,254	38,844	...	23,410
Railway Mail Service	9,16,687	11,53,506	2,36,819	...
Total	68,93,435	74,14,125	5,88,344	67,654
Non-Postal Branches.				
Bullock Train.				
Bengal	1,18,330	97,956	...	20,374
North-Western Provinces	74,491	60,794	...	13,697
Punjab	8,92,494	8,04,645	...	87,849
Oudh	950	1,081	131	...
Central India	3,459	1,674	...	1,785
Total	10,89,724*	9,66,150*	131	1,23,705
Military Van Dák.				
Punjab	2,86,882	3,33,059	46,177	...
Passenger Service.				
North-Western Provinces	1,490	1,120	...	370
Punjab	1,60,467	1,99,575	39,108	
Sind	4,895	2,599	...	2,296
Total	1,66,852	2,03,294	39,108	2,666
Subsidy Payments to the British India Steam Navigation Company, Limited	7,12,000	7,09,281	...	2,719

	1879-80. Rs.	1880-81. Rs.
* Purely Bullock Train	10,88,397	9,64,853
Postal Charges debitable to Bullock Train	1,327	1,297
Total	10,89,724	9,66,150

APPENDIX No. X—*concluded.*

Heads of Charges.	1879-80.	1880-81.	Increase.	Decrease.
Postal Service,—continued.	Rs.	Rs.	Rs.	Rs.
Total of Non-Postal Branches.				
Bengal	8,30,330	8,07,237	...	23,093
North-Western Provinces .. .	75,981	61,914	...	14,067
Punjab	13,39,843	13,37,279	...	2,564
Oudh	950	1,081	131	...
Central India	3,459	1,674	...	1,785
Sind	4,895	2,599	...	2,296
GRAND TOTAL .	22,55,458	22,11,784	131	43,805

APPENDIX No. XI.

Comparative Abstract of Receipts and Charges of the Postal Department during the years 1879-80 and 1880-81.

Heads of Receipts.	1879-80.	1880-81.
	Rs.	Rs.
I.—Postal Service.		
Cash Receipts	20,47,289	25,11,030
Sale of Ordinary Postage Stamps	48,37,899	48,83,567
Sale of Service Postage Stamps	13,48,874	13,41,149
Due by the London Post Office	1,64,642	2,02,180
Colonial and other Foreign administrations	...	977
Miscellaneous (*i. e.*, Sale of Waste Papers, &c.)	63,822	53,384
Total	84,62,526	89,92,287
Deduct—	1879-80. Rs.	1880-81. Rs.
Amount credited to the London Post Office	4,70,537	4,41,949
Payments to Colonial and other Foreign administrations	2,263	16,743
	4,72,800	4,58,692
Net Amount	79,89,726	85,33,595
II.—Non-Postal Branches.		
Bullock Train	14,01,158	10,04,299
Military Van Dâk, Punjab	3,00,385	2,51,137
Mail Cart and Parcel Van Passenger Service	1,66,852	2,03,294
Total	18,68,395	14,58,730

Heads of Charges.	1879-80.	1880-81.
	Rs.	Rs.
I.—Postal Service.		
Salaries and Establishment	52,66,505	56,30,678
Miscellaneous and Contingent Charges	11,28,313	13,33,971
Mail Cart (after deducting charges for Passenger Service)	4,81,253	4,29,371
Bounty Money due to Ships' Captains for conveyance of Mails	1,241	1,105
Construction and Repairs of Buildings	16,123	19,000
Total	68,93,435	74,14,125
II.—Non-Postal Branches.		
Bullock Train	10,89,724	9,66,150
Military Van Dâk, Punjab	2,86,882	3,33,059
Mail Cart and Parcel Van Passenger Service	1,66,852	2,03,294
Subsidy Payments to British India Steam Navigation Company	7,12,000	7,09,281
Total	22,55,458	22,11,784

APPENDIX

Account showing the gross revenue, cost of management, and net revenue, &c.,

(NOTE.—The financial figures in this table do not include either receipts or disbursements

Year.	Postage Revenue Proper.			Miscellaneous cash receipts.	Total receipts.	Net receipts after deduction of postage due to foreign countries.	Net receipts, deducting also official postage.	Disbursements.	Excess of receipts.	Deficit, if official postage be not reckoned as a receipt.	Proportion of postage revenue proper realized in cash.	Postal tax less the each
	Sale of stamps to public.	Official postage.	Cash on unpaid and insufficiently paid letters, &c.									Post Offices.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		No.
1853-54 . .	...	24,71,176	19,02,870	55,584	45,19,630	45,19,630	20,48,454	24,37,209	20,82,421	3,88,755	...	...
1854-55 (estimated). .	...	13,00,000	22,72,910	...	35,72,910	33,96,910	19,86,910	27,39,376	5,47,534	7,52,466	...	645
1855-56 . .	8,52,750	10,20,662	7,72,744	60,300	33,06,456	32,11,186	15,90,524	29,44,501	2,66,685	13,53,977	...	753
1856-57 . .	8,70,610	18,62,006	9,94,934	1,69,710	38,97,260	37,12,850	18,50,944	29,03,289	8,09,561	10,53,445	...	779
1857-58 . .	8,53,500	18,53,210	8,25,284	1,75,470	37,07,464	36,03,024	17,49,814	35,92,848	10,176	18,43,034	...	810
1858-59 . .	11,98,870	25,25,189	12,26,002	1,93,230	51,43,291	49,40,141	24,14,952	35,20,092	14,20,049	11,05,140	...	835
1859-60 . .	14,49,040	27,47,012	12,35,858	92,200	55,23,905	53,29,245	25,92,233	37,37,011	16,01,334	11,45,678	...	852
1860-61 . .	15,99,319	23,84,734	12,23,860	63,860	52,91,803	51,19,013	27,34,279	38,60,798	12,58,215	11,26,519	...	889
1861-62 . .	17,59,920	28,68,834	12,54,826	62,760	59,46,339	56,73,670	28,04,846	37,99,755	18,73,924	9,94,909	...	942
1862-63 . .	18,93,089	31,02,983	13,30,874	56,555	64,73,501	62,13,666	30,20,682	37,37,535	24,76,130	7,16,853	...	1,011
1863-64 . .	21,00,107	35,53,540	14,43,410	35,588	71,37,051	67,05,591	32,67,045	38,76,162	28,89,429	6,09,117	...	1,091
1864-65 . .	22,80,090	40,20,822	14,67,715	53,970	78,22,627	74,37,401	34,16,579	39,30,579	35,06,822	5,14,000	...	1,191
1865-66 . .	24,46,105	50,08,003	14,91,707	47,600	89,93,415	85,67,271	35,59,268	41,88,625	43,78,646	6,29,357	...	1,539
1866-67 (11 months). .	23,18,930	26,56,260	13,96,498	49,336	64,20,994	60,21,873	33,65,613	40,29,481	19,92,392	6,63,868	...	1,738
1867-68 . .	25,42,261	23,09,839	15,32,952	63,128	64,48,180	60,84,410	37,74,607	47,54,910	13,29,500	9,80,303	...	2,205
1868-69 . .	28,50,802	27,55,016	16,25,976	44,224	72,85,018	68,60,72[illegible]	41,05,704	53,70,201	14,90,519	12,64,497	...	2,580
1869-70 . .	26,00,557	28,87,027	16,13,383	67,550	72,59,117	68,16,010	39,28,383	55,96,779	12,19,231	16,68,396	...	2,620
1870-71 . .	27,95,220	42,39,124	17,80,090	56,424	88,70,858	79,82,88[illegible]	37,43,771	51,77,567	28,05,328	14,33,796	...	2,736
1871-72 . .	28,94,628	34,05,569	18,57,037	46,820	82,04,054	78,34,332	43,38,763	50,97,695	27,36,637	7,58,932	...	2,984
1872-73 . .	29,70,417	10,63,847	18,86,960	1,08,779	60,30,003	55,16,10[illegible]	44,52,262	52,32,689	2,83,420	7,90,427	31·86	3,006
1873-74 . .	31,44,210	10,54,294	19,00,351	88,107	61,92,962	55,78,656	45,24,362	54,21,251	1,57,405	8,96,889	31·23	3,178
1874-75 . .	33,77,668	10,82,570	20,25,126	38,074	65,24,338	59,48,732	48,66,162	55,70,868	3,77,864	7,04,706	31·23	3,408
1875-76 . .	35,08,306	11,44,901	21,28,215	36,382	69,07,834	62,35,301	51,90,400	56,39,310	6,05,991	4,48,910	30·97	3,631
1876-77 . .	37,13,288	12,06,884	21,80,904	37,183	71,38,259	66,88,656	54,81,772	57,87,607	9,00,989	3,05,895	30·71	3,852
1877-78 . .	41,22,910	12,86,138	22,44,948	53,845	77,07,839	72,97,171	60,11,035	60,82,704	12,14,467	71,669	29·33	4,107
1878-79 . .	45,00,924	12,03,017	20,91,107	42,720	78,07,768	74,72,592	62,09,575	65,57,308	9,15,284	3,47,733	26·62	4,39[illegible]
1879-80 . .	48,37,899	13,48,874	20,47,280	63,822	82,97,874	79,89,726	66,40,852	68,93,435	10,96,291	2,52,583	24·86	4,410
1880-81 .	48,83,567	13,41,149	25,11,030	53,384	87,80,130	85,33,595	71,92,446	74,14,125	11,19,470	2,21,679	28·74	4,522

Column 2.—These figures represent the net proceeds of the sale of ordinary postage stamps after deducting the sale discount.

Column 3.—The great differences observable in this column are due mainly to changes of system in the treatment of official correspondence, which was charged at full letter rates up to 1865-66, at the same rates as ordinary correspondence (letters and newspapers, &c.,) from that year on to 1872-73, after which a low privileged rate of 1 anna for each letter not exceeding 10 tolahs (about 4 ozs.) was conceded, as reducing immensely the postage income.

Column 8.—The figures in this column are useful as showing the revenue undisturbed by the changes of system in respect of official correspondence explained in the note referring to column 3.

No. XII.

of the Post Office Department in India from 1853-54 to 1880-81.

n account of conveyance of passengers or any of the Non-Postal Branches).

Recep-tacles open at end of year.		Postal Lines.					Total number of articles given out for delivery.					Articles finally undelivered after passing through the Dead Letter Offices.			European Letters.		Indian share of lump sum subsidy to the P. & O. Co., i.e., of subsidy after deduction of sea postage receipts.
Letter-boxes.	Village Postmen.	Railway.	Mail cart, horses, camels, &c.	Runner or boat lines.	Sea.	Total mileage.	Letters.	Newspapers.	Parcels.	Packets.	Total.	Number.	Percentage on total in column 25.	Number of registered periodicals at the end of each year.	Sent to Europe by P. & O. Co.'s steamers.	Received from Europe by P. & O. Co.'s steamers.	
(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)	(30)	(31)
							Three digits omitted in these five columns.										
No.	No.	Miles.	Miles.	Miles.	Miles.	Miles.	No.	No.	No.	No.	No.	No.		No.	No.	No.	
...	...	...	...	...	...	...	17,280	1,824	296	92	19,473						
...	...	...	6,127	24,467	...	30,594	26,302	2,629	463	133	29,618						
...	...	146	5,697	30,470	...	36,318	29,503	3,133	477	172	33,286						
...	...	No information available for this year.					33,863	3,772	492	173	38,302						
...	...	273	5,508	31,152	...	36,933	37,458	5,272	533	177	43,441						
...	...	532	5,766	33,232	...	39,530	45,743	6,326	623	246	52,938						
...	...	711	5,862	32,765	...	39,338	42,637	5,262	564	266	48,733						
...	...	1,046	5,740	36,784	...	43,570	42,881	4,652	563	292	48,490						
...	...	1,798	4,722	39,034	...	45,554	42,347	4,229	561	321	47,4						
...	...	2,382	5,247	34,318	5,137	47,084	44,246	4,558	556	341	49,702						
...	...	2,473	5,156	33,953	5,137	46,619	46,907	4,618	556	349	52,462						
...	...	2,904	5,319	33,320	5,332	46,875	51,069	4,917	591	391	56,968						
...	...	3,275	4,967	33,311	5,444	46,997	54,797	5,134	579	402	60,913						
...	...	3,658	4,851	33,076	5,444	47,029	54,057	4,825	562	403	59,849						
...	...	3,995	5,140	34,930	5,013	49,678	62,567	5,411	651	525	69,154						
...	...	4,235	5,460	34,973	5,613	50,281	68,891	5,773	699	623	75,987						
[illegible]	...	4,433	5,333	35,498	5,613	50,877	76,567	6,165	764	736	84,534	...	...	...	...	...	73,110
[illegible]	...	4,903	4,175	36,911	6,184	52,203	77,303	6,565	694	1,127	85,689	...	...	...	...	...	69,150
[illegible]	...	5,063	4,278	35,920	6,367	51,637	80,636	6,840	675	1,409	89,561	...	...	430	...	...	68,110
[illegible]	...	5,303	3,915	33,400	6,367	49,056	83,127	7,928	653	1,448	93,157	...	...	478	...	...	61,072
[illegible]	...	5,738	4,003	32,947	11,928	54,616	98,531	8,762	605	1,336	109,235	1,035,440	·94	542	...	...	54,770
[illegible]	1,463	6,138	4,226	31,847	13,087	55,898	104,353	9,365	792	1,608	116,119	922,001	·79	610	...	...	57,170
4,687	1,695	6,549	4,176	32,632	13,087	57,944	107,576	9,423	851	1,618	119,470	781,487	·66	633	...	...	53,125
5,684	1,950	6,938	4,323	33,422	13,687	58,370	110,051	9,580	990	1,619	122,541	691,261	·56	641	(a) 2,678,592	(a) 2,548,795	66,685
5,899	2,242	7,338	3,781	33,157	13,687	57,963	115,089	10,990	909	1,827	128,820	607,170	·51	683	2,626,264	2,978,519	70,749
6,167	2,601	6,128	3,209	32,875	13,687	57,954	118,599	10,276	998	2,023	131,890	635,901	·48	...	2,862,213	2,873,819	71,051
6,426	2,702	6,606	3,042	32,284	14,308	58,240	128,567‡	11,251	1,074	2,085	142,977	658,008	·46	...	3,021,980	3,035,403	88,160
6,720	2,833	9,455	2,635	31,962	14,308	58,360	143,538‡	11,942	1,080	2,105	158,666	673,108	·43	...	2,707,421	3,138,473	71,051

Column 12:—The figures in this column show the proportion of the cash collections in column 4 to the total postal revenue of columns 2, 3 and 4. The comparison com-
pences with the year 1872-73, when the official postage rate was reduced (see note on column 3) and the whole collected in stamps.
Columns 21 *to* 25.—These digits are omitted from the figures in these columns.
Columns 26 *and* 27.—These figures cannot be given prior to 1873-74, owing to a difference in the system of statistical record.
Columns 28.—The registration of newspapers only commenced in the year 1871-72 and ended in 1877-78.
(*a*) Revised so as to include letters to Gibraltar, Malta, and places east of Suez.
* Being the adjusted amounts properly debitable to each year.
† The amounts shown are estimated
‡ Including post-cards

F. R. HOGG,

Offg. Director General of the Post Office of India.

Printed and Published for the GOVERNMENT OF INDIA *at the* GOVERNMENT CENTRAL PRINTING OFFICE, 166, *Dhurrumtollah Street, Calcutta.*

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 13.] CALCUTTA, SATURDAY, APRIL 1, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 13.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Fort William, the 25th March 1882.

No. 492.—Under the provisions of Section 9 of Statute 24 and 25 Victoria, Cap. 67, the Governor General in Council is pleased to direct that His Excellency's Council shall assemble at Simla in the jurisdiction of the Lieutenant-Governor of the Punjab.

No. 495.—During the absence of the Governor General in Council from Calcutta, the Officiating Secretary to the Government of India in the Military Department at the Presidency will have charge of that portion of the Home Department which is left at Calcutta.

PORT BLAIR.

Simla, the 28th March 1882.

No. 139.—The services of Surgeon W. Owen, 2nd Medical Officer, Port Blair and the Nicobars, are placed temporarily at the disposal of the Government of Bengal.

A. MACKENZIE,
Officiating Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 31st March, 1882.

APPOINTMENTS.

No. 157.—COMMISSARIAT DEPARTMENT—

Lieutenant J. H. Young, Bengal S.C., Wing Officer, 7th Native Infantry, to be a Sub-Assistant Commissary General, 3rd class, on probation. Dated 11th March, 1882.

FURLOUGH AND LEAVE.

No. 158.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Major-General C. T. Stewart, R.E., Superintending Engineer, 1st class, Bengal Public Works Department, (m. c.) for one year, under rule XIV, clause (2), of the regulations of 1868.

Lieutenant-Colonel A. Copland, C.B., Bengal S.C., Commandant, 19th Native Infantry, (p. a.) for 243 days, under rule IX of the regulations of 1868. (This cancels the furlough granted to him in G. G. O. No. 78 of 1882.)

Lieutenant G. A. McCarthy, Bengal S.C., Wing Officer and Adjutant, 39th Native Infantry, (m. c.) for one year, under rule VI of the regulations of 1875.

Lieutenant W. G. Bowyer, R.E., Assistant Engineer, 1st grade, Temporary Executive Engineer, 4th grade, Military Works Branch, Public Works Department, (m. c.) for one year, under rule IX, note (1), of the regulations of 1868.

Deputy Surgeon-General R. H. Perkins, (m. c.) for 182 days,—the period up to the 3rd August, 1882, under the provisions of G. G. O. No. 872 of 1876, and the remaining period under rules IX and XV of the regulations of 1868.

Surgeon-Major W. A. C. Roe, (p. a.) for one year and 243 days, under rule IX of the regulations of 1868.

Surgeon J. E. C. Ferris, 1st Bengal Cavalry, (m. c.) under the ruling on rule VI of the regulations of 1875, with effect from the date of embarkation.

PROMOTIONS.

No. 159.—MEDICAL DEPARTMENT—

The following promotion is made, subject to Her Majesty's approval:—

To be Deputy Surgeon-General.

Brigade-Surgeon Benjamin Simpson, M.D., *vice* Deputy Surgeon-General J. A. C. Hutchinson, M.D., whose tour of service has expired. Dated 31st March, 1882.

No. 160.—NATIVE ARMY—

9th Native Infantry.

Havildar Chatarey Singh, to be Jemadar, *vice* Kampta Singh, transferred to the 17th Native Infantry,—2nd January, 1881.

17th Native Infantry.

Jemadar Sadhan Awusthy, from the 3rd Native Infantry, to be Subadar, *vice* Audhan Sing, invalided,—9th September, 1881.

This cancels that portion of G. G. O. No. 45 of 1882 which refers to Jemadar Sadhan Awusthy.

45th Native Infantry.

Jemadar Nowrung Singh, to be Subadar, *vice* Boota Singh, deceased; Pay and Color Havildar Dhunput, to be Jemadar, *vice* Nowrung Singh, promoted,—25th January, 1882.

No. 161.—PUNJAB FRONTIER FORCE—

(Queen's Own) Corps of Guides.

Jemadar Shibba to be Subadar, *vice* Gulabu, invalided; Havildar Gutu, to be Jemadar, *vice* Shibba, promoted,—1st February, 1882.

No. 162.—VOLUNTEER CORPS—

Calcutta Volunteer Rifle Corps.

Lieutenant Rivers Theodore Lewis Howe, to be Captain, *vice* Captain F. G. Teale, resigned.

REWARDS.

No. 163.—ORDER OF BRITISH INDIA—

The undermentioned Native Officer is admitted to the 1st class of the Order of British India, from the date specified:—

BOMBAY.

To the 1st class, with title "Sirdar Bahadur."

Subadar-Major Dhondoo Ghowray, 3rd Native Infantry, *vice* pensioned Subadar-Major Louis Gabriel, "Sirdar Bahadur," deceased, —27th January, 1882.

RETIREMENTS.

No. 164.—Surgeon-Major George William Jameson is permitted to retire from the service, with effect from the 4th April, 1882, subject to Her Majesty's approval.

PENSIONS.

No. 165.—The undermentioned Warrant Officers are transferred to the pension establishment:—

Honorary Captain and Deputy Commissary William Wilson, Public Works Department.

Sub-Conductor Alfred George Fernley, Commissariat Department.

W. M. LEES, *Colonel,*

Offg. Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 31st March, 1882.

Statement of Deposits on account of Estates from the 25th to the 31st March, 1882.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
British Military Service.					Rs. A. P.		
Philip Spencer (a) ...	Quartermaster.	2nd Bn., Liverpool Regiment.	2nd October, 1881.	Intestate ...	4,789 1 10	...	31st May, 1882.

(a) *Widow.*—Charlotte Spencer.
Children.—Annie Margaret Spencer.
Mary Adelaide Spencer.
Bertram Livingston Spencer.
Rose Spencer.
Kathleen Spencer.
Regina Theresa Spencer.

Erratum.—In Notification, dated the 24th March, 1882, under the column, Total unclaimed amount deposited, opposite the name of the late Sergeant Mark Kimber, Bengal Ordnance Department, for Rs. 1,403-2-1 read "Rs. 1,430-2-1."—Notification to be corrected accordingly.

W. M. LEES, *Colonel,*

Offg. Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 1, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 11th March 1882.

From the 8th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 1st April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

Parts II and III and the Supplement will continue to be published in Calcutta.

From the 1st January 1882, Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts will be Rs. 5 per annum, payable in advance. When sent by post, Rs. 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

	Rs.	A.	P.
Subscription for *Gazette* and Supplement per annum	15	0	0
Postage	5	8	0
Subscription for Supplement only	6	0	0
Postage	3	0	0
For a single copy of the *Gazette*	0	8	0
For a single copy of the Supplement	0	8	0

Postage on single copies varies according to weight.

E. J. DEAN,

Publisher, Gazette of India.

NOTICE.

The Office of Superintendent of Government Printing having been removed to No. 166, Dhurrumtollah Street, all communications intended for that Office should be sent to that address.

E. J. DEAN,

Supdt. of Govt. Printing, India.

NOTICE TO MARINERS.

No. 10 of 1882.

INDIA—BAY OF BENGAL.

RIVER HOOGHLY APPROACHES.

Position of Pilot's Ridge Light-vessel.

Navigating Lieutenant E. W. Petley, R.N., Deputy Conservator of the Hooghly Approaches, has notified through the Port Commissioners of Calcutta, that he has placed the Pilot's Ridge Light-vessel in her position for the approaching monsoon, and that the light was exhibited therefrom on the 15th instant, in accordance with established rule.

The light-vessel has been placed about 3½ miles south of the position at present assigned to it on the latest charts, and now lies in latitude 20° 46′ N., and longitude 87° 39′ 30″ E.

The Pilot's Ridge buoy is moored 1½ miles north of the light-vessel.

By direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I.N.)*,

Superintendent, Marine Survey of India.

Marine Survey Department,

Calcutta,

The 20th March 1882.

This Notice affects the following :—

BRITISH ADMIRALTY Charts, Nos. 814, 829 and 70; also Light List for 1882.

INDIAN MARINE SURVEY Charts, Nos. 115, 1172, 15c and 103a; Light List for 1882; also Taylor's Sailing Directory, Vol. I, pages 471 and 476.

If this Notice is received on board-ship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

NOTICE TO MARINERS.

No. 11 of 1882.

SOUTH INDIAN OCEAN.

SEYCHELLE ISLANDS.

Fixed Light on Dennis Island.

Information has been received that in the month of March 1882, a light will be exhibited from a lighthouse in course of construction on the northern part of Dennis island, Seychelle group :—

The light will be a *fixed* white light, elevated 82 feet above the sea, and should be visible in clear weather from a distance of 15 miles.

The illuminating apparatus will be dioptric, or by lenses, of the third order.

Position, approximate, latitude 3° 48′ 0″ S., longitude 55° 40′ 0″ E.

By direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Marine Survey Department,
Calcutta,
The 20th March 1882.

This Notice affects the following :—

BRITISH ADMIRALTY Charts, Nos. 721, 598 and 748b; also Light List for 1882.

INDIAN MARINE SURVEY Chart No. 1257; also Taylor's Sailing Directory, Vol. I, page 543.

If this Notice is received on board-ship, the substance of it should be inserted on the Charts affected by it and introduced into the Sailing Directions to which it relates.

SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 28th March 1882.

No. 269.—Mr. G. G. Vanderbeck, Assistant Surveyor, 2nd Grade, is granted privilege leave for two months, under Section 136, Chapter X, Civil Leave Code, with effect from such date as his services can be spared.

J. T. WALKER, *Lieut.-Genl., R.E.,*
Surveyor General of India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D.,

Railway Branch.

NOTIFICATION.

Indore, the 21st March 1882.

No. 3.—Mr. F. D. Fowler, Assistant Engineer, 2nd Grade, employed on the Bhopal State Railway, has passed the examination laid down in Public Works Code, Chapter II, paragraph 17.

By Order,

C. S. THOMASON, *Colonel, R.E.,*
Secy. to Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 21st March 1882.

No. 709 *G.*—With reference to Foreign Department Notification No. 20 G. M., dated 3rd February 1882, Major P. W. Smith assumed charge of his duties as Officiating 2nd-in-Command, Merwara Battalion, on the forenoon of the 7th March 1882.

The 25th March 1882.

No. 731 *G.*—Lieutenant H. L. Ramsay, Assistant Agent to the Governor General, Rajputana, is granted thirty days' privilege leave from the 12th April 1882.

The 27th March 1882.

No. 734 *G.*—The following Hospital Assistants, transferred by the Surgeon-General with the Government of India for permanent civil employment in Rajputana, are posted as follows :—

Class.	Names.	Appointed to	Date of joining.
2nd	Imdad Hooseln ...	Agency Hospital, Udipur.	30th January 1882.
3rd	Sukhmundun ...	Raj Dispensary, Jaipur.	3rd January 1882.
3rd	Yoosuf Narain ...	Agency Hospital, Deolee.	2nd January 1882.

1st Class Hospital Assistant Mahbub Khan, attached to the Udipur Agency, and 2nd Class Hospital Assistant Saiad Nur Khan, attached to the Harowtee Agency Hospital, are transferred to Jaipur, for Native State service, with effect, respectively, from the 30th and 2nd January 1882.

By Order,

F. T. HEWSON,
for *1st Asst. Agent to the Govr. Genl.*

AGENT, GOVERNOR GENERAL, AND CHIEF COMMISSIONER, RAJPUTANA, P. W. D.

NOTIFICATIONS.

Camp Ajmere, the 27th March 1882.

No. 654 *S.*—Mr. E. G. Foy, Assistant Engineer, 2nd Grade, passed the examination in Hindustani prescribed in Section 21 of Chapter II of the Public Works Code, 4th Edition, and called the Departmental Standard.

No. 656 *S.*—Mr. F. St. G. Manners Smith, Assistant Engineer, 2nd Grade, passed the colloquial examination in Hindustani as laid down in paragraph 20 of Chapter II of the Public Works Code, 4th Edition.

By Order,

J. P. STEEL, *Major, R.E.,*
Secy. to Agent, Govr. Genl., & Chief Commr., P. W. D., Rajputana.

CHIEF COMMISSIONER OF COORG.

NOTIFICATIONS.

Bangalore, the 1st April 1882.

No. 1.—In exercise of the powers conferred by Sections 5 and 13 of the "Opium Act I of 1878," the Chief Commissioner has made the following Rules, which have received the sanction of the Governor General in Council, and are now published as required by the Act. They apply to the whole of the territories administered by the Chief Commissioner of Coorg, and shall come into force from the 1st April 1882 :—

Interpretation Clause.

I.—In these Rules, unless there be something repugnant in the subject or context—

"Chief Commissioner" means the Chief Commissioner of Coorg.

"The Commissioner" means the Commissioner of Coorg.

"Farmer" means a person who has obtained a farm from the Commissioner under Rule XVII.

"Licensed vendor" means a person who has obtained a license for the sale of opium by retail under Rule XIV or XVIII.

"The sale of opium by retail" means the sale of any quantity of opium not exceeding three tolahs. Any other sale is a wholesale sale.

"Medical practitioner" means a person to whom a person to whom a special license has been granted under Rule VII.

The word "opium" has the meaning assigned to it in the Opium Act I of 1878, except that it does not include poppy heads.

The words "import," "export," and "transport" have the respective meanings assigned to them in the Opium Act I of 1878.

II.—The Commissioner is authorised to exercise the powers conferred by Sections 12 and 19 of the Act.

Manufacture.

III.—The manufacture of preparations or admixtures of opium by a licensed vendor for retail sale, or for wholesale sale to another licensed vendor, or to a medical practitioner, is permitted.

Possession.

IV.—Any person may have in his possession three tolahs of opium, provided that such opium has been purchased from the Government or from a farmer, licensed vendor, or medical practitioner.

V.—The possession of more than three tolahs of opium by a farmer, licensed vendor, or medical practitioner, is permitted.

VI.—The Commissioner may specially authorise the possession by any person of a quantity of opium not exceeding one seer.

VII.—The Commissioner may grant to any medical practitioner residing within his district a special license in Form I appended to these Rules, or in such other form as may from time to time be prescribed by the Chief Commissioner, for the possession of opium and the sale of opium by retail for medical purposes only: Provided that such medical practitioner shall not have in his possession at one time more than one seer of opium.

Transport.

VIII.—When a farmer or licensed vendor desires to transport opium, he shall obtain for each consignment a pass from the Commissioner in such form as the Chief Commissioner may from time to time prescribe.

The pass shall specify—

(1) the time within which the transport must be effected;

(2) the place from which the consignment is to be transported;

(3) the name of the person in charge of the consignment;

(4) the name of the consignee;

(5) the number of packages, and the weight and contents of each; and

(6) the place to which the consignment is to be transported.

Each package in every such consignment shall be stamped by, or in the presence of, the officer granting the pass with his official seal.

IX.—The bulk of a consignment shall not be broken during transport.

X.—The Commissioner may, at his discretion, make it a condition of the pass that the bulk of the consignment for which it is granted shall not be broken after arrival at its destination as specified in the pass, until after the consignment shall have been examined by an officer deputed or authorised by the Commissioner for that purpose: Provided that such examination shall be made within seven days from the date on which the Commissioner is informed of the arrival of the consignment.

XI.—If any officer, competent to exercise the powers of seizure, detention, and search under Sections 14 and 15 of the Opium Act, finds that the packages are fewer, or the amount of opium less (by more than the dryage

allowance of one-quarter per cent.) than the number or amount specified in the pass, he shall immediately report the circumstances to the Commissioner, who will decide whether a prosecution shall or shall not be instituted.

Import.

XII.—The import of opium on account of Government is permitted on the condition that the opium is covered by a pass granted by the Opium Agent at Indore.

Sale.

XIII.—Opium in quantities of not less than one seer shall, on prepayment at such rates as the Chief Commissioner may from time to time prescribe by Notification in the official Gazette, be supplied by the Commissioner to any farmer, licensed vendor, or medical practitioner. No opium shall be sold by wholesale or retail which has not been bought from the Commissioner or from a licensed vendor. No opium shall be sold wholesale except under special order from the Commissioner or as next hereinafter provided. A licensed vendor or farmer may sell any quantity of opium to another licensed vendor or farmer, and a quantity not exceeding one seer of opium to a medical practitioner.

XIV.—Licenses for the sale of opium by retail may be granted by the Commissioner. Such limited number of shops for the retail vend of opium as the Commissioner may from time to time decide shall be allowed, and the monopoly of retail vend at such shops shall be sold for such fee as the Chief Commissioner may fix, or it may be put up to auction at the commencement of each official year. The shops shall be disposed of singly or in groups as the Commissioner shall direct.

XV.—Licenses for the sale of opium by retail shall be in Form II appended to these Rules, or in such other form as may from time to time be prescribed by the Chief Commissioner.

XVI.—Licenses for the sale of opium by retail shall be granted for one year only, unless the Chief Commissioner shall otherwise specifically direct.

XVII.—With the sanction of the Chief Commissioner, the Commissioner may farm the duties leviable on the sale of opium by retail for a term not exceeding five years. The Chief Commissioner may prescribe conditions subject to the provisions herein contained—

(*a*) for the invitation and acceptance of tenders for the farm of such duties;

(*b*) as to form and conditions of the leases; and

(*c*) for the requisition of security for the due fulfilment of the engagements entered into by the farmers.

Any breach of such engagement shall, over and above any other penalty, subject the lease to annulment by the authority by whom the farm was granted.

XVIII.—When such duties are farmed, the farmer may issue licenses for the manufacture and sale of opium by retail within the limits of his farm. Such licenses shall be countersigned by the Commissioner, and shall then have the force of licenses issued by the Commissioner in Form II and shall contain conditions 2, 3, 4, 5 and 8 of Form II annexed to these Rules, and may be cancelled at the discretion of the Commissioner for the breach of any of these conditions.

XIX.—Before entering into engagement for the farm of such duties, the Commissioner may make such reservations or restrictions with respect to the grant of licenses by the farmer as he thinks fit.

XX.—Every farmer shall file in the Commissioner's office, in such form as may from time to time be prescribed by him, a list of all licenses granted by him.

XXI.—With the sanction of the Chief Comsioner, the Commissioner may cancel any lease granted under Rule XVII, or may within the period of such lease, impose any new reservation and restriction on the farmer.

XXII.—If a lease be cancelled for any cause other than a breach of the engagements entered into by the farmer, of if any reservation or restriction with respect of the grant of licenses be imposed under Rule XXI during the term of the lease, the Chief Commissioner may award to the farmer compensation for any loss thereby caused to him.

XXXIII.—If any licensed vendor or farmer shall, on the expiry of his license or farm, have in his possession any opium which he is unable to dispose of to the satisfaction of the Commissioner by private sale to other licensed vendors or farmers, he shall surrender the same to the Commissioner, and the incoming licensed vendor or farmer, or, if the expired license or farm is not renewed, any licensed vendor or farmer within the District, shall, when required by the Commissioner, be bound to purchase the opium aforesaid to the extent of two months' supply at such price and in such quantities as the Commissioner shall adjudge: Provided that the price thus adjudged shall in no case exceed the rate at which opium can be procured from the Government; provided also that if such opium be declared by the Civil Surgeon to be unfit for use, the Commissioner shall cause the same to be destroyed.

General.

XXIV.—Except where otherwise especially provided in the foregoing rules, the possession, transport, import, or sale of opium by, or on behalf of, Government shall be unrestricted.

Disposal of things confiscated.

XXV.—Opium confiscated under the "Opium Act I of 1878" shall be examined by the Civil Surgeon, and if declared by him to be fit for use shall be sent to the nearest Government Treasury, and be disposed of as the Commissioner may direct. If declared to be unfit for use, it shall be immediately destroyed.

XXXVI.—All property, other than opium, which is confiscated under the said Act shall be sold under the orders of the Magistrate or other officer by whom the confiscation was adjudged.

Rewards.

XXVII.—Any Magistrate convicting an offender under Section 9, or any Magistrate or other authorised officer ordering the confiscation of opium under Section 12 of the "Opiam Act I of 1878," may grant a reward not exceeding the value of the opium confiscated, plus the amount of any fine realised in such proportions as he may think fit, to any person or persons who have contributed to the seizure of the opium or the conviction of the offender.

XXVIII.—If in any case the fine or forfeiture is not realised, the Commissioner may sanction such reasonable reward, not exceeding the amount of the fine and forfeiture, as may seem appropriate. The Chief Commissioner may also by General Order declare what classes of Excise Officers shall receive rewards, and what classes shall have no title to share therein.

FORMS.

I.—Special license to Medical Practitioner under Rule VII.

Special license granted to following the profession of at in the Province of Coorg for the sale of opium by retail, on the condition that the said shall not have in his possession at one time more than one seer of opium, and that such opium shall be procured from the Commissioner's office or from a licensed vendor or farmer, and shall be used *bonâ fide* as medicine or in medical preparations or prescriptions.

II.—License for the sale of opium by retail (General).

Number of license in register—

Name of vendor—

Locality of shop—

Be it known that resident of township or village, Province of Coorg, is hereby authorised by the Commissioner of Coorg to sell opium by retail under Rule XV and wholesale under the provisions of Rule XIII* of the Coorg Opium Rules to another licensed vendor, or to a medical practitioner licensed under Rule VII† of those Rules at in from the date of this license to the day of 18 upon the following conditions:—

* XIII. Opium in quantities of not less than one seer shall, on prepayment at such rates as the Chief Commissioner may from time to time prescribe by Notification in the official Gazette, be supplied by the Commissioner to any farmer, licensed vendor, or medical practitioner. No opium shall be sold by wholesale or retail which has not been bought from the Commissioner or from a licensed vendor. No opium shall be sold wholesale except under a special order from the Commissioner or as next hereinafter provided. A licensed vendor or farmer may sell any quantity of opium to another licensed vendor or farmer, and a quantity not exceeding one seer of opium to a medical practitioner.

† VII. The Commissioner may grant to any medical practitioner residing within his district a special license in Form I appended to these rules, or in such other form as may from time to time be prescribed by the Chief Commissioner for the possession of opium and the sale of opium by retail for medical purposes only: Provided that such medical practitioner shall not have in his possession at one time more than one seer of opium.

1. That he shall pay to Government a quarterly duty of .

2. That he shall not receive any wearing apparel or other goods in barter for opium.

3. That he shall not open his shop, or make sales therein, before sunrise; that he shall not keep it open, or make sales therein, after 9 P.M.; and that he shall not harbour any person therein during the night.

4. That he shall not permit persons of notoriously bad character to resort to his shop; that he shall prevent gaming and disorderly conduct therein; and that he shall give information to the nearest Magistrate or Police Officer of any suspected person who may resort to his shop.

5. That he shall have constantly fixed up, at the entrance of his shop, a signboard bearing the following inscription in legible characters in the vernacular language:—

(*Name of Vendor*) *Licensed to sell opium by retail.*

6. That if he buy less than , which is the quantity estimated to be sold by retail in each month, he shall, if required, explain the reason of the falling off to the Commissioner.

7. That he shall keep up daily an account in the following form showing the receipts and deliveries of opium at his shop each day, and the balance in store:—

Date.	Quantity of opium in store from yesterday.	Quantity of opium received this day and whence received.	Total quantity to be accounted for.	Quantity used in the preparation of—	Quantity sold this day.	Quantity left in store.

8. That he shall immediately produce his license and accounts for inspection on the demand of any officer of any of the Departments of Excise, Police, Customs, Salt, Opium, or Revenue, superior in rank to a peon or constable, and that he shall not prevent any such officer of whatever rank from entering his shop at any hour of the day or night.

9. This license shall have effect from to and unless renewed by the order of the Commissioner by the day of , being the expiration of the period for which it was granted, shall cease to remain in force, notwithstanding that a special order recalling it has not been issued by the Commissioner.

10. This license may be recalled by the Commissioner

(*a*) for default of punctual payment of the duty stipulated to be paid in clause I;

(*b*) for violation of any of the conditions specified in this license;

(*c*) if the holder of this license be convicted of breach of the peace or any other criminal offence.

Should the license be recalled for any of these causes, the license-holder shall have no claim to any compensation or to any refund of any duty or instalment of duty already paid. But it shall be in the discretion of the Commissioner to make such compensation or refund, should he consider it necessary or advisable to do so.

Should the Commissioner desire to recall this license before the expiry of the period for which it has been granted for any cause other than those hereinbefore specified (*a*), (*b*) and (*c*), he shall give 15 days' previous notice and remit a sum equal to the duty for fifteen days, or if notice be not given shall make such further compensation in default of notice as the Chief Commissioner may direct.

11. This license may be surrendered by the license-holder on his giving one month's notice to the Commissioner and paying such fine not exceeding the amount of the duty for six months, or the loss caused to Government by the failure to carry out any condition imposed as the Commissioner may adjudge.

Should the Commissioner be satisfied that the reason for surrendering the license is adequate, he may, with the sanction of the Chief Commissioner, remit the fine.

12. On the infringement of any of the above articles or of any conditions imposed by the Opium Act, 1878, or by the rules made thereunder, this license, and any other license or licenses that the holder may have obtained for the sale of opium, shall be forfeited.

No. 2.—Under Rule XIII of the Opium Rules for the Province of Coorg, the Chief Commissioner is pleased to fix until further notice the rate at which opium shall be sold by the Commissioner of Coorg to any farmer, licensed vendor, or medical practitioner at Rs. 1,500 per chest of 140¼ lbs. or Rs. 11 per lb., for quantities from one seer, but less than one chest.

By Order,

H. WYLIE, *Major*,

Secretary to the Chief Commr. of Coorg.

MILITARY DEPARTMENT—Military Works.

NOTIFICATIONS.

Presidency & Oudh Command.

Lucknow, the 27th March 1882.

No. 9.—With reference to this Office Notification No. 3 of 25th February 1882, Lieutenant W. R. Chippindall, R.E., Assistant Engineer, 1st Grade, joined the Fort William Division, Military Works, on the forenoon of 8th March 1882.

H. McV. CRICHTON, *Major, R.E.*,

Supdg. Engr. Presdy. & Oudh Command, Military Works.

Sirhind & Lahore Command.

Lahore, the 22nd March 1882.

No. 116.—Lieutenants J. Lutyens, R.E., and W. Huskisson, R.E., Assistant Engineers, 2nd Grade, appointed to the Sirhind and Lahore Command, Military Works, are posted as follows: the former to the Lahore Division, Military Works, which he joined on the afternoon of the 16th instant, and the latter to the Umballa Division, Military Works, which he joined on the forenoon of the 18th March 1882.

WILLIAM B. HOLMES, *Lt.-Col., R.E.*,

Supdg. Engr., Sirhind & Lahore Command, Military Works.

Report of a Deserter from the 2nd Battalion, Royal Warwickshire Regiment of Foot, dated at Fort William, Calcutta, this 27th day of March 1882.

Number, Rank, and Name,—No. 1975, Private Henry Smith.	At what Place Enlisted,—Northampton.
Age,—21 years 1 month.	Parish and County in which Born,—St. Anns, Liverpool, Lancaster.
Size,—5 feet 9 inches.	Marks,—Blue mark over left eye.
Colour of—Complexion, fair; Hair, dark brown; Eyes, grey.	Trade,—Laborer.
Date of Desertion,—21st March 1882.	Coat or Jacket,— } Regimentals, white clothing.
Place of Desertion,—Fort William, Calcutta.	Waistcoat,— ... } Regimentals, white clothing.
Date of Enlistment,—10th February 1879.	Breeches or Trowsers,— ... } Regimentals, white clothing.
	REMARKS,—Under 4 years' service.

L. B. HOLE, *Lieut.-Colonel*,

Comdg. 2nd Battn., Rl. Warwickshire Regt. of Foot.

Statement of the Affairs of the Bank of Bengal for the week ending 28th March 1882.

LIABILITIES.		Rs.	A.	P.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		30,11,966	4	4
Public Deposits at Head Office	Rs. 1,01,33,740 5 1	2,38,91,149	12	6
Public Deposits at Branches	1,37,57,408 7 5			
Other Deposits at Head Office and Branches		2,48,70,821	10	5
Bank Post Bills, &c.		6,43,634	8	6
Sundries		11,66,788	7	7
RUPEES		7,35,84,360	11	4

ASSETS.		Rs.	A.	P.
Government Securities		59,32,001	8	0
Other authorized Investments		43,78,830	0	0
Loans on Government and other authorized Securities		75,41,033	11	8
Accounts of Credit on Government and other authorized Securities		1,21,57,880	15	9
Bills discounted and purchased		2,20,69,188	4	8
Balances with other Banks		6,71,690	13	4
Bullion		11,15,929	15	3
Dead Stock		11,94,213	15	9
Stamps		7,626	12	0
Sundries		4,51,456	9	5
		5,55,19,852	9	10
Cash and Currency Notes at Head Office	Rs. 69,61,239 11 9	1,80,64,508	1	6
Cash and Currency Notes at Branches	1,11,03,268 5 9			
RUPEES		7,35,84,360	11	4

By order of the Directors,

BANK OF BENGAL, *Calcutta, 30th March 1882.*

J. GORDON, *Chief Acctt. & Depy. Secretary.*

W. D. CRUICKSHANK, *Offg. Secy. & Treasurer.*

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, estimated value.	Certificates issued on		Balance of Bullion		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1882.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Mar. 20	...	1,51,311	2,08,328	2,93,424	55,86,030	16,81,663
„ 21	...	1,52,237	3,06,180	6,072	57,83,161	18,23,506
„ 22	...	1,54,391	183	5,897	55,93,595	16,76,107
„ 23	...	1,41,842	...	5,897	54,71,922	15,41,763
„ 24	...	1,41,569	...	5,897	54,82,260	14,08,140
„ 25	...	68,337	...	386	53,86,596	13,42,992

CALCUTTA MINT,
The 27th March 1882.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1882.		Rs.	
W11	... M 39—57614 ...	1,000	Adarji Edalji Nariman, Bombay.
W12	M 57—07009	50	Rastamji Dadabhai, Bombay.
	„ —01306		
	„ —09195		
	„ —25726		
	„ —28676		
	„ —30933		
	„ —31550		
	„ —35576		
	„ —37238		
	„ —40790		
	„ —42048		
	„ —42386		
	„ —44316		
	„ —44851		
	„ —44852		
	„ —44853		
W14	... M39—55970 ...	1,000	Bhukhandas Vijbhukhandas, Bombay.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1882.		Rs.	
H7	... M 53—58088 ...	20	Advaly Kristnapa, Harihurpur.
H27	... K 3—25651 ...	50	Narayandas Prabhu, Kumpta.
H28	... M 63—15812 ...	10	Ramchandra Waman Baroc, Nasik.
	M 56—70857 ...	20	
H29	... M 54—03674 ...	10	Kunjalal Rathi.
	M 53—47746 ...	20	
	„ —70912 ...	20	
H30	... F 10—72979 ...	100	A. R. Ephraums, Galle.
H31	... F 8—71641 ...	20	Durga Parshad, Allahabad.
H32	... K 3—22571 ...	50	Narayan Damodar Joshi, Bombay
H33	... M 44—65880 ...	100	J. W. Hutchins, Bombay.
M18	... M 59—75404	10	Tyabali Kamrudin, Bhandara.
	„ —74647		
M19	... M 44—98656	100	Amorchand Magniram, Kamptee.
	„ —98655		
M20	... M 56—43324	20	C. Cawasji, Mhow.
	„ —43353		
M21	... M 44—78787	100	Haji Mahomed Husen, Bombay.
	„ —78791		

BOMBAY,
The 28th March 1882.

W. T. PIERCY,
Assistant Accountant General,
for *Commissioner of Issue.*

Lahore Circle.

NOTE PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		Rs.	
95	... E 6—90761 ...	10	Sadanand, Lahore.

LAHORE,
The 24th March 1882.

H. J. BRERETON,
for *Depy. Commr. of Paper Currency.*

Madras Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
144	... B 67—18045 ...	10	P. Venkatasum, Vizianagram.
145	... B 68—30335 ...	100	Sitharam Chanduck, Bombay.
	„ —53429 ...	100	
146	... B 64—79361 ...	20	B. Vasunthapa, Mundya, *vid* Bangalore.
147	... I 8—28737 ...	5	Buddojee Rao, Adoni.
	„ —28738 ...	5	
	„ —28739 ...	5	
	„ —28745 ...	5	
148	... B 63—46124 ...	10	V. Seshagiri Rao, Goribidnoor Taluk, Mysore.
	B 67—29960 ...	10	

FORT SAINT GEORGE,
The 20th March 1882.

H. S. GROVES,
Assistant Accountant General,
in charge of Paper Currency Dept.,
for *Commissioner*

ORDNANCE OFFICE.

NOTIFICATION.

Calcutta, the 28th March 1882.

In future all official communications for the Inspector General of Ordnance, Bengal, are to be directed to the Ordnance Office at Calcutta, as no portion of that Office is hereafter to go to Simla.

By Order,
F. GALLOWAY, *Major, R.A.,*
Offg. Asst. to Inspr. Genl. of Ordnance.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 31st March 1882.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1882.	
Persian Gulf	7 P. M.	8th April	From Bombay.
Madras, Ceylon and the Intermediate Ports	7 „	7th „	Str. *Khandalla.*
Madras and Ceylon	7 „	9th „	P. & O. Str. *Australia.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *vid* Hong-Kong for Yokohama; also for Australian Colonies	7 „	4th „	From Bombay.
Foreign Mails *vid* Bombay	7 „	4th „	From Bombay.
Do. Book Post and Pattern Packets	7 „	3rd „	From Bombay.
Rangoon, Moulmein, and Straits	7 „	6th „	Str. *Pemba.*
Persian Gulf	7 „	1st „	From Bombay.
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	7 „	6th „	Str. *Arabia.*

* Also for Cape Town and Natal *vid* England; also *vid* Aden for Zanzibar, Mozambique, and Delagoa Bay; also *vid* Aden for Mauritius, Mahé, (Seycheiles) Mayotte, Nossi Be and Reunion can be forwarded by this opportunity.

N.B.—The Letter Box will close at 7 P. M. precisely; after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

The 31st March 1882.

It is hereby notified for general information that the following mail despatches to Ceylon will be made up from Calcutta General Post Office during April 1882 :—

DATE OF CLOSING.	ROUTE.
4th April 1882* ...	By Star Line private vessel.
4th April 1882 ...	By P. & O. Steamer from Bombay.
9th April 1882 ...	By P. & O. Steamer from Calcutta.
14th April 1882* ...	By B. I. S. N. Co.'s private vessel.
18th April 1882 ...	By P. & O. Steamer from Bombay.
23rd April 1882 ..	By P. & O. Steamer from Calcutta.
25th April 1882* ...	By Star Line private vessel.
26th April 1882* ...	By B. I. S. N. Co.'s private vessel.
27th April 1882 ...	By French Steamer.

* These dates are subject to alteration in the event of departure of the vessel being delayed.

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Ansell, Mrs.
Arrakiel, Mrs.
Barron, T.
Beacher, Captain.
Bowser, W.
Brien, Mrs. S.
Brown, W. R.
Budd, Peter Sutton.
Christian, A. D.
Clarke, Mrs. M.
Curtis, Arthur C.
David, Mrs. L.
Davies, Mrs. L. M.
Deverell, G.
Douglas, J. S.
Dunnington & Co.
Editor of the Annals, Indian Administration
Evanson, Mrs. M.
Ezekiel, Miss S.
Fabian, G.
Faulkner, G. H.
Freeman, Mrs. H.
Freeman, Mrs. S.
Gadgil, S. K.
Gose, Miss G.
Graham, Mrs. H.
Graham, J. (Barrister-at-Law.)
Grant, W. M.
Harden, Major A.
Harvey, Mr.
Hayter, Colonel Charles.
Henry, Robert.
Hobson, W. M.
Hough, Mrs. T. F.
Howard, W.
Jackson, Stuart.
Jones, H. R.
Jones & Co., Messrs.
J. W.
Jones, Mrs. E.
Jonston, H. W.
Kar, Robert.
Lawrence, Mrs. C.
Lloyd, Colonel.
Mackenzie, Major A. K. J. C.
Major, R. B.
Maxwell & Co.
McGill, W.
Morrison, Mrs.
Newcomb, Harry (S. S. *Socotra.*)
O'Sullivan, Mrs. E.
Parvion, Mrs T. H.
Pilcher, R. Hope.
Ricketts, Mrs. E.
Russell, R.
Shewell, Mrs.
Siddle J.
Silvester, Brown.
Smallwood, G.
Smith, Lieut. J. H.
Smith & Co., Messrs. S.
Stewart, J.
Stuart, George.
Thompson & Co., John.
Thomson, J. T.
Thomson, Professor.
Thomas, Mrs. T. H.
Trafield, J.
Tucker, Mrs. J.
Wallace, Mrs.
Watkins, O. R.
White, W. M.
Winton, Monsieur D. L.

Letters marked "Care of Post Office, to be kept till called for."

Archer, R.
Atkinson, J.
Cairnsfather, Lieut. T. H.
Bates, Nelson John.
Beamki, Signore G. P.
Bennett, Henry.
Berrill, G. F.
Boswell, W. A.
Briscoe, J. D.
Brown, John.
Buchanan, J. E.
Burnes, J.
C. B. A.
C B.
Cahill, James.
Carter, R. G.
Constantine, George.
Cumine, Miss.
Curlander, Solomon.
Dawson, Frank.
"Diamond."
Dicken, Major P. L.
Duff, J. C.
Durant, Surgeon-Major.
Eastwood, E. P.
E. D. P. O.
Edmonds, Mrs.
Forest, William Dene.
Fowler, Captain W. J.
Ghoenburge, M. M.
Gunther, J.
Hansen, W. T.
Hare, Mrs.
Harry, Thomas.
Hearne, T.
Hiss, H.
Hudson, William.
Jackson, E
Jacky, Monsieur R.
Jex, Henry.
Johnston, R. T.
Jones, F.
Jones, Thos
Khambatta, P. A.
Lambert, Dr. E.
Leicester, A. B.
Lord, S.
Macdonald, Alexander.
Macnab, Henry.
Macpherson, W. G.
Maitland, T.
Mason, —.
McCormack, T.
McVey, Hugh.
Mercer, C. G.
Michie, A
Morgan, William.
Morrison, W.
M. S. U. Y.
Munro, W.
Ornstein, Signiori Scapria.
Linglay, A. B.
Pollock, W. N.
Radcliffe, Vernon B.
Robinson, William.
Roper, E. J.
Saunders, Geo.
Scarth, M.
Schaun, R.
Sevastopulo, N. E.
Sheels, H. J.
Sheldrake, Miss.
Smith, Chas. C. D.
Smith, H. Gordon.
Spencer, Mrs.
Stephens, Arthur.
Stobie, J. C
Stuart, William.
Stuart, Dr. K.
Vande, Polls Jenkhur W. G
Wall, W. M.
Williams, W.
Wilson, Miss.
W. J. H.
X. Y. Z.

Registered Letters.

Burridge, E. J.
Curry, Mons. C. K.
Finch, Mr.
Jameson, W. H.
McEwan, R.
Moffat, J. H.
Morris, Mr. T. A.
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O'Brien, Captain M.
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PART III.

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Lost

The Government Promissory Notes, No. 269, of 3½ per cent. of 1853-54, for Rs. 1,000, No. $\frac{12241}{10064}$, of 4 per cent. of 1842-48, for Rs. 500; No. $\frac{6109}{14054}$, of 4 per cent. of 1854-55, for Rs. 500; and No. 4065, of 4 per cent. of 1842-43, for Rs. 500; originally standing in the name of
and last endorsed to Lala Girdhari Lal, Rais of Sakit, late an employee of the Commissariat Department, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

LALA NARAIN LAL,
Son of late Lala Girdhari Lal, of Sakit.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 17th March, 1882, and is hereby promulgated for general information :—

ACT No. XIV OF 1882.

THE CODE OF CIVIL PROCEDURE.

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THE FIRST SCHEDULE.—Acts repealed.

THE SECOND SCHEDULE.—Chapters and sections of this Code extending to Provincial Courts of Small Causes.

THE THIRD SCHEDULE.—Bombay Enactments.

THE FOURTH SCHEDULE.—Forms of Pleadings and Decrees.

An Act to consolidate and amend the laws relating to the Procedure of the Courts of Civil Judicature.

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature; It is hereby enacted as follows:—

PRELIMINARY.

Short title. Commencement.

1. This Act may be cited as "The Code of Civil Procedure:" and it shall come into force on the first day of June, 1882.

Local extent.

This section and section 3 extend to the whole of British India. The other sections extend to the whole of British India except the Scheduled Districts as defined in Act No. XIV of 1874.

Interpretation-clause.

2. In this Act, unless there be something repugnant in the subject or context—

"chapter:" "chapter" means a chapter of this Code:

"district:" "District Court." "district" means the local limits of the jurisdiction of a principal Civil Court of original jurisdiction (hereinafter called a 'District Court'), and includes the local limits of the ordinary original civil jurisdiction of a High Court: every Court of a grade inferior to that of a District Court and every Court of Small Causes shall, for the purposes of this Code, be deemed to be subordinate to the High Court and the District Court:

"pleader:" "pleader" means every person entitled to appear and plead for another in Court, and includes an advocate, a vakíl and an attorney of a High Court:

"Government Pleader:" "Government Pleader" includes also any officer appointed by the Local Government to perform all or any of the functions expressly imposed by this Code on the Government Pleader:

"Collector:" "Collector" means every officer performing the duties of a Collector of land-revenue:

"decree:" "decree" means the formal expression of an adjudication upon any right claimed, or defence set up, in a Civil Court when such adjudication, so far as regards the Court expressing it, decides the suit or appeal. An order rejecting a plaint, or directing accounts to be taken, or determining any question mentioned or referred to in section 244, but not specified in section 588, is within this definition: an orders pecified in section 588 is not within this definition:

"order:" "order" means the formal expression of any decision of a Civil Court which is not a decree as above defined:

"judgment:" "judgment" means the statement given by the Judge of the grounds of a decree or order:

"Judge:" "Judge" means the presiding officer of a Court:

"judgment-debtor:" "judgment-debtor" means any person against whom a decree or order has been made:

"decree-holder:" "decree-holder" means any person in whose favour a decree or any order capable of execution has been made, and includes any person to whom such decree or order is transferred:

"written:" "written" includes printed and lithographed, and "writing" includes print and lithography:

"signed:" "signed" includes marked, when the person making the mark is unable to write his name; it also includes stamped with the name of the person referred to:

"foreign Court:" "foreign Court" means a Court situate beyond the limits of British India and not having authority in British India nor established by the Governor General in Council:

"foreign judgment:" "foreign judgment" means the judgment of a foreign Court:

"public officer." "public officer" means a person falling under any of the following descriptions (namely):—

every Judge;

every covenanted servant of Her Majesty;

every commissioned officer in the military or naval forces of Her Majesty while serving under Government;

every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of Justice to perform any of such duties;

every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

every officer of Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of Government, or to make any survey, assessment or contract on behalf of Government, or to execute any revenue-process, or to investigate, or to report on, any matter affecting the pecuniary interests of Government, or to make, authenticate or keep any

document relating to the pecuniary interests of Government, or to prevent the infraction of any law for the protection of the pecuniary interests of Government, and every officer in the service or pay of Government, or remunerated by fees or commission for the performance of any public duty.

"Government."

And in any part of British India in which this Code operates, "Government" includes the Government of India as well as the Local Government.

Enactments repealed.

3. The enactments specified in the first schedule hereto annexed are hereby repealed to the extent mentioned in the third column thereof. But all notifications published, declarations and rules made, places appointed, agreements filed, scales prescribed and forms framed under any such enactment, shall, so far as they are consistent with this Code, be deemed to be respectively published, made, appointed, filed, prescribed and framed hereunder.

References in previous Acts.

And when in any Act, Regulation or notification passed or issued prior to the day on which this Code comes into force, reference is made to Act No. VIII of 1859, Act No. XXIII of 1861, or the 'Code of Civil Procedure,' or to Act No. X of 1877, or to any other Act hereby repealed, such reference shall, so far as may be practicable, be read as applying to this Code or the corresponding part thereof.

Saving of procedure in suits instituted before 1st June, 1882.

Save as provided by section 99A, nothing herein contained shall affect any proceedings prior to decree in any suit instituted or appeal presented before the first day of June, 1882, or any proceedings after decree that may have been commenced and were still pending at that date.

Appeals pending on 29th July, 1879.

Every appeal pending on the twenty-ninth day of July, 1879, which would have lain if this Code had been in force on the date of its presentation, shall be heard and determined as if this Code had been in force on such date; and every order passed before the same day, purporting to transfer a case to a Collector under section 320, and every notification published before the same day, purporting to be issued under section 360, shall be deemed to have been respectively passed and issued in accordance with law.

Saving of certain Acts affecting Central Provinces, Burma, Panjáb and Oudh.

4. Save as provided in the second paragraph of section 3, nothing herein contained shall be deemed to affect the following enactments (namely):—

The Central Provinces Courts Act, 1865:

The Burma Courts Act, 1875:

The Panjáb Courts Act, 1877:

The Oudh Civil Courts Act, 1879:

or any law heretofore or hereafter passed under the Indian Councils Act, 1861, by a Governor or a Lieutenant-Governor in Council, prescribing a special procedure for suits between landholders and their tenants or agents,

or any law heretofore or hereafter passed under the Indian Councils Act, 1861, by a Governor or a Lieutenant-Governor in Council, providing for the partition of immoveable property.

And where under any of the said Acts concurrent civil jurisdiction is given to the Commissioner and the Deputy Commissioner, the Local Government may declare which of such officers shall for the purposes of this Code be deemed to be the District Court.

Sections extending to Provincial Small Cause Courts.

5. The chapters and sections of this Code specified in the second schedule hereto annexed extend (so far as they are applicable) to Courts of Small Causes constituted under Act No. XI of 1865, and to all other Courts (other than the Courts of Small Causes in the towns of Calcutta, Madras and Bombay) exercising the jurisdiction of a Court of Small Causes. The other chapters and sections of this Code do not extend to such Courts.

Saving of jurisdiction and procedure—

6. Nothing in this Code affects the jurisdiction or procedure—

(a) of Military Courts of Request;

(a) of Military Courts of Request;

(b) of officers appointed to try small suits in Bombay;

(b) of a single officer duly appointed in the Presidency of Bombay to try small suits in military bázárs at cantonments and stations occupied by the troops of that Presidency; or

(c) of Village Munsifs and Village Panchâyats in Madras;

(c) of Village Munsifs or Village Panchâyats under the provisions of the Madras Code;

(d) of Recorder of Rangoon sitting as Insolvent Court.

(d) of the Recorder of Rangoon sitting as an Insolvent Court in Rangoon, Maulmain, Akyab or Bassein,

or shall operate to give any Court jurisdiction over suits of which the amount or value of the subject-matter exceeds the pecuniary limits (if any) of its ordinary jurisdiction.

Saving of certain Bombay laws.

7. With respect to

(a) the jurisdiction exercised by certain jágírdárs and other authorities invested with powers under the provisions of Bombay Regulation XIII of 1830 and Act XV of 1840 in the cases therein mentioned; and

(b) cases of the nature defined in the enactments specified in the third schedule hereto annexed,

the procedure in such cases and in the appeals to the civil Courts allowed therein, shall be according to the rules laid down in this Code, except where those rules are inconsistent with any specific provisions contained in the enactments mentioned or referred to in this section.

Presidency Small Cause Courts.

8. Save as provided in sections 3, 25, 86, 223, 225, 386, and chapter XXXIX, this Code shall not extend to any suit or proceeding in any Court of Small Causes established in the towns of Calcutta, Madras and Bombay.

But the Local Government may, by notification published in the official Gazette, extend to any

such Court this Code or any part thereof, except so far as relates to appeals and reviews of judgment.

Divison of Code.

9. This Code is divided into ten Parts as follows:—

The first Part:	Suits in General.
The second Part:	Incidental Proceedings.
The third Part:	Suits in particular Cases.
The fourth Part:	Provisional Remedies.
The fifth Part:	Special Proceedings.
The sixth Part:	Appeals.
The seventh Part:	Reference to and Revision by the High Court.
The eighth Part:	Review of Judgment.
The ninth Part:	Special Rules relating to the Chartered High Courts.
The tenth Part:	Certain Miscellaneous Matters.

PART I.

OF SUITS IN GENERAL.

CHAPTER I.

OF THE JURISDICTION OF THE COURTS AND RES JUDICATA.

No person exempt from jurisdiction by reason of descent or place of birth.

10. No person shall, by reason of his descent or place of birth, be in any civil proceeding exempted from the jurisdiction of any of the Courts.

Courts to try all civil suits unless specially barred.

11. The Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is barred by any enactment for the time being in force.

Explanation.—A suit in which the right to property or to an office is contested is a suit of a civil nature, notwithstanding that such right may depend entirely on the decision of questions as to religious rites or ceremonies.

Pending suits.

12. Except where a suit has been stayed under section 20, the Court shall not try any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit for the same relief between the same parties, or between parties under whom they or any of them claim, pending in the same or any other Court, whether superior or inferior, in British India having jurisdiction to grant such relief, or in any Court beyond the limits of British India established by the Governor General in Council and having like jurisdiction, or before Her Majesty in Council.

Explanation.—The pendency of a suit in a foreign Court does not preclude the Courts in British India from trying a suit founded on the same cause of action.

Res judicata.

13. No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court of jurisdiction competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and

has been heard and finally decided by such Court.

Explanation I.—The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.

Explanation II.—Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.

Explanation III.—Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purpose of this section, be deemed to have been refused.

Explanation IV.—A decision is final within the meaning of this section when it is such as the Court making it could not alter (except on review) on the application of either party or reconsider of its own motion. A decision liable to appeal may be final within the meaning of this section until the appeal is made.

Explanation V.—Where persons litigate *bonâ fide* in respect of a private right claimed in common for themselves and others, all persons interested in such right shall, for the purpose of this section, be deemed to claim under the persons so litigating.

Explanation VI.—Where a foreign judgment is relied on, the production of the judgment duly authenticated is presumptive evidence that the Court which made it had competent jurisdiction, unless the contrary appear on the record; but such presumption may be removed by proving the want of jurisdiction.

When foreign judgment no bar to suit in British India.

14. No foreign judgment shall operate as a bar to a suit in British India—

(*a*) if it has not been given on the merits of the case:

(*b*) if it appears on the face of the proceedings to be founded on an incorrect view of international law or of any law in force in British India:

(*c*) if it is in the opinion of the Court before which it is produced contrary to natural justice:

(*d*) if it has been obtained by fraud:

(*e*) if it sustains a claim founded on a breach of any law in force in British India.

CHAPTER II.

OF THE PLACE OF SUING.

Court in which suit to be instituted.

15. Every suit shall be instituted in the Court of the lowest grade competent to try it.

Suits to be instituted where subject-matter situate.

16. Subject to the pecuniary or other limitations prescribed by any law, suits

(a) for the recovery of immoveable property,

(b) for the partition of immoveable property,

(c) for the foreclosure or redemption of a mortgage of immoveable property,

(d) for the determination of any other right to or interest in immoveable property,

(e) for compensation for wrong to immoveable property,

(f) for the recovery of moveable property actually under distraint or attachment,

shall be instituted in the Court within the local limits of whose jurisdiction the property is situate:

Provided that suits to obtain relief respecting, or compensation for wrong to, immoveable property held by or on behalf of the defendant may, when the relief sought can be entirely obtained through his personal obedience, be instituted either in the Court within the local limits of whose jurisdiction the property is situate, or in the Court within the local limits of whose jurisdiction he actually and voluntarily resides, or carries on business, or personally works for gain.

Explanation.—In this section 'property' means property situate in British India.

Suits to be instituted where defendants reside or cause of action arose.

17. Subject to the limitations aforesaid, all other suits shall be instituted in a Court within the local limits of whose jurisdiction—

(a) the cause of action arises, or

(b) all the defendants, at the time of the commencement of the suit, actually and voluntarily reside, or carry on business, or personally work for gain; or

(c) any of the defendants, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain: provided that either the leave of the Court is given, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution.

Explanation I.—Where a person has a permanent dwelling at one place and also a lodging at another place for a temporary purpose only, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary lodging.

Explanation II.—A Corporation or Company shall be deemed to carry on business at its sole or principal office in British India or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

Illustrations.

(a) A is a tradesman in Calcutta. B carries on business in Dehli. B, by his agent in Calcutta, buys goods of A, and requests A to deliver them to the East Indian Railway Company. A delivers the goods accordingly in Calcutta. A may sue B for the price of the goods either in Calcutta, where the cause of action has arisen, or in Dehli, where B carries on business.

(b) A resides at Simla, B at Calcutta, and C at Dehli. A, B and C being together at Benares, B and C make a joint promissory-note payable on demand, and deliver it to A. A may sue B and C at Benares, where the cause of action arose. He may also sue them at Calcutta, where B resides, or at Dehli, where C resides; but in each of these cases, if the non-resident defendant objects, the suit cannot be maintained without the leave of the Court.

Suits for compensation for wrongs to person or moveables.

18. In suits for compensation for wrong done to person or moveable property, if the wrong was done within the local limits of the jurisdiction of one Court and the defendant resides, or carries on business, or personally works for gain, within the local limits of the jurisdiction of another Court, the plaintiff may at his option sue in either of the said Courts.

Illustrations.

(a) A, residing in Dehli, beats B in Calcutta. B may sue A either in Calcutta or in Dehli.

(b) A, residing in Dehli, publishes in Calcutta statements defamatory of B. B may sue A either in Calcutta or in Dehli.

(c) A, travelling on the line of a Railway Company whose principal office is at Howrah, is upset and injured at Allahabad by negligence imputable to the Company. He may sue the Company either at Howrah or at Allahabad.

Suits for immoveable property situate in single district, but within jurisdictions of different Courts.

19. If the suit be to obtain relief respecting, or compensation for wrong to, immoveable property situate within the limits of a single district, but within the jurisdiction of different Courts, the suit may be instituted in the Court within whose jurisdiction any portion of the property is situate; provided that, in respect of the value of the subject-matter of the suit, the entire claim be cognizable by such Court.

Suits for immoveable property situate in different districts.

If the immoveable property be situate within the limits of different districts, the suit may be instituted in any Court, otherwise competent to try it, within whose jurisdiction any portion of the property is situate.

Power to stay proceedings where all defendants do not reside within jurisdiction.

20. If a suit which may be instituted in more than one Court is instituted in a Court within the local limits of whose jurisdiction the defendant or all the defendants does not or do not actually and voluntarily reside, or carry on business, or personally work for gain, the defendant or any defendant may, after giving notice in writing to the other parties of his intention to apply to the Court to stay proceedings, apply to the Court accordingly;

and if the Court, after hearing such of the parties as desire to be heard, is satisfied that justice is more likely to be done by the suit being instituted in some other Court, it may stay proceedings either finally or till further order, and make such order as it thinks fit as to the costs already incurred by the parties or any of them.

In such case, if the plaintiff so requires, the Court shall return the plaint with an endorsement thereon of the order staying proceedings.

Application when to be made.

Every such application shall be made at the earliest possible opportunity, and in all cases before the issues are settled; and any defendant not so applying shall be deemed to have acquiesced in the institution of the suit.

Remission of court-fee where suit instituted in another Court.

21. Where the Court, under section 20, stays proceedings, and the plaintiff re-institutes his suit in another Court, the plaint shall not be chargeable with any court-fee; provided that the proper fee has been levied on the institution of the suit in the former Court, and that the plaint has been returned by such Court.

Procedure where Courts in which suit may be instituted subordinate to same appellate Court.

22. Where a suit may be instituted in more Courts than one, and such Courts are subordinate to the same appellate Court, any defendant, after giving notice in writing to the other parties of his intention to apply to such Court to transfer the suit to another Court, may apply accordingly; and the appellate Court, after hearing the other parties, if they desire to be heard, shall determine in which of the Courts having jurisdiction the suit shall proceed.

Procedure where they are not so subordinate.

23. Where such Courts are subordinate to different appellate Courts, but are subordinate to the same High Court, any defendant, after giving notice in writing to the other parties of his intention to apply to the High Court to transfer the suit to another Court having jurisdiction, may apply accordingly. If the suit is brought in any Court subordinate to a District Court, the application, together with the objections, if any, filed by the other parties, shall be submitted through the District Court to which such Court is subordinate. The High Court may, after considering the objections, if any, of the other parties, determine in which of the Courts having jurisdiction the suit shall proceed.

Procedure where they are subordinate to different High Courts.

24. Where such Courts are subordinate to different High Courts, any defendant may, after giving notice in writing to the other parties of his intention to apply to the High Court within whose jurisdiction the Court in which the suit is brought is situate, apply accordingly.

If the suit is brought in any Court subordinate to a District Court, the application, together with the objections, if any, filed by the other parties, shall be submitted through the District Court to which such Court is subordinate;

and such High Court shall, after considering the objections, if any, of the other parties, determine in which of the several Courts having jurisdiction the suit shall proceed.

Transfer of suits.

25. The High Court or District Court may, on the application of any of the parties, after giving notice to the parties and hearing such of them as desire to be heard, or of its own motion without giving such notice, withdraw any suit whether pending in a Court of first instance or in a Court of appeal subordinate to such High Court or District Court, as the case may be, and try the suit itself, or transfer it for trial to any other such subordinate Court competent to try the same in respect of its nature and the amount or value of its subject-matter.

For the purposes of this section, the Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court.

The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

CHAPTER III.

OF PARTIES AND THEIR APPEARANCES, APPLICATIONS AND ACTS.

Persons who may be joined as plaintiffs.

26. All persons may be joined as plaintiffs in whom the right to any relief claimed is alleged to exist, whether jointly, severally or in the alternative, in respect of the same cause of action. And judgment may be given for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to, without any amendment. But the defendant, though unsuccessful, shall be entitled to his costs occasioned by so joining any person who is not found entitled to relief, unless the Court in disposing of the costs of the suit otherwise directs.

Court may substitute or add plaintiff for or to plaintiff suing.

27. Where a suit has been instituted in the name of the wrong person as plaintiff, or where it is doubtful whether it has been instituted in the name of the right plaintiff, the Court may, if satisfied that the suit has been so commenced through a *bonâ fide* mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person or persons to be substituted or added as plaintiff or plaintiffs upon such terms as the Court thinks just.

Persons who may be joined as defendants.

28. All persons may be joined as defendants against whom the right to any relief is alleged to exist, whether jointly, severally or in the alternative, in respect of the same matter. And judgment may be given against such one or more of the defendants as may be found to be liable, according to their respective liabilities, without any amendment.

Joinder of parties liable on same contract.

29. The plaintiff may, at his option, join as parties to the same suit all or any of the persons severally, or jointly and severally, liable on any one contract, including parties to bills of exchange, hundís and promissory notes.

One party may sue or defend on behalf of all in same interest.

30. Where there are numerous parties having the same interest in one suit, one or more of such parties may, with the permission of the Court, sue or be sued, or may defend, in such suit, on behalf of all parties so interested. But the Court shall in such case give, at the plaintiff's expense, notice of the institution of the suit to all such parties either by personal service or (if from the number of parties or any other cause such service is not reasonably practicable) by public advertisement, as the Court in each case may direct.

Suit not to fail by reason of misjoinder.

31. No suit shall be defeated by reason of the misjoinder of parties, and the Court may in every suit deal with the matter in controversy so far as regards the rights and interests of the parties actually before it.

Nothing in this section shall be deemed to enable plaintiffs to join in respect of distinct causes of action.

Court may dismiss or add parties.

32. The Court may, on or before the first hearing, upon the application of either party, and on such terms as the Court thinks just, order that the name of any party, whether as plaintiff or as defendant, improperly joined, be struck out;

and the Court may at any time, either upon or without such application, and on such terms as the Court thinks just, order that any plaintiff be made a defendant or that any defendant be made a plaintiff, and that the name of any person who ought to have been joined whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

Consent of person added as plaintiff or next friend.

No person shall be added as a plaintiff, or as the next friend of a plaintiff, without his own consent thereto.

Parties to suits instituted or defended under section 30.

Any person on whose behalf a suit is instituted or defended under section 30 may apply to the Court to be made a party to such suit.

Defendants added to be served.

All parties whose names are so added as defendants shall be served with a summons in manner hereinafter mentioned, and (subject to the provisions of the Indian Limitation Act, 1877, section 22) the proceedings as against them shall be deemed to have begun only on the service of such summons.

Conduct of suit.

The Court may give the conduct of the suit to such plaintiff as it deems proper.

Where defendant added, plaintiff to amend.

33. Where a defendant is added, the plaint, if previously filed, shall, unless the Court direct otherwise, be amended in such manner as may be necessary, and an amended copy of the summons shall be served on the new defendant and the original defendants.

Time for taking objections as to non-joinder or misjoinder.

34. All objections for want of parties, or for joinder of parties who have no interest in the suit, or for misjoinder as co-plaintiffs or co-defendants, shall be taken at the earliest possible opportunity, and in all cases before the first hearing; and any such objection not so taken shall be deemed to have been waived by the defendant.

Each of several plaintiffs or defendants may authorize any other to appear, &c., for him.

35. When there are more plaintiffs than one, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any proceeding under this Code: and in like manner when there are more defendants than one, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any such proceeding.

Authority to be in writing signed and filed.

The authority shall be in writing signed by the party giving it, and shall be filed in Court.

Recognized Agents and Pleaders.

Appearances, &c., may be in person, by recognized agent or by pleader.

36. Any appearance, application or act in or to any Court, required or authorized by law to be made or done by a party to a suit or appeal in such Court, may, except when otherwise expressly provided by any law for the time being in force, be made or done by the party in person, or by his recognized agent, or by a pleader duly appointed to act on his behalf:

Provided that any such appearance shall be made by the party in person, if the Court so direct.

Recognized agents.

37. The recognized agents of parties by whom such appearances, applications and acts may be made or done are—

Persons holding powers-of-attorney from parties out of jurisdiction.

(*a*) persons holding general powers-of-attorney from parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application or act is made or done, authorizing them to make and do such appearances, applications and acts on behalf of such parties;

Certificated mukhtárs.

(*b*) mukhtárs duly certificated under any law for the time being in force, and holding special powers-of-attorney authorizing them to do, on behalf of their principals, such acts as may legally be done by mukhtárs;

Persons carrying on trade or business for parties out of jurisdiction.

(*c*) persons carrying on trade or business for and in the names of parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application or act is made or done, in matters con-

nected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, applications and acts.

Recognized agents in Panjáb, Oudh and Central Provinces.

Nothing in the former part of this section applies to the territories now administered respectively by the Lieutenant-Governor of the Panjáb, and the Chief Commissioners of Oudh and the Central Provinces; but in those territories the recognized agents of parties by whom such appearances, applications and acts may be made and done shall be such persons as the Local Government may from time to time, by notification in the official Gazette, declare in this behalf.

Service of process on recognized agent.

38. Processes served on the recognized agent of a party to a suit or appeal shall be as effectual as if the same had been served on the party in person, unless the Court otherwise directs.

The provisions of this Code for the service of process on a party to a suit shall apply to the service of process on his recognized agent.

Appointment of pleader.

39. The appointment of a pleader to make or do any appearance, application or act as aforesaid shall be in writing, and such appointment shall be filed in court.

When so filed, it shall be considered to be in force until revoked with the leave of the Court, by a writing signed by the client and filed in court, or until the client or the pleader dies, or all proceedings in the suit are ended so far as regards the client.

No advocate of any High Court established by Royal Charter shall be required to present any document empowering him to act.

Service of process on pleader.

40. Processes served on the pleader of any party or left at the office or ordinary residence of such pleader, relative to a suit or appeal, and whether the same be for the personal appearance of the party or not, shall be presumed to be duly communicated and made known to the party whom the pleader represents; and, unless the Court otherwise directs, shall be as effectual for all purposes in relation to the suit or appeal as if the same had been given to or served on the party in person.

Agent to receive process.

41. Besides the recognized agents described in section 37, any person residing within the jurisdiction of the Court may be appointed an agent to accept service of process.

His appointment to be in writing and to be filed in court.

Such appointment may be special or general and shall be made by an instrument in writing signed by the principal, and such instrument, or, if the appointment be general, a duly attested copy thereof, shall be filed in court.

CHAPTER IV.

OF THE FRAME OF THE SUIT.

Suit how to be framed.

42. Every suit shall, as far as practicable, be so framed as to afford ground for a final decision upon the subjects in dispute, and so to prevent further litigation concerning them.

Suit to include whole claim.

43. Every suit shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action; but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court.

Relinquishment of part of claim.

If a plaintiff omit to sue in respect of, or intentionally relinquish, any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

Omission to sue for one of several remedies.

A person entitled to more than one remedy in respect of the same cause of action may sue for all or any of his remedies; but if he omits (except with the leave of the Court obtained before the first hearing) to sue for any of such remedies, he shall not afterwards sue for the remedy so omitted.

For the purpose of this section, an obligation and a collateral security for its performance shall be deemed to constitute but one cause of action.

Illustration.

A lets a house to B at a yearly rent of Rs. 1,200. The rent for the whole of the years 1881 and 1882 is due and unpaid. A sues B only for the rent due for 1882. A shall not afterwards sue B for the rent due for 1881.

Only certain claims to be joined with suit for recovery of land.

44. *Rule a.*—No cause of action shall, unless with the leave of the Court, be joined with a suit for the recovery of immoveable property, or to obtain a declaration of title to immoveable property, except—

(*a*) claims in respect of mesne profits or arrears of rent in respect of the property claimed,

(*b*) damages for breach of any contract under which the property or any part thereof is held, and

(*c*) claims by a mortgagee to enforce any of his remedies under the mortgage.

Claims by or against executor, administrator or heir.

Rule b.—No claim by or against an executor, administrator or heir as such, shall be joined with claims by or against him personally, unless the last mentioned claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor, administrator or heir, or are such as he was entitled to, or liable for, jointly with the deceased person whom he represents.

Plaintiff may join several causes of action.

45. Subject to the rules contained in chapter II and in section 44, the plaintiff may unite in the same suit several causes of action

against the same defendant or the same defendants jointly; and any plaintiffs having causes of action in which they are jointly interested against the same defendant, or the same defendants jointly, may unite such causes of action in the same suit.

Court may order separation.

But if it appear to the Court that any such causes of action cannot be conveniently tried or disposed of together, the Court may, at any time before the first hearing, of its own motion or on the application of any defendant, or at any subsequent stage of the suit, if the parties agree, order separate trials of any such causes of action to be had, or make such other order as may be necessary or expedient for the separate disposal thereof.

When causes of action are united, the jurisdiction of the Court as regards the suit shall depend on the amount or value of the aggregate subject-matters at the date of instituting the suit, whether or not an order has been made under the second paragraph of this section.

Defendant may apply to confine suit.

46. Any defendant alleging that the plaintiff has united in the same suit several causes of action which cannot be conveniently disposed of in one suit may at any time before the first hearing, or, where issues are settled, before any evidence is recorded, apply to the Court for an order confining the suit to such of the causes of action as may be conveniently disposed of in one suit.

Court on hearing application may exclude some causes and order amendment.

47. If, on the hearing of such application, it appears to the Court that the causes of action are such as cannot all be conveniently disposed of in one suit, the Court may order any of such causes of action to be excluded, and may direct the plaint to be amended accordingly, and may make such order as to costs as may be just.

Every amendment made under this section shall be attested by the signature of the Judge.

CHAPTER V.

OF THE INSTITUTION OF SUITS.

Suits to be commenced by plaint.

48. Every suit shall be instituted by presenting a plaint to the Court or such officer as it appoints in this behalf.

Language of plaint.

49. The plaint must be distinctly written in the language of the Court; provided that, if such language is not English, the plaint may (with the permission of the Court) be written in English; but in such case, if the defendant so require, a translation of the plaint into the language of the Court shall be filed in court.

Particulars to be contained in plaint.

50. The plaint must contain the following particulars:—

(*a*) the name of the Court in which the suit is brought;

(*b*) the name, description and place of residence of the plaintiff;

(*c*) the name, description and place of residence of the defendant, so far as they can be ascertained;

(*d*) a plain and concise statement of the circumstances constituting the cause of action, and where and when it arose;

(*e*) a demand of the relief which the plaintiff claims; and

(*f*) if the plaintiff has allowed a set-off or relinquished a portion of his claim, the amount so allowed or relinquished.

In money-suits.

If the plaintiff seeks the recovery of money, the plaint must state the precise amount, so far as the case admits.

In a suit for mesne profits, and in a suit for the amount which will be found due to the plaintiff on taking unsettled accounts between him and the defendant, the plaint need only state approximately the amount sued for.

Where plaintiff sues as representative.

When the plaintiff sues in a representative character, the plaint should shew, not only that he has an actual existing interest in the subject-matter but that he has taken the steps necessary to enable him to institute a suit concerning it.

Illustrations.

(*a*) A sues as B's executor. The plaint must state that A has proved B's will.

(*b*) A sues as C's administrator. The plaint must state that A has taken out administration to C's estate.

(*c*) A sues as guardian of D, a Muhammadan minor. A is not D's guardian according to Muhammadan law and usage. The plaint must state that A has been specially appointed D's guardian.

Defendant's interest and liability to be shewn.

The plaint must shew that the defendant is or claims to be interested in the subject-matter, and that he is liable to be called upon to answer the plaintiff's demand.

Illustration.

A dies, leaving B his executor, C his legatee, and D a debtor to A's estate. C sues D to compel him to pay his debt in satisfaction of C's legacy. The plaint must shew that B has causelessly refused to sue D, or that B and D have colluded for the purpose of defrauding C, or other such circumstances rendering D liable to C.

Grounds of exemption from limitation-law.

If the cause of action arose beyond the period ordinarily allowed by any law for instituting the suit, the plaint must shew the ground upon which exemption from such law is claimed.

Plaints to be signed and verified.

51. The plaint shall be signed by the plaintiff and his pleader (if any), and shall be verified at the foot by the plaintiff or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case.

Provided that if the plaintiff is, by reason of absence or for other good cause, unable to sign

the plaint, it may be signed by any person duly authorized by him in this behalf.

Contents of verification.

52. The verification must be to the effect that the same is true to the knowledge of the person making it, except as to matters stated on information and belief, and that as to those matters he believes it to be true.

Verification to be signed and attested.

The verification shall be signed by the person making it.

When plaint may be rejected, returned for amendment, or amended.

53. The plaint may, at the discretion of the Court and at or before the first hearing, be rejected, returned for amendment within a time to be fixed by the Court, or amended then and there, upon such terms as to the payment of costs occasioned by the amendment as the Court thinks fit,

(a) if it does not state correctly and without prolixity the several particulars hereinbefore required to be specified therein; or

(b) if it contains any particulars other than those so required; or

(c) if it is not signed and verified as hereinbefore required; or

(d) if it does not disclose a cause of action; or

(e) if it is not framed in accordance with section 42; or

(f) if it is wrongly framed by reason of non-joinder or misjoinder of parties, or because the plaintiff has joined causes of action which ought not to be joined in the same suit:

Proviso.

Provided that a plaint cannot be altered so as to convert a suit of one character into a suit of another and inconsistent character.

Attestation of amendment.

When a plaint is amended, the amendment shall be attested by the signature of the Judge.

When plaint shall be rejected.

54. The plaint shall be rejected in the following cases:—

(a) if the relief sought is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so:

(b) if the relief sought is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so:

(c) if the suit appears from the statement in the plaint to be barred by any positive rule of law:

(d) if the plaint, having been returned for amendment within a time fixed by the Court, is not amended within such time.

Procedure on rejecting plaint.

55. When a plaint is rejected, the Judge shall record with his own hand an order to that effect with the reason for such order.

When rejection of plaint does not preclude presentation of fresh plaint.

56. The rejection of the plaint on any of the grounds hereinbefore mentioned shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

When plaint shall be returned to be presented to proper Court.

57. The plaint shall be returned to be presented to the proper Court in the following cases:

(a) if a suit has been instituted in a Court whose grade is lower or higher than that of the Court competent to try it, where such Court exists, or where no option as to the selection of the Court is allowed by law:

(b) if, in a suit relating to immoveable property, but not coming under the proviso to section 16, it appears that no part of such property is situate within the local limits of the jurisdiction of the Court to which the plaint is presented:

(c) if, in any other case, it appears that the cause of action did not arise, and that none of the defendants are dwelling or carrying on business, or personally working for gain, within such local limits.

Procedure on returning plaint.

On returning a plaint, the Judge shall, with his own hand, endorse thereon the date of its presentation and return, the name of the party presenting it, and a brief statement of the reason for returning it.

Procedure on admitting plaint.

58. The plaintiff shall endorse on the plaint, or annex thereto, a memorandum of the documents (if any) which he has produced along with it; and, if the plaint be admitted, shall present as many copies on plain paper of the plaint as there are defendants, unless the Court by reason of the length of the plaint or the number of the defendants, or for any other sufficient reason, permits him to present a like number of concise statements of the nature of the claim made, or of the relief or remedy required, in the suit, in which case he shall present such statements.

Concise statements.

If the plaintiff sues, or the defendant or any of the defendants is sued, in a representative capacity, such statements shall show in what capacity the plaintiff or defendant sues or is sued.

The plaintiff may, by leave of the Court, amend such statements so as to make them correspond with the plaint.

The chief ministerial officer of the Court shall sign such memorandum and copies or statements if, on examination, he finds them to be correct.

Register of suits.

The Court shall also cause the particulars mentioned in section 50 to be entered in a book to be kept

for the purpose and called the Register of civil suits. Such entries shall be numbered in every year according to the order in which the plaint is admitted.

Production of document on which plaintiff sues. Delivery of document or copy.

59. If a plaintiff sues upon a document in his possession or power, he shall produce it in court when the plaint is presented, and shall at the same time deliver the document or a copy thereof to be filed with the plaint.

List of other documents.

If he rely on any other documents (whether in his possession or power or not) as evidence in support of his claim, he shall enter such documents in a list to be added or annexed to the plaint.

Statement in case of documents not in his possession or power.

60. In the case of any such document not in his possession or power, he shall, if possible, state in whose possession or power it is.

Suits on lost negotiable instruments.

61. In case of any suit founded upon a negotiable instrument, if it be proved that the instrument is lost, and if an indemnity be given by the plaintiff, to the satisfaction of the Court, against the claims of any other person upon such instrument, the Court may make such decree as it would have made if the plaintiff had produced the instrument in court when the plaint was presented, and had at the same time delivered a copy of the instrument to be filed with the plaint.

Production of shop-book.

62. If the document on which the plaintiff sues be an entry in a shop-book or other book in his possession or power, the plaintiff shall produce the book at the time of filing the plaint, together with a copy of the entry on which he relies.

Original entry to be marked and returned.

The Court, or such officer as it appoints in this behalf, shall forthwith mark the document for the purpose of identification; and, after examining and comparing the copy with the original and attesting the copy if found correct, shall return the book to the plaintiff and cause the copy to be filed.

Inadmissibility of document not produced when plaint filed.

63. A document which ought to be produced in court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint, and which is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

Nothing in this section applies to documents produced for cross-examination of the defendant's witnesses, or in answer to any case set up by the defendant, or handed to a witness merely to refresh his memory.

CHAPTER VI.

OF THE ISSUE AND SERVICE OF SUMMONS.

Issue of Summons.

Summons.

64. When the plaint has been registered, and the copies or concise statements required by section 58 have been filed, a summons may be issued to each defendant to appear and answer the claim on a day to be therein specified,

(*a*) in person, or

(*b*) by a pleader duly instructed and able to answer all material questions relating to the suit, or

(*c*) by a pleader accompanied by some other person able to answer all such questions.

Every such summons shall be signed by the Judge or such officer as he appoints, and shall be sealed with the seal of the Court:

Provided that no such summons shall be issued when the defendant has appeared at the presentation of the plaint and admitted the plaintiff's claim.

Copy or statement annexed to summons.

65. Every such summons shall be accompanied with one of the copies or concise statements mentioned in section 58.

Court may order defendant or plaintiff to appear in person.

66. If the Court sees reason to require the personal appearance of the defendant, the summons shall order him to appear in person in court on the day therein specified.

If the Court sees reason to require the personal appearance of the plaintiff on the same day, it may make an order for such appearance.

No party to be ordered to appear in person unless resident within 50 or, where there is railway, 200 miles.

67. No party shall be ordered to appear in person unless he resides

(*a*) within the local limits of the Court's ordinary original jurisdiction, or

(*b*) without such limits and at a place less than fifty, or, where there is railway-communication for five-sixths of the distance between the place where he resides and the place where the Court is situate, two hundred miles from the court-house.

Summons to be either to settle issues or for final disposal.

68. The Court shall determine, at the time of issuing the summons, whether it shall be for the settlement of issues only, or for the final disposal of the suit; and the summons shall contain a direction accordingly;

Provided that, in every suit heard by Courts of Small Causes, the summons shall be for the final disposal of the suit.

Fixing day for appearance of defendant.

69. The day for the appearance of the defendant shall be fixed by the Court with reference to its current business, the place of residence of the defendant and the time necessary

for the service of the summons; and the day shall be so fixed as to allow the defendant sufficient time to enable him to appear and answer on such day.

What shall be deemed 'sufficient time' must be determined with reference to the circumstances of the case.

Summons to order defendant to produce documents required by plaintiff or relied on by defendant.

70. The summons to appear and answer shall order the defendant to produce any document in his possession or power, containing evidence relating to the merits of the plaintiff's case, or upon which the defendant intends to rely in support of his case.

On issue of summons for final disposal, defendant to be directed to produce his witnesses.

71. When the summons is for the final disposal of the suit, it shall direct the defendant to produce, on the day fixed for his appearance, the witnesses upon whose evidence he intends to rely in support of his case.

Service of Summons.

Delivery of summons for service.

72. The summons shall be delivered to the proper officer of the Court, to be served by him or one of his subordinates.

Mode of service.

73. Service of the summons shall be made by delivering or tendering a copy thereof signed by the Judge or such officer as he appoints in this behalf, and sealed with the seal of the Court.

Service on several defendants.

74. When there are more defendants than one, service of the summons shall be made on each defendant:

Provided that, if the defendants are partners, and the suit relates to a partnership-transaction or to an actionable wrong in respect of which relief is claimable from the firm, the service may be made, unless the Court directs otherwise either (*a*) on one defendant for himself and for the other defendants, or (*b*) on any person having the management of the business of the partnership at the principal place, within the local limits of the Court's ordinary original civil jurisdiction, of such business.

Service to be on defendant in person when practicable, or on his agent.

75. Whenever it may be practicable, the service shall be made on the defendant in person, unless he have an agent empowered to accept the service, in which case service on such agent shall be sufficient.

Service on agent by whom defendant carries on business.

76. In a suit relating to any business or work against a person who does not reside within the local limits of the jurisdiction of the Court from which the summons issues, service on any manager or agent, who, at the time of service, personally carries on such business or work for such person within such limits, shall be deemed good service.

For the purpose of this section, the master of a ship is the agent of his owner or charterer.

Service on agent in charge, in suits for immoveable property.

77. In a suit to obtain relief respecting, or compensation for wrong to, immoveable property, if the service cannot be made on the defendant in person, and the defendant have no agent empowered to accept the service, it may be made on any agent of the defendant in charge of the property.

When service may be on male member of defendant's family.

78. If in any suit the defendant cannot be found and if he have no agent empowered to accept the service of the summons on his behalf, the service may be made on any adult male member of the family of the defendant who is residing with him.

Explanation.—A servant is not a member of the family within the meaning of this section.

Person served to sign acknowledgment.

79. When the serving-officer delivers or tenders a copy of the summons to the defendant personally, or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.

Procedure when defendant refuses to accept service, or cannot be found.

80. If the defendant or other person refuses to sign the acknowledgment,

or if the serving-officer cannot find the defendant, and there is no agent empowered to accept the service of the summons on his behalf, nor any other person on whom the service can be made,

the serving officer shall affix a copy of the summons on the outer door of the house in which the defendant ordinarily resides and then return the original to the Court from which it issued, with a return endorsed thereon or annexed thereto, stating that he has so affixed the copy and the circumstances under which he did so.

Endorsement of time and manner of service.

81. The serving-officer shall, in all cases in which the summons has been served under section 79, endorse or annex, or cause to be endorsed or annexed, on or to the original summons, the time when and the manner in which the summons was served.

Examination of serving-officer.

82. When a summons is returned under section 80, the Court shall examine the serving-officer on oath touching his proceedings, and may make such further enquiry in the matter as it thinks fit; and shall either declare that the summons has been duly served or order such service as it thinks fit.

Substituted service.

Where the Court is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding the service, or that for any other reason the summons cannot be served in the ordinary way, the Court shall order the summons to be served by affixing a copy thereof in some conspicuous place in the Court-house, and

also upon some conspicuous part of the house, if any, in which the defendant is known to have last resided, or in such other manner as the Court thinks fit.

Effect of substituted service.

83. The service substituted by order of the Court shall be as effectual as if it had been made on the defendant personally.

When service substituted, time for appearance to be fixed.

84. Whenever service is substituted by order of the Court, the Court shall fix such time for the appearance of the defendant as the case may require.

Service of summons when defendant resides within jurisdiction of another Court and has no agent to accept service.

85. If the defendant resides within the jurisdiction of any Court other than the Court in which the suit is instituted, and has no agent resident within the local limits of the jurisdiction of the latter Court empowered to accept the service of the summons, such Court shall send the summons, either by one of its officers or by post, to any Court, not being a High Court, having jurisdiction at the place where the defendant resides, by which it can be conveniently served, and shall fix such time for the appearance of the defendant as the case may require.

The Court to which the summons is sent shall, upon receipt thereof, proceed as if it had been issued by such Court, and shall then return the summons to the Court from which it originally issued, together with the record (if any) made under this paragraph.

Service, within Presidency-towns and Rangoon, of process issued by Provincial Courts.

86. Whenever any process issued by any Court established beyond the limits of the towns of Calcutta, Madras, Bombay and Rangoon is to be served within any such town, it shall be sent to the Court of Small Causes within whose jurisdiction the process is to be served,

and such Court of Small Causes shall deal with such process in the same manner as if the process had been issued by itself,

and shall then return the process to the Court from which it issued.

Service on defendant in jail.

87. If the defendant be in jail, the summons shall be delivered to the officer in charge of the jail in which the defendant is confined, and such officer shall cause the summons to be served upon the defendant.

The summons shall be returned to the Court from which it issued, with a statement of the service endorsed thereon and signed by the officer in charge of the jail and by the defendant.

Procedure if jail be in different district.

88. If the jail in which the defendant is confined is not in the district in which the suit is instituted, the summons may be sent by post or otherwise to the officer in charge of such jail, and such officer shall cause the summons to be served upon the defendant, and shall return the summons to the Court from which it issued, with a statement of the service endorsed thereon, and signed as provided in section 87.

Service when defendant resides out of British India and has no agent to accept service.

89. If the defendant resides out of British India, and has no agent in British India empowered to accept the service, the summons shall be addressed to the defendant at the place where he is residing, and forwarded to him by post if there be postal communication between such place and the place where the Court is situate.

Service through British Resident or Agent of Government.

90. If there be a British Resident or Agent of Government in or for the territory in which the defendant resides, the summons may be sent to such Resident or Agent, by post or otherwise, for the purpose of being served upon the defendant; and if the Resident or Agent returns the summons with an endorsement under his hand that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be conclusive evidence of the service.

Substitution of letter for summons.

91. The Court may, notwithstanding anything hereinbefore contained, substitute for the summons a letter signed by the Judge or such officer as he appoints in this behalf, when the defendant is, in the opinion of the Court, of a rank which entitles him to such mark of consideration.

The letter shall contain all the particulars required to be stated in the summons, and, subject to the provisions contained in section 92, shall be treated in all respects as a summons.

Mode of sending such letter.

92. When a letter is so substituted for a summons, it may be sent to the defendant by post or by a special messenger selected by the Court, or in any other manner which the Court thinks fit; unless the defendant has an agent empowered to accept service of summons, in which case the letter may be delivered or sent to such agent.

Service of Process.

Process to be served at expense of party issuing.

93. Every process issued under this Code shall be served at the expense of the party on whose behalf it is issued, unless the Court otherwise directs.

Costs of service.

The court-fee leviable for such service shall be levied within a time to be fixed by the Court before the process is issued.

Notices and orders in writing how served.

94. All notices and orders required by this Code to be given to or served on any person shall be in writing, and shall be served in the manner hereinbefore provided for the service of summons.

Postage.

Postage.

95. Postage, where chargeable on any notice, summons or letter issued under this Code and forwarded by post, and the fee for registering the same, shall be paid within a time to be fixed by the Court before the communication is forwarded:

Provided that the Local Government, with the previous sanction of the Governor General in Council, may remit such postage, or fee, or both, or may prescribe a scale of court-fees to be levied in lieu thereof.

CHAPTER VII.

OF THE APPEARANCE OF THE PARTIES AND CONSEQUENCE OF NON-APPEARANCE.

Parties to appear on day fixed in summons for defendant to appear and answer.

96. On the day fixed in the summons for the defendant to appear and answer, the parties shall be in attendance at the court-house in person or by their respective pleaders, and the suit shall then be heard, unless the hearing be adjourned to a future day fixed by the Court.

Dismissal of suit where summons not served in consequence of plaintiff's failure to pay fee for issuing.

97. If, on the day so fixed for the defendant to appear and answer, it be found that the summons has not been served upon him in consequence of the failure of the plaintiff to pay the court-fee leviable for such service, the Court may order that the suit be dismissed:

Proviso.

Provided that no such order shall be passed, although the summons has not been served upon the defendant, if, on the day fixed for him to appear and answer, he attends in person or by agent, when he is allowed to appear by agent.

If neither party appears, suit to be dismissed.

98. If on the day fixed for the defendant to appear and answer, or on any other subsequent day to which the hearing of the suit is adjourned, neither party appears, the suit shall be dismissed, unless the Judge, for reasons to be recorded under his hand, otherwise directs.

In such case plaintiff may bring fresh suit;

99. Whenever a suit is dismissed under section 97 or section 98, the plaintiff may (subject to the law of limitation) bring a fresh suit;

or Court may restore suit to its file.

or if, within the period of thirty days from the date of the order dismissing the suit, he satisfies the Court that there was a sufficient excuse for his not paying the court-fee required within the time allowed for the service of the summons, or for his non-appearance, as the case may be, the Court shall pass an order to set aside the dismissal and appoint a day for proceeding with the suit.

Dismissal of suit where plaintiff, after summons returned unserved, fails for a year to apply for fresh summons.

99A. If, after a summons has, whether before or after the first day of June, 1882, been issued to the defendant, or to one of several defendants, and returned unserved, the plaintiff fails for a period of one year from such return to apply for the issue of a fresh summons and to satisfy the Court that he has used his best endeavours to discover the residence of the defendant who has not been served, or that such defendant is avoiding service of process, the Court may dismiss the suit as against such defendant.

In such case the plaintiff may (subject to the law of limitation) bring a fresh suit.

Procedure if only plaintiff appears,

100. If the plaintiff appears and the defendant does not appear, the procedure shall be as follows:

when summons duly served,

(*a*) if it is proved that the summons was duly served, the Court may proceed *ex parte*:

when summons not duly served,

(*b*) if it is not proved that the summons was duly served, the Court shall direct a second summons to be issued and served on the defendant:

when summons served, but not in due time.

(*c*) if it is proved that the summons was served on the defendant, but not in sufficient time to enable him to appear and answer on the day fixed in the summons, the Court shall postpone the hearing of the suit to a future day to be fixed by the Court, and shall direct notice of such day to be given to the defendant.

If it is owing to the plaintiff's default that the summons was not served in sufficient time, the Court shall order him to pay the costs occasioned by such postponement.

Procedure where defendant appears on day of adjourned hearing, and assigns good cause for previous non-appearance.

101. If the Court has adjourned the hearing of the suit *ex parte*, and the defendant, at or before such hearing, appears and assigns good cause for his previous non-appearance, he may, upon such terms as the Court directs as to costs or otherwise, be heard in answer to the suit, as if he had appeared on the day fixed for his appearance.

Procedure where defendant only appears.

102. If the defendant appears and the plaintiff does not appear, the Court shall dismiss the suit, unless the defendant admits the claim, or part thereof, in which case the Court shall pass a decree against the defendant upon such admission, and, where part only of the claim has been admitted, shall dismiss the suit so far as it relates to the remainder.

Decree against plaintiff by default bars fresh suit.

103. When a suit is wholly or partially dismissed under section 102, the plaintiff shall be precluded from bringing a fresh suit in respect of the same cause of action. But he may apply for an order to set the dismissal aside; and, if it be proved that he was prevented by any

sufficient cause from appearing when the suit was called on for hearing, the Court shall set aside the dismissal upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

No order shall be made under this section unless the plaintiff has served the defendant with notice in writing of his application.

Procedure where defendant residing out of British India does not appear.

104. If, on the day fixed for the hearing of a suit against a defendant residing out of British India, who has no agent empowered to accept service of summons, or on any day to which the hearing has been adjourned, the defendant does not appear, the plaintiff may apply to the Court for permission to proceed with his suit, and the Court may direct that the plaintiff be at liberty to proceed with his suit in such manner and subject to such conditions as the Court thinks fit.

Procedure in case of non-attendance of one or more of several plaintiffs.

105. If there be more plaintiffs than one, and one or more of them appear, and the others do not appear, the Court may, at the instance of the plaintiff or plaintiffs appearing, permit the suit to proceed in the same way as if all the plaintiffs had appeared, and pass such order as it thinks fit.

Procedure in case of non-attendance of one or more of several defendants.

106. If there be more defendants than one, and one or more of them appear, and the others do not appear, the suit shall proceed, and the Court shall, at the time of passing judgment, make such order as it thinks fit with respect to the defendants who do not appear.

Consequence of non-attendance, without sufficient cause shewn, of party ordered to appear in person.

107. If a plaintiff or defendant, who has been ordered to appear in person under the provisions of section 66 or section 436, does not appear in person, or shew sufficient cause to the satisfaction of the Court for failing so to appear, he shall be subject to all the provisions of the foregoing sections applicable to plaintiffs and defendants, respectively, who do not appear.

Of setting aside Decrees ex parte.

Setting aside decree *ex parte* against defendant.

108. In any case in which a decree is passed *ex parte* against a defendant, he may apply to the Court by which the decree was made for an order to set it aside;

and if he satisfies the Court that the summons was not duly served, or that he was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order to set aside the decree upon such terms as to costs, payment into court or otherwise, as it thinks fit, and shall appoint a day for proceeding with the suit.

No decree to be set aside without notice to opposite party.

109. No decree shall be set aside on any such application as aforesaid, unless notice thereof in writing has been served on the opposite party.

CHAPTER VIII.

OF WRITTEN STATEMENTS AND SET-OFF.

Written statements.

110. The parties may, at any time before or at the first hearing of the suit, tender written statements of their respective cases, and the Court shall receive such statements and place them on the record.

Particulars of set-off to be given in written statement.

111. If in a suit for the recovery of money the defendant claims to set-off against the plaintiff's demand any ascertained sum of money legally recoverable by him from the plaintiff, and if in such claim of the defendant against the plaintiff both parties fill the same character as they fill in the plaintiff's suit, the defendant may, at the first hearing of the suit, but not afterwards unless permitted by the Court, tender a written statement containing the particulars of the debt sought to be set-off.

Inquiry.

The Court shall thereupon inquire into the same, and if it finds that the case fulfils the requirements of the former part of this section, and that the amount claimed to be set-off does not exceed the pecuniary limits of its jurisdiction, the Court shall set-off the one debt against the other.

Effect of set-off.

Such set-off shall have the same effect as a plaint in a cross-suit so as to enable the Court to pronounce a final judgment in the same suit, both on the original and on the cross claim; but it shall not affect the lien, upon the amount decreed, of any pleader in respect of the costs payable to him under the decree.

Illustrations.

(*a*) A bequeaths Rs. 2,000 to B, and appoints C his executor and residuary legatee. B dies and D takes out administration to B's effects. C pays Rs. 1,000 as surety for D. Then D sues C for the legacy. C cannot set-off the debt of Rs. 1,000 against the legacy, for neither C nor D fills the same character with respect to the legacy as they fill with respect to the payment of the Rs. 1,000.

(*b*) A dies intestate and in debt to B. C takes out administration to A's effects, and B buys part of the effects from C. In a suit for the purchase-money by C against B, the latter cannot set-off the debt against the price, for C fills two different characters, one as the vendor to B, in which he sues B, and the other as representative to A.

(*c*) A sues B on a bill of exchange. B alleges that A has wrongfully neglected to insure B's goods and is liable to him in compensation which he claims to set-off. The amount not being ascertained cannot be set-off.

(*d*) A sues B on a bill of exchange for Rs. 500. B holds a judgment against A for Rs. 1,000. The two claims being both definite pecuniary demands may be set-off.

(e) A sues B for compensation on account of a trespass. B holds a promissory note for Rs. 1,000 from A and claims to set-off that amount against any sum that A may recover in the suit. B may do so, for as soon as A recovers, both sums are definite pecuniary demands.

(f) A and B sue C for Rs. 1,000. C cannot set-off a debt due to him by A alone.

(g) A sues B and C for Rs. 1,000. B cannot set-off a debt due to him alone by A.

(h) A owes the partnership-firm of B and C Rs. 1,000. B dies leaving C surviving. A sues C for a debt of Rs. 1,500 due in his separate character. C may set-off the debt of Rs. 1,000.

No written statement to be received after first hearing.

112. Except as provided in the last preceding section, no written statement shall be received after the first hearing of the suit:

Provisoes.

Provided that the Court may at any time require a written statement, or additional written statement, from any of the parties, and fix a time for presenting the same:

Provided also that a written statement, or an additional written statement, may, with the permission of the Court, be received at any time for the purpose of answering written statements so required and presented.

Procedure when party fails to present written statement called for by Court.

113. If any party from whom a written statement is so required fails to present the same within the time fixed by the Court, the Court may pass a decree against him, or make such order in relation to the suit as it thinks fit.

Frame of written statements.

114. Written statements shall be as brief as the nature of the case admits, and shall not be argumentative, but shall be confined as much as possible to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he either admits or believes he will be able to prove.

Every such statement shall be divided into paragraphs, numbered consecutively, and each paragraph containing as nearly as may be a separate allegation.

Written statements to be signed and verified.

115. Written statements shall be signed and verified in the manner hereinbefore provided for signing and verifying plaints, and no written statement shall be received unless it be so signed and verified.

Power of Court as to argumentative, prolix or irrelevant written statements.

116. If it appears to the Court that any written statement, whether called for by the Court or spontaneously tendered, is argumentative or prolix, or contains matter irrelevant to the suit, the Court may amend it then and there, or may, by an order to be endorsed thereon, reject the same, or return it to the party by whom it was made for amendment within a time to be fixed by the Court, imposing such terms as to costs or otherwise as the Court thinks fit.

Attestation of amendments.

When any amendment is made under this section, the Judge shall attest it by his signature.

Effect of rejection.

When a statement has been rejected under this section, the party making it shall not present another written statement, unless it be expressly called for or allowed by the Court.

CHAPTER IX.

OF THE EXAMINATION OF THE PARTIES BY THE COURT.

Ascertainment whether allegations in plaint and written statements admitted or denied.

117. At the first hearing of the suit, the Court shall ascertain from the defendant or his pleader whether he admits or denies the allegations of fact made in the plaint, and shall ascertain from each party or his pleader whether he admits or denies such allegations of fact as are made in the written statement (if any) of the opposite party, and as are not expressly or by necessary implication admitted or denied by the party against whom they are made. The Court shall record such admissions and denials.

Oral examination of party, or companion of himself or his pleader.

118. At the first hearing of the suit, or at any subsequent hearing, any party appearing in person or present in Court, or any person able to answer any material questions relating to the suit by whom such party or his pleader is accompanied, may be examined orally by the Court; and the Court may, if it thinks fit, put in the course of such examination questions suggested by either party.

Substance of examination to be written.

119. The substance of the examination shall be reduced to writing by the Judge, and shall form part of the record.

Consequence of refusal or inability of pleader to answer.

120. If the pleader of any party who appears by a pleader refuses or is unable to answer any material question relating to the suit which the Court is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Court may postpone the hearing of the suit to a future day, and direct that such party shall appear in person on such day.

If such party fails without lawful excuse to appear in person on the day so appointed, the Court may pass a decree against him, or make such order in relation to the suit as it thinks fit.

CHAPTER X.

OF DISCOVERY AND OF THE ADMISSION, INSPECTION, PRODUCTION, IMPOUNDING AND RETURN OF DOCUMENTS.

Power to deliver interrogatories.

121. Any party may at any time by leave of the Court deliver through the Court interrogatories in

writing for the examination of the opposite party, or where there are more opposite parties than one, any one or more of such parties, with a note at the foot thereof stating which of such interrogatories each of such persons is required to answer:

Provided that no party shall deliver more than one set of interrogatories to the same person without the permission of the Court, and that no defendant shall deliver interrogatories for the examination of the plaintiff unless such defendant has previously tendered a written statement and such statement has been received and placed on the record.

Service of interrogatories.

122. Interrogatories delivered under section 121 shall be served on the pleader (if any) of the party interrogated, or in the manner hereinbefore provided for the service of summons, and the provisions of sections 79, 80, 81 and 82 shall, in the latter case, apply so far as may be practicable.

Inquiry into propriety of exhibiting interrogatories.

123. The Court, in adjusting the costs of the suit, shall, at the instance of any party, inquire or cause inquiry to be made into the propriety of delivering such interrogatories; and if it thinks that such interrogatories have been delivered unreasonably, vexatiously or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be borne by the party in fault.

Service of interrogatories on officer of corporation or company.

124. If any party to a suit be a body corporate or a joint stock company, whether incorporated or not, or any other body of persons empowered by law to sue or be sued, whether in its own name or in the name of any officer or other person, any opposite party may apply to the Court for an order allowing him to deliver interrogatories to any member or officer of such corporation, company or body, and an order may be made accordingly.

Power to refuse to answer interrogatories as irrelevant, &c.

125. Any party called upon to answer interrogatories, whether by himself or by any such member or officer, may refuse to answer any interrogatory on the ground that it is irrelevant, or is not put *bonâ fide* for the purposes of the suit, or that the matter inquired after is not sufficiently material at that stage of the suit, or on any other like ground.

Time for filing affidavit in answer.

126. Interrogatories shall be answered by affidavit to be filed in court within ten days from the service thereof or within such further time as the Judge may allow.

Procedure where party omits to answer sufficiently.

127. If any person interrogated omits or refuses to answer, or answers insufficiently, any interrogatory, the party interrogating may apply to the Court for an order requiring him to answer or to answer further, as the case may be. And an order may be made requiring him to answer or to answer further either by affidavit or by *vivâ voce* examination as the Judge may direct: Provided that the Judge shall not require an answer to any interrogatory which in his opinion need not have been answered under section 125.

Power to demand admission of genuineness of documents.

128. Either party may, by a notice through the Court, within a reasonable time not less than ten days before the hearing, require the other party to admit (saving all just exceptions to the admissibility of such document in evidence) the genuineness of any document material to the suit.

The admission shall also be made in writing signed by the other party or his pleader and filed in court.

If such notice be not given, no costs of proving such document shall be allowed, unless the Judge otherwise orders.

If such notice is not complied with within four days after its being served, and the Judge thinks it reasonable that the admission should have been made, the party refusing shall bear the expense of proving such document, whatever may be the result of the suit.

Power to order discovery of document.

129. The Court may, at any time during the pendency therein of any suit, order any party to the suit to declare by affidavit all the documents which are or have been in his possession or power relating to any matter in question in the suit, and any party to the suit may, at any time before the first hearing, apply to the Court for a like order.

Affidavit in answer to such order.

Every affidavit made under this section shall specify which, if any, of the documents therein mentioned the declarant objects to produce, together with the grounds of such objection.

Power to order production of documents during suit.

130. The Court may, at any time during the pendency therein of any suit, order the production by any party thereto of such of the documents in his possession or power relating to any matter in question in such suit or proceeding as the Court thinks right; and the Court may deal with such documents when produced in such manner as appears just.

Notice to produce for inspection documents referred to in plaint, &c.

131. Any party to a suit may at any time before or at the hearing thereof give notice through the Court to any other party to produce any specified document for the inspection of the party giving such notice or of his pleader, and to permit such party or pleader to take copies thereof.

Consequence of non-compliance with such notice.

No party failing to comply with such notice shall afterwards be at liberty to put any such document in evidence on his behalf in such suit, unless he satisfies the Court that such document relates only to his own title, or that he had some other and sufficient cause for not complying with such notice.

Party receiving such notice to deliver notice when and where inspection may be had.

132. The party to whom such notice is given shall, within ten days from the receipt thereof, deliver through the Court to the party giving the same a notice stating a time within three days from such delivery at which the documents, or such of them as he does not object to produce, may be inspected at his pleader's office or some other convenient place, and stating which, if any, of the documents he objects to produce, and on what grounds.

Application for order of inspection.

133. If any party served with notice under section 131 omits to give notice under section 132 of the time for inspection, or objects to give inspection, or names an inconvenient place for inspection, the party desiring it may apply to the Court for an order of inspection.

Application to be founded on affidavit.

134. Except in the case of documents referred to in the plaint, written statement or affidavit of the party against whom the application is made, or disclosed in his affidavit of documents, such application shall be founded upon an affidavit shewing (*a*) of what documents inspection is sought, (*b*) that the party applying is entitled to inspect them, and (*c*) that they are in the possession or power of the party against whom the application is made.

Power to order issue or question on which right to discovery depends to be first determined.

135. If the party from whom discovery of any kind or inspection is sought objects to the same or any part thereof, and if the Court is satisfied that the right to such discovery or inspection depends on the determination of any issue or question in dispute in the suit, or that for any other reason it is desirable that any such issue or question should be determined before deciding upon the right to the discovery or inspection, the Court may order that the issue or question be determined first and reserve the question as to the discovery or inspection.

Consequences of failure to answer or give inspection.

136. If any party fails to comply with any order under this chapter, to answer interrogatories or for discovery, production or inspection, which has been duly served, he shall, if a plaintiff, be liable to have his suit dismissed for want of prosecution, and if a defendant, to have his defence, if any, struck out, and to be placed in the same position as if he had not appeared and answered;

and the party interrogating or seeking discovery, production or inspection may apply to the Court for an order to that effect, and the Court may make such order accordingly.

Any party failing to comply with any order under this chapter, to answer interrogatories or for discovery, production or inspection, which has been served personally upon him, shall also be deemed guilty of an offence under section 188 of the Indian Penal Code.

Court may send for papers from its own records or from other Courts.

137. The Court may of its own accord, and may in its discretion upon the application of any of the parties to a suit, send for, either from its own records or from any other Court, the record of any other suit or proceeding, and inspect the same.

Every application made under this section shall (unless the Court otherwise directs) be supported by an affidavit of the applicant or his pleader, shewing how the record is material to the suit in which the application is made, and that the applicant cannot without unreasonable delay or expense obtain a duly authenticated copy of the record or of such portion thereof as the applicant requires, or that the production of the original is necessary for the purposes of justice.

Nothing contained in this section shall be deemed to enable the Court to use in evidence any document which under the Indian Evidence Act, 1872, would be inadmissible in the suit.

Documentary evidence to be in readiness at first hearing.

138. The parties or their pleaders shall bring with them and have in readiness at the first hearing of the suit, to be produced when called for by the Court, all the documentary evidence of every description in their possession or power, on which they intend to rely, and which has not already been filed in court, and all documents which the Court at any time before such hearing has ordered to be produced.

Effect of non-production of documents.

139. No documentary evidence in the possession or power of any party which should have been, but has not been, produced in accordance with the requirements of section 138, shall be received at any subsequent stage of the proceedings unless good cause be shown to the satisfaction of the Court for the non-production thereof. And the Judge receiving any such evidence shall record his reasons for so doing.

Documents to be received by Court.

140. The Court shall receive the documents respectively produced by the parties at the first hearing, provided that the documents produced by each party be accompanied by an accurate list thereof prepared in such form as the High Court may from time to time direct.

Rejection of irrelevant or inadmissible documents.

The Court may at any stage of the suit reject any document which it considers irrelevant or otherwise inadmissible, recording the grounds of such rejection.

No documents to be placed on record unless proved. Proved documents to be marked and filed.

141. No document shall be placed on the record unless it has been proved or admitted in accordance with the law of evidence for the time being in force. Every document so proved or admitted shall be endorsed with the number and title of the suit, the name of the person producing it, and the date on which it was produced. The Judge shall then endorse with his own hand a

statement that it was proved against or admitted by (as the case may be) the person against whom it is used. The document shall then be filed as part of the record:

Entries in shop-books.

Provided that, if the document be an entry in a shop-book or other book, the party on whose behalf such book is produced may furnish a copy of the entry, which may be endorsed as aforesaid, and shall be filed as part of the record, and the Court shall mark the entry, and shall then return the book to the person producing it.

All documents produced at the first hearing and not so proved or admitted shall be returned to the parties respectively producing them.

Rejected documents to be marked,

142. When a document so proved or admitted is relied on as evidence by either party, but the Court considers it inadmissible, it shall be further endorsed with the addition of the word "rejected," and the endorsement shall be signed by the Judge.

and returned.

The document shall then be returned to the party who produced it.

Court may order any document to be impounded.

143. Notwithstanding anything contained in sections 62, 141 and 142, the Court may, if it sees sufficient cause, direct any document or book produced before it in any suit to be impounded and kept in the custody of an officer of the Court, for such period and subject to such conditions as the Court thinks fit.

When document admitted in evidence may be returned.

144. In suits in which an appeal is not allowed, when the suit has been disposed of, and in suits in which an appeal is allowed, when the time for preferring an appeal from the decree has elapsed, or, if an appeal has been preferred, then after the appeal has been disposed of, any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit, and placed on the record, shall, unless the document is impounded under section 143, be entitled to receive back the same:

When document may be returned before time limited.

Provided that a document may be returned at any time before either of such events, if the person applying for such return delivers to the proper officer a certified copy of such document to be substituted for the original:

Certain documents not to be returned.

Provided also that no document shall be returned which, by force of the decree, has become void or useless.

Receipt to be given for returned document.

On the return of a document which has been admitted in evidence, a receipt shall be given by the party receiving it, in a receipt-book to be kept for the purpose.

Provisions as to documents applied to material objects.

145. The provisions herein contained as to documents shall, so far as may be, apply to all other material objects producible as evidence.

CHAPTER XI.

OF THE SETTLEMENT OF ISSUES.

Framing of issues.

146. Issues arise when a material proposition of fact or law is affirmed by the one party and denied by the other.

Material propositions are those propositions of law or fact which a plaintiff must allege in order to show a right to sue.

Each material proposition affirmed by one party and denied by the other must form the subject of a distinct issue.

Issues are of two kinds: (*a*) issues of fact, (*b*) issues of law.

At the first hearing of the suit, the Court shall, after reading the plaint and the written statements, if any, and after such examination of the parties as may appear necessary, ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues on which the right decision of the case appears to the Court to depend.

When issues both of law and of fact arise in the same suit, and the Court is of opinion that the case may be disposed of on the issues of law only, it shall try those issues first, and for that purpose may, if it thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

Nothing in this section requires the Court to frame and record issues when the defendant at the first hearing of the suit makes no defence.

Allegations from which issues may be framed.

147. The Court may frame the issues from all or any of the following materials:—

(*a*) allegations made on oath by the parties, or by any persons present on their behalf, or made by the pleaders of such parties or persons;

(*b*) allegations made in the plaint or in the written statements (if any) tendered in the suit, or in answer to interrogatories delivered in the suit;

(*c*) the contents of documents produced by either party.

Court may examine witnesses or documents before framing issues.

148. If the Court be of opinion that the issues cannot be correctly framed without the examination of some person not before the Court, or without the inspection of some document not produced in the suit, it may adjourn the framing of the issues to a future day, to be fixed by the Court, and may (subject to the rules contained in the Indian Evidence Act) compel the attend-

ance of any person or the production of any document by the person in whose hands it may be, by summons or other process.

Power to amend, add and strike out issues.

149. The Court may at any time before passing a decree amend the issues or frame additional issues on such terms as it thinks fit, and all such amendments or additional issues as may be necessary for determining the controversy between the parties shall be so made or framed.

The Court may also, at any time before passing a decree, strike out any issues that appear to it to be wrongly framed or introduced.

Questions of fact or law may by agreement be stated in form of issue.

150. When the parties to a suit are agreed as to the question of fact or of law to be decided between them, they may state the same in the form of an issue, and enter into an agreement in writing

(*a*) that upon the finding of the Court in the affirmative or the negative of such issue, a sum of money specified in the agreement, or to be ascertained by the Court, or in such manner as the Court may direct, shall be paid by one of the parties to the other of them, or that one of them be declared entitled to some right or subject to some liability specified in the agreement,

(*b*) that upon such finding some property specified in the agreement and in dispute in the suit shall be delivered by one of the parties to the other of them, or as that other may direct, or

(*c*) that upon such finding one or more of the parties shall do or abstain from doing some particular act, specified in the agreement, and relating to the matter in dispute.

Court, if satisfied that agreement was executed in good faith, may pronounce judgment.

151. If the Court be satisfied, after making such inquiry as it deems proper,

(*a*) that the agreement was duly executed by the parties,

(*b*) that they have a substantial interest in the decision of such question as aforesaid, and

(*c*) that the same is fit to be tried and decided,

it may proceed to record and try the issue, and state its finding or opinion thereon in the same manner as if the issue had been framed by the Court;

and may, upon the finding or decision on such issue, pronounce judgment according to the terms of the agreement;

and upon the judgment so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

CHAPTER XII.

DISPOSAL OF THE SUIT AT THE FIRST HEARING.

If parties not at issue on any question of law or fact.

152. If at the first hearing of a suit it appears that the parties are not at issue on any question of law or of fact, the Court may at once pronounce judgment.

If one of several defendants be not at issue with plaintiff.

153. Where there are more defendants than one, and any one of the defendants is not at issue with the plaintiff on any question of law or fact, the Court may at once pronounce judgment for or against such defendant, and the suit shall proceed only against the other defendants.

If parties at issue on questions of law or fact,

154. When the parties are at issue on some question of law or of fact, and issues have been framed by the Court as hereinbefore provided, if the Court be satisfied that no further argument or evidence than the parties can at once supply is required upon such of the issues as may be sufficient for the decision of the suit, and that no injustice will result from proceeding with the suit forthwith, the Court may proceed to determine such issues,

Court may determine issue,

and, if the finding thereon is sufficient for the decision, may pronounce judgment accordingly, whether the summons has been issued for the settlement of issues only or for the final disposal of the suit:

and pronounce judgment.

Provided that, where the summons has been issued for the settlement of issues only, the parties or their pleaders are present and none of them object.

If the finding is not sufficient for the decision, the Court shall postpone the further hearing of the suit, and shall fix a day for the production of such further evidence, or for such further argument, as the case requires.

If either party fails to produce his evidence, Court may pronounce judgment, or adjourn suit.

155. If the summons has been issued for the final disposal of the suit, and either party fails without sufficient cause to produce the evidence on which he relies, the Court may at once pronounce judgment,

or may, if it thinks fit, after framing and recording issues under section 146, adjourn the suit for the production of such evidence as may be necessary to its decision upon such issues.

CHAPTER XIII.

OF ADJOURNMENTS.

Court may grant time, and adjourn hearing.

156. The Court may, if sufficient cause be shown, at any stage of the suit grant time to the parties or to any of them, and may from time to time adjourn the hearing of the suit.

Costs of adjournment.

In all such cases the Court shall fix a day for the further hearing of the suit, and may make such order as it thinks fit with respect to the costs occasioned by the adjournment:

Provided that, when the hearing of evidence has once begun, the hearing of the suit shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the hearing to be necessary for reasons to be recorded by the Judge with his own hand.

Procedure if parties fail to appear on day fixed.

157. If, on any day to which the hearing of the suit is adjourned, the parties or any of them fail to appear, the Court may proceed to dispose of the suit in one of the modes directed in that behalf by Chapter VII, or make such other order as it thinks fit.

Court may proceed notwithstanding either party fails to produce evidence, &c.

158. If any party to a suit to whom time has been granted fails to produce his evidence, or to cause the attendance of his witnesses, or to perform any other act necessary to the further progress of the suit, for which time has been allowed, the Court may, notwithstanding such default, proceed to decide the suit forthwith.

CHAPTER XIV.

OF THE SUMMONING AND ATTENDANCE OF WITNESSES.

Summons to attend to give evidence or produce documents.

159. The parties may, after the summons has been delivered for service on the defendant, whether it be for the settlement of issues only, or for the final disposal of the suit, obtain, on application to the Court or to such officer as it appoints in this behalf, before the day fixed for such settlement or disposal, as the case may be, summonses to persons whose attendance is required either to give evidence or to produce documents.

Expenses of witnesses to be paid into court on applying for summons.

160. The party applying for a summons shall, before the summons is granted and within a period to be fixed by the Court, pay into court such a sum of money as appears to the Court to be sufficient to defray the travelling and other expenses of the person summoned, in passing to and from the court in which he is required to attend, and for one day's attendance.

Scale of expenses.

If the Court be subordinate to a High Court, regard shall be had, in fixing the scale of such expenses, to the rules (if any) laid down by competent authority.

Tender of expenses to witness.

161. The sum so paid into Court shall be tendered to the person summoned, at the time of serving the summons, if it can be served personally.

Procedure where insufficient sum paid in.

162. If it appear to the Court or to such officer as it appoints in this behalf that the sum paid into Court is not sufficient to cover such expenses, the Court may direct such further sum to be paid to the person summoned as appears to be necessary on that account; and, in case of default in payment, may order such sum to be levied by attachment and sale of the moveable property of the party obtaining the summons; or the Court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid.

Expenses if witness detained more than one day.

If it be necessary to detain the person summoned for a longer period than one day, the Court may, from time to time, order the party at whose instance he was summoned to pay into Court such sum as is sufficient to defray the expenses of his detention for such further period, and, in default of such deposit being made, may order such sum to be levied by attachment and sale of the moveable property of the party at whose instance he was summoned; or the Court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid.

Time, place and purpose of attendance to be specified in summons.

163. Every summons for the attendance of a person to give evidence or produce a document shall specify the time and place at which he is required to attend, and also whether his attendance is required for the purpose of giving evidence or to produce a document, or for both purposes; and any particular document which the person summoned is called on to produce shall be described in the summons with reasonable accuracy.

Summons to produce document.

164. Any person may be summoned to produce a document, without being summoned to give evidence; and any person summoned merely to produce a document shall be deemed to have complied with the summons, if he cause such document to be produced instead of attending personally to produce the same.

Power to require persons present in Court to give evidence.

165. Any person present in Court may be required by the Court to give evidence or to produce any document then and there in his actual possession or power.

Summons how served.

166. Every summons to a person to give evidence or produce a document shall be served as nearly as may be in manner hereinbefore prescribed for the service of summons on the defendant; and the rules contained in Chapter VI as to proof of service shall apply in the case of all summonses served under this section.

Time for serving summons.

167. The service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the person summoned, to allow him a reasonable time for preparation and for travelling to the place at which his attendance is required.

Attachment of property of absconding witness.

168. If the serving-officer certify to the Court that the summons for the attendance of a person, either to give evidence or to produce a document, cannot be served, the Court shall examine the serving-officer on oath touching the non-service:

and upon being satisfied that such evidence or production is material, and that the person for whose attendance the summons has been issued is absconding or keeping out of the way for the purpose of avoiding the service of the summons, may issue a proclamation requiring him to attend to give evidence, or produce the document, at a time and place to be named therein; and a copy of such proclamation shall be affixed on the outer door of the house in which he ordinarily resides.

If he does not attend at the time and place named in such proclamation, the Court may in its discretion, at the instance of the party on whose application the summons was issued, make an order for the attachment of the property of the person whose attendance is required, to such amount as the Court thinks fit, not exceeding the amount of the costs of attachment and of the fine which may be imposed under section 170:

Provided that no Court of Small Causes shall make an order for the attachment of immoveable property.

If witness appears, attachment may be withdrawn.

169. If, on the attachment of his property, such person appears and satisfies the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court shall direct that the property be released from attachment, and shall make such order as to the costs of the attachment as it thinks fit.

Procedure if witness fails to appear.

170. If such person does not appear, or, appearing, fails to satisfy the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court may impose upon him such fine not exceeding five hundred rupees as the Court thinks fit, having regard to his condition in life and all the circumstances of the case, and may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of the said fine, if any:

Provided that, if the person whose attendance is required pays into Court the costs and fine as aforesaid, the Court shall order the property to be released from attachment.

Court may of its own accord summon as witnesses strangers to suit.

171. Subject to the rules of this Code as to attendance and appearance and to the provisions of the Indian Evidence Act, 1872, if the Court at any time thinks it necessary to examine any person other than a party to the suit and not named as a witness by a party to the suit, the Court may, of its own motion, cause such person to be summoned as a witness to give evidence, or to produce any document in his possession, on a day to be appointed, and may examine him as a witness or require him to produce such document.

Duty of persons summoned to give evidence or produce document.

172. Subject as last aforesaid, whoever is summoned to appear and give evidence in a suit must attend at the time and place named in the summons for that purpose, and whoever is summoned to produce a document must either attend to produce it, or cause it to be produced, at such time and place.

When they may depart.

173. No person so summoned and attending shall depart unless and until (*a*) he has been examined or has produced the document and the Court has risen, or (*b*) he has obtained the Court's leave to depart.

Consequences of failure to comply with summons.

174. If any person on whom a summons to give evidence or produce a document has been served fails to comply with the summons, or if any person so summoned and attending departs in contravention of section 173, the Court may order him to be arrested and brought before the Court:

Provided that no such order shall be made when the Court has reason to believe that the person so failing had a lawful excuse for such failure.

When any person so brought before the Court fails to satisfy it that he had a lawful excuse for not complying with the summons, the Court may sentence him to fine not exceeding five hundred rupees.

Explanation.—Non-payment or non-tender of a sum sufficient to defray the expenses mentioned in section 160 shall be deemed a lawful excuse within the meaning of this section.

Procedure when witness apprehended cannot give evidence or produce documents.

If any person so apprehended and brought before the Court cannot, owing to the absence of the parties or any of them, give the evidence or produce the document which he has been summoned to give or produce, the Court may require him to give reasonable bail or other security for his appearance at such time and place as it thinks fit, and on such bail or security being given, may release him.

Procedure when witness absconds.

175. If any person so failing to comply with a summons absconds or keeps out of the way, so that he cannot be apprehended and brought before the Court, the provisions of sections 168, 169 and 170 shall, *mutatis mutandis*, apply.

176. No one shall be bound to attend in person to give evidence or to be examined in Court unless he resides—

Persons bound to attend in person.

(a) within the local limits of its ordinary original jurisdiction, or

(b) without such limits and at a place less than fifty or (where there is railway-communication for five-sixths of the distance between the place where he resides and the place where the Court is situate) two hundred miles distant from the Court-house.

177. If any party to a suit present in Court refuses, without lawful excuse, when required by the Court, to give evidence or to produce any document then and there in his actual possession or power, the Court may in its discretion either pass a decree against him, or make such order in relation to the suit as the Court thinks fit.

Consequence of refusal of party to give evidence when called on by Court.

178. Whenever any party to a suit is required to give evidence or to produce a document, the rules as to witnesses contained in this Code shall apply to him so far as they are applicable.

Rules as to witnesses to apply to parties summoned.

CHAPTER XV.

OF THE HEARING OF THE SUIT AND EXAMINATION OF WITNESSES.

179. On the day fixed for the hearing of the suit, or on any other day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

Statement and production of evidence by party having right to begin.

Explanation.—The plaintiff has the right to begin unless where the defendant admits the facts alleged by the plaintiff and contends that either in point of law or on some additional facts alleged by the defendant the plaintiff is not entitled to any part of the relief which he seeks, in which case the defendant has the right to begin.

Rules as to right to begin.

180. The other party shall then state his case and produce his evidence (if any).

Statement and production of evidence by other party.

The party beginning is then entitled to reply.

Reply by party beginning.

Where there are several issues, the burden of proving some of which lies on the other party, the party beginning may, at his option, either produce his evidence on those issues or reserve it by way of answer to the evidence produced by the other party. In the latter case, the party beginning may produce evidence on those issues after the other party has produced all his evidence, and the other party may then reply specially on the evidence so produced by the party beginning; but the party beginning will then be entitled to reply generally on the whole case.

181. The evidence of the witnesses in attendance shall be taken orally in open Court in the presence, and under the personal direction and superintendence, of the Judge.

Witnesses to be examined in open Court.

182. In cases in which an appeal is allowed, the evidence of each witness shall be taken down in writing, in the language of the Court, by or in the presence and under the personal direction and superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over in the presence of the Judge and of the witness, and also in the presence of the parties or their pleaders, and the Judge shall, if necessary, correct the same and shall sign it.

How evidence shall be taken in appealable cases.

183. If the evidence is taken down under section 182 in a language different from that in which it was given, and the witness does not understand the language in which it is taken down, the evidence as taken down in writing shall be interpreted to him in the language in which it was given.

When deposition to be interpreted.

184. In cases in which the evidence is not taken down in writing by the Judge, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what each witness deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record.

Memorandum when evidence not taken down by Judge.

185. Where English is not the language of the Court, but all the parties to the suit who appear in person, and the pleaders of such as appear by pleaders, do not object to have such evidence as is given in English taken down in English, the Judge may so take it down with his own hand.

When evidence may be taken in English.

186. The Court may of its own motion or on the application of any party or his pleader take down, or cause to be taken down, any particular question and answer, or any objection to any question, if there appear any special reason for so doing.

Any particular question and answer may be taken down.

187. If any question put to a witness be objected to by a party or his pleader, and the Court allows the same to be put, the Judge shall take down the question, the answer, the objection and the name of the person making it, together with the decision of the Court thereon.

Questions objected to and allowed by Court.

188. The Court may record such remarks as it thinks material respecting the demeanour of any witness while under examination.

Remarks on demeanour of witnesses.

Memorandum of evidence in unappealable cases.

189. In cases in which an appeal is not allowed, it shall not be necessary to take down the evidence of the witnesses in writing at length; but the Judge, as the examination of each witness proceeds, shall make a memorandum of the substance of what he deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record.

Judge unable to make such memorandum to record reason of his inability.

190. If the Judge be rendered unable to make a memorandum as above required by this chapter, he shall cause the reason of such inability to be recorded, and shall cause the memorandum to be made in writing from his dictation in open Court.

Every memorandum so made shall form part of the record.

Power to deal with evidence taken down by Judge removed before conclusion of suit.

191. Where the Judge taking down any evidence, or causing any memorandum to be made under this chapter, dies or is removed from the Court before the conclusion of the suit, his successor may, if he thinks fit, deal with such evidence or memorandum as if he himself had taken it down or caused it to be made.

Power to examine witness immediately.

192. If a witness be about to leave the jurisdiction of the Court, or if other sufficient cause be shown to the satisfaction of the Court why his evidence should be taken immediately, the Court may, upon the application of either party or of the witness, at any time after the institution of the suit, take the evidence of such witness in manner hereinbefore provided.

Where such evidence is not taken forthwith and in the presence of the parties, such notice as the Court thinks sufficient, of the day fixed for the examination, shall be given to the parties.

The evidence so taken shall be read over to the witness, and, if he admits it to be correct, shall be signed by him, and may then be read at any hearing of the suit.

Court may recall and examine witness.

193. The Court may at any stage of the suit recall any witness who has been examined and who has not departed in accordance with section 173, and may (subject to the provisions of the Indian Evidence Act, 1872) put such questions to him as the Court thinks fit.

CHAPTER XVI.

OF AFFIDAVITS.

Power to order any point to be proved by affidavit.

194. Any Court of first instance and any appellate Court may at any time for sufficient reason order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as the Court thinks reasonable:

Provided that where it appears to the Court that either party *bonâ fide* desires the production of a witness for cross-examination, and that such witness can be produced, an order shall not be made authorizing the evidence of such witness to be given by affidavit.

Power to order attendance of declarant for cross-examination.

195. Upon any application evidence may be given by affidavit, but the Court may at the instance of either party order the attendance for cross-examination of the declarant.

Such attendance shall be in Court unless the declarant is exempted under this Code from personal appearance in court, or the Court otherwise directs.

Matters to which affidavits shall be confined.

196. Affidavits shall be confined to such facts as the declarant is able of his own knowledge to prove, except on interlocutory applications, on which statements of his belief may be admitted, provided that reasonable grounds thereof be set forth.

The costs of every affidavit which shall unnecessarily set forth matters of hearsay or argumentative matter, or copies of or extracts from documents, shall (unless the Court otherwise directs) be paid by the party producing the same.

Oath of declarant by whom to be administered.

197. In the case of any affidavit under this Code—

(*a*) any Court or Magistrate, or

(*b*) any officer whom a High Court may appoint in this behalf, or

(*c*) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf,

may administer the oath of the declarant.

CHAPTER XVII.

OF JUDGMENT AND DECREE.

Judgment when pronounced.

198. The Court, after the evidence has been duly taken and the parties have been heard either in person or by their respective pleaders or recognized agents, shall pronounce judgment in open Court, either at once or on some future day, of which due notice shall be given to the parties or their pleaders.

Power to pronounce judgment written by Judge's predecessor.

199. A Judge may pronounce a judgment written by his predecessor but not pronounced.

Language of judgment.

200. The judgment shall be written in the language of the Court, or in English, or in the Judge's mother-tongue.

Translation of judgment.

201. Whenever the judgment is written in any language other than that of the Court, the judgment shall, if any of the parties so

require, be translated into the language of the Court, and the translation shall also be signed by the Judge or such officer as he appoints in this behalf.

Judgment to be dated and signed.

202. The judgment shall be dated and signed by the Judge in open Court at the time of pronouncing it, and shall not be altered or added to, save to correct verbal errors or to supply some accidental defect not affecting a material part of the case, or on review.

Judgments of Small Cause Courts.

203. The judgments of the Courts of Small Causes need not contain more than the points for determination and the decision thereupon.

Judgments of other Courts.

The judgments of all other Courts shall contain a concise statement of the case, the points for determination, the decision thereon, and the reasons for such decision.

Court to state its decision on each issue.

Exception.

204. In suits in which issues have been framed, the Court shall state its finding or decision, with the reasons thereof, upon each separate issue, unless the finding upon any one or more of the issues be sufficient for the decision of the suit.

Date of decree.

205. The decree shall bear date the day on which the judgment was pronounced; and, when the Judge has satisfied himself that the decree has been drawn up in accordance with the judgment, he shall sign the decree.

Contents of decree.

206. The decree must agree with the judgment: it shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claims, as stated in the register, and shall specify clearly the relief granted or other determination of the suit.

The decree shall also state the amount of costs incurred in the suit, and by what parties and in what proportions such costs are to be paid.

Power to amend decree.

If the decree is found to be at variance with the judgment, or if any clerical or arithmetical error be found in the decree, the Court shall, of its own motion or on that of any of the parties, amend the decree so as to bring it into conformity with the judgment or to correct such error: provided that reasonable notice has been given to the parties or their pleaders of the proposed amendment.

Decree for recovery of immoveable property.

207. When the subject-matter of the suit is immoveable property, and such property is identified by boundaries or by numbers in a record of settlement or survey, the decree shall specify such boundaries or numbers.

Decree for delivery of moveable property.

208. When the suit is for moveable property, if the decree be for the delivery of such property, it shall also state the amount of money to be paid as an alternative if delivery cannot be had.

In suits for money, decree may order certain interest to be paid on principal sum adjudged.

209. When the suit is for a sum of money due to the plaintiff, the Court may, in the decree, order interest at such rate as the Court deems reasonable to be paid on the principal sum adjudged, from the date of the suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the institution of the suit, with further interest at such rate as the Court deems reasonable on the aggregate sum so adjudged, from the date of the decree to the date of payment, or to such earlier date as the Court thinks fit.

Decree may direct payment by instalments.

210. In all decrees for the payment of money, the Court may for any sufficient reason order that the amount shall be paid by instalments, with or without interest.

Order, after decree, for payment by instalments.

And after the passing of any such decree the Court may, on the application of the judgment-debtor and with the consent of the decree-holder, order that the amount decreed be paid by instalments on such terms as to the payment of interest, the attachment of the property of the defendant, or the taking of security from him, or otherwise, as it thinks fit:

Save as provided in this section and section 206, no decree shall be altered at the request of parties.

In suits for land, Court may decree payment of mesne profits with interest.

211. When the suit is for the recovery of possession of immoveable property yielding rent or other profit, the Court may provide in the decree for the payment of rent or mesne profits in respect of such property from the institution of the suit until the delivery of possession to the party in whose favour the decree is made, or until the expiration of three years from the date of the decree (whichever event first occurs), with interest thereupon at such rate as the Court thinks fit.

Explanation.—'Mesne profits' of property mean those profits which the person in wrongful possession of such property actually received, or might with ordinary diligence have received, therefrom, together with interest on such profits.

Court may determine amount of mesne profits prior to suit, or may reserve inquiry.

212. When the suit is for the recovery of possession of immoveable property and for mesne profits which have accrued on the property during a period prior to the institution of the suit, and the amount of such profits is disputed, the Court may either determine the amount by the decree itself, or may pass a decree for the property and direct an inquiry into the amount of mesne profits, and dispose of the same on further orders.

Administration-suit.

213. When the suit is for an account of any property and for its due administration under the de-

cree of the Court, the Court, before making the decree, shall order such accounts and inquiries to be taken and made, and give such other directions, as it thinks fit.

In the administration by the Court of the property of any person who dies after this Code comes into force, if such property proves to be insufficient for the payment in full of his debts and liabilities, the same rules shall be observed as to the respective rights of secured and unsecured creditors and as to debts and liabilities proveable, and as to the valuation of annuities and future and contingent liabilities respectively, as may be in force for the time being with respect to the estates of persons adjudged insolvent;

and all persons who in any such case would be entitled to be paid out of such property may come in under the decree for its administration, and make such claims against the same as they may respectively be entitled to by virtue of this Code.

Applications under section 265 of the Indian Contract Act, 1872, shall be deemed to be suits within the meaning of this section.

Suit to enforce right of pre-emption.

214. When the suit is to enforce a right of pre-emption in respect of a particular sale of property, and the Court finds for the plaintiff, if the amount of purchase-money has not been paid into court, the decree shall specify a day on or before which it shall be so paid, and shall declare that on payment of such purchase-money, together with the costs (if any) decreed against him, the plaintiff shall obtain possession of the property, but that if such money and costs are not so paid, the suit shall stand dismissed with costs.

Suit for dissolution of partnership.

215. When the suit is for the dissolution of a partnership, the Court, before making its decree, may pass an order fixing the day on which the partnership shall stand dissolved, and directing such accounts to be taken and other acts to be done as it thinks fit.

Suit for account between principal and agent.

215A. When a suit is for an account of pecuniary transactions between a principal and agent, and in all other suits not hereinbefore provided for, where it is necessary, in order to ascertain the amount of money due to or from any party, that an account should be taken, the Court shall, before making its decree, pass an order directing such accounts to be taken as it thinks fit.

Decree when set-off is allowed.

216. If the defendant has set-off the amount of a debt against the claim of the plaintiff, and such set-off has been allowed, the decree shall state what amount is due to the plaintiff and what amount (if any) is due to the defendant, and shall be for the recovery of any sum which appears to be due to either party.

Effect of decree as to sum awarded to defendant.

The decree of the Court with respect to any sum awarded to the defendant shall have the same effect, and be subject to the same rules in respect of appeal or otherwise, as if such sum had been claimed by the defendant in a separate suit against the plaintiff.

Certified copies of judgment and decree to be furnished.

217. Certified copies of the judgment and decree shall be furnished to the parties on application to the Court, and at their expense.

CHAPTER XVIII.

OF COSTS.

Costs of applications.

218. When disposing of any application under this Code, the Court may give to either party the costs of such application, or may reserve the consideration of such costs for any future stage of the proceedings.

Judgment to direct by whom costs to be paid.

219. The judgment shall direct by whom the costs of each party are to be paid, whether by himself or by any other party to the suit, and whether in whole or in what part or proportion.

Power of Court as to costs.

220. The Court shall have full power to give and apportion costs of every application and suit in any manner it thinks fit, and the fact that the Court has no jurisdiction to try the case is no bar to the exercise of such power:

Provided that, if the Court directs that the costs of any application or suit shall not follow the event, the Court shall state its reasons in writing.

Every order relating to costs made under this Code and not forming part of a decree may be executed as if it were a decree for money.

Costs may be set-off against sum admitted or found to be due.

221. The Court may direct that the costs payable to one party by another shall be set-off against a sum which is admitted or is found in the suit to be due from the former to the latter.

Interest on costs.
Payment of costs out of subject-matter.

222. The Court may give interest on costs at any rate not exceeding six per cent. per annum, and may direct that costs, with or without interest, be paid out of, or charged upon, the subject-matter of the suit.

CHAPTER XIX.

OF THE EXECUTION OF DECREES.

A.—Of the Court by which Decrees may be executed.

Court by which decree may be executed.

223. A decree may be executed either by the Court which passed it or by the Court to which it is sent for execution under the provisions hereinafter contained.

The Court which passed a decree may, on the application of the decree-holder, send it for execution to another Court,

(*a*) if the person against whom the decree is passed actually and voluntarily resides or carries on business, or personally works for gain, within the local limits of the jurisdiction of such other Court, or

(*b*) if such person has not property within the local limits of the jurisdiction of the Court which passed the decree sufficient to satisfy such decree and has property within the local limits of the jurisdiction of such other Court, or

(*c*) if the decree directs the sale of immoveable property situate outside the local limits of the jurisdiction of the Court which passed it, or

(*d*) if the Court which passed the decree considers for any other reason, which it shall record in writing, that the decree should be executed by such other Court.

The Court which passed a decree may of its own motion send it for execution to any Court subordinate thereto.

The Court to which a decree is sent under this section for execution shall certify to the Court which passed it the fact of such execution, or, where the former Court fails to execute the same, the circumstances attending such failure.

If the decree has been passed in a case cognizable by a Court of Small Causes and the Court which passed it wishes it to be executed in Calcutta, Madras, Bombay or Rangoon, such Court may send to the Court of Small Causes in Calcutta, Madras, Bombay or Rangoon, as the case may be, the copies and certificate respectively mentioned in clauses (*a*), (*b*) and (*c*) of section 224; and such Court of Small Causes shall thereupon execute the decree as if it had been passed by itself.

If the Court to which a decree is to be sent for execution is situate within the same district as the Court which passed such decree, such Court shall send the same directly to the former Court. But, if the Court to which the decree is to be sent for execution is situate in a different district, the Court which passed it shall send it to the District Court of the district in which the decree is to be executed.

Procedure when Court desires that its own decree shall be executed by another Court.

224. The Court sending a decree for execution under section 223 shall send

(*a*) a copy of the decree;

(*b*) a certificate setting forth that satisfaction of the decree has not been obtained by execution within the jurisdiction of the Court by which it was passed, or, where the decree has been executed in part, the extent to which satisfaction has been obtained and what part of the decree remains unexecuted; and

(*c*) a copy of any order for the execution of the decree, and, if no such order has been made, a certificate to that effect.

Court receiving copies of decree, &c., to file same without proof.

225. The Court to which a decree is so sent shall cause such copies and certificate to be filed, without any further proof of the decree or order for execution, or of the copies thereof, or of the jurisdiction of the Court which passed it, unless the former Court, for any special reasons to be recorded under the hand of the Judge, requires such proof.

Execution of decree or order by Court to which it is sent.

226. When such copies are so filed, the decree or order may, if the Court to which it is sent be the District Court, be executed by such Court or by any subordinate Court which it directs to execute the same.

Execution by High Court of decree transmitted by other Court.

227. If the Court to which the decree is sent for execution be a High Court, the decree shall be executed by such Court in the same manner as if it had been made by such Court in the exercise of its ordinary original civil jurisdiction.

Powers of Court in executing transmitted decree.

228. The Court executing a decree sent to it under this chapter shall have the same powers in executing such decree as if it had been passed by itself. All persons disobeying or obstructing the execution of the decree shall be punishable by such Court in the same manner as if it had passed the decree. And its orders in executing such decree shall be subject to the same rules in respect of appeal as if the decree had been passed by itself.

Appeal from orders in executing such decrees.

Decrees of Courts established by Government of India in Native States.

229. A decree of any Court established by the authority of the Governor General in Council in the territories of any Foreign Prince or State, which cannot be executed within the jurisdiction of the Court by which it was made, may be executed in manner herein provided within the jurisdiction of any Court in British India.

B.—Of Application for Execution.

Application for execution.

230. When the holder of a decree desires to enforce it, he shall apply to the Court which passed the decree or to the officer, if any, appointed in this behalf, or if the decree has been sent under the provisions hereinbefore contained to another Court, then to such Court or to the proper officer thereof.

The Court may in its discretion refuse execution at the same time against the person and property of the judgment-debtor.

Where an application to execute a decree for the payment of money or delivery of other property has been made under this section and granted, no subsequent application to execute the same decree shall be granted after the expiration of

twelve years from any of the following dates (namely)—

(a) the date of the decree sought to be enforced or of the decree (if any) on appeal affirming the same, or

(b) where the decree or any subsequent order directs any payment of money, or the delivery of any property, to be made at a certain date—the date of the default in making the payment or delivering the property in respect of which the applicant seeks to enforce the decree.

Nothing in this section shall prevent the Court from granting an application for execution of a decree after the expiration of the said term of twelve years, where the judgment-debtor has, by fraud or force, prevented the execution of the decree at some time within twelve years immediately before the date of the application.

Notwithstanding anything herein contained, proceedings may be taken to enforce any decree within three years after the passing of this Code, unless when the period prescribed for taking such proceedings by the law in force immediately before the passing of this Code shall have expired before the completion of the said three years.

Application by joint decree-holder.

231. If a decree has been passed jointly in favour of more persons than one, any one or more of such persons, or his or their representatives, may apply for the execution of the whole decree for the benefit of them all, or, where any of them has died, for the benefit of the survivors and the representative in interest of the deceased.

If the Court sees sufficient cause for allowing the decree to be executed on an application so made, it shall pass such order as it deems necessary for protecting the interests of the persons who have not joined in the application.

Application by transferee of decree.

232. If a decree be transferred by assignment in writing, or by operation of law, from the decree-holder to any other person, the transferee may apply for its execution to the Court which passed it; and, if that Court thinks fit, the decree may be executed in the same manner and subject to the same conditions as if the application were made by such decree-holder:

Provided as follows:—

(a) where the decree has been transferred by assignment, notice in writing of such application shall be given to the transferor and the judgment-debtor, and the decree shall not be executed until the Court has heard their objections (if any) to such execution:

(b) where a decree for money against several persons has been transferred to one of them, it shall not be executed against the others.

Transferee to hold subject to equities enforceable against original holder.

233. Every transferee of a decree shall hold the same subject to the equities (if any) which the judgment-debtor might have enforced against the original decree-holder.

If judgment-debtor die before execution, application may be made against his representative.

234. If a judgment-debtor dies before the decree has been fully executed, the holder of the decree may apply to the Court which passed it to execute the same against the legal representative of the deceased.

Such representative shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of; and for the purpose of ascertaining such liability, the Court executing the decree may, of its own motion or on the application of the decree-holder, compel the said representative to produce such accounts as it thinks fit.

Contents of application for execution of decree.

235. The application for the execution of a decree shall be in writing verified by the applicant or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case, and shall contain in a tabular form the following particulars (namely)—

(a) the number of the suit;

(b) the names of the parties;

(c) the date of the decree;

(d) whether any appeal has been preferred from the decree;

(e) whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree;

(f) whether any and what previous applications have been made for execution of the decree and with what result;

(g) the amount of the debt or compensation, with the interest, if any, due upon the decree, or other relief granted thereby;

(h) the amount of costs, if any, awarded;

(i) the name of the person against whom the enforcement of the decree is sought; and

(j) the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, by the arrest and imprisonment of the person named in the application, or by the attachment of his property, or otherwise as the nature of the relief sought may require.

Application for attachment of moveable property to be accompanied with inventory.

236. Whenever an application is made for the attachment of any moveable property belonging to the judgment-debtor but not in his possession, the decree-holder shall annex to the application an inventory of the property to be attached, containing a reasonably accurate description of the same.

Further particulars when application is for attachment of immoveable property.

237. Whenever an application is made for the attachment of any immoveable property belonging to the judgment-debtor, it shall contain at the foot a de-

scription of the property sufficient to identify it, and also a specification of the judgment-debtor's share or interest therein to the best of the belief of the applicant and so far as he has been able to ascertain the same.

Every such description and specification shall be verified in manner hereinbefore provided for the verification of plaints.

When application must be accompanied by extract from Collector's register.

238. If the property be land registered in the Collector's office, the application for attachment shall be accompanied by an authenticated extract from the register of such office, specifying the persons registered as proprietors of, or as possessing any transferable interest in, the land or its revenue, or as liable to pay revenue for such land, and the shares of the registered proprietors.

C.—Of staying Execution.

When Court may stay execution.

239. The Court to which a decree has been sent for execution under this chapter shall, upon sufficient cause being shewn, stay the execution of such decree for a reasonable time, to enable the judgment-debtor to apply to the Court by which the decree was made, or to any Court having appellate jurisdiction in respect of the decree or the execution thereof, for an order to stay the execution, or for any other order relating to the decree or execution which might have been made by such Court of first instance or appellate Court if execution had been issued thereby, or if application for execution had been made thereto;

and in case the property or person of the judgment-debtor has been seized under an execution, the Court which issued the execution may order the restitution or discharge of such property or person pending the result of the application for such order.

Power to require security from, or impose conditions upon, judgment-debtor.

240. Before passing an order under section 239 to stay execution, or for the restitution of property or the discharge of the judgment-debtor, the Court may require such security from, or impose such conditions upon, the judgment-debtor as it thinks fit.

Liability of judgment-debtor discharged to be retaken.

241. No discharge under section 239 of the property or person of a judgment-debtor shall prevent it or him from being retaken in execution of the decree sent for execution.

Order of Court which passed decree or of appellate Court to be binding upon Court applied to.

242. Any order of the Court by which the decree was passed, or of such Court of appeal as aforesaid, in relation to the execution of such decree, shall be binding upon the Court to which the decree was sent for execution.

Stay of execution pending suit between decree-holder and judgment-debtor.

243. If a suit be pending in any Court against the holder of a decree of such Court, on the part of the person against whom the decree was passed, the Court may (if it think fit) stay execution on the decree, either absolutely or on such terms as it thinks fit, until the pending suit has been decided.

D.—Questions for Court executing Decree.

Questions to be decided by Court executing decree.

244. The following questions shall be determined by order of the Court executing a decree and not by separate suit (namely)—

(*a*) questions regarding the amount of any mesne profits as to which the decree has directed inquiry;

(*b*) questions regarding the amount of any mesne profits or interest which the decree has made payable in respect of the subject-matter of a suit, between the date of its institution and the execution of the decree, or the expiration of three years from the date of the decree;

(*c*) any other questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree.

Nothing in this section shall be deemed to bar a separate suit for mesne profits accruing between the institution of the first suit and the execution of the decree therein, where such profits are not dealt with by such decree.

E.—Of the Mode of executing Decrees.

Procedure on receiving application for execution of decree.

245. The Court, on receiving an application for the execution of a decree, shall ascertain whether such of the requirements of sections 235, 236, 237 and 238 as may be applicable to the case have been complied with; and if they have not been complied with, the Court may reject the application, or may allow it to be amended then and there, or within a time fixed by the Court. If the application be not so amended, it shall be rejected.

Every amendment made under this section shall be attested by the signature of the Judge.

Procedure on admitting application.

When the application is admitted, the Court shall enter in the register of the suit a note of the application and the date on which it was made, and shall order execution of the decree according to the nature of the application:

Provided that, in the case of a decree for money, the value of the property attached shall, as nearly as may be, correspond with the amount for which the decree has been made.

Cross-decrees.

246. If cross-decrees between the same parties for the payment of money be produced to the Court, execution shall be taken out only by the party who holds a decree for the larger sum, and for so much only as remains after deducting the smaller sum, and satisfaction for the smaller sum shall be entered on the decree for the larger sum as well as satisfaction on the decree for the smaller sum.

If the two sums be equal, satisfaction shall be entered upon both decrees.

Explanation I.—The decrees contemplated by this section are decrees capable of execution at the same time and by the same Court.

Explanation II.—This section applies where either party is an assignee of one of the decrees and as well in respect of judgment-debts due by the original assignor as in respect of judgment-debts due by the assignee himself.

Explanation III.—This section does not apply unless

the decree-holder in one of the suits in which the decrees have been made is the judgment-debtor in the other and each party fills the same character in both suits; and

the sums due under the decrees are definite.

Illustrations.

(*a*) A holds a decree against B for Rs. 1,000. B holds a decree against A for the payment of Rs. 1,000 in case A fails to deliver certain goods at a future day. B cannot treat his decree as a cross-decree under this section.

(*b*) A and B, co-plaintiffs, obtain a decree for Rs. 1,000 against C, and C obtains a decree for Rs. 1,000 against B. C cannot treat his decree as a cross-decree under this section.

(*c*) A obtains a decree against B for Rs. 1,000. C, who is a trustee for B, obtains a decree on behalf of B against A for Rs. 1,000. B cannot treat C's decree as a cross-decree under this section.

Cross-claims under same decree.

247. When two parties are entitled under the same decree to recover from each other sums of different amounts, the party entitled to the smaller sum shall not take out execution against the other party; but satisfaction for the smaller sum shall be entered on the decree.

When the amounts are equal, neither party shall take out execution, but satisfaction for each sum shall be entered on the decree.

Notice to show cause why decree should not be executed.

248. The Court shall issue a notice to the party against whom execution is applied for, requiring him to show cause, within a period to be fixed by the Court, why the decree should not be executed against him,

(*a*) if more than one year has elapsed between the date of the decree and the application for its execution, or

(*b*) if the enforcement of the decree be applied for against the legal representative of a party to the suit in which the decree was made:

Proviso.

Provided that no such notice shall be necessary

in consequence of more than one year having elapsed between the date of the decree and the application for execution, if the application be made within one year from the date of any decree passed on appeal from the decree sought to be executed, or of the last order against the party against whom execution is applied for, passed on any previous application for execution, or

in consequence of the application being against the legal representative of the judgment-debtor, if upon a previous application for execution against the same person the Court has ordered execution to issue against him.

Explanation.—In this section the phrase "the Court" means the Court by which the decree was passed, unless the decree has been sent to another Court for execution, in which case it means such other Court.

Procedure after issue of notice.

249. If the person to whom notice is issued under the last preceding section does not appear, or does not shew cause to the satisfaction of the Court why the decree should not be executed, the Court shall order the decree to be executed.

If he offers any objection to the enforcement of the decree, the Court shall consider such objection and pass such order as it thinks fit.

Warrant when to issue.

250. When the preliminary measures (if any) required by the foregoing provisions have been taken, the Court, unless it sees cause to the contrary, shall issue its warrant for the execution of the decree.

Date, signature, seal and delivery.

251. Such warrant shall be dated the day on which it is issued, signed by the Judge or such officer as the Court appoints in this behalf, sealed with the seal of the Court, and delivered to the proper officer to be executed.

And a day shall be specified in such warrant on or before which it must be executed, and the proper officer shall endorse thereon the day and manner in which it was executed, or, if it was not executed, the reason why it was not executed, and shall return it with such endorsement to the Court from which it issued.

Decree against representative of deceased for money to be paid out of deceased's property.

252. If the decree be against a party as the legal representative of a deceased person, and the decree be for money to be paid out of the property of the deceased, it may be executed by the attachment and sale of any such property:

If no such property remains in the possession of the judgment-debtor, and he fails to satisfy the Court that he has duly applied such property of the deceased as is proved to have come into his possession, the decree may be executed against the judgment-debtor to the extent of the property not duly applied by him, in the same manner as if the decree had been against him personally.

Decree against surety.

253. Whenever a person has, before the passing of a decree in an original suit, become liable as surety for the performance of the same or of any part thereof, the decree may be executed against him to the extent to which he has rendered himself liable, in the same manner as a decree may be executed against a defendant:

Provided that such notice in writing as the Court in each case thinks sufficient has been given to the surety.

Decree for money.

254. Every decree or order directing a party to pay money, as compensation or costs, or as the alternative to some other relief granted by the decree or order, or otherwise, may be enforced by the imprisonment of the judgment-debtor, or by the attachment and sale of his property in manner hereinafter provided, or by both.

Decree for mesne profits or other matter, amount of which to be subsequently ascertained.

255. If the decree be for mesne profits or any other matter the amount of which in money is to be subsequently determined, the property of the judgment-debtor may, before the amount due from him under the decree has been ascertained, be attached as in the case of an ordinary decree for money.

Power to direct immediate execution of decree for money not exceeding Rs. 1,000.

256. When a decree is passed for a sum of money only, and the amount decreed does not exceed the sum of one thousand rupees, the Court may, when passing the decree, on the oral application of the decree-holder, order immediate execution thereof by the issue of a warrant directed either against the person of the judgment-debtor if he is within the local limits of the jurisdiction of the Court, or against his moveable property within the same limits.

Modes of paying money under decree.

257. All money payable under a decree shall be paid as follows (namely)—

(*a*) into the Court whose duty it is to execute the decree; or

(*b*) out of Court to the decree-holder; or

(*c*) otherwise as the Court which made the decree directs.

Agreement to give time to judgment-debtor.

257A. Every agreement to give time for the satisfaction of a judgment-debt shall be void unless it is made for consideration and with the sanction of the Court which passed the decree, and such Court deems the consideration to be under the circumstances reasonable.

Agreement for satisfaction of judgment-debt.

Every agreement for the satisfaction of a judgment-debt, which provides for the payment, directly or indirectly, of any sum in excess of the sum due or to accrue due under the decree, shall be void unless it is made with the like sanction.

Any sum paid in contravention of the provisions of this section shall be applied to the satisfaction of the judgment-debt; and the surplus, if any, shall be recoverable by the judgment-debtor.

Payment to decree-holder.

258. If any money payable under a decree is paid out of Court, or the decree is otherwise adjusted in whole or in part to the satisfaction of the decree-holder, or if any payment is made in pursuance of an agreement of the nature mentioned in section 257 A, the decree-holder shall certify such payment or adjustment to the Court whose duty it is to execute the decree.

The judgment-debtor also may inform the Court of such payment or adjustment, and apply to the Court to issue a notice to the decree-holder to show cause, on a day to be fixed by the Court, why such payment or adjustment should not be recorded as certified; and if, after due service of such notice, the decree-holder fails to appear on the day fixed, or having appeared fails to show cause why the payment or adjustment should not be recorded as certified, the Court shall record the same accordingly.

No such payment or adjustment shall be recognized by any Court unless it has been certified as aforesaid.

Decrees for specific moveables, or recovery of wives.

259. If the decree be for any specific moveable, or for any share in a specific moveable, or for the recovery of a wife, it may be enforced by the seizure, if practicable, of the moveable or share, and by the delivery thereof to the party to whom it has been adjudged, or to such person as he appoints to receive delivery on his behalf, or by the imprisonment of the judgment-debtor, or by attaching his property or by both imprisonment and attachment if necessary.

When any attachment under this section has remained in force for six months, if the judgment-debtor has not obeyed the decree and the decree-holder has applied to have the attached property sold, such property may be sold, and out of the proceeds the Court may award to the decree-holder, in cases where any amount has been fixed under section 208, such amount, and, in other cases, such compensation, as it thinks fit, and shall pay the balance, if any, to the judgment-debtor on his application.

If the judgment-debtor has obeyed the decree and paid all costs of executing the same which he is bound to pay, or if, at the end of six months from the date of the attachment, no application to have the property sold has been made, or, if made, has been refused, the attachment shall cease to exist.

Decree for specific performance or restitution of conjugal rights.

260. When the party against whom a decree for the specific performance of a contract, or for restitution of conjugal rights or for the performance of or abstention from any other particular act, has been made, has had an opportunity of obeying the decree or injunction and has wilfully failed to obey it, the decree may be enforced by his imprisonment, or by the attachment of his property, or by both.

When any attachment under this section has remained in force for one year, if the judgment-debtor has not obeyed the decree and the decree-holder has applied to have the attached property sold, the property may be sold; and out of the proceeds the Court may award to the decree-holder such compensation as it thinks fit, and may pay the balance, if any, to the judgment-debtor on his application.

If the judgment-debtor has obeyed the decree and paid all costs of executing the same which he is bound to pay, or if, at the end of one year from the date of the attachment, no application to have the property sold has been made and granted, the attachment shall cease to exist.

Decree for execution of conveyances, or endorsement of negotiable instruments.

261. If the decree be for the execution of a conveyance, or for the endorsement of a negotiable instrument, and the judgment-debtor neglects or refuses to comply with the decree, the decree-holder may prepare the draft of a conveyance or endorsement in accordance with the terms of the decree, and deliver the same to the Court.

The Court shall thereupon cause the draft to be served on the judgment-debtor in manner hereinbefore provided for serving a summons, together with a notice in writing stating that his objections, if any, thereto shall be made within such time (mentioning it) as the Court fixes in this behalf.

The decree-holder may also tender a duplicate of the draft to the Court for execution, upon the proper stamp-paper if a stamp is required by law.

On proof of such service, the Court, or such officer as it appoints in this behalf, shall execute the duplicate so tendered, or may, if necessary, alter the same, so as to bring it into accordance with the terms of the decree and execute the duplicate so altered:

Provided that, if any party object to the draft so served as aforesaid, his objections shall, within the time so fixed, be stated in writing and argued before the Court, and the Court shall thereupon pass such order as it thinks fit, and execute, or alter and execute, the duplicate in accordance therewith.

Form and effect of execution of conveyance by Court.

262. The execution of a conveyance, or the endorsement of a negotiable instrument, by the Court under the last preceding section may be in the following form: "*C. D.*, Judge of the Court of (*or as the case may be*), for *A.B.*, in a suit by *E.F.* against *A.B.*," or in such other form as the High Court may from time to time prescribe, and shall have the same effect as the execution of the conveyance or endorsement of the instrument by the party ordered to execute or endorse the same.

Decree for immoveable property.

263. If the decree be for the delivery of any immoveable property, possession thereof shall be delivered over to the party to whom it has been adjudged, or to such person as he appoints to receive delivery on his behalf, and, if need be, by removing any person bound by the decree who refuses to vacate the property.

Delivery of immoveable property when in occupancy of tenant.

264. If the decree be for the delivery of any immoveable property in the occupancy of a tenant or other person entitled to occupy the same and not bound by the decree to relinquish such occupancy, the Court shall order delivery to be made by affixing a copy of the warrant in some conspicuous place on the property, and proclaiming to the occupant by beat of drum, or in such other mode as is customary, at some convenient place, the substance of the decree in regard to the property:

Provided that, if the occupant can be found, a notice in writing containing such substance shall be served upon him, and in such case no proclamation need be made.

Partition of estate or separation of share.

265. If the decree be for the partition or for the separate possession of a share of an undivided estate paying revenue to Government, the partition of the estate or the separation of the share shall be made by the Collector and according to the law, if any, for the time being in force for the partition, or the separate possession of shares, of such estates.

F.—Of Attachment of Property.

Property liable to attachment and sale in execution of decree.

266. The following property is liable to attachment and sale in execution of a decree (namely), lands, houses or other buildings, goods, money, bank-notes, cheques, bills of exchange, hundís, promissory-notes, Government-securities, bonds or other securities for money, debts, shares in the capital or joint stock of any railway, banking or other public Company or Corporation, and, except as hereinafter mentioned, all other saleable property, moveable or immoveable, belonging to the judgment-debtor or over which, or the profits of which, he has a disposing power which he may exercise for his own benefit, and whether the same be held in the name of the judgment-debtor or by another person in trust for him or on his behalf:

Provided that the following particulars shall not be liable to such attachment or sale (namely)—

(*a*) the necessary wearing apparel of the judgment-debtor, his wife and children;

(*b*) tools of artizans, and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle as may in the opinion of the Court be necessary to enable him to earn his livelihood as such;

(*c*) the materials of houses and other buildings belonging to and occupied by agriculturists;

(*d*) books of account;

(*e*) mere rights to sue for damages;

(*f*) any right of personal service;

(*g*) stipends and gratuities allowed to military and civil pensioners of Government, and political pensions;

(*h*) the salary of a public officer or of any servant of a Railway Company, when such salary does not exceed twenty rupees *per mensem*, and one moiety of the salary of any such officer or servant when his salary exceeds that amount;

(*i*) the pay and allowances of persons to whom the Native Articles of War apply;

(*j*) the wages of labourers and domestic servants;

(*k*) an expectancy of succession by survivorship or other merely contingent or possible right or interest;

(*l*) a right to future maintenance.

Explanation.—The particulars mentioned in clauses (*g*), (*h*), (*i*) and (*j*) are exempt from attachment or sale whether before or after they are actually payable:

Provided also that nothing in this section shall be deemed

(*a*) to exempt the materials of houses and other buildings from attachment or sale in execution of decrees for rent, or

(*b*) to affect the Army Act, 1881, or any similar law for the time being in force.

Power to summon and examine persons as to property liable to be seized.

267. The Court may, of its own motion or on the application of the decree-holder, summon any person whom it thinks necessary, and examine him in respect to any property liable to be seized in satisfaction of the decree, and may require the person summoned to produce any document in his possession or power relating to such property, and, before issuing the summons of its own motion, shall declare the person on whose behalf the summons is so issued.

Attachment of debt, share and other property not in possession of judgment-debtor.

268. In the case of (*a*) a debt not secured by a negotiable instrument, (*b*) a share in the capital of any public Company or Corporation, (*c*) other moveable property not in the possession of the judgment-debtor, except property deposited in, or in the custody of, any Court, the attachment shall be made by a written order prohibiting,

(*a*) in the case of the debt, the creditor from recovering the debt and the debtor from making payment thereof until the further order of the Court;

(*b*) in the case of the share, the person in whose name the share may be standing, from transferring the same or receiving any dividend thereon;

(*c*) in the case of the other moveable property except as aforesaid, the person in possession of the same from giving it over to the judgment-debtor.

A copy of such order shall be fixed up in some conspicuous part of the court-house, and another copy of the same shall be sent, in the case of the debt, to the debtor, in the case of the share, to the proper officer of the Company or Corporation, and in the case of the other moveable property (except as aforesaid), to the person in possession of the same.

A debtor prohibited under clause (*a*) of this section may pay the amount of his debt into Court, and such payment shall discharge him as effectually as payment to the party entitled to receive the same.

In the case of the salary of a public officer or the servant of a Railway Company, the attachment shall be made by a written order requiring the officer whose duty it is to disburse the salary to withhold every month such portion as the Court may direct, until the further order of the Court.

A copy of every such order shall be fixed up in a conspicuous part of the court-house and shall be served on the officer so required.

Every such officer may from time to time pay into court any portion so withheld, and such payment shall discharge the Government or the Railway Company, as the case may be, as effectually as payment to the judgment-debtor.

Attachment of moveable property in possession of judgment-debtor.

269. If the property be moveable property in the possession of the judgment-debtor, other than the property mentioned in the first proviso to section 266, the attachment shall be made by actual seizure, and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinates, and shall be responsible for the due custody thereof:

Proviso.

Provided that when the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody will exceed its value, the proper officer may sell it at once.

Power to make rules for maintenance of attached live-stock.

The Local Government may from time to time make rules for the maintenance and custody, while under attachment, of live-stock and other moveable property, and the officer attaching property under this section shall, notwithstanding the provisions of the former part of this section, act in accordance with such rules.

Attachment of negotiable instruments.

270. If the property be a negotiable instrument not deposited in a Court, nor in the custody of a public officer, the attachment shall be made by actual seizure, and the instrument shall be brought into court and held subject to the further orders of the Court.

Seizure of property in building.

271. No person executing any process under this Code directing or authorizing seizure of moveable property shall enter any dwelling-house after sunset and before sunrise, or shall break open any outer door of a dwelling-house. But, when any such person has duly gained access to any dwelling-house, he may unfasten and open the door of any room in which he has reason to believe any such property to be:

Seizure of property in zanánás.

Provided that, if the room be in the actual occupancy of a woman, who according to the customs of the country does not appear in public, the person executing the process shall give notice to her that she is at liberty to with-

draw; and after allowing a reasonable time for such woman to withdraw, and giving her every reasonable facility for withdrawing, he may enter such room for the purpose of seizing the property, using at the same time every precaution, consistent with these provisions, to prevent its clandestine removal.

Attachment of property deposited in Court or with Government officer.

272. If the property be deposited in, or be in the custody of, any Court or public officer, the attachment shall be made by a notice to such Court or officer, requesting that such property, and any interest or dividend becoming payable thereon, may be held subject to the further orders of the Court from which the notice issues:

Proviso.

Provided that, if such property is deposited in, or is in the custody of, a Court, any question of title or priority arising between the decree-holder and any other person, not being the judgment-debtor, claiming to be interested in such property by virtue of any assignment, attachment or otherwise, shall be determined by such Court.

Attachment of decree for money.

273. If the property be a decree for money passed by the Court which passed the decree sought to be executed, the attachment shall be made by an order of the Court directing the proceeds of the former decree to be applied in satisfaction of the latter decree.

If the property be a decree for money passed by any other Court, the attachment shall be made by a notice in writing to such Court under the hand of the Judge of the Court which passed the decree sought to be executed, requesting the former Court to stay the execution of its decree until such notice is cancelled by the Court from which it was sent. The Court receiving such notice shall stay execution accordingly, unless and until

(*a*) the Court which passed the decree sought to be executed cancels the notice, or

(*b*) the holder of the decree sought to be executed applies to the Court receiving such notice to execute its own decree.

On receiving such application, the Court shall proceed to execute the decree and apply the proceeds in satisfaction of the decree sought to be executed.

Attachment of other decrees.

In the case of all other decrees the attachment shall be made by a notice in writing, under the hand of the Judge of the Court which passed the decree sought to be executed, to the holder of the decree sought to be attached, prohibiting him from transferring or charging the same in any way; and, when such decree has been passed by any other Court, also by sending to such Court a like notice in writing to abstain from executing the decree sought to be attached until such notice is cancelled by the Court from which it was sent. Every Court receiving such notice shall give effect to the same until it is so cancelled.

Decree-holders to give information.

The holder of any decree attached under this section shall be bound to give the Court executing the same such information and aid as may reasonably be required.

Attachment of immoveable property.

274. If the property be immoveable, the attachment shall be made by an order prohibiting the judgment-debtor from transferring or charging the property in any way, and all persons from receiving the same from him by purchase, gift or otherwise.

The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be fixed up in a conspicuous part of the property and of the Court-house.

When the property is land paying revenue to Government, a copy of the order shall also be fixed up in the office of the Collector of the District in which the land is situate.

Order for withdrawal of attachment after satisfaction of decree.

275. If the amount decreed with costs and all charges and expenses resulting from the attachment of any property be paid into Court, or if satisfaction of the decree be otherwise made through the Court, or if the decree is set aside or reversed, an order shall be issued, on the application of any person interested in the property, for the withdrawal of the attachment.

Private alienation of property after attachment to be void.

276. When an attachment has been made by actual seizure or by written order duly intimated and made known in manner aforesaid, any private alienation of the property attached, whether by sale, gift, mortgage or otherwise, and any payment of the debt or dividend, or a delivery of the share, to the judgment-debtor during the continuance of the attachment, shall be void as against all claims enforceable under the attachment.

Court may direct coin or currency-notes attached to be paid to party entitled.

277. If the property attached is coin or currency-notes, the Court may, at any time during the continuance of the attachment, direct that such coin or notes, or a part thereof sufficient to satisfy the decree, be paid over to the party entitled under the decree to receive the same.

Investigation of claims to, and objections to attachment of, attached property.

278. If any claim be preferred to, or any objection be made to the attachment of, any property attached in execution of a decree, on the ground that such property is not liable to such attachment, the Court shall proceed to investigate the claim or objection with the like power as regards the examination of the claimant or objector, and in all other respects, as if he was a party to the suit:

Provided that no such investigation shall be made where the Court considers that the claim or objection was designedly or unnecessarily delayed.

If the property to which the claim or objection applies has been advertised for sale, the Court ordering the sale may postpone it pending the investigation of the claim or objection.

Postponement of sale.

279. The claimant or objector must adduce evidence to show that at the date of the attachment he had some interest in, or was possessed of, the property attached.

Evidence to be adduced by claimant.

280. If upon the said investigation the Court is satisfied that, for the reason stated in the claim or objection, such property was not, when attached, in the possession of the judgment-debtor or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the judgment-debtor at such time, it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, or partly on his own account and partly on account of some other person, the Court shall pass an order for releasing the property, wholly or to such extent as it thinks fit, from attachment.

Release of property from attachment.

281. If the Court is satisfied that the property was, at the time it was attached, in possession of the judgment-debtor as his own property and not on account of any other person, or was in the possession of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him, the Court shall disallow the claim.

Disallowance of claim to release of property attached.

282. If the Court is satisfied that the property is subject to a mortgage or lien in favour of some person not in possession, and thinks fit to continue the attachment, it may do so, subject to such mortgage or lien.

Continuance of attachment subject to claim of incumbrancer.

283. The party against whom an order under section 280, 281 or 282 is passed may institute a suit to establish the right which he claims to the property in dispute, but, subject to the result of such suit, if any, the order shall be conclusive.

Saving of suits to establish right to attached property.

284. Any Court may order that any property which has been attached, or such portion thereof as may seem necessary to satisfy the decree, shall be sold, and that the proceeds of such sale, or a sufficient portion thereof, shall be paid to the party entitled under the decree to receive the same.

Power to order property attached to be sold and proceeds to be paid to person entitled.

285. Where property not in the custody of any Court has been attached in execution of decrees of more Courts than one, the Court which shall receive or realize such property and shall determine any claim thereto and any objection to the attachment thereof, shall be the Court of highest grade, or, where there is no difference in grade between such Courts, the Court under whose decree the property was first attached.

Property attached in execution of decrees of several Courts.

G.—Of Sale and Delivery of Property.

(a) General Rules.

286. Sales in execution of decrees shall be conducted by an officer of the Court or by any other person whom the Court may appoint, and, except as provided in section 296, shall be made by public auction in manner hereinafter mentioned.

Sales by whom conducted and how made.

287. When any property is ordered to be sold by public auction in execution of a decree, the Court shall cause a proclamation of the intended sale to be made in the language of such Court. Such proclamation shall state the time and place of sale, and shall specify as fairly and accurately as possible—

Proclamation of sales by public auction.

(*a*) the property to be sold;

(*b*) the revenue assessed upon the estate or part of the estate, when the property to be sold is an interest in an estate or a part of an estate paying revenue to Government;

(*c*) any incumbrance to which the property is liable;

(*d*) the amount for the recovery of which the sale is ordered; and

(*e*) every other thing which the Court considers material for the purchaser to know in order to judge of the nature and value of the property.

For the purpose of ascertaining the matters so to be specified, the Court may summon any person whom it thinks necessary, and examine him in respect to any such matters, and require him to produce any document in his possession or power relating thereto.

The High Court shall, as soon as may be after this Code comes into force, make rules for the guidance of the Courts in exercise of their duties under this section. The High Court may from time to time alter any rules so made. All such rules shall be published in the local official Gazette and shall thereupon have the force of law. As regards his own Court and the Court of Small Causes at Rangoon, the Recorder of Rangoon shall be deemed to be a "High Court" within the meaning of this paragraph.

Rules to be made by High Court.

Nothing in this section shall apply to cases in which the execution of the decree has been transferred to the Collector.

288. No Judge or other public officer shall be answerable for any error, misstatement or omission in any proclamation under section 287, unless the same has been committed or made dishonestly.

Indemnity of Judges, &c.

289. The proclamation shall be made, in manner prescribed by section 274, on the spot where the property

Mode of making proclamation.

is attached, and a copy thereof shall then be fixed up in the court-house and, in the case of land paying revenue to Government, also in the Collector's office.

If the Court so direct, such proclamation shall also be published in the local official Gazette and in some local newspaper, and the costs of such publication shall be deemed to be costs of the sale.

Time of sale.

290. Except in the case of property mentioned in the proviso to section 269, no sale under this chapter shall, without the consent in writing of the judgment-debtor, take place until after the expiration of at least thirty days in the case of immoveable property, and of at least fifteen days in the case of moveable property, calculated from the date on which the copy of the proclamation has been fixed up in the court-house of the Judge ordering the sale.

Power to adjourn sale.

291. The Court may in its discretion adjourn any sale under this chapter (other than a sale by the Collector) to a specified day and hour, and the officer conducting any such sale may in his discretion adjourn the sale, recording his reasons for such adjournment: Provided that when the sale is made in, or within the precincts of, the court-house, no such adjournment shall be made without the leave of the Court. Whenever a sale is adjourned under this section for a longer period than seven days, a fresh proclamation under section 289 shall be made, unless the judgment-debtor consents to waive it.

Stoppage of sale on tender of debt and costs, or on proof of payment.

Every such sale shall be stopped if, before the lot is knocked down, the debt and costs (including the costs of the sale) are tendered to such officer, or proof is given to his satisfaction that the amount of such debt and costs has been paid into the Court that ordered the sale.

Officers concerned in execution-sales not to bid for or buy property sold.

292. No officer having any duty to perform in connection with any sale under this chapter shall either directly or indirectly bid for, acquire or attempt to acquire, any interest in any property sold at such sale.

Defaulting purchaser answerable for loss by re-sale.

293. The deficiency of price (if any) which may happen on a re-sale under this Code by reason of the purchaser's default, and all expenses attending such re-sale, shall be certified to the Court by the officer holding the sale,

and shall, at the instance of either the judgment-creditor or the judgment-debtor, be recoverable from the defaulter under the rules contained in this chapter for the execution of a decree for money.

Decree-holder not to bid for or buy property without permission.

294. No holder of a decree in execution of which property is sold shall, without the express permission of the Court, bid for or purchase the property.

If decree-holder purchase, amount of decree may be taken as payment.

When a decree-holder purchases with such permission, the purchase-money and the amount due on the decree may, if he so desires, be set-off against one another, and the Court executing the decree shall enter up satisfaction of the decree in whole or in part accordingly.

When a decree-holder purchases, by himself or through another person, without such permission, the Court may, if it thinks fit, on the application of the judgment-debtor or any other person interested in the sale, by order set aside the sale; and the costs of such application and order, and any deficiency of price which may happen on the re-sale, and all expenses attending it, shall be paid by the decree-holder.

Proceeds of execution-sale to be divided rateably among decree-holders.

295. Whenever assets are realized by sale or otherwise in execution of a decree, and more persons than one have, prior to the realization, applied to the Court by which such assets are held for execution of decrees for money against the same judgment-debtor, and have not obtained satisfaction thereof, the assets, after deducting the costs of the realization, shall be divided rateably among all such persons:

Provided as follows:—

Proviso where property is sold subject to mortgage

(*a*) when any property is sold subject to a mortgage or charge, the mortgagee or incumbrancer shall not as such be entitled to share in any surplus arising from such sale:

(*b*) when any property liable to be sold in execution of a decree is subject to a mortgage or charge, the Court may, with the assent of the mortgagee or incumbrancer, order that the property be sold free from the mortgage or charge, giving to the mortgagee or incumbrancer the same right against the proceeds of the sale as he had against the property sold:

Proviso.

(*c*) when immoveable property is sold in execution of a decree ordering its sale for the discharge of an incumbrance thereon, the proceeds of sale shall be applied—

first, in defraying the expenses of the sale;

secondly, in discharging the interest and principal-money due on the incumbrance;

thirdly, in discharging the interest and principal-moneys due on subsequent incumbrances (if any); and

fourthly, rateably among the holders of decrees for money against the judgment debtor, who have, prior to the sale of the said property, applied to the Court which made the decree ordering such sale for execution of such decrees and have not obtained satisfaction thereof.

If all or any of such assets be paid to a person not entitled to receive the same, any person so entitled may sue such person to compel him to refund the assets.

Nothing in this section affects any right of the Government.

(b) *Rules as to Moveable Property.*

Rules as to negotiable instruments and shares in public Companies.

296. If the property to be sold be a negotiable instrument or a share in any public Company or Corporation, the Court may, instead of directing the sale to be made by public auction, authorize the sale of such instrument or share through a broker at the market-rate of the day.

Payment for other moveable property sold.

297. In the case of other moveable property, the price of each lot shall be paid for at the time of sale, or as soon after as the officer holding the sale directs, and, in default of payment, the property shall forthwith be again put up and sold.

On payment of the purchase-money, the officer holding the sale shall grant a receipt for the same, and the sale shall become absolute.

Irregularity not to vitiate sale of moveable property, but any person injured may sue.

298. No irregularity in publishing or conducting the sale of moveable property shall vitiate the sale; but any person sustaining any injury by reason of such irregularity at the hand of any other person may institute a suit against him for compensation, or (if such other person be the purchaser) for the recovery of the specific property and for compensation in default of such recovery.

Delivery of moveable property actually seized.

299. When the property sold is a negotiable instrument or other moveable property of which actual seizure has been made, the property shall be delivered to the purchaser.

Delivery of moveable property to which judgment-debtor entitled subject to lien.

300. When the property sold is any moveable property to which the judgment-debtor is entitled subject to the possession of some other person, the delivery thereof to the purchaser shall be made by giving notice to the person in possession prohibiting him from delivering possession of the property to any person except the purchaser.

Delivery of debts and of shares in public Companies.

301. When the property sold is a debt not secured by a negotiable instrument, or is a share in any public Company, the delivery thereof shall be made by a written order of the Court prohibiting the creditor from receiving the debt or any interest thereon, and the debtor from making payment thereof to any person except the purchaser, or prohibiting the person in whose name the share may be standing from making any transfer of the share to any person except the purchaser, or receiving payment of any dividend or interest thereon, and the manager, secretary or other proper officer of the Company from permitting any such transfer or making any such payment to any person except the purchaser.

Transfer of negotiable instruments and shares.

302. If the endorsement or conveyance of the party in whose name a negotiable instrument or a share in any public Company is standing is required to transfer such instrument or share, the Judge may endorse the instrument or the certificate of the share, or may execute such other document as may be necessary.

The endorsement or execution shall be in the following form or to the like effect:—"*A. B.*, by *C. D.*, Judge of the Court of (*or as the case may be*); in a suit by *E. F.* against *A. B.*"

Until the transfer of such instrument or share, the Court may, by order, appoint some person to receive any interest or dividend due thereon, and to sign a receipt for the same; and any endorsement made, or document executed, or receipt signed, as aforesaid, shall be as valid and effectual for all purposes as if the same had been made or executed or signed by the party himself.

Vesting order in case of other property.

303. In the case of any moveable property not hereinbefore provided for, the Court may make an order vesting such property in the purchaser or as he may direct; and such property shall vest accordingly.

(c) *Rules as to Immoveable Property.*

What Courts may order sales of land.

304. Sales of immoveable property in execution of a decree may be ordered by any Court other than a Court of Small Causes.

Postponement of sale of land to enable defendant to raise amount of decree.

305. When an order for the sale of immoveable property has been made, if the judgment-debtor can satisfy the Court that there is reason to believe that the amount of the decree may be raised by mortgage or lease or private sale of such property, or some part thereof, or of any other immoveable property of the judgment-debtor, the Court may on his application postpone the sale of property comprised in the order for sale, for such period as it thinks proper to enable him to raise the amount.

Certificate to judgment-debtor.

In such case the Court shall grant a certificate to the judgment-debtor authorizing him, within a period to be mentioned therein, and notwithstanding anything contained in section 276, to make the proposed mortgage, lease or sale: provided that all moneys payable under such mortgage, lease or sale shall be paid into court and not to the judgment-debtor:

Provided also that no mortgage, lease or sale under this section shall become absolute until it has been confirmed by the Court.

Deposit by purchaser of immoveable property.

306. On every sale of immoveable property under this chapter, the person declared to be the purchaser shall pay immediately after such declaration a deposit of twenty-five per centum on the amount of his purchase-money to the officer conducting the sale, and, in default of such deposit,

the property shall forthwith be put up again and sold.

Time for payment in full.

307. The full amount of purchase-money shall be paid by the purchaser before the Court closes on the fifteenth day after the sale of the property, exclusive of such day, or, if the fifteenth day be a Sunday or other holiday, then on the first office-day after the fifteenth day.

Procedure in default of payment.

308. In default of payment within the period mentioned in the last preceding section, the deposit, after defraying the expenses of the sale, shall be forfeited to Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold.

Notification on re-sale of immoveable property.

309. Every re-sale of immoveable property, in default of payment of the purchase-money within the period allowed for such payment, shall be made after the issue of a fresh notification in the manner and for the period hereinbefore prescribed for the sale.

Co-sharer of share of undivided estate sold in execution to have preference in bidding.

310. When the property sold in execution of a decree is a share of undivided immoveable property, and two or more persons, of whom one is a co-sharer respectively advance the same sum at any bidding at such sale, such bidding shall be deemed to be the bidding of the co-sharer.

Application to set aside sale of land on ground of irregularity.

311. The decree-holder, or any person whose immoveable property has been sold under this chapter, may apply to the Court to set aside the sale on the ground of a material irregularity in publishing or conducting it;

but no sale shall be set aside on the ground of irregularity unless the applicant proves to the satisfaction of the Court that he has sustained substantial injury by reason of such irregularity.

Effect of objection being disallowed and of its being allowed.

312. If no such application as is mentioned in the last preceding section be made, or if such application be made and the objection be disallowed, the Court shall pass an order confirming the sale as regards the parties to the suit and the purchaser.

If such application be made, and if the objection be allowed, the Court shall pass an order setting aside the sale.

No suit to set aside, on the ground of such irregularity, an order passed under this section shall be brought by the party against whom such order has been made.

Application to set aside sale on ground of judgment-debtor having no saleable interest.

313. The purchaser at any such sale may apply to the Court to set aside the sale, on the ground that the person whose property purported to be sold had no saleable interest therein, and the Court may make such order as it thinks fit: provided that no order to set aside a sale shall be made, unless the judgment-debtor and the decree-holder have had opportunity of being heard against such order.

Confirmation of sale.

314. No sale of immoveable property in execution of a decree shall become absolute until it has been confirmed by the Court.

If sale set aside, price to be returned to purchaser.

315. When a sale of immoveable property is set aside under section 312 or 313,

or when it is found that the judgment-debtor had no saleable interest in the property which purported to be sold and the purchaser is for that reason deprived of it,

the purchaser shall be entitled to receive back his purchase-money (with or without interest as the Court may direct) from any person to whom the purchase-money has been paid.

The repayment of the said purchase-money and of the interest (if any) allowed by the Court may be enforced against such person under the rules provided by this Code for the execution of a decree for money.

Certificate to purchaser of immoveable property.

316. When a sale of immoveable property has become absolute in manner aforesaid, the Court shall grant a certificate stating the property sold and the name of the person who at the time of sale is declared to be the purchaser. Such certificate shall bear the date of the confirmation of the sale; and, so far as regards the parties to the suit and persons claiming through or under them, the title to the property sold shall vest in the purchaser from the date of such certificate and not before: provided that the decree under which the sale took place was still subsisting at that date.

Bar to suit against purchaser buying benámí.

317. No suit shall be maintained against the certified purchaser on the ground that the purchase was made on behalf of any other person, or on behalf of some one through whom such other person claims.

Nothing in this section shall bar a suit to obtain a declaration that the name of the certified purchaser was inserted in the certificate fraudulently or without the consent of the real purchaser.

Delivery of immoveable property in occupancy of judgment-debtor.

318. When the property sold is in the occupancy of the judgment-debtor or of some person on his behalf, or of some person claiming under a title created by the judgment-debtor subsequently to the attachment of such property, and a certificate in respect thereof has been granted under section 316, the Court shall, on application by the purchaser, order delivery to be made by putting the purchaser or any person whom he may appoint to receive delivery on his behalf in possession of the property, and, if need be, by removing any person who refuses to vacate the same.

Delivery of immoveable property in occupancy of tenant.

319. When the property sold is in the occupancy of a tenant or other person entitled to occupy the same, and a certificate in respect thereof has been granted under section 316, the Court shall order delivery thereof to be made by affixing a copy of the certificate of sale in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or in such other mode as may be customary, at some convenient place, that the interest of the judgment-debtor has been transferred to the purchaser.

Power to prescribe rules for transferring to Collector execution of certain decrees.

320. The Local Government may, with the sanction of the Governor General in Council, declare, by notification in the official Gazette, that in any local area the execution of decrees in cases in which a Court has ordered any immoveable property to be sold, or the execution of any particular kind of such decrees, or the execution of decrees ordering the sale of any particular kind of, or interest in, immoveable property, shall be transferred to the Collector, and rescind or modify any such declaration.

Power to prescribe rules as to transmission, execution and re-transmission of decrees.

The Local Government may also, notwithstanding anything hereinbefore contained, from time to time prescribe rules for the transmission of the decree from the Court to the Collector, and for regulating the procedure of the Collector and his subordinates in executing the same, and for retransmitting the decree from the Collector to the Court.

Power of Collector when execution of decree is so transferred.

321. When the execution of a decree has been so transferred, the Collector may—

(*a*) proceed as the Court would proceed under section 305; or

(*b*) raise the amount of the decree by letting in perpetuity, or for a term, on payment of a premium, or by mortgaging, the whole or any part of the property ordered to be sold; or

(*c*) sell the property ordered to be sold or so much thereof as may be necessary.

Procedure of Collector when execution of decree so transferred.

322. When the execution of a decree, not being a decree ordering the sale of immoveable property in pursuance of a contract specifically affecting the same, but being a decree for money in satisfaction of which the Court has ordered the sale of immoveable property, has been so transferred, the Collector, if, after such enquiry as he thinks necessary, he has reason to believe that all the liabilities of the judgment-debtor can be discharged without a sale of the whole of his available immoveable property, may proceed as hereinafter provided.

Notice to be given to decree-holders and to persons having claims on property.

322A. In the case mentioned in section 322, the Collector shall publish a notice calling upon—

(*a*) every person holding a decree for money against the judgment-debtor capable of execution by sale of his immoveable property, and which such decree-holder desires to have so executed, and every holder of a decree for money in execution of which proceedings for the sale of such property are pending, to produce before the Collector a copy of the decree, and a certificate from the Court which passed or is executing the same, declaring the amount recoverable thereunder;

(*b*) every person having any claim on the said property, to submit to the Collector a statement of such claim, and to produce the documents, if any, by which it is evidenced.

Such notice shall be in the language of the district, and shall allow a period of sixty days from the date of its publication for compliance therewith. It shall be published by being posted in the court-house of the Court which made the original order under section 304, and at such other places (if any) as the Collector thinks fit. Where the address of any such decree-holder or claimant is known, a copy of the notice shall be sent to him by post or otherwise.

Amount of money-decrees to be ascertained, and immoveable property available for their satisfaction.

322B. Upon the expiration of the said period the Collector shall appoint a day for hearing any representations which the judgment-debtor and the decree-holders or claimants (if any) may desire to make, and for holding such enquiry as he may deem necessary for informing himself as to the nature and extent of such decrees and claims and of the judgment-debtor's immoveable property, and may from time to time adjourn such hearing and enquiry.

If there be no dispute as to the fact or extent of the liability of the judgment-debtor to any of the decrees or claims of which the Collector is informed, or as to the relative priorities of such decrees or claims, or as to the liability of any such property for the satisfaction of such decrees or claims, the Collector shall draw up a statement, specifying the amount to be recovered for the discharge of such decrees, the order in which such decrees and claims are to be satisfied, and the immoveable property available for that purpose.

If any such dispute arises, the Collector shall refer the same, with a statement thereof and his own opinion thereon, to the Court which made the original order under section 304, and shall, pending the reference, stay proceedings relating to the subject thereof. The Court shall dispose of the dispute if the matter thereof be within its jurisdiction, or transmit the case to a competent Court for disposal, and the final decision shall be communicated to the Collector. The Collector shall then draw up a statement as above provided in accordance with such decision.

When District Court may issue notices and hold inquiry.

322C. The Collector may, instead of himself issuing the notices and holding the enquiry required by sections 322A and 322B, draw up a statement specifying the circumstances of the judgment-debtor and of his immoveable property so far as they are known to the Collector or appear in the records of his office, and forward

such statement to the District Court; and such Court shall thereupon issue the notices, hold the inquiry and draw up the statement required by sections 322A and 322B, and transmit such statement to the Collector.

Effect of decision of Court as to dispute arising under section 322B or 322C.

322D. The decision by the Court of any dispute arising under section 322B or section 322C shall, as between the parties thereto, have the force of, and be appealable as, a decree.

Scheme for liquidation of money-decrees.

323. Whenever the amount to be recovered and the property available have been determined as provided in section 322B or 322C, the Collector may—

(1) if it appears that the amount cannot be recovered without the sale of the whole of the property available, proceed to sell such property; or if it appears that the amount with interest (if any) in accordance with the decree, and, when not decreed, with interest (if any) at such rate as he thinks reasonable, may be recovered without such sale,

(2) raise such amount and interest (notwithstanding any order under section 304),

(*a*) by letting in perpetuity or for a term, on payment of a premium, the whole or any part of the said property; or

(*b*) by mortgaging the whole or any part of such property; or

(*c*) by selling part of such property; or

(*d*) by letting on farm, or managing by himself or another, the whole or any part of such property for any term not exceeding twenty years from the date of the order of sale; or

(*e*) partly by one of such modes, and partly by another or others of such modes.

(3) For the purpose of managing under this section the whole or any part of such property, the Collector may exercise all the powers of its owner.

(4) For the purpose of improving the saleable value of the property available or any part thereof, or rendering it more suitable for letting or managing, or for preserving the property from sale in satisfaction of an incumbrance, the Collector may discharge the claim of any incumbrancer which has become payable, or compound the claim of any incumbrancer whether it has become payable or not, and, for the purpose of providing funds to effect such discharge or composition, may mortgage, let or sell any portion of the property which he deems sufficient. If any dispute arises as to the amount due on any incumbrance with which the Collector proposes to deal under this paragraph, he may institute a suit in the proper Court, either in his own name or the name of the judgment-debtor, to have an account taken, or he may agree to refer such dispute to the decision of two arbitrators, one to be chosen by each party, or of an umpire to be named by such arbitrators.

In proceeding under paragraphs (2), (3) and (4) of this section, the Collector shall be subject to such rules consistent with this Act as may from time to time be made in this behalf by the Chief Controlling Revenue-authority.

Recovery of balance, if any, after letting or management.

324. If, on the expiration of the letting or management under section 323, the amount to be recovered has not been realized, the Collector shall notify the fact in writing to the judgment-debtor or his representative in interest, stating at the same time that, if the balance necessary to make up the said amount is not paid to the Collector within six weeks of the date of such notice, he will proceed to sell the whole or a sufficient part of the said property; and, if on the expiration of the said six weeks the said balance is not so paid, the Collector shall sell such property or part accordingly.

Collector to render accounts to civil Court.

324A. The Collector shall from time to time render to the Court which made the original order under section 304 an account of all monies which come to his hands and of all charges incurred by him in the exercise and performance of the powers and duties conferred and imposed on him under the provisions of this chapter, and shall hold the balance at the disposal of the Court.

Such charges shall include all debts and liabilities from time to time due to the Government in respect of the property or any part thereof, the rent (if any) from time to time due to a superior holder in respect of such property or part, and (if the Collector so directs) the expenses of witnesses summoned by him.

Application of balance.

Such balance shall be applied by the Court as follows:—

firstly, in providing for the maintenance of such members of the judgment-debtors's family (if any) as are entitled to be maintained out of the income of the property, to such amount in the case of each member as the Court thinks fit; and

secondly, where the Collector has proceeded under section 321, in satisfaction of the original decree in execution of which the Court ordered the sale of immoveable property or otherwise as the Court may under section 295 direct; or

thirdly, where the Collector has proceeded under section 322, in keeping down the interest on incumbrances on the property, and (when the judgment-debtor has no other sufficient means of subsistence) in providing for his subsistence to such amount as the Court thinks fit; and in discharging rateably the claims of the original decree-holder and any other decree-holders who have complied with the said notice, and whose claims were included in the amount ordered to be recovered;

and no other holder of a decree for money shall be entitled to be paid out of such property or balance until the decree-holders who have obtained such order have been satisfied;

and the residue, if any, shall be paid to the judgment-debtor or such other person, if any, as the Court directs.

Sales how to be conducted.

325. When the Collector sells any property under this chapter, he shall put it up to public auction, in one or more lots as he thinks fit, and may—

(a) fix a reasonable reserved price for each lot;

(b) adjourn the sale for a reasonable time, whenever he deems the adjournment necessary for the purpose of obtaining a fair price for the property, recording his reasons for such adjournment;

(c) buy in the property offered for sale, and resell the same by public auction or private contract, as he thinks fit.

Restrictions as to alienation by judgment-debtor or his representative, and prosecution of remedies by decree-holders.

325A. So long as the Collector can exercise or perform in respect of the judgment-debtor's immoveable property, or any part thereof, any of the powers or duties conferred or imposed on him by sections 322 to 325 (both inclusive), the judgment-debtor or his representative in interest shall be incompetent to mortgage, charge, lease or alienate such property or part except with the written permission of the Collector, nor shall any civil Court issue any process against such property or part in execution of a decree for money.

During the same period no civil Court shall issue any process of execution either against the judgment-debtor or his property in respect of any decree for the satisfaction whereof provision has been made by the Collector under section 323.

The same period shall be excluded in calculating the period of limitation applicable to the execution of any decree affected by the provisions of this section in respect of any remedy of which the decree-holder has thereby been temporarily deprived.

Provision where property is in several districts.

325B. When the property of which the sale has been ordered is situate in more districts than one, the powers and duties conferred and imposed on the Collector by sections 321 to 325 (both inclusive) shall from time to time be exercised and performed by such one of the Collectors of the said districts as the Local Government may by general rule or special order direct.

Powers of Collector to compel attendance of parties and witnesses and production of documents.

325C. In exercising the powers conferred on him by sections 322 to 325 (both inclusive), the Collector shall have the powers of a civil Court to compel the attendance of parties and witnesses and the production of documents.

When Court may authorize Collector to stay public sale of land.

326. When, in any local area in which no declaration under section 320 is in force, the property attached consists of land or of a share in land, and the Collector represents to the Court that the public sale of the land or share is objectionable, and that satisfaction of the decree may be made within a reasonable period by a temporary alienation or management of the land or share, the Court may authorize the Collector to provide for such satisfaction in the manner recommended by him, instead of proceeding to a sale of the land or share. In such case the provisions of sections 320, paragraph two, to 325C (both inclusive) shall apply, as far as they are applicable.

Local rules as to sales of land in execution of decrees for money.

327. The Local Government may from time to time, with the sanction of the Governor General in Council, make special rules for any local area imposing conditions in respect of sale of any class of interests in land in execution of decrees for money, where such interests are so uncertain or undetermined as in the opinion of the Local Government to make it impossible to fix their value:

and if, when this Code comes into operation in any local area, any special rules as to sale of land in execution of decrees are in force therein, the Local Government may continue such rules in force, or may from time to time, with the sanction of the Governor General in Council, modify the same.

All rules so made or continued, and all such modifications of the same, shall be published in the local official Gazette, and shall thereupon have the force of law.

II.—Of Resistance to Execution.

Procedure in case of obstruction to execution of decree.

328. If, in the execution of a decree for the possession of property, the officer charged with the execution of the warrant is resisted or obstructed by any person, the decree-holder may complain to the Court at any time within one month from the time of such resistance or obstruction.

The Court shall fix a day for investigating the complaint, and shall summon the party against whom the complaint is made to answer the same.

Procedure in case of obstruction by judgment-debtor or at his instigation.

329. If the Court is satisfied that the obstruction or resistance was occasioned by the judgment-debtor or by some person at his instigation, the Court shall inquire into the matter of the complaint, and pass such order as it thinks fit.

Procedure when obstruction continues.

330. If the Court is satisfied that the resistance or obstruction was without any just cause, and that the complainant is still resisted or obstructed in obtaining possession of the property by the judgment-debtor or some other person at his instigation, the Court may, at the instance of the decree-holder and without prejudice to any penalty to which such judgment-debtor or other person may be liable, under the Indian Penal Code or any other law, for such resistance or obstruction, commit the judgment-debtor or such other person to jail for a term which may

extend to thirty days, and direct that the decree-holder be put into possession of the property.

Procedure in case of obstruction by claimant in good faith, other than judgment-debtor.

331. If the resistance or obstruction has been occasioned by any person other than the judgment-debtor claiming in good faith to be in possession of the property on his own account or on account of some person other than the judgment-debtor, the claim shall be numbered and registered as a suit between the decree-holder as plaintiff and the claimant as defendant;

and the Court shall, without prejudice to any proceedings to which the claimant may be liable under the Indian Penal Code or any other law for the punishment of such resistance or obstruction, proceed to investigate the claim in the same manner and with the like power as if a suit for the property had been instituted by the decree-holder against the claimant under the provisions of Chapter V,

and shall pass such order as it thinks fit for executing or staying execution of the decree.

Every such order shall have the same force as a decree, and shall be subject to the same conditions as to appeal or otherwise.

Procedure in case of person dispossessed of property disputing right of decree-holder to be put into possession.

332. If any person other than the judgment-debtor is dispossessed of any property in execution of a decree, and such person disputes the right of the decree-holder to dispossess him of such property under the decree, on the ground that the property was *bonâ fide* in his possession on his own account or on account of some person other than the judgment-debtor, and that it was not comprised in the decree, or that, if it was comprised in the decree, he was not a party to the suit in which the decree was passed, he may apply to the Court.

If after examining the applicant it appears to the Court that there is probable cause for making the application, the Court shall proceed to investigate the matter in dispute; and if it finds that the ground mentioned in the first paragraph of this section exists, it shall make an order that the applicant recover possession of the property, and if it does not find as aforesaid, it shall dismiss the application.

In hearing applications under this section, the Court shall confine itself to the grounds of dispute above specified.

The party against whom an order is passed under this section may institute a suit to establish the right which he claims to the present possession of the property; but, subject to the result of such suit, if any, the order shall be final.

Transfer of property by judgment-debtor after institution of suit.

333. Nothing in section 331 or 332 applies to a person to whom the judgment-debtor has transferred the property after the institution of the suit in which the decree is made.

Resisting or obstructing purchaser in obtaining possession of immoveable property.

334. If the purchaser of any immoveable property sold in execution of a decree be resisted or obstructed by the judgment-debtor or any one on his behalf in obtaining possession of the property, the provisions of this chapter relating to resistance or obstruction to a decree-holder in obtaining possession of the property adjudged to him shall be applicable.

Obstruction by claimant other than judgment-debtor.

335. If the purchaser of any such property is resisted or obstructed by any person other than the judgment-debtor claiming in good faith a right to the present possession thereof, or if, in delivering possession thereof, any such person is dispossessed, the Court, on the complaint of the purchaser or the person so dispossessed, shall inquire into the matter of the resistance, obstruction or dispossession, as the case may be, and pass such order thereon as it thinks fit.

The party against whom such order is passed may institute a suit to establish the right which he claims to the present possession of the property; but, subject to the result of such suit, if any, the order shall be final.

I.—Of Arrest and Imprisonment.

Place of judgment-debtor's imprisonment.

336. A judgment-debtor may be arrested in execution of a decree at any hour and on any day, and shall as soon as practicable be brought before the Court, and his imprisonment may be in the civil jail of the district in which the Court ordering the imprisonment is situate, or, when such jail does not afford suitable accommodation, in any other place which the Local Government may appoint for the confinement of persons ordered by the Courts of such district to be imprisoned:

Provided as follows:—

(*a*) for the purpose of making an arrest under this section, no dwelling-house shall be entered after sunset or before sunrise, and no outer door of a dwelling-house shall be broken open. But, when the officer authorized to make the arrest has duly gained access to any dwelling-house, he may unfasten and open the door of any room in which he has reason to believe the judgment-debtor is to be found: provided that, if the room be in the actual occupancy of a woman who is not the judgment-debtor, and who according to the customs of the country does not appear in public, the officer shall give notice to her that she is at liberty to withdraw; and, after allowing a reasonable time for her to withdraw and giving her every reasonable facility for withdrawing, he may enter such room for the purpose of making the arrest:

Proviso.

(*b*) when the decree in execution of which a judgment-debtor is arrested is a decree for money and the judgment-debtor pays the amount of the decree and the costs of the arrest to the officer

arresting him, such officer shall at once release him.

The Local Government may, by notification published in the official Gazette, direct that, whenever a judgment-debtor is arrested in execution of a decree for money and brought before the Court under this section, the Court shall inform him that he may apply under Chapter XX to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of his application and if he places all his property in possession of a receiver appointed by the Court.

If after such publication the judgment-debtor express his intention so to apply, and if he furnish sufficient security that he will appear when called upon, and that he will within one month apply under section 344 to be declared an insolvent, the Court shall release him from arrest:

But if he fails so to apply, the Court may either direct the security to be realised or commit him to jail in execution of the decree.

In the case of a surety such security may be realised in manner provided by section 253.

Warrant for arrest to direct judgment-debtor to be brought up.

337. Every warrant for the arrest of the judgment-debtor shall direct the officer entrusted with its execution to bring him before the Court with all convenient speed, unless the amount which he has been ordered to pay, together with the interest thereon and the costs, if any, to which he is liable, be sooner paid.

Scales of subsistence-allowances.

338. The Local Government may from time to time prescribe scales, graduated according to rank, race and nationality, of monthly allowances payable for the subsistence of judgment-debtors.

Judgment-debtor's subsistence-money.

339. No judgment-debtor shall be arrested in execution of a decree unless and until the decree-holder pays into Court such sum as, having regard to the scales so fixed, the Judge thinks sufficient for the subsistence of the judgment-debtor from his arrest until he can be brought before the Court.

When a judgment-debtor is committed to jail in execution of a decree, the Court shall fix for his subsistence such monthly allowance as he may be entitled to according to the said scales, or, where no such scales have been fixed, as it considers sufficient with reference to the class to which he belongs.

The monthly allowance fixed by the Court shall be supplied by the party on whose application the decree has been executed, by monthly payments in advance before the first day of each month.

The first payment shall be made to the proper officer of the Court for such portion of the current month as remains unexpired before the judgment-debtor is committed to jail, and the subsequent payments (if any) shall be made to the officer in charge of the jail.

Subsistence-money to be costs in suit.

340. Sums disbursed by the decree-holder for the subsistence of the judgment-debtor in jail shall be deemed to be costs in the suit:

Provided that the judgment-debtor shall not be detained in jail or arrested on account of any sum so disbursed.

Release of judgment-debtor.

341. The judgment-debtor shall be discharged from jail,

(*a*) on the amount mentioned in the warrant of committal being paid to the officer in charge of the jail; or

(*b*) on the decree being otherwise fully satisfied; or

(*c*) at the request of the person on whose application he has been imprisoned; or

(*d*) on such person omitting to pay the allowance as hereinbefore directed; or

(*e*) if the judgment-debtor be declared an insolvent, as hereinafter provided; or

(*f*) when the term of his imprisonment, as limited by section 342, is fulfilled:

Provided that, in the second, third and fifth cases mentioned in this section, the judgment-debtor shall not be discharged without the order of the Court.

A judgment-debtor disharged under this section is not thereby discharged from his debt; but he cannot be re-arrested under the decree in execution of which he was imprisoned.

Imprisonment not to exceed six months.

342. No person shall be imprisoned in execution of a decree for a longer period than six months;

When not to exceed six weeks.

or for a longer period than six weeks if the decree be for the payment of a sum of money not exceeding fifty rupees.

Endorsement on warrant.

343. The officer entrusted with the execution of the warrant shall endorse thereupon the day on, and the manner in, which it was executed, and, if the latest day specified in the warrant for the return thereof has been exceeded, the reason of the delay, or if it was not executed, the reason why it was not executed, and shall return the warrant with such endorsement to the Court.

If the endorsement is to the effect that such officer is unable to execute the warrant, the Court shall examine him on oath touching his alleged inability, and may, if it thinks fit, summon and examine witnesses as to such inability, and shall record the result.

CHAPTER XX.

OF INSOLVENT JUDGMENT-DEBTORS.

Power to apply for declaration of insolvency.

344. Any judgment-debtor arrested or imprisoned in execution of a decree for money, or against whose property an order of

attachment has been made in execution of such a decree, may apply in writing to be declared an insolvent.

Any holder of a decree for money may apply in writing that the judgment-debtor may be declared an insolvent.

Every such application shall be made to the District Court within the local limits of whose jurisdiction the judgment-debtor resides or is in custody.

Contents of application.

345. The application, when made by the judgment-debtor, shall set forth—

(*a*) the fact of his arrest or imprisonment, or that an order for the attachment of his property has been made, the Court by whose order he was arrested or imprisoned, or by which the order of attachment was made, and, where he has been arrested or imprisoned, the place in which he is in custody;

(*b*) the amount, kind and particulars of his property, and the value of any such property not consisting of money;

(*c*) the place or places in which such property is to be found;

(*d*) his willingness to put it at the disposal of the Court;

(*e*) the amount and particulars of all pecuniary claims against him; and

(*f*) the names and residences of his creditors, so far as they are known to or can be ascertained by him.

The application, when made by the holder of a decree for money, shall set forth the date of the decree, the Court by which it was passed, the amount remaining due thereunder, and the place where the judgment-debtor resides or is in custody.

Subscription and verification of application.

346. The application shall be signed and verified by the applicant in manner hereinbefore prescribed for signing and verifying plaints.

Service of copy of application and notice.

347. The Court shall fix a day for hearing the application, and shall cause a copy thereof, with a notice in writing of the time and place at which it will be heard, to be stuck up in court and served at the applicant's expense—

where the applicant is the judgment-debtor—on the holder of the decree in execution of which he was arrested or imprisoned or the order of attachment was made, or on the pleader of such decree-holder, and on the other creditors (if any) mentioned in the application:

where the applicant is the decree-holder—on the judgment-debtor or his pleader.

The Court may, if it thinks fit, publish at the applicant's expense the application in such official Gazettes and public newspapers as it thinks fit.

Where the applicant is the judgment-debtor, the Court may exempt him from any payments under this section if satisfied that he is unable to make them.

Power to serve other creditors.

348. The Court may also, if it thinks fit, cause a like copy and notice to be served on any other person alleging himself to be a creditor of the applicant and applying for leave to be heard on the application.

Powers of Court as to judgment-debtor under arrest.

349. Where the judgment-debtor is under arrest, the Court may, pending the hearing under section 350, order him to be immediately committed to jail, or leave him in the custody of the officer to whom the service of the warrant was entrusted, or release him on his furnishing sufficient security that he will appear when called upon.

Procedure at hearing.

350. On the day so fixed, or on any subsequent day to which the Court may adjourn the hearing, the Court shall examine the judgment-debtor, in the presence of the persons on whom such notice has been served or their pleaders, as to his then circumstances and as to his future means of payment, and shall hear the said decree-holder, the other creditors mentioned in the application, and the other persons (if any) alleging themselves to be creditors, in opposition to the judgment-debtor's discharge; and may, if it thinks fit, grant time to the said decree-holder and other creditors or persons to adduce evidence showing that the judgment-debtor is not entitled to be declared an insolvent.

Declaration of insolvency and appointment of receiver.

351. If the Court is satisfied—

(*a*) that the statements in the application are substantially true;

(*b*) that the judgment-debtor has not, with intent to defraud his creditors, concealed, transferred or removed any part of his property since the institution of the suit in which was passed the decree in execution of which he was arrested or imprisoned, or the order of attachment was made, or at any subsequent time;

(*c*) that he has not, knowing himself to be unable to pay his debts in full, recklessly contracted debts or given an unfair preference to any of his creditors by any payment or disposition of his property;

(*d*) that he has not committed any other act of bad faith regarding the matter of the application,

the Court may declare him to be an insolvent, and may also, if it thinks fit, make an order appointing a receiver of his property, or if it does not appoint such receiver, may discharge the insolvent,

If the Court is not so satisfied, it shall make an order rejecting the application.

Creditors to prove their debts.

352. The creditors mentioned in the application. and the other persons (it any) alleging themselves of be creditors of the insolvent, shall then produce evidence of the amount and

particulars of their respective pecuniary claims against him; and the Court shall by order determine the persons who have proved themselves to be the insolvent's creditors and their respective debts; and shall frame a schedule of such persons and debts; and the declaration under section 351 shall be deemed to be a decree in favour of each of the said creditors for their said respective debts.

Schedule to be framed.

A copy of every such schedule shall be stuck up in the court-house.

Nothing in this section shall be deemed to entitle a partner in an insolvent-firm or, when he has died before the insolvency, his legal representative, to prove in competition with the creditors of the firm.

353. Any creditor of the insolvent who is not mentioned in such schedule may apply to the Court for permission to produce evidence of the amount and particulars of his pecuniary claims against the insolvent, and, in case the applicant proves himself to be a creditor of the insolvent, for an order directing his name to be inserted in the schedule as a creditor for the debt so proved.

Applications by unscheduled creditors.

Any creditor mentioned in the schedule may apply to the Court for an order altering the schedule so far as regards the amount, nature or particulars of his own debt, or to strike out the name of another creditor, or to alter the schedule so far as regards the amount, nature or particulars of the debt of another creditor.

In the case of any application under this section, the Court, after causing such notices as it thinks fit to be served, at the applicant's expense, on the insolvent and the other creditors, and hearing their objections, if any, may comply with or reject the application.

354. Every order under section 351 shall be published in the local official Gazette and shall operate to vest in the Receiver all the insolvent's property (except the particulars specified in the first proviso to section 266), whether set forth in his application or not.

Effect of order appointing Receiver.

355. The Receiver so appointed shall give such security as the Court may direct and shall possess himself of all such property, except as aforesaid;

Receiver to give security and collect assets.

and on his certifying that the insolvent has placed him in possession thereof, or has done everything in his power for that purpose, the Court may discharge the insolvent upon such conditions (if any) as the Court thinks fit.

Discharge of insolvent.

356. The Receiver shall proceed under the direction of the Court—

Duty of Receiver.

(*a*) to convert the property into money:

(*b*) to pay thereout debts, fines and penalties (if any) due by the insolvent to Government:

(*c*) to pay the said decree-holder's costs:

(*d*) to discharge according to their respective priorities all debts secured by mortgage of the insolvent's property:

(*e*) to distribute the balance among the scheduled creditors rateably according to the amounts of their respective debts and without any preference,

and such Receiver may retain as a remuneration for the performance of his duties a commission, to be fixed by the Court, not exceeding the rate of five per centum upon the amount of the balance so distributed (the amount of the commission so retained being deemed a distribution), and shall deliver the surplus, if any, to the insolvent or his legal representative:

His right to remuneration.

Delivery of surplus.

Provided that, in any local area in which a declaration has been made under section 320 and is in force, no sale of immoveable property paying revenue to Government or held or let for agricultural purposes shall be made by the Receiver; but, after he has sold the other property of the insolvent, the Court shall ascertain (*a*) the amount required to satisfy the claims of the scheduled creditors after deducting the monies already received, (*b*) the immoveable property of the insolvent remaining unsold, and (*c*) the incumbrances, if any, existing thereon, and shall forward a statement to the Collector containing the particulars aforesaid; and thereupon the Collector shall proceed to raise the amount so required by the exercise of such of the powers conferred on him by sections 322 to 325 both inclusive, as he thinks fit, and subject to the provisions of those sections so far as they may be applicable; and shall hold at the disposal of the Court all sums that may come to his hands by such exercise.

357. An insolvent discharged under section 351 or 355 shall not be arrested or imprisoned on account of any of the scheduled debts. But (subject to the provisions of section 358) his property, whether previously or subsequently acquired (except the particulars specified in the first proviso to section 266 and except the property vested in the Receiver), shall, by order of the Court, be liable to attachment and sale until the debts due to the scheduled creditors are satisfied to the extent of one-third, or until the expiry of twelve years from the date of the order of discharge under section 351 or 355.

Effect of discharge.

358. If the aggregate amount of the scheduled debts is two hundred rupees or a less sum, the Court may, and in any case after the scheduled debts have been satisfied to the extent of one-third, or after the expiry of twelve years from the order of discharge, the Court shall, declare the insolvent discharged as aforesaid absolved from further liability in respect of such debts.

Declaration that insolvent is discharged from liability.

Procedure in case of dishonest applicant.

359. Whenever, at the hearing under section 350, it is proved that the applicant has

(*a*) been guilty, in his application, of any concealment or of wilfully making any false statement as to the debts due by him, or respecting the property belonging to him, whether in possession or in expectancy, or held for him in trust;

(*b*) fraudulently concealed, transferred or removed any property; or

(*c*) committed any other act of bad faith regarding the matter of the application,

the Court shall, at the instance of any of his creditors, sentence him by order in writing to imprisonment for a term which may extend to one year from the date of committal.

Or the Court may, if it think fit, send him to the Magistrate to be dealt with according to law.

Investment of other Courts with powers of District Courts. Transfer of cases.

360. The Local Government may, by notification in the official Gazette, invest any Court other than a District Court with the powers conferred on District Courts by sections 344 to 359 (both inclusive), and the District Judge may transfer to any Court situate in his district and so invested any case instituted under section 344.

Any Court so invested may entertain any application under section 344 by any person arrested in execution of a decree of such Court.

Nothing in this chapter shall apply to any Court having jurisdiction in the towns of Rangoon, Maulmain, Akyab and Bassein where the property of the judgment-debtor exceeds in value two thousand five hundred rupees, or the amount of the pecuniary claims against him exceeds five thousand rupees, or such property or any part thereof is situate outside British Burma.

PART II.

OF INCIDENTAL PROCEEDINGS.

CHAPTER XXI.

OF THE DEATH, MARRIAGE AND INSOLVENCY OF PARTIES.

No abatement by party's death, if right to sue survives.

361. The death of a plaintiff or defendant shall not cause the suit to abate if the right to sue survives.

Illustrations.

(*a*) A covenants with B and C to pay an annuity to B during C's life. B and C sue A to compel payment. B dies before the decree: the right to sue survives to C, and the suit does not abate.

(*b*) In the same case, all the parties die before decree. The right to sue survives to the representative of the survivor of B and C, and he may continue the suit against A's representative.

(*c*) A sues B for libel. A dies. The right to sue does not survive, and the suit abates.

(*d*) A, a member of a Hindú joint family under the Mitákshará law, institutes a suit for partition of the family-property. A dies leaving B, a minor son, his heir. The right to sue survives to B, and the suit does not abate.

Procedure in case of death of one of several plaintiffs or defendants, if right to sue survive.

362. If there be more plaintiffs or defendants than one, and any of them dies, and if the right to sue survives to the surviving plaintiff or plaintiffs alone, or against the surviving defendant or defendants alone, the Court shall cause an entry to that effect to be made on the record, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

Procedure in case of death of one of several plaintiffs where right to sue survives to survivors and representative of deceased.

363. If there be more plaintiffs than one, and any of them dies, and if the right to sue does not survive to the surviving plaintiff or plaintiffs alone, but survives to him or them and the legal representative of the deceased plaintiff jointly, the Court may, on the application of such legal representative, enter his name on the record in the place of such deceased plaintiff, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs and such legal representative.

Procedure where no application made by representative of deceased plaintiff.

364. If within the time limited by law no application be made to the Court by any person claiming to be the legal representative of a deceased plaintiff, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs;

and the legal representative (if any) of the deceased plaintiff shall be made a party and shall be interested in and bound by the decree passed in the suit, in the same manner as if the suit had proceeded at his instance conjointly with the surviving plaintiff or plaintiffs.

Procedure in case of death of sole, or sole surviving, plaintiff.

365. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, where the right to sue survives, on the application of the legal representative of the deceased, enter his name in the place of such plaintiff on the record, and the suit shall thereupon proceed.

Abatement where no application by representative of deceased plaintiff.

366. If within the time limited by law no such application be made to the Court by any person claiming to be the legal representative of the deceased plaintiff, the Court may pass an order that the suit shall abate, and shall, on the application of the defendant, award to the defendant the costs which he may have incurred in defending the suit, to be recovered from the estate of the deceased plaintiff;

or the Court may, if it think proper, on the application of the defendant, and upon such terms as to costs or otherwise as it thinks fit, pass such other order as it thinks fit for bringing in the legal re-

presentative of the deceased plaintiff, or for proceeding with the suit in order to a final determination of the matter in dispute, or for both those purposes.

Explanation.—A certificate of heirship, or a certificate to collect debts, does not of itself constitute the person holding it the legal representative of the deceased. But when the person holding any such certificate obtains thereby property belonging to the deceased, he may be treated as a legal representative liable in respect of such property.

Procedure in case of dispute as to representative of deceased plaintiff.

367. If any dispute arise as to who is the legal representative of a deceased plaintiff, the Court may either stay the suit until the fact has been determined in another suit, or decide at or before the hearing of the suit who shall be admitted to be such legal representative for the purpose of prosecuting the suit.

Procedure in case of death of one of several defendants,

368. If there be more defendants than one, and any of them die before decree and the right to sue does not survive against the surviving defendant or defendants alone,

or of sole or sole surviving defendant.

and also in case of the death of a sole defendant, or sole surviving defendant where the right to sue survives,

the plaintiff may make an application to the Court, specifying the name, description and place of abode of any person whom he alleges to be the legal representative of the deceased defendant, and whom he desires to be made the defendant in his stead.

The Court shall thereupon enter the name of such representative on the record in the place of such defendant,

and shall issue a summons to such representative to appear on a day to be therein mentioned to defend the suit;

and the case shall thereupon proceed in the same manner as if such representative had originally been made a defendant and had been a party to the former proceedings in the suit:

Provided that the person so made defendant may object that he is not the legal representative of the deceased defendant, or may make any defence appropriate to his character as such representative.

When the plaintiff fails to make such application within the period prescribed therefor, the suit shall abate, unless he satisfies the Court that he had sufficient cause for not making the application within such period.

Suit not abated by marriage of female party.

369. The marriage of a female plaintiff or defendant shall not cause the suit to abate, but the suit may notwithstanding be proceeded with to judgment, and, where the decree is against a female defendant, it may thereupon be executed against her alone.

If the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and, in case of judgment for the wife, execution of the decree may with such permission be issued upon the application of the husband, where the husband is by law entitled to the subject-matter of the decree.

When plaintiff's bankruptcy or insolvency bars suit.

370. The bankruptcy or insolvency of a plaintiff in any suit which his assignee or the receiver appointed under section 351 might maintain for the benefit of his creditors shall not bar the suit, unless such assignee or receiver declines to continue the suit and to give security for the costs thereof within such time as the Court may order.

Procedure when assignee fails to continue suit or give security.

If the assignee or receiver neglect or refuse to continue the suit and to give such security within the time so ordered, the defendant may apply for the dismissal of the suit on the ground of the plaintiff's bankruptcy or insolvency, and the Court may dismiss the suit and award to the defendant the costs which he has incurred in defending the same, to be proved as a debt against the plaintiff's estate.

Effect of abatement or dismissal.

371. When a suit abates or is dismissed under this chapter, no fresh suit shall be brought on the same cause of action.

Application to set aside abatement or dismissal.

But the person claiming to be the legal representative of the deceased or bankrupt or insolvent plaintiff may apply for an order to set aside the order for abatement or dismissal; and, if it be proved that he was prevented by any sufficient cause from continuing the suit, the Court shall set aside the abatement or dismissal upon such terms as to costs or otherwise as it thinks fit.

Procedure in case of assignment pending suit.

372. In other cases of assignment, creation or devolution of any interest pending the suit, the suit may, with the leave of the Court, given either with the consent of all parties or after service of notice in writing upon them, and hearing their objections, if any, be continued by or against the person to whom such interest has come either in addition to or in substitution for the person from whom it has passed, as the case may require.

CHAPTER XXII.

OF THE WITHDRAWAL AND ADJUSTMENT OF SUITS.

Power to allow plaintiff to withdraw with liberty to bring fresh suit.

373. If, at any time after the institution of the suit, the Court is satisfied on the application of the plaintiff (*a*) that the suit must fail by reason of some formal defect, or (*b*) that there are sufficient grounds for permitting him to withdraw from the suit or to abandon part of his claim with liberty to bring a fresh suit for the subject-matter of the suit or in respect of the part so abandoned, the Court may grant such permission on such terms as to costs or otherwise as it thinks fit.

If the plaintiff withdraw from the suit, or abandon part of his claim, without such permission, he shall be liable for such costs as the Court may award, and shall be precluded from bringing a fresh suit for the same matter or in respect of the same part.

Nothing in this section shall be deemed to authorize the Court to permit one of several plaintiffs to withdraw without the consent of the others.

Limitation law not affected by first suit.

374. In any fresh suit instituted on permission granted under the last preceding section, the plaintiff shall be bound by the law of limitation in the same manner as if the first suit had not been brought.

Compromise of suits.

375. If a suit be adjusted wholly or in part by any lawful agreement or compromise, or if the defendant satisfy the plaintiff in respect to the whole or any part of the matter of the suit, such agreement, compromise or satisfaction shall be recorded, and the Court shall pass a decree in accordance therewith so far as it relates to the suit, and such decree shall be final, so far as relates to so much of the subject-matter of the suit as is dealt with by the agreement, compromise or satisfaction.

CHAPTER XXIII.

OF PAYMENT INTO COURT.

Deposit by defendant of amount in satisfaction of claim.

376. The defendant in any suit to recover a debt or damages may, at any stage of the suit, deposit in court such sum of money as he considers a satisfaction in full of the claim.

Notice of deposit.

377. Notice in writing of the deposit shall be given through the Court by the defendant to the plaintiff, and the amount of the deposit shall (unless the Court otherwise directs) be paid to the plaintiff on his application.

Interest on deposit not allowed to plaintiff after notice.

378. No interest shall be allowed to the plaintiff on any sum deposited by the defendant from the date of the receipt of such notice, whether the sum deposited be in full of the claim or fall short thereof.

Procedure where plaintiff accepts deposit as satisfaction in part.

379. If the plaintiff accept such amount only as satisfaction in part of his claim, he may prosecute his suit for the balance; and if the Court decides that the deposit by the defendant was a full satisfaction of the plaintiff's claim, the plaintiff must pay the costs of the suit incurred after the deposit and the costs incurred previous thereto, so far as they were caused by excess in the plaintiff's claim.

Procedure where he accepts it as satisfaction in full.

If the plaintiff accept such amount as satisfaction in full of his claim, he shall present to the Court a statement to that effect, and such statement shall be filed and the Court shall pass judgment accordingly, and, in directing by whom the costs of each party are to be paid, the Court shall consider which of the parties is most to blame for the litigation.

Illustrations.

(*a*) A owes B Rs. 100 B sues A for the amount, having made no demand for payment and having no reason to believe that the delay caused by making a demand would place him at a disadvantage. On the plaint being filed, A pays the money into court. B accepts it in full satisfaction of his claim, but the Court should not allow him any costs, the litigation being presumably groundless on his part.

(*b*) B sues A under the circumstances mentioned in illustration (*a*). On the plaint being filed, A disputes the claim. Afterwards A pays the money into court. B accepts it in full satisfaction of his claim. The Court should also give B his costs of suit, A's conduct having shown that the litigation was necessary.

(*c*) A owes B Rs. 100 and is willing to pay him that sum without suit. B claims Rs. 150 and sues A for that amount. On the plaint being filed, A pays Rs. 100 into court and disputes only his liability to pay the remaining Rs. 50. B accepts the Rs. 100 in full satisfaction of his claim. The Court should order him to pay A's costs.

CHAPTER XXIV.

OF REQUIRING SECURITY FOR COSTS.

When security for costs may be required from plaintiff at any stage of suit.

380. If, at the institution or at any subsequent stage of a suit, it appears to the Court that a sole plaintiff is, or (when there are more plaintiffs than one) that all the plaintiffs are, residing out of British India, and that such plaintiff does not, or that no one of such plaintiffs does, possess any sufficient immoveable property within British India independent of the property in suit, the Court may, either of its own motion or on the application of any defendant, order the plaintiff or plaintiffs, within a time to be fixed by the order, to give security for the payment of all costs incurred and likely to be incurred by any defendant.

Effect of failure to furnish security.

381. In the event of such security not being furnished within the time so fixed, the Court shall dismiss the suit unless the plaintiff or plaintiffs be permitted to withdraw therefrom under the provisions of section 373.

Residence out of British India.

382. Whoever leaves British India under such circumstances as to afford reasonable probability that he will not be forthcoming whenever he may be called upon to pay costs shall be deemed to be residing out of British India within the meaning of section 380.

CHAPTER XXV.

OF COMMISSIONS.

A.—Commissions to examine Witnesses.

Cases in which Court may issue commission to examine witness.

383. Any Court may in any suit issue a commission for the examination on interrogatories or otherwise of persons resident with-

in the local limits of its jurisdiction, who are exempted under this Code from attending the Court, or who are from sickness or infirmity unable to attend it.

Order for commission.

384. Such order may be made by the Court either of its own motion, or on the application, supported by affidavit or otherwise, of any party to the suit or of the witness to be examined.

When witness resides within Court's jurisdiction.

385. The commission for the examination of a person who resides within the local limits of the jurisdiction of the Court issuing the same may be issued to any person whom the Court thinks fit to execute the same.

Persons for whose examination commission may issue.

386. Any Court may in any suit issue a commission for the examination of—

(a) any person resident beyond the local limits of its jurisdiction;

(b) persons who are about to leave such limits before the date on which they are required to be examined in Court; and

(c) civil and military officers of Government who cannot, in the opinion of the Judge, attend the Court without detriment to the public service.

Such commission may be issued to any Court, not being a High Court or the Court of the Recorder of Rangoon, within the local limits of whose jurisdiction such person resides, or to any pleader of a High Court whom the Court issuing the commission thinks fit to appoint.

The Court on issuing any commission under this section shall direct whether the commission shall be returned to itself or to any subordinate Court.

Commission to examine witness not within British India.

387. When any Court to which application is made for the issue of a commission for the examination of a person residing at any place not within British India is satisfied that his evidence is necessary, the Court may issue such commission.

Court to examine witness pursuant to commission.

388. Every Court receiving a commission for the examination of any person shall examine him pursuant thereto.

Return of commission with depositions of witnesses.

389. After the commission has been duly executed, it shall be returned, together with the evidence taken under it, to the Court out of which it issued, unless the order for issuing the commission has otherwise directed, in which case the commission shall be returned in terms of such order; and the commission and the return thereto, and the evidence taken under it, shall (subject to the provisions of the next following section) form part of the record of the suit.

When depositions may be read in evidence.

390. Evidence taken under a commission shall not be read as evidence in the suit without the consent of the party against whom the same is offered, unless

(a) the person who gave the evidence is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or exempted from personal appearance in Court, or

(b) the Court in its discretion dispenses with the proof of any of the circumstances mentioned in the last preceding clause, and authorizes the evidence of any person being read as evidence in the suit, notwithstanding proof that the cause for taking such evidence by commission has ceased at the time of reading the same.

Provisions as to execution and return of commissions to apply to commissions issued by foreign Courts.

391. The provisions hereinbefore contained as to the execution and return of commissions shall apply to commissions issued by

(a) Courts situate beyond the limits of British India and established by the authority of Her Majesty or of the Governor General in Council, or

(b) Courts situate in any part of the British Empire other than British India, or

(c) Courts of any foreign country for the time being in alliance with Her Majesty.

B.—Commissions for local Investigations.

Commission to make local investigations.

392. In any suit or proceeding in which the Court deems a local investigation to be requisite or proper for the purpose of elucidating any matter in dispute, or of ascertaining the market-value of any property, or the amount of any mesne profits or damages or annual nett profits, and the same cannot be conveniently conducted by the Judge in person, the Court may issue a commission to such person as it thinks fit, directing him to make such investigation and to report thereon to the Court:

Provided that, when the Local Government has made rules as to the persons to whom such commission shall be issued, the Court shall be bound by such rules.

Procedure of Commissioner.

393. The Commissioner, after such local inspection as he deems necessary, and after reducing to writing the evidence taken by him, shall return such evidence, together with his report in writing, signed with his name, to the Court.

Report and depositions to be evidence in suit.

The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the suit and shall form part of the record; but

Commissioner may be examined in person.

the Court, or, with the permission of the Court, any of the parties to the suit, may examine the Commissioner personally in open Court touching any of the matters referred to him or mentioned in his report, or as to the manner in which he has made the investigation.

C.—Commissions to examine Accounts.

Commission to examine or adjust accounts.

394. In any suit in which an examination or adjustment of accounts is necessary, the Court may issue a commission to such person as it thinks fit directing him to make such examination or adjustment.

Court to give Commissioner necessary instructions.

395. The Court shall furnish the Commissioner with such part of the proceedings and such detailed instructions as appear necessary,

and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his examination.

Court to receive Commissioner's proceedings or direct further inquiry.

The proceedings of the Commissioner shall be received in evidence in the suit, unless the Court has reason to be dissatisfied with them, in which case the Court shall direct such further inquiry as is requisite.

D.—Commission to make Partition.

Commission to make partition of non-revenue-paying immoveable property.

396. In any suit in which the partition of immoveable property not paying revenue to Government appears to the Court to be necessary, the Court, after ascertaining the several parties interested in such property and their several rights therein, may issue a commission to such persons as it thinks fit to make a partition according to such rights.

Procedure of Commissioners.

The Commissioners shall ascertain and inspect the property, and shall divide the same into as many shares as may be directed by the order under which the commission issues, and shall allot such shares to the parties, and may, if authorized thereto by the said order, award sums to be paid for the purpose of equalizing the value of the shares.

The Commissioners shall then prepare and sign a report, or (if they cannot agree) separate reports, appointing the share of each party, and distinguishing each share (if so directed by the said order) by metes and bounds. Such report or reports shall be annexed to the commission and transmitted to the Court; and the Court, after hearing any objections which the parties may make to the report or reports, shall either quash the same and issue a new commission, or (where the Commissioners agree in their report) pass a decree in accordance therewith.

E.—General Provisions.

Expenses of commission to be paid into court.

397. Before issuing any commission under this Chapter, the Court may order such sum (if any) as it thinks reasonable for the expenses of the commission to be, within a time to be fixed by the Court, paid into court by the party at whose instance or for whose benefit the commission is issued.

Powers of Commissioners.

398. Any Commissioner appointed under this Chapter may, unless otherwise directed by the order of appointment,

(*a*) examine the parties themselves and any witness whom they or any of them may produce, and any other person whom the Commissioner thinks proper to call upon to give evidence in the matter referred to him;

(*b*) call for and examine documents and other things relevant to the subject of inquiry;

(*c*) at any reasonable time enter upon or into any land or building mentioned in the order.

Attendance, examination and punishment of witnesses before Commissioner.

399. The provisions of this Code relating to the summoning, attendance and examination of witnesses, and to the remuneration of, and penalties to be imposed upon, witnesses, shall apply to persons required to give evidence or to produce documents under this Chapter, whether the commission in execution of which they are so required has been issued by a Court situate within, or by a Court situate beyond, the limits of British India.

For the purposes of this section, the Commissioner shall be deemed to be a Court of Civil Judicature.

Court to direct parties to appear before Commissioner.

400. Whenever a commission is issued under this chapter, the Court shall direct that the parties to the suit shall appear before the Commissioner in person or by their agents or pleaders.

Procedure *ex parte*.

If the parties do not so appear the Commissioner may proceed *ex parte*.

PART III.

OF SUITS IN PARTICULAR CASES.

CHAPTER XXVI.

SUITS BY PAUPERS.

Suits may be brought *in forma pauperis*.

401. Subject to the following rules, any suit may be brought by a pauper.

Explanation.—A person is a "pauper" when he is not possessed of sufficient means to enable him to pay the fee prescribed by law for the plaint in such suit, or, where no such fee is prescribed, when he is not entitled to property worth one hundred rupees other than his necessary wearing apparel and the subject-matter of the suit.

What suits excepted.

402. No suit shall be brought by a pauper to recover compensation for loss of caste, libel, slander, abusive language or assault.

Application to be in writing. Contents of application.

403. The application for permission to sue by a pauper shall be in writing, and shall contain the particulars required by section 50 in regard to plaints in suits: a schedule of any moveable or immoveable property belonging to the petitioner, with the estimated value thereof, shall be annexed thereto; and it shall be signed and verified in the manner hereinbefore prescribed for the signing and verification of plaints.

Presentation of application.

404. Notwithstanding anything contained in section 36, the application shall be presented to the Court by the applicant in person, unless he is exempted from appearing in Court under section 640 or section 641, in which case the application may be presented by a duly authorized agent who can answer all material questions relating to the application, and who may be examined in the same manner as the party represented by him might have been examined had such party attended in person.

Rejection of application.

405. If the application be not framed or presented in the manner prescribed by sections 403 and 404, the Court shall reject it.

Examination of applicant.

406. If the application be in proper form and duly presented, the Judge may, if he thinks fit, examine the petitioner, or his agent, when the applicant is allowed to appear by agent, regarding the merits of the claim and the property of the applicant.

If presented by agent, Court may order applicant to be examined by commission.

When the application is presented by an agent, the Court may, if it thinks fit, order that the applicant be examined by a commission in the manner in which the examination of an absent witness may be taken under the provisions of this Code.

Rejection of application.

407. If it appear to the Court

(*a*) that the applicant is not a pauper, or

(*b*) that he has, within the two months next before the presentation of the application, disposed of any property fraudulently or with a view to obtain the benefit of this chapter, or

(*c*) that his allegations do not show a right to sue in such Court, or

(*d*) that he has entered into any agreement with reference to the subject-matter of the proposed suit under which any other person has obtained an interest in such subject-matter,

the Court shall reject the application.

Notice of day for receiving evidence of applicant's pauperism.

408. If the Court sees no reason to refuse the application on any of the grounds stated in section 407, it shall fix a day (of which at least ten days' previous notice shall be given to the opposite party and the Government Pleader) for receiving such evidence as the applicant may adduce in proof of his pauperism, and for hearing any evidence which may be adduced in disproof thereof.

Procedure at hearing.

409. On the day so fixed, or as soon thereafter as may be convenient, the Court shall examine the witnesses (if any) produced by either party, and may cross-examine the applicant or his agent, and shall make a memorandum of the substance of their evidence.

The Court shall also hear any argument which the parties may desire to offer on the question whether, on the face of the application and of the evidence (if any) taken by the Court as herein provided, the applicant is or is not subject to any of the prohibitions specified in section 407.

The Court shall then either allow or refuse to allow the applicant to sue as a pauper.

Procedure if application admitted.

410. If the application be granted, it shall be numbered and registered, and shall be deemed the plaint in the suit, and the suit shall proceed in all other respects as a suit instituted under Chapter V, except that the plaintiff shall not be liable to any court-fee (other than fees payable for service of process) in respect of any petition, appointment of a pleader, or other proceeding connected with the suit.

Costs when pauper succeeds.

411. If the plaintiff succeed in the suit, the Court shall calculate the amount of court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper; and such amount shall be a first charge on the subject-matter of the suit, and shall also be recoverable by the Government from any party ordered by the decree to pay the same, in the same manner as costs of suit are recoverable under this Code.

Recovery of court-fees.

Procedure when pauper fails.

412. If the plaintiff fails in the suit, or if he is dispaupered, or if the suit is dismissed under section 97 or 98, the Court shall order the plaintiff, or any person made under section 32 co-plaintiff to the suit, to pay the court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper;

and if it find that the suit was frivolous or vexatious, it may also punish the plaintiff with fine not exceeding one hundred rupees, or with imprisonment for a term which may extend to a month, or with both.

Refusal to allow applicant to sue as pauper to bar subsequent application of like nature.

413. An order of refusal made under section 409 to allow the applicant to sue as a pauper shall be a bar to any subsequent application of the like nature by him in respect of the same right to sue; but the applicant shall be at liberty to institute a suit in the ordinary manner in respect of such right, provided that he first pays the costs (if any) incurred by Government in opposing his application for leave to sue as a pauper.

414. The Court may, on motion by the defendant, or by the Government Pleader, of which one week's notice in writing has been given to the plaintiff, order the plaintiff to be dispaupered—

Dispaupering.

(a) if he is guilty of vexatious or improper conduct in the course of the suit;

(b) if it appears that his means are such that he ought not to continue to sue as a pauper, or

(c) if he has entered into any agreement with reference to the subject-matter of the suit, under which any other person has obtained an interest in such subject-matter.

415. The costs of an application for permission to sue as a pauper and of an inquiry into pauperism are costs in the suit.

Costs.

CHAPTER XXVII.

SUITS BY OR AGAINST GOVERNMENT OR PUBLIC OFFICERS.

416. Suits by or against the Government shall be instituted by or against (as the case may be) the Secretary of State for India in Council.

Suits by or against Secretary of State in Council.

417. Persons being *ex officio* or otherwise authorized to act for Government in respect of any judicial proceeding shall be deemed to be the recognized agents by whom appearances, acts and applications under this Code may be made or done on behalf of Government.

Persons authorized to act for Government.

418. In suits by the Secretary of State for India in Council, instead of inserting in the plaint the name and description and place of abode of the plaintiff, it shall be sufficient to insert the words "The Secretary of State for India in Council."

Plaints in suits by Secretary of State in Council.

419. The Government Pleader in any court shall be the agent of the Government for the purpose of receiving processes against the said Secretary of State in Council issuing out of such court.

Agent for Government to receive process.

420. The Court, in fixing the day for the said Secretary of State in Council to answer to the plaint, shall allow a reasonable time for the necessary communication with the Government through the proper channels, and for the issue of instructions to the Government Pleader to appear and answer on behalf of the said Secretary of State in Council or the Government, and may extend the time at its discretion.

Appearance and answer by Secretary of State in Council.

421. The Court may also, in any case in which the Government Pleader is not accompanied by any person on the part of the said Secretary of State in Council, who may be able to answer any material questions relating to the suit, direct the attendance of such a person.

Attendance of person able to answer questions relating to suit against Government.

422. Where the defendant is a public officer, the Court may send a copy of the summons to the head of the office in which the defendant is employed, for the purpose of being served on him, if it appear to the Court that the summons may be most conveniently so served.

Service on public officers.

423. If the public officer on receiving the summons considers it proper to make a reference to the Government before answering to the plaint, he may apply to the Court to grant such extension of the time fixed in the summons as may be necessary to enable him to make such reference and to receive orders thereon through the proper channel;

Extension of time to enable officer to make reference to Government.

and the Court upon such application may extend the time for so long as appears to be requisite.

424. No suit shall be instituted against the said Secretary of State in Council, or against a public officer in respect of an act purporting to be done by him in his official capacity, until the expiration of two months next after notice in writing has been, in the case of the Secretary of State in Council, delivered to, or left at the office of, a Secretary to the Local Government or the Collector of the District, and, in the case of a public officer, delivered to him or left at his office, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left.

Notice previous to suing Secretary of State in Council or public officer.

425. No warrant of arrest shall be issued in such suit without the consent in writing of the District Judge.

Arrests in such suits.

426. If the Government undertakes the defence of a suit against a public officer, the Government Pleader, upon being furnished with authority to appear and answer to the plaint, shall apply to the Court, and upon such application the Court shall cause a note of his authority to be entered in the register.

Application where Government undertakes defence.

427. If such application is not made by the Government Pleader on or before the day fixed in the notice for the defendant to appear and answer to the plaint, the case shall proceed as in a suit between private parties, except that the defendant shall not be liable to arrest, nor his property to attachment, otherwise than in execution of a decree.

Procedure where no such application made.

Defendant not liable to arrest before judgment.

428. In a suit against a public officer in respect of such act as aforesaid the Court shall exempt the defendant from appearing in person when he satisfies the Court that he cannot absent himself from his duty without detriment to the public service.

Exemption of public officers from personal appearance.

429. When the decree is against the said Secretary of State in Council or against a public officer in respect of such act as aforesaid, a time shall be specified in the decree within which it shall be satisfied; and, if the decree is not satisfied within the time so specified, the Court shall report the case for the orders of the Local Government.

Procedure where decree against Government or public officer.

Execution shall not issue on any such decree unless it remains unsatisfied for the period of three months computed from the date of the report.

CHAPTER XXVIII.

SUITS BY ALIENS AND BY OR AGAINST FOREIGN AND NATIVE RULERS.

430. Alien enemies residing in British India with the permission of the Governor General in Council, and alien friends, may sue in the Courts of British India as if they were subjects of Her Majesty.

When aliens may sue.

No alien enemy residing in British India without such permission, or residing in a foreign country, shall sue in any of such Courts.

Explanation.—Every person residing in a foreign country, the Government of which is at war with the United Kingdom of Great Britain and Ireland, and carrying on business in that country without a license in that behalf under the hand of one of Her Majesty's Secretaries of State or of a Secretary to the Government of India, shall, for the purpose of the second paragraph of this section, be deemed to be an alien enemy residing in a foreign country.

431. A foreign State may sue in the Courts of British India, provided that—

When foreign State may sue.

(*a*) it has been recognized by Her Majesty or the Governor General in Council, and

(*b*) the object of the suit is to enforce the private rights of the head or of the subjects of the foreign State.

The Court shall take judicial notice of the fact that a foreign State has not been recognized by Her Majesty or by the Governor General in Council.

432. Persons specially appointed by order of Government at the request of any Sovereign Prince or ruling Chief, whether in subordinate alliance with the British Government or otherwise, and whether residing within or without British India, to prosecute or defend any suit on his behalf, shall be deemed to be the recognized agents by whom appearances, acts and applications under this Code may be made or done on behalf of such Prince or Chief.

Persons specially appointed by Government to prosecute or defend for Princes or Chiefs.

433. Any such Prince or Chief, and any ambassador or envoy of a foreign State, may, with the consent of Government certified by the signature of one of its Secretaries (but not without such consent) be sued in any competent Court not subordinate to a District Court;

Suits against Sovereign Princes, &c.

Such consent shall not be given unless—

(*a*) the Prince, Chief, ambassador or envoy has instituted a suit in such Court against the person desiring to sue him; or

(*b*) the Prince, Chief, ambassador or envoy by himself or another trades within the local limits of the jurisdiction of such Court; or

(*c*) the subject-matter of the suit is immoveable property situate within the said local limits and in the possession of the Prince, Chief, ambassador or envoy.

No such Prince, Chief, ambassador or envoy shall be arrested under this Code; and no decree shall be executed against the property of any such Prince, Chief, ambassador or envoy unless with consent of Government certified as aforesaid.

Sovereign Princes, &c., exempt from arrest.

When their property may be attached.

434. The Governor General in Council may from time to time, by notification in the *Gazette of India*,

Execution in British India of decrees of Courts of Native States.

(*a*) declare that the decrees of any Civil or Revenue Courts situate in the territories of any Native Prince or State in alliance with Her Majesty, and not established by the authority of the Governor General in Council, may be executed in British India as if they had been made by the Courts of British India, and

(*b*) cancel any such declaration.

So long as such declaration remains in force, the said decrees may be executed accordingly.

CHAPTER XXIX.

SUITS BY AND AGAINST CORPORATIONS AND COMPANIES.

435. In suits by a Corporation, or by a Company authorized to sue and be sued in the name of an officer or of a trustee, the plaint may be subscribed and verified on behalf of the Corporation or Company by any director, secretary or other principal officer of the Corporation or Company, who is able to depose to the facts of the case.

Subscription and verification of plaint.

436. When the suit is against a Corporation, or against a Company authorized to sue and be sued in the name of an officer or of a trustee, the summons may be served—

Service on Corporation or Company.

(*a*) by leaving it at the registered office (if any) of the Corporation or Company, or

(*b*) by sending it by post in a letter addressed to such officer or trustee at the office (or if there be more offices than one, at the principal office in British India) of the Corporation or Company, or

(*c*) by giving it to any director, secretary or other principal officer of the Corporation or Company;

and the Court may require the personal appearance of any director, secretary or other principal officer of the Corporation or Company who may be able to answer material questions relating to the suit.

CHAPTER XXX.

SUITS BY AND AGAINST TRUSTEES, EXECUTORS AND ADMINISTRATORS.

Representation of beneficiaries in suits concerning property vested in trustees, &c.

437. In all suits concerning property vested in a trustee, executor or administrator, when the contention is between the persons beneficially interested in such property and a third person, the trustee, executor or administrator shall represent the persons so interested, and it shall not ordinarily be necessary to make them parties to the suit. But the Court may, if it thinks fit, order them or any of them to be made such parties.

Joinder of executors and administrators.

438. When there are several executors or administrators, they shall all be made parties to a suit against one or more of them:

Provided that executors who have not proved their testator's will, and executors and administrators beyond the local limits of the jurisdiction of the Court, need not be made parties.

Husband of married executrix not to join.

439. Unless the Court directs otherwise, the husband of a married administratrix or executrix shall not be a party to a suit by or against her.

CHAPTER XXXI.

SUITS BY AND AGAINST MINORS AND PERSONS OF UNSOUND MIND.

Minor must sue by next friend.

440. Every suit by a minor shall be instituted in his name by an adult person, who in such suit shall be called the next friend of the minor, and may be ordered to pay any costs in the suit as if he were the plaintiff.

Costs.

Applications to be made by next friend or guardian *ad litem*.

441. Every application to the Court on behalf of a minor (other than an application under section 449) shall be made by his next friend, or his guardian for the suit.

Plaint filed without next friend to be taken off file.

442. If a plaint be filed by or on behalf of a minor without a next friend, the defendant may apply to have the plaint taken off the file, with costs to be paid by the pleader or other person by whom it was presented. Notice of such application shall be given to such person by the defendant; and the Court, after hearing his objections, if any, may make such order in the matter as it thinks fit.

Costs.

Guardian *ad litem* to be appointed by Court.

443. Where the defendant to a suit is a minor, the Court, on being satisfied of the fact of his minority, shall appoint a proper person to be guardian for the suit for such minor, to put in the defence for such minor, and generally to act on his behalf in the conduct of the case.

A guardian for the suit is not a guardian of person or property within the meaning of the Indian Majority Act, 1875, section 3.

Order obtained without next friend or guardian may be discharged.

444. Every order made in a suit or on any application before the Court, in or by which a minor is in any way concerned or affected, without such minor being represented by a next friend or guardian for the suit, as the case may be, may be discharged, and, if the pleader of the party at whose instance such order was obtained knew, or might reasonably have known, the fact of such minority, with costs to be paid by such pleader.

Costs.

Who may be next friend.

445. Any person being of sound mind and full age may act as next friend of a minor, provided his interest is not adverse to that of such minor, and he is not a defendant in the suit.

Removal of next friend.

446. If the interest of the next friend of a minor is adverse to that of such minor, or if he is so connected with a defendant whose interest is adverse to that of the minor, as to make it unlikely that the minor's interest will be properly protected by him, or if he does not do his duty, or, pending the suit, ceases to reside within British India, or for any other sufficient cause, application may be made on behalf of the minor or by a defendant for his removal; and the Court (if satisfied of the sufficiency of the cause assigned) may order the next friend to be removed accordingly.

Retirement of next friend.

447. Unless otherwise ordered by the Court, a next friend shall not retire at his own request without first procuring a fit person to be put in his place, and giving security for the costs already incurred.

Application for appointment of new next friend.

The application for the appointment of a new next friend shall be supported by affidavit showing the fitness of the person proposed, and also that he has no interest adverse to the minor.

448. On the death or removal of the next friend of a minor, further proceedings shall be stayed until the appointment of a next friend in his place.

Stay of proceedings on death or removal of next friend.

449. If the pleader of such minor omits, within reasonable time, to take steps to get a new next friend appointed, any person interested in the minor or the matter at issue may apply to the Court for the appointment of one, and the Court may appoint such person as it thinks fit.

Application for appointment of new next friend.

450. A minor plaintiff, or a minor not a party to a suit on whose behalf an application is pending, on coming of age must elect whether he will proceed with the suit or application.

Course to be followed by minor plaintiff or applicant on coming of age.

451. If he elects to proceed with it, he shall apply for an order discharging the next friend, and for leave to proceed in his own name.

Where he elects to proceed.

The title of the suit or application shall in such case be corrected so as to read thenceforth thus:

"*A. B.*, late a minor, by *C. D.*, his next friend, but now of full age."

452. If he elects to abandon the suit or application, he shall, if a sole plaintiff, or sole applicant, apply for an order to dismiss the suit or application on repayment of the costs incurred by the defendant or respondent, or which may have been paid by his next friend.

Where he elects to abandon.

Costs.

453. Any application under section 451 or section 452 may be made *ex parte;* and it must be proved by affidavit that the late minor has attained his full age.

Making and proving applications under sections 451, 452.

454. A minor co-plaintiff on coming of age and desiring to repudiate the suit must apply to have his name struck out as co-plaintiff; and the Court, if it finds that he is not a necessary party, shall dismiss him from the suit on such terms as to costs or otherwise as it thinks fit.

When minor co-plaintiff coming of age desires to repudiate suit.

Notice of the application shall be served on the next friend, as well as on the defendant; and it must be proved by affidavit that the late minor has attained his full age. The costs of all parties of such application, and of all or any proceedings theretofore had in the suit, shall be paid by such persons as the Court directs.

Costs.

If the late minor be a necessary party to the suit the Court may direct him to be made a defendant.

455. If any minor on attaining majority can prove to the satisfaction of the Court that a suit instituted in his name by a next friend was unreasonable or improper, he may, if a sole plaintiff, apply to have the suit dismissed.

When suit unreasonable or improper.

Notice of the application shall be served on all the parties concerned: and the Court, upon being satisfied of such unreasonableness or impropriety, may grant the application, and order the next friend to pay the costs of all parties in respect of the application and of anything done in the suit.

Costs.

456. An order for the appointment of a guardian for the suit may be obtained upon application in the name and on behalf of the minor or by the plaintiff. Such application must be supported by an affidavit verifying the fact that the proposed guardian has no interest in the matters in question in the suit adverse to that of the minor, and that he is a fit person to be so appointed.

Petition for appointment of guardian *ad litem.*

Where there is no other person fit and willing to act as guardian for the suit, the Court may appoint any of its officers to be such guardian: Provided that he has no interest adverse to that of the minor.

457. A co-defendant of sound mind and of full age may be appointed guardian for the suit, if he has no interest adverse to that of the minor; but neither a plaintiff, nor a married woman, can be so appointed.

Who may be guardian *ad litem.*

458. If the guardian for the suit of a minor defendant does not do his duty, or if other sufficient ground be made to appear, the Court may remove him, and may order him to pay such costs as may have been occasioned to any party by his breach of duty.

Guardian neglecting his duty may be removed.

Costs.

459. If the guardian for the suit dies pending such suit, or is removed by the Court, the Court shall appoint a new guardian in his place.

Appointment in place of guardian dying *pendente lite.*

460. When the enforcement of a decree is applied for against the heir or representative, being a minor, of a deceased party, a guardian for the suit of such minor shall be appointed by the Court, and the decree-holder shall serve on such guardian notice of such application.

Guardian *ad litem* of minor representative of deceased judgment-debtor.

461. No sum of money or other thing shall be received or taken by a next friend or guardian for the suit on behalf of a minor, at any time before decree or order, unless he has first obtained the leave of the Court, and given security to its satisfaction that such money or other thing shall be duly accounted for to, and held for the benefit of, such minor.

Before decree, next friend or guardian *ad litem* not to receive money without leave of Court and giving security.

Next friend or guardian *ad litem* not to compromise without leave of Court.

462. No next friend or guardian for the suit shall, without the leave of the Court, enter into any agreement or compromise on behalf of a minor, with reference to the suit in which he acts as next friend or guardian.

Compromise without leave voidable.

Any such agreement or compromise entered into without the leave of the Court shall be voidable against all parties other than the minor.

Application of sections 440 to 462 to persons of unsound mind.

463. The provisions contained in sections 440 to 462 (both inclusive) shall, *mutatis mutandis*, apply in the case of persons of unsound mind, adjudged to be so under Act No. XXXV of 1858, or under any other law for the time being in force.

Wards of Court.

464. Nothing in sections 442 to 462 applies to any minor or person of unsound mind, for whose person or property a guardian or manager has been appointed by the Court of Wards or by the Civil Court under any local law.

CHAPTER XXXII.

SUITS BY AND AGAINST MILITARY MEN.

Officers or soldiers who cannot obtain leave may authorize any person to sue or defend for them.

465. When any officer or soldier actually serving the Government in a military capacity is a party to a suit, and cannot obtain leave of absence for the purpose of prosecuting or defending the suit in person, he may authorize any person to sue or defend in his stead.

The authority shall be in writing and shall be signed by the officer or soldier in the presence of (*a*) his commanding officer, or the next subordinate officer, if the party be himself the commanding officer, or (*b*) where the officer or soldier is serving in military staff employment, the head or other superior officer of the office in which he is employed. Such commanding or other officer shall countersign the authority, which shall be filed in court.

When so filed, the countersignature shall be sufficient proof that the authority was duly executed, and that the officer or soldier by whom it was granted could not obtain leave of absence for the purpose of prosecuting or defending the suit in person.

Explanation.—In this chapter the expression 'commanding officer' means the officer in actual command for the time being of any regiment, corps, detachment or depôt to which the officer or soldier belongs.

Person so authorized may act personally or appoint pleader.

466. Any person authorized by an officer or a soldier to prosecute or defend a suit in his stead may prosecute or defend it in person in the same manner as the officer or soldier could do if present; or he may appoint a pleader to prosecute or defend the suit on behalf of such officer or soldier.

Service on person so authorized, or on his pleader, to be good service.

467. Processes served upon any person authorized by an officer or a soldier, as in section 465, or upon any pleader appointed as aforesaid by such person to act for, or on behalf of, such officer or soldier, shall be as effectual as if they had been served on the party in person or on his pleader.

Service on officers and soldiers.

468. When an officer or a soldier is a defendant, the Court shall send a copy of the summons to his commanding officer for the purpose of being served on him.

The officer to whom such copy is sent, after causing it to be served on the person to whom it is addressed, if practicable, shall return it to the Court with the written acknowledgment of such person endorsed thereon.

If from any cause the copy cannot be so served, it shall be returned to the Court by which it was sent, with information of the cause which has prevented the service.

Execution of warrant of arrest in cantonments, &c.

469. If, in the execution of a decree, a warrant of arrest or other process is to be executed within the limits of a cantonment, garrison, military station or military bázár, the officer charged with the execution of such warrant or other process shall deliver the same to the commanding officer.

The commanding officer shall back the warrant or other process with his signature, and, in the case of a warrant of arrest, if the person named therein is within the limits of his command, shall cause him to be arrested and delivered to the officer so charged.

CHAPTER XXXIII.

INTERPLEADER.

When interpleader suit may be instituted.

470. When two or more persons claim adversely to one another the same payment or property from another person, whose only interest therein is that of a mere stakeholder and who is ready to render it to the right owner, such stakeholder may institute a suit of interpleader against all the claimants for the purpose of obtaining a decision as to whom the payment or property should be made or delivered, and of obtaining indemnity for himself:

Provided that if any suit is pending in which the rights of all parties can properly be decided, the stakeholder shall not institute a suit of interpleader.

Plaint in such suit.

471. In every suit of interpleader the plaint must, in addition to the other statements necessary for plaints, state—

(*a*) that the plaintiff has no interest in the thing claimed otherwise than as a mere stakeholder;

(*b*) the claims made by the defendants severally; and

(*c*) that there is no collusion between the plaintiff and any of the defendants.

Payment of thing claimed into Court.

472. When the thing claimed is capable of being paid into court or placed in the custody of the Court, the plaintiff must so pay or place it before he can be entitled to any order in the suit.

Procedure at first hearing.

473. At the first hearing the Court may—

(*a*) declare that the plaintiff is discharged from all liability to the defendants in respect of the thing claimed, award him his costs, and dismiss him from the suit;

or, if it thinks that justice or convenience so require,

(*b*) retain all parties until the final disposal of the suit;

and, if it finds that the admissions of the parties or other evidence enable it,

(*c*) adjudicate the title to the thing claimed:

or else it may

(*d*) direct the defendants to interplead one another by filing statements and entering into evidence for the purpose of bringing their respective claims before the Court, and shall adjudicate on such claims.

When agents and tenants may institute interpleader-suits.

474. Nothing in this chapter shall be taken to enable agents to sue their principals, or tenants to sue their landlords, for the purpose of compelling them to interplead with any persons other than persons making claim through such principals or landlords.

Illustrations.

(*a*) A deposits a box of jewels with B as his agent. C alleges that the jewels were wrongfully obtained from him by A, and claims them from B. B cannot institute an interpleader-suit against A and C.

(*b*) A deposits a box of jewels with B as his agent. He then writes to C for the purpose of making the jewels a security for a debt due from himself to C. A afterwards alleges that C's debt is satisfied, and C alleges the contrary. Both claim the jewels from B. B may institute an interpleader suit against A and C.

Charge of plaintiff's costs.

475. When the suit is properly instituted, the Court may provide for the plaintiff's costs by giving him a charge on the thing claimed or in some other effectual way.

Procedure where defendant is suing stakeholder.

476. If any of the defendants in an interpleader-suit is actually suing the stakeholder in respect of the subject of such suit, the Court in which the suit against the stakeholder is pending shall, on being duly informed by the Court which passed the decree in the interpleader-suit in favour of the stakeholder, that such decree has been passed, stay the proceedings as against him; and his costs in the suit so stayed may be provided for in such suit; but if, and so far as, they are not provided for in that suit, they may be added to his costs incurred in the interpleader-suit.

Costs.

PART IV.

PROVISIONAL REMEDIES.

CHAPTER XXXIV.

OF ARREST AND ATTACHMENT BEFORE JUDGMENT.

A.—Arrest before Judgment.

When plaintiff may apply that security be taken.

477. If at any stage of any suit, other than a suit for the possession of immoveable property, the plaintiff satisfies the Court by affidavit or otherwise—

that the defendant, with intent to avoid or delay the plaintiff, or to avoid any process of the Court, or to obstruct or delay the execution of any decree that may be passed against him,

(*a*) has absconded or left the jurisdiction of the Court, or

(*b*) is about to abscond or to leave the jurisdiction of the Court, or

(*c*) has disposed of or removed from the jurisdiction of the Court his property or any part thereof, or

that the defendant is about to leave British India under circumstances affording reasonable probability that the plaintiff will or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant in the suit,

the plaintiff may apply to the Court that security be taken for the appearance of the defendant to answer any decree that may be passed against him in the suit.

Order to bring up defendant to show cause why he should not give security.

478. If the Court, after examining the applicant, and making such further investigation as it thinks fit, is satisfied—

that the defendant, with any such intent as aforesaid,

(*a*) has absconded or left the jurisdiction of the Court, or

(*b*) is about to abscond or to leave the jurisdiction of the Court, or

(*c*) has disposed of or removed from the jurisdiction of the Court his property or any part thereof, or

that the defendant is about to leave British India under the circumstances last aforesaid,

the Court may issue a warrant to arrest the defendant and bring him before the Court to show cause why he should not give security for his appearance.

If defendant fail to show cause, Court may order him to make deposit or give security.

479. If the defendant fail to show such cause, the Court shall order him either to deposit in court money or other property sufficient to answer the claim against him, or to give security for his appearance at any time when called upon while the suit is pending, and until execution or satisfaction of any decree that may be passed against him in the suit.

The surety shall bind himself, in default of such appearance, to pay any sum of money which the defendant may be ordered to pay in the suit.

Procedure in case of application by surety to be discharged.

480. The surety for the appearance of the defendant may at any time apply to the Court in which he became such surety to be discharged from his obligation.

On such application being made, the Court shall summon the defendant to appear, or, if it thinks fit, may issue a warrant for his arrest in the first instance.

On the appearance of the defendant pursuant to the summons or warrant, or on his voluntary surrender, the Court shall direct the surety to be discharged from his obligation, and shall call upon the defendant to find fresh security.

Procedure where defendant fails to give security or find fresh security.

481. If the defendant fail to comply with any order under section 479 or section 480, the Court may commit him to jail until the decision of the suit, or, if judgment be given against the defendant, until the execution of the decree: Provided that no person shall be imprisoned under this section in any case for a longer period than six months, nor for a longer period than six weeks when the amount or value of the subject-matter of the suit does not exceed fifty rupees:

Provided that no person shall be detained in prison under this section after he has complied with such order.

Subsistence of defendants arrested.

482. The provisions of section 339 as to allowances payable for the subsistence of judgment-debtors shall apply to all defendants arrested under this chapter.

B.—Attachment before Judgment.

Application before judgment for security from defendant to satisfy decree, and in default for attachment of property.

483. If at any stage of any suit the plaintiff satisfies the Court by affidavit or otherwise that the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him,

(*a*) is about to dispose of the whole or any part of his property, or to remove the same from the jurisdiction of the Court in which the suit is pending, or

(*b*) has quitted the jurisdiction of the Court, leaving therein property belonging to him,

the plaintiff may apply to the Court to call upon the defendant to furnish security to satisfy any decree that may be passed against him in such suit and, on his failing to give such security, to direct that any portion of his property within the jurisdiction of the Court shall be attached until the further order of the Court.

Contents of application.

The application shall, unless the Court otherwise directs, specify the property required to be attached and the estimated value thereof.

Court may call on defendant to furnish security or show cause.

484. If the Court, after examining the applicant and making any further investigation which it thinks fit, is satisfied that the defendant is about to dispose of or remove his property, with intent to obstruct or delay the execution of any decree that may be passed against him in the suit, or that he has with such intent quitted the jurisdiction of the Court, leaving therein property belonging to him, the Court may require him, within a time to be fixed by the Court, either to furnish security in such sum as may be specified in the order, to produce and place at the disposal of the Court, when required, the said property or the value of the sum, or such portion thereof as may be sufficient to satisfy the decree, or to appear and show cause why he should not furnish security.

The Court may also in the order direct the conditional attachment of the whole or any portion of the property specified in the application.

Attachment if cause not shown or security not furnished.

485. If the defendant fail to show cause why he should not furnish security, or fail to furnish the security required, within the time fixed by the Court, the Court may order that the property specified in the application, or such portion thereof as appears sufficient to satisfy any decree which may be passed in the suit, shall be attached.

Withdrawal of attachment.

If the defendant show such cause or furnish the required security, and the property specified in the application or any portion of it has been attached, the Court shall order the attachment to be withdrawn.

Mode of making attachment.

486. The attachment shall be made in the manner herein provided for the attachment of property in execution of a decree for money.

Investigation of claims to property attached before judgment.

487. If any claim be preferred to the property attached before judgment, such claim shall be investigated in the manner hereinbefore provided for the investigation of claims to property attached in execution of a decree for money.

Removal of attachment when security furnished or suit diminished.

488. When an order of attachment before judgment is passed, the Court which passed the order shall remove the attachment

whenever the defendant furnishes the security required, together with security for the costs of the attachment, or when the suit is dismissed.

Attachment not to affect rights of strangers, or bar decree-holder from applying for sale.

489. Attachment before judgment shall not affect the rights, existing prior to the attachment, of persons not parties to the suit, nor bar any person holding a decree against the defendant from applying for the sale of the property under attachment in execution of such decree.

Property attached under chapter not to be re-attached in execution of decree.

490. Where property is under attachment by virtue of the provisions of this chapter, and a decree is given in favour of the plaintiff, it shall not be necessary to re-attach the property in execution of such decree.

C.—Compensation for improper Arrests or Attachments.

Compensation for obtaining arrest or attachment on insufficient grounds.

491. If in any suit in which an arrest or attachment has been effected, it appears to the Court that such arrest or attachment was applied for on insufficient grounds,

or if the suit of the plaintiff fails, and it appears to the Court that there was no probable ground for instituting the suit,

the Court may, on the application of the defendant, award against the plaintiff in its decree such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the defendant for the expense or injury caused to him by the arrest or attachment:

Proviso.

Provided that the Court shall not award under this section a larger amount than it might decree in a suit for compensation.

An award under this section shall bar any suit for compensation in respect of such arrest or attachment.

CHAPTER XXXV.

OF TEMPORARY INJUNCTIONS AND INTERLOCUTORY ORDERS.

A.—Temporary Injunctions.

Cases in which temporary injunction may be granted.

492. If in any suit it is proved by affidavit or otherwise—

(*a*) that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in execution of a decree, or

(*b*) that the defendant threatens, or is about, to remove or dispose of his property with intent to defraud his creditors,

the Court may by order grant a temporary injunction to restrain such act, or give such other order for the purpose of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of the property as the Court thinks fit, or refuse such injunction or other order.

Injunction to restrain repetition or continuance of breach.

493. In any suit for restraining the defendant from committing a breach of contract or other injury, whether compensation be claimed in the suit or not, the plaintiff may, at any time after the commencement of the suit, and either before or after judgment, apply to the Court for a temporary injunction to restrain the defendant from committing the breach of contract or injury complained of, or any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right.

The Court may by order grant such injunction on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as the Court thinks fit, or refuse the same.

In case of disobedience, an injunction granted under this section or section 492 may be enforced by the imprisonment of the defendant for a term not exceeding six months, or the attachment of his property, or both.

No attachment under this section shall remain in force for more than one year, at the end of which time, if the defendant has not obeyed the injunction, the property attached may be sold, and out of the proceeds the Court may award to the plaintiff such compensation as it thinks fit, and may pay the balance, if any, to the defendant.

Before granting injunction, Court to direct notice to opposite party.

494. The Court shall in all cases, except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice of the application for the same to be given to the opposite party.

Injunction to Corporation binding on its members and officers.

495. An injunction directed to a Corporation or public Company is binding not only on the Corporation or Company itself, but also on all members and officers of the Corporation or Company whose personal action it seeks to restrain.

Order for injunction may be discharged, varied or set aside.

496. Any order for an injunction may be discharged, or varied, or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Compensation to defendant for issue of injunction on insufficient grounds.

497. If it appears to the Court that an injunction which it has granted was applied for on insufficient grounds, or

if, after the issue of the injunction, the suit is dismissed or judgment is given against the plaintiff by default or otherwise, and it appears to the Court that there was no probable ground for instituting the suit,

the Court may, on the application of the defendant, award against the plaintiff in its decree such sum, not exceeding one thousand rupees, as it

deems a reasonable compensation to the defendant for the expense or injury caused to him by the issue of the injunction:

Proviso.

Provided that the Court shall not award under this section a larger amount than it might decree in a suit for compensation.

An award under this section shall bar any suit for compensation in respect of the issue of the injunction.

B.—Interlocutory Orders.

Power to order interim sale of perishable articles.

498. The Court may, on the application of any party to a suit, order the sale, by any person named in such order, and in such manner and on such terms as it thinks fit, of any moveable property, being the subject of such suit, which is subject to speedy and natural decay.

Power to make order for detention, &c., of subject-matter, and to authorize entry, taking of samples and experiments.

499. The Court may, on the application of any party to a suit, and on such terms as it thinks fit,

(*a*) make an order for the detention, preservation or inspection of any property being the subject of such suit;

(*b*) for all or any of the purposes aforesaid authorize any person to enter upon or into any land or building in the possession of any other party to such suit, and

(*c*) for all or any of the purposes aforesaid, authorize any samples to be taken, or any observation to be made or experiment to be tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence.

The provisions hereinbefore contained as to execution of process shall apply, *mutatis mutandis*, to persons authorized to enter under this section.

Application for such orders to be after notice.

500. An application by the plaintiff for an order under section 498 or section 499 may be made after notice in writing to the defendant at any time after service of the summons.

An application by the defendant for a like order may be made after notice in writing to the plaintiff, and at any time after the applicant has appeared.

When party may be put in immediate possession of land the subject of suit.

501. When land paying revenue to Government, or a tenure liable to sale, is the subject of a suit, if the party in possession of such land or tenure neglects to pay the Government-revenue, or the rent due to the proprietor of the tenure, as the case may be, and such land or tenure is consequently ordered to be sold, any other party to the suit claiming to have an interest in such land or tenure may upon payment of the revenue or rent due previously to the sale (and with or without security at the discretion of the Court), be put in immediate possession of the land or tenure;

and the Court in its decree may award against the defaulter the amount so paid, with interest thereupon at such rate as the Court thinks fit, or may charge the amount so paid, with interest thereupon at such rate as the Court orders, in any adjustment of accounts which may be directed in the decree passed in the suit.

Deposit of money, &c., in court.

502. When the subject-matter of a suit is money or some other thing capable of delivery, and any party thereto admits that he holds such money or other thing as a trustee for another party, or that it belongs or is due to another party, the Court may order the same to be deposited in court or delivered to such last-named party, with or without security, subject to the further direction of the Court.

CHAPTER XXXVI.

APPOINTMENT OF RECEIVERS.

Power of Court to appoint Receivers.

503. Whenever it appears to the Court to be necessary for the realization, preservation or better custody or management of any property, moveable or immoveable, the subject of a suit, or under attachment, the Court may by order—

(*a*) appoint a Receiver of such property,

and, if need be,

(*b*) remove the person in whose possession or custody the property may be from the possession or custody thereof;

(*c*) commit the same to the custody or management of such Receiver; and

(*d*) grant to such Receiver such fee or commission on the rents and profits of the property by way of remuneration, and all such powers as to bringing and defending suits, and for the realization, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of instruments in writing, as the owner himself has, or such of those powers as the Court thinks fit.

Receiver's liabilities.

Every Receiver so appointed shall—

(*e*) give such security (if any) as the Court thinks fit duly to account for what he shall receive in respect of the property;

(*f*) pass his accounts at such periods and in such form as the Court directs;

(*g*) pay the balance due from him thereon as the Court directs; and

(*h*) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

Nothing in this section authorizes the Court to remove from the possession or custody of property under attachment any person whom the parties to the suit, or some or one of them, have or has not a present right so to remove.

When Collector may be appointed Receiver.

504. Where the property is land paying revenue to Government, or land of which the revenue has been assigned or redeemed, and the Court considers that the interests of those concerned will be promoted by the management of the Collector, the Court may appoint the Collector to be Receiver of such property.

Courts empowered under this chapter.

505. The powers conferred by this chapter shall be exercised only by High Courts and District Courts: Provided that whenever the Judge of a Court subordinate to a District Court considers it expedient that a Receiver should be appointed in any suit before him, he shall nominate such person as he considers fit for such appointment, and submit such person's name, with the grounds for the nomination, to the District Court, and the District Court shall authorize such Judge to appoint the person so nominated, or pass such other order as it thinks fit.

PART V.

OF SPECIAL PROCEEDINGS.

CHAPTER XXXVII.

REFERENCE TO ARBITRATION.

Parties to suit may apply for order of reference.

506. If all the parties to a suit desire that any matter in difference between them in the suit be referred to arbitration, they may, at any time before judgment is pronounced, apply, in person or by their respective pleaders specially authorized in writing in this behalf, to the Court for an order of reference.

Every such application shall be in writing and shall state the particular matter sought to be referred.

Nomination of arbitrator.

507. The arbitrator shall be nominated by the parties in such manner as may be agreed upon between them.

When Court to nominate arbitrator.

If the parties cannot agree with respect to such nomination, or if the person whom they nominate refuses to accept the arbitration and the parties desire that the nomination shall be made by the Court, the Court shall nominate the arbitrator.

Order of reference.

508. The Court shall, by order, refer to the arbitrator the matter in difference which he is required to determine, and shall fix such time as it thinks reasonable for the delivery of the award, and specify such time in the order.

When once a matter is referred to arbitration, the Court shall not deal with it in the same suit, except as hereinafter provided.

When reference is to two or more, order to provide for difference of opinion.

509. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators,

(*a*) by the appointment of an umpire, or

(*b*) by declaring that the decision shall be with the majority, if the major part of the arbitrators agree, or

(*c*) by empowering the arbitrators to appoint an umpire, or

(*d*) otherwise, as may be agreed between the parties; or, if they cannot agree, as the Court determines.

If an umpire is appointed, the Court shall fix such time as it thinks reasonable for the delivery of his award in case he is required to act.

Death, incapacity, &c., of arbitrators or umpire.

510. If the arbitrator, or, where there are more arbitrators than one, any of the arbitrators, or the umpire, dies, or refuses, or neglects or becomes incapable to act, or leaves British India under circumstances showing that he will probably not return at an early date, the Court may in its discretion either appoint a new arbitrator or umpire in the place of the person so dying, or refusing, or neglecting, or becoming incapable to act, or leaving British India, or make an order superseding the arbitration, and in such case shall proceed with the suit.

Appointment of umpire by Court.

511. Where the arbitrators are empowered by the order of reference to appoint an umpire and fail to do so, any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if, within seven days after such notice has been served, or such further time as the Court may in each case allow, no umpire be appointed, the Court, upon the application of the party who has served such notice as aforesaid, may appoint an umpire.

Powers of arbitrator or umpire appointed under sections 509, 510, 511.

512. Every arbitrator or umpire appointed under section 509, section 510 or section 511 shall have the like powers as if his name had been inserted in the order of reference.

Summoning witnesses.

513. The Court shall issue the same processes to the parties and witnesses whom the arbitrators or umpire desire or desires to examine, as the Court may issue in suits tried before it.

Punishment for default, &c.

Persons not attending in accordance with such process, or making any other default, or refusing to give their evidence, or guilty of any contempt to the arbitrator or umpire during the investigation of the matters referred, shall be subject to the like disadvantages, penalties and punishments, by order of the Court on the representation of the arbitrator or umpire, as they would incur for the like offences in suits tried before the Court.

514. If, from the want of the necessary evidence or information, or from any other cause, the arbitrators cannot complete the award within the period specified in the order, the Court may, if it thinks fit, either grant a further time, and from time to time enlarge the period for the delivery of the award, or make an order superseding the arbitration, and in such case shall proceed with the suit.

Extension of time for making award.

Supersession of arbitration.

515. When an umpire has been appointed he may enter on the reference in the place of the arbitrators

When umpire may arbitrate in lieu of arbitrators.

(a) if they have allowed the appointed time to expire without making an award, or

(b) when they have delivered to the Court or to the umpire a notice in writing, stating that they cannot agree.

516. When an award in a suit has been made, the persons who made it shall sign it and cause it to be filed in court, together with any depositions and documents which have been taken and proved before them; and notice of the filing shall be given to the parties.

Award to be signed and filed.

517. Upon any reference by an order of the Court, the arbitrators or umpire may, with the consent of the Court, state the award as to the whole or any part thereof in the form of a special case for the opinion of the Court; and the Court shall deliver its opinion thereon; and such opinion shall be added to and form part of the award.

Arbitrators or umpire may state special case.

518. The Court may, by order, modify or correct an award,

Court may, on application, modify or correct award in certain cases.

(a) where it appears that a part of the award is upon a matter not referred to arbitration, provided such part can be separated from the other part and does not affect the decision on the matter referred, or

(b) where the award is imperfect in form, or contains any obvious error which can be amended without affecting such decision.

519. The Court may also make such order as it thinks fit respecting the costs of the arbitration, if any question arise respecting such costs and the award contain no sufficient provision concerning them.

Order as to costs of arbitration.

520. The Court may remit the award or any matter referred to arbitration to the reconsideration of the same arbitrators or umpire, upon such terms as it thinks fit,

When award or matter referred to arbitration may be remitted.

(a) where the award has left undetermined any of the matters referred to arbitration, or where it determines any matter not referred to arbitration;

(b) where the award is so indefinite as to be incapable of execution;

(c) where an objection to the legality of the award is apparent upon the face of it.

521. An award remitted under section 520 becomes void on the refusal of the arbitrators or umpire to reconsider it. But no award shall be set aside except on one of the following grounds (namely)—

Grounds for setting aside award.

(a) corruption or misconduct of the arbitrator or umpire;

(b) either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the arbitrator or umpire;

(c) the award having been made after the issue of an order by the Court superseding the arbitration and restoring the suit;

and no award shall be valid unless made within the period allowed by the Court.

522. If the Court sees no cause to remit the award or any of the matters referred to arbitration for reconsideration in manner aforesaid, and if no application has been made to set aside the award, or if the Court has refused such application,

Judgment to be according to award.

the Court shall, after the time for making such application has expired, proceed to give judgment according to the award,

or, if the award has been submitted to it in the form of a special case, according to its own opinion on such case.

Upon the judgment so given a decree shall follow, and shall be enforced in manner provided in this Code for the execution of decrees. No appeal shall lie from such decree except in so far as the decree is in excess of, or not in accordance with, the award.

Decree to follow.

523. When any persons agree in writing that any difference between them shall be referred to the arbitration of any person named in the agreement or to be appointed by any Court having jurisdiction in the matter to which the agreement relates, the parties thereto, or any of them, may apply that the agreement be filed in court.

Agreement to refer to arbitration may be filed in court.

The application shall be in writing and shall be numbered and registered as a suit between one or more of the parties interested or claiming to be interested as plaintiff or plaintiffs, and the others or other of them as defendants or defendant, if the application have been presented by all the parties, or, if otherwise, between the applicant as plaintiff and the other parties as defendants.

Application to be numbered and registered.

On such application being made, the Court shall direct notice thereof to be given to all the parties to the agreement other than the applicants, requiring such parties to show cause, within the time specified in the notice, why the agreement should not be filed.

Notice to show cause against filing.

If no sufficient cause be shown, the Court may cause the agreement to be filed, and shall make an order of reference thereon, and may also nominate the arbitrator, when he is not named therein and the parties cannot agree as to the nomination.

524. The foregoing provisions of this chapter, so far as they are consistent with any agreement so filed, shall be applicable to all proceedings under an order of reference made by the Court under section 523, and to the award of arbitration and to the enforcement of the decree founded thereupon.

Provisions of chapter applicable to proceedings under order of reference.

525. When any matter has been referred to arbitration without the intervention of a Court of Justice, and an award has been made thereon, any person interested in the award may apply to the Court of the lowest grade having jurisdiction over the matter to which the award relates, that the award be filed in court.

Filing award in matter referred to arbitration without intervention of Court.

The application shall be in writing and shall be numbered and registered as a suit between the applicant as plaintiff and the other parties as defendants.

Application to be numbered and registered.

The Court shall direct notice to be given to the parties to the arbitration, other than the applicant, requiring them to show cause, within a time specified, why the award should not be filed.

Notice to parties to arbitration.

526. If no ground such as is mentioned or referred to in section 520 or section 521, be shown against the award, the Court shall order it to be filed, and such award shall then take effect as an award made under the provisions of this chapter.

Filing and enforcement of such award.

CHAPTER XXXVIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

527. Parties claiming to be interested in the decision of any question of fact or law, may enter into an agreement in writing stating such question in the form of a case for the opinion of the Court, and providing that, upon the finding of the Court with respect to such question,

Power to state case for Court's opinion.

(*a*) a sum of money fixed by the parties or to be determined by the Court, shall be paid by one of the parties to the other of them; or

(*b*) some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or

(*c*) one or more of the parties shall do, or refrain from doing, some other particular act specified in the agreement.

Every case stated under this section shall be divided into consecutively numbered paragraphs, and shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby.

528. If the agreement is for the delivery of any property, or for the doing, or the refraining from doing, any particular act, the estimated value of the property to be delivered, or to which the act specified has reference, shall be stated in the agreement.

When value of subject-matter must be stated.

529. The agreement, if framed in accordance with the rules hereinbefore contained, may be filed in the Court which would have jurisdiction to entertain a suit, the amount or value of the subject-matter of which is the same as the amount or value of the subject-matter of the agreement.

Agreement to be filed and numbered as suit.

The agreement, when so filed, shall be numbered and registered as a suit between one or more of the parties claiming to be interested, as plaintiff or plaintiffs, and the other or others of them as defendant or defendants; and notice shall be given to all the parties to the agreement, other than the party or parties by whom it was presented.

530. When the agreement has been filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by the statements contained therein.

Parties to be subject to Court's jurisdiction.

531. The case shall be set down for hearing as a suit instituted under Chapter V, the provisions of which shall apply to such suit so far as the same are applicable.

Hearing and disposal of case.

If the Court is satisfied, after an examination of the parties, or after taking such evidence as it thinks fit,

(*a*) that the agreement was duly executed by them, and

(*b*) that they have a *bonâ fide* interest in the question stated therein, and

(*c*) that the same is fit to be decided,

it shall proceed to pronounce judgment thereon, in the same way as in an ordinary suit, and upon the judgment so given a decree shall follow and shall be enforced in the manner provided in this Code for the execution of decrees.

CHAPTER XXXIX.

OF SUMMARY PROCEDURE ON NEGOTIABLE INSTRUMENTS.

532. In any Court to which this section applies, all suits upon bills of exchange, hundís or promissory notes may, in case the plain-

Institution of summary suits upon bills of exchange, &c.

tiff desires to proceed under this chapter, be instituted by presenting a plaint in the form prescribed by this Code; but the summons shall be in the form contained in the fourth schedule hereto annexed, No. 172, or in such other form as the High Court may from time to time prescribe.

In any case in which the plaint and summons are in such forms respectively, the defendant shall not appear or defend the suit unless he obtains leave from a Judge as hereinafter mentioned so to appear and defend;

and in default of his obtaining such leave or of appearance and defence in pursuance thereof, the plaintiff shall be entitled to a decree for any sum not exceeding the sum mentioned in the summons, together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by a rule of the High Court, unless the plaintiff claims more than such fixed sum, in which case the costs shall be ascertained in the ordinary way, and such decree may be enforced forthwith.

Payment into court of sum mentioned in summons.

The defendant shall not be required to pay into court the sum mentioned in the summons, or to give security therefor, unless the Court thinks his defence not to be *primâ facie* sustainable, or feels reasonable doubt as to its good faith.

Explanation.—This section is not confined to cases in which the bill, hundí or note sued upon, together with mere lapse of time, is sufficient to establish a *primâ facie* right to recover.

Defendant showing defence on merits to have leave to appear.

533. The Court shall, upon application by the defendant, give leave to appear and to defend the suit, upon the defendant paying into court the sum mentioned in the summons, or upon affidavits satisfactory to the Court, which disclose a defence or such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Court may deem sufficient to support the application, and on such terms as to security, framing and recording issues, or otherwise, as the Court thinks fit.

Power to set aside decree.

534. After decree, the Court may, under special circumstances, set aside the decree, and if necessary stay or set aside execution, and may give leave to appear to the summons and to defend the suit, if it seem reasonable to the Court so to do, and on such terms as the Court thinks fit.

Power to order bill, &c., to be deposited with officer of Court.

535. In any proceeding under this chapter the Court may order the bill, hundí or note on which the suit is founded to be forthwith deposited with an officer of the Court, and may further order that all proceedings shall be stayed until the plaintiff gives security for the costs thereof.

Recovery of cost of noting non-acceptance of dishonoured bill or note.

536. The holder of every dishonoured bill of exchange or promissory note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonour, as he has under this chapter for the recovery of the amount of such bill or note.

Procedure in suits under chapter.

537. Except as provided by sections 532 to 536 (both inclusive), the procedure in suits under this chapter shall be the same as the procedure in suits instituted under Chapter V.

Application of chapter.

538. Sections 532 to 537 (both inclusive) apply only to—

(*a*) the High Courts of Judicature at Fort William, Madras and Bombay;

(*b*) the Court of the Recorder of Rangoon;

(*c*) the Courts of Small Causes in Calcutta, Madras and Bombay;

(*d*) the Court of the Judge of Karáchí; and

(*e*) any other Court having ordinary original civil jurisdiction to which the Local Government may, by notification in the official Gazette, apply them.

In case of such application the Local Government may direct by whom any of the powers and duties incident to the provisions so applied shall be exercised and performed, and make any rules which it thinks requisite for carrying into operation the provisions so applied.

Within one month after such notification has been published, such provisions shall apply accordingly, and the rules so made shall have the force of law.

The Local Government may from time to time alter or cancel any such notification.

CHAPTER XL.

OF SUITS RELATING TO PUBLIC CHARITIES.

When suits relating to public charities may be brought.

539. In case of any alleged breach of any express or constructive trust created for public charitable or religious purposes, or whenever the direction of the Court is deemed necessary for the administration of any such trust, the Advocate General acting *ex officio*, or two or more persons having a direct interest in the trust and having obtained the consent in writing of the Advocate General, may institute a suit in the High Court or the District Court within the local limits of whose civil jurisdiction the whole or any part of the subject-matter of the trust is situate, to obtain a decree—

(*a*) appointing new trustees under the trust;

(*b*) vesting any property in the trustees under the trust;

(*c*) declaring the proportions in which its objects are entitled;

(*d*) authorizing the whole or any part of its property to be let, sold, mortgaged or exchanged;

(*e*) settling a scheme for its management;

or granting such further or other relief as the nature of the case may require.

The powers conferred by this section on the Advocate General may, outside the Presidency-towns, be, with the previous sanction of the Local Government, exercised also by the Collector or by such officer as the Local Government may appoint in this behalf.

Act No. X of 1840, section two, is hereby repealed.

PART VI.

OF APPEALS.

CHAPTER XLI.

OF APPEALS FROM ORIGINAL DECREES.

Appeal to lie from all original decrees, except when expressly prohibited.

540. Unless when otherwise expressly provided by this Code or by any other law for the time being in force, an appeal shall lie from the decrees, or from any part of the decrees, of the Courts exercising original jurisdiction to the Courts authorized to hear appeals from the decisions of those Courts.

Form of appeal. What to accompany memorandum.

541. The appeal shall be made in the form of a memorandum in writing presented by the appellant, and shall be accompanied by a copy of the decree appealed against and (unless the Appellate Court dispenses therewith) of the judgment on which it is founded.

Contents of memorandum.

Such memorandum shall set forth, concisely and under distinct heads, the grounds of objection to the decree appealed against, without any argument or narrative; and such grounds shall be numbered consecutively.

Appellant confined to grounds set out.

542. The appellant shall not, without the leave of the Court, urge or be heard in support of any other ground of objection, but the Court in deciding the appeal shall not be confined to the grounds set forth by the appellant:

Provided that the Court shall not rest its decision on any ground not set forth by the appellant, unless the respondent has had sufficient opportunity of contesting the case on that ground.

Rejection or amendment of memorandum.

543. If the memorandum of appeal be not drawn up in the manner hereinbefore prescribed, it may be rejected, or be returned to the appellant for the purpose of being amended within a time to be fixed by the Court or be amended then and there.

When the Court rejects under this section any memorandum, it shall record the reasons for such rejection.

When a memorandum of appeal is amended under this section, the Judge, or such officer as he appoints in this behalf, shall attest the amendment by his signature.

One of several plaintiffs or defendants may obtain reversal of whole decree if it proceed on ground common to all.

544. Where there are more plaintiffs or more defendants than one in a suit, and the decree appealed against proceeds on any ground common to all the plaintiffs or to all the defendants, any one of the plaintiffs or of the defendants may appeal against the whole decree, and thereupon the Appellate Court may reverse or modify the decree in favour of all the plaintiffs or defendants, as the case may be.

Of staying and executing Decrees under Appeal.

Execution of decree not stayed solely by reason of appeal.

545. Execution of a decree shall not be stayed by reason only of an appeal having been preferred against the decree; but the appellate Court may for sufficient cause order the execution to be stayed:

Stay of execution of appealable decree before time for appealing has expired.

If an application be made for stay of execution of an appealable decree before the expiry of the time allowed for appealing therefrom, the Court which passed the decree may for sufficient cause order the execution to be stayed:

Provided that no order shall be made under this section unless the Court making it is satisfied—

(*a*) that substantial loss may result to the party applying for stay of execution unless the order is made;

(*b*) that the application has been made without unreasonable delay; and

(*c*) that security has been given by the applicant for the due performance of such decree or order as may ultimately be binding upon him.

Security in case of order for execution of decree appealed against.

546. If an order is made for the execution of a decree against which an appeal is pending, the Court which passed the decree shall, on sufficient cause being shown by the appellant, require security to be given for the restitution of any property which may be taken in execution of the decree, or for the payment of the value of such property, and for the due performance of the decree or order of the Appellate Court,

or the Appellate Court may for like cause direct the Court which passed the decree to take such security.

And when an order has been passed for the sale of immoveable property in execution of a decree for money, and an appeal is pending against such decree, the sale shall on the application of the

judgment-debtor be stayed until the appeal is disposed of, on such terms as to giving security or otherwise as the Court which passed the decree thinks fit.

No such security to be required from Government or public officers.

547. No such security as is mentioned in sections 545 and 546 shall be required from the Secretary of State for India in Council, or (when Government has undertaken the defence of the suit) from any public officer sued in respect of an act alleged to be done by him in his official capacity.

Of Procedure in Appeal from Decrees.

Registry of memorandum of appeal.

548. When a memorandum of appeal is admitted, the Appellate Court or the proper officer of that Court shall endorse thereon the date of presentation, and shall register the appeal in a book to be kept for the purpose.

Register of Appeals.

Such book shall be called the Register of Appeals.

Appellate Court may require appellant to give security for costs.

549. The Appellate Court may at its discretion, either before the respondent is called upon to appear and answer or afterwards on the application of the respondent, demand from the appellant security for the costs of the appeal, or of the original suit, or of both:

When appellant resides out of British India.

Provided that the Court shall demand such security in all cases in which the appellant is residing out of British India, and is not possessed of any sufficient immoveable property within British India independent of the property (if any) to which the appeal relates.

If such security be not furnished within such time as the Court orders, the Court shall reject the appeal.

Appellate Court to give notice to Court whose decree appealed against.

550. When the memorandum of appeal is registered, the Appellate Court shall send notice of the appeal to the Court against whose decree the appeal is made.

Transmission of papers to Appellate Court.

If the appeal be from a Court the records of which are not deposited in the Appellate Court, the Court receiving such notice shall send with all practicable despatch all material papers in the suit, or such papers as may be specially called for by the Appellate Court.

Copies of exhibits in Court whose decree appealed against.

Either party may apply in writing to the Court against whose decree the appeal is made, specifying any of such papers in such Court of which he requires copies to be made; and copies of such papers shall be made at the expense of the applicant, and shall be deposited accordingly.

Power to confirm decision of lower Court without sending it notice.

551. The Appellate Court may, if it thinks fit, after fixing a time for hearing the appellant or his pleader, and hearing him accordingly if he appears at such time, confirm the decision of the Court against whose decree the appeal is made, without sending notice of the appeal to such Court and without serving notice on the respondent or his pleader; but in such case the confirmation shall be notified to the same Court.

Day for hearing appeal.

552. The Appellate Court, unless where it confirms, under section 551, the decision of the lower Court, shall fix a day for hearing the appeal.

Such day shall be fixed with reference to the current business of the Court, the place of residence of the respondent, and the time necessary for the service of the notice of appeal, so as to allow the respondent sufficient time to appear and answer the appeal on such day.

Publication and service of notice of day for hearing appeal.

553. Notice of the day so fixed shall be stuck up in the appellate court-house, and a like notice shall be sent by the Appellate Court to the Court against whose decree the appeal is made, and shall be served on the respondent or on his pleader in the Appellate Court in the manner provided in Chapter VI for the service on a defendant of a summons to appear and answer; and all rules applicable to such summons and to proceedings with reference to the service thereof, shall apply to the service of such notice.

Appellate Court may itself cause notice to be served.

Instead of sending the notice to the Court against whose decree the appeal is made, the Appellate Court may itself cause the notice to be served on the respondent or his pleader under the rules above referred to.

Contents of notice.

554. The notice to the respondent shall declare that, if he does not appear in the Appellate Court on the day so fixed, the appeal will be heard *ex parte*.

Procedure on Hearing.

Right to begin.

555. On the day so fixed, or on any other day to which the hearing may be adjourned, the appellant shall be heard in support of the appeal. The Court shall then, if it does not dismiss the appeal at once, hear the respondent against the appeal, and in such case the appellant shall be entitled to reply.

Dismissal of appeal for appellant's default.

556. If on the day so fixed, or any other day to which the hearing may be adjourned, the appellant does not attend in person or by his pleader, the appeal shall be dismissed for default.

If the appellant attends and the respondent does not attend, the appeal shall be heard *ex parte* in his absence.

Hearing appeal *ex parte*.

557. If on the day so fixed, or any other day to which the hearing may be adjourned, it is found that the notice to the respondent has not been served in consequence of the failure of the appellant to deposit, within the period fixed by the Court, the sum required to defray the cost of issuing the notice, the Court may order that the appeal be dismissed:

Dismissal of appeal where notice not served in consequence of appellant's failure to deposit cost.

Provided that no such order shall be passed, although the notice has not been served upon the respondent, if on the day fixed for hearing the appeal the respondent appears in person or by a pleader, or by a duly authorized agent.

Proviso.

558. If an appeal be dismissed under section 556 or section 557, the appellant may apply to the Appellate Court for the re-admission of the appeal; and if it be proved that he was prevented by any sufficient cause from attending when the appeal was called on for hearing or from depositing the sum so required, the Court may re-admit the appeal on such terms as to costs or otherwise as the Court thinks fit to impose upon him.

Re-admission of appeal dismissed for default.

559. If it appear to the Court at the hearing that any person who was a party to the suit in the Court against whose decree the appeal is made, but who has not been made a party to the appeal, is interested in the result of the appeal, the Court may adjourn the hearing to a future day to be fixed by the Court, and direct that such person be made a respondent.

Power to adjourn hearing, and direct persons appearing interested to be made respondents.

560. When an appeal is heard *ex parte* in the absence of the respondent, and judgment is given against him, he may apply to the Appellate Court to rehear the appeal; and if he satisfies the Court that the notice was not duly served, or that he was prevented by sufficient cause from attending when the appeal was called on for hearing, the Court may re-hear the appeal on such terms as to costs or otherwise as the Court thinks fit to impose upon him.

Re-hearing on application of respondent against whom *ex parte* decree made.

561. Any respondent, though he may not have appealed against any part of the decree, may upon the hearing not only support the decree on any of the grounds decided against him in the Court below, but take any objection to the decree which he could have taken by way of appeal, provided he has filed a notice of such objection not less than seven days before the date fixed for the hearing of the appeal.

Upon hearing, respondent may object to decree as if he had preferred separate appeal.

Such objection shall be in the form of a memorandum, and the provisions of section 541, so far as they relate to the form and contents of the memorandum of appeal, shall apply thereto.

Form of notice, and provisions applicable thereto.

562. If the Court against whose decree the appeal is made has disposed of the suit upon a preliminary point so as to exclude any evidence of fact which appears to the Appellate Court essential to the determination of the rights of the parties, and the decree upon such preliminary point is reversed in appeal, the appellate Court may, if it thinks fit, by order remand the case, together with a copy of the order in appeal, to the Court against whose decree the appeal is made, with directions to re-admit the suit under its original number in the register and proceed to investigate the suit on the merits.

Remand of case by Appellate Court.

The Appellate Court may, if it thinks fit, direct what issue or issues shall be tried in any case so remanded.

563. When a case is remanded with directions to take any evidence so excluded, the Court to which the case is remanded shall not take any other evidence in the case, except evidence tendered to contradict the evidence so taken.

When further evidence barred.

564. The Appellate Court shall not remand a case for a second decision, except as provided in section 562.

Limit to remand.

565. When the evidence upon the record is sufficient to enable the Appellate Court to pronounce judgment, the Appellate Court shall, after resettling the issues, if necessary, finally determine the case, notwithstanding that the judgment of the Court against whose decree the appeal is made has proceeded wholly upon some ground other than that on which the Appellate Court proceeds.

When evidence on record sufficient, Appellate Court shall determine case finally.

566. If the Court against whose decree the appeal is made has omitted to frame or try any issue, or to determine any question of fact, which appears to the Appellate Court essential to the right decision of the suit upon the merits, and the evidence upon the record is not sufficient to enable the Appellate Court to determine such issue or question, the Appellate Court may frame issues for trial, and may refer the same for trial to the Court against whose decree the appeal is made, and in such case shall direct such Court to take the additional evidence required,

and such Court shall proceed to try such issues, and shall return to the Appellate Court its finding thereon together with the evidence.

When Appellate Court may frame issues and refer them for trial to Court whose decree appealed against.

567. Such finding and evidence shall become part of the record in the suit; and either party may, within a time to be fixed by

Finding and evidence to be put on record.
Objections to finding.

the Appellate Court, present a memorandum of objections to the finding.

Determination of appeal.

After the expiration of the period fixed for presenting such memorandum, the Appellate Court shall proceed to determine the appeal.

Production of additional evidence in Appellate Court.

568. The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, in the Appellate Court. But if

(a) the Court against whose decree the appeal is made refuses to admit evidence which ought to have been admitted, or

(b) the Appellate Court requires any document to be produced for any witness to be examined to enable it to pronounce judgment; or for any other substantial cause,

the Appellate Court may allow such evidence to be produced, or document to be received, or witness to be examined.

Whenever additional evidence is admitted by an Appellate Court, the Court shall record on its proceedings the reason for such admission.

Mode of taking additional evidence.

569. Whenever additional evidence is allowed to be received, the Appellate Court may either take such evidence, or direct the Court against whose decree the appeal is made, or any other subordinate Court, to take such evidence and to send it when taken to the Appellate Court.

Points to be defined and recorded.

570. In all cases where additional evidence is directed or allowed to be taken, the Appellate Court shall specify the points to which the evidence is to be confined, and record on its proceedings the points so specified.

Of the Judgment in Appeal.

Judgment when and where pronounced.

571. The Appellate Court, after hearing the parties or their pleaders and referring to any part of the proceedings, whether on appeal or in the Court against whose decree the appeal is made, to which reference may be considered necessary, shall pronounce judgment in open Court, either at once or on some future day, of which notice shall be given to the parties or their pleaders.

Language of judgment.

572. The judgment shall be written in English; provided that if English is not the mother-tongue of the Judge, and he is not able to write an intelligible judgment in English, the judgment shall be written in his mother-tongue or in the language of the Court.

Translation of judgment.

573. When the language in which the judgment is written is not the language of the Court, the judgment shall, if any party so require, be translated into such language, and the translation, after it has been ascertained to be correct, shall be signed by the Judge or such officer as he appoints in this behalf.

Contents of judgment.

574. The judgment of the Appellate Court shall state—

(a) the points for determination;

(b) the decision thereupon;

(c) the reasons for the decision; and,

(d) when the decree appealed against is reversed or varied, the relief to which the appellant is entitled,

Date and signature.

and shall at the time that it is pronounced be signed and dated by the Judge or by the Judges concurring therein.

Decision when appeal heard by two or more Judges.

575. When the appeal is heard by a Bench of two or more Judges, the appeal shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges.

If there be no such majority which concurs in a judgment varying or reversing the decree appealed against, such decree shall be affirmed:

Provided that if the Bench hearing the Appeal is composed of two Judges belonging to a Court consisting of more than two Judges, and the Judges composing the Bench differ in opinion on a point of law, the appeal may be referred to one or more of the other Judges of the same Court, and shall be decided according to the opinion of the majority (if any) of all the Judges who have heard the appeal, including those who first heard it.

When there is no such majority which concurs in a judgment varying or reversing the decree appealed against, such decree shall be affirmed.

The High Court may from time to time make rules consistent with this Code to regulate references under this section.

Dissent to be recorded.

576. When the appeal is heard by more Judges than one, any Judge dissenting from the judgment of the Court shall state in writing the decision or order which he thinks should be passed on the appeal, and he may state his reasons for the same.

What judgment may direct.

577. The judgment may be for confirming, varying or reversing the decree against which the appeal is made, or, if the parties to the appeal agree as to the form which the decree in appeal shall take, or as to the order to be passed in appeal, the Appellate Court may pass a decree or order accordingly.

No decree to be reversed or modified for error or irregularity not affecting merits or jurisdiction.

578. No decree shall be reversed or substantially varied, nor shall any case be remanded, in appeal, on account of any error, defect or irregularity, whether in the decision or in any order passed in the suit, or otherwise, not affecting the merits of the case or the jurisdiction of the Court.

Of the Decree in Appeal.

579. The decree of the Appellate Court shall bear date the day on which the judgment was pronounced.

Date and contents of decree.

The decree shall contain the number of the appeal, and the memorandum of appeal, including the names and description of the appellant and respondent, and shall specify clearly the relief granted or other determination of the appeal.

The decree shall also state the amount of costs incurred in the appeal, and by what parties and in what proportions such costs and the costs in the suit are to be paid.

The decree shall be signed and dated by the Judge or Judges who passed it:

Provided that where there are more Judges than one, if there be a difference of opinion among them, it shall not be necessary for any Judge dissenting from the judgment of the Court to sign the decree.

Judge dissenting from judgment need not sign decree.

580. Certified copies of the judgment and decree in appeal shall be furnished to the parties on application to the Court and at their expense.

Copies of judgment and decree to be furnished to parties.

581. A copy of the judgment and of the decree, certified by the Appellate Court or such officer as it appoints in this behalf, shall be sent to the Court which passed the decree appealed against, and shall be filed with the original proceedings in the suit, and an entry of the judgment of the appellate Court shall be made in the register of civil suits.

Certified copy of decree to be sent to Court whose decree appealed against.

582. The Appellate Court shall have, in appeals under this chapter, the same powers, and shall perform as nearly as may be the same duties, as are conferred and imposed by this Code on Courts of original jurisdiction in respect of suits instituted under Chapter V; and, in Chapter XXI, so far as may be, the words "plaintiff", "defendant" and "suit" shall be held to include an appellant, a respondent and an appeal, respectively, in proceedings arising out of the death, marriage or insolvency of parties to an appeal.

Appellate Court to have same powers as Courts of original jurisdiction.

The provisions hereinbefore contained shall apply to appeals under this chapter so far as such provisions are applicable.

583. When a party entitled to any benefit (by way of restitution or otherwise) under a decree passed in an appeal under this chapter desires to obtain execution of the same, he shall apply to the Court which passed the decree against which the appeal was preferred; and such Court shall proceed to execute the decree passed in appeal, according to the rules hereinbefore prescribed for the execution of decrees in suits.

Execution of decree of Appellate Court.

CHAPTER XLII.

OF APPEALS FROM APPELLATE DECREES.

584. Unless when otherwise provided by this Code or by any other law, from all decrees passed in appeal by any Court subordinate to a High Court, an appeal shall lie to the High Court on any of the following grounds (namely)—

Second appeals to High Court.

(*a*) the decision being contrary to some specified law or usage having the force of law;

Grounds of second appeal.

(*b*) the decision having failed to determine some material issue of law or usage having the force of law;

(*c*) a substantial error or defect in the procedure as prescribed by this Code or any other law, which may possibly have produced error or defect in the decision of the case upon the merits.

585. No second appeal shall lie except on the grounds mentioned in section 584.

Second appeal on no other grounds.

586. No second appeal shall lie in any suit of the nature cognizable in Courts of Small Causes, when the amount or value of the subject-matter of the original suit does not exceed five hundred rupees.

No second appeal in certain suits.

587. The provisions contained in Chapter XLI shall apply, as far as may be, to appeals under this chapter, and to the execution of decrees passed in such appeals.

Provisions as to second appeal.

CHAPTER XLIII.

OF APPEALS FROM ORDERS.

588. An appeal shall lie from the following orders under this Code, and from no other such orders:—

Orders appealable.

(1) orders under section 20, staying proceedings in a suit;

(2) orders under section 32, striking out or adding the name of any person as plaintiff or defendant;

(3) orders under section 36 or section 66, directing that a party shall appear in person;

(4) orders under section 44, adding a cause of action;

(5) orders under section 47, excluding a cause of action;

(6) orders returning plaints for amendment or to be presented to the proper Court;

(7) orders under section 111, setting-off, or refusing to set-off, one debt against another;

(8) orders rejecting applications under section 103 (in cases open to appeal) for an order to set aside the dismissal of a suit;

(9) orders rejecting applications under section 108, or an order to set aside a decree *ex parte;*

(10) orders under sections 113, 120 and 177;

(11) orders under section 116 or section 245, rejecting, or returning for amendment, written statements or applications for execution of decrees;

(12) orders under sections 143 and 145, directing anything to be impounded;

(13) orders under section 162, for the attachment and sale of moveable property;

(14) orders under section 168 for attachment of property, and orders under section 170 for the sale of attached property;

(15) orders under section 261, as to objections to draft-conveyances or draft-endorsements;

(16) orders under section 294, the first paragraph of section 312 or section 313, for confirming, or setting aside, or refusing to set aside, a sale of immoveable property;

(17) orders in insolvency-matters, under section 351, section 352, section 353 or section 357;

(18) orders under section 366, paragraph two, section 367 or section 368;

(19) orders rejecting applications under section 370 for dismissal of a suit;

(20) orders under section 371, refusing to set aside the abatement or dismissal of a suit;

(21) orders disallowing objections, under section 372;

(22) orders under section 454, section 455 or section 458, directing a next friend or guardian for the suit to pay costs;

(23) orders in interpleader-suits under section 473, clause (*a*), (*b*) or (*d*), section 475 or section 476;

(24) orders under section 479, section 480, section 485, section 492, section 493, section 496, section 497, section 502 or section 503;

(25) orders under section 514, superseding an arbitration;

(26) orders under section 518, modifying an award;

(27) orders of refusal under section 558 to re-admit, or under section 560 to re-hear, an appeal;

(28) orders under section 562, remanding a case;

(29) orders under any of the provisions of this Code, imposing fines, or for the arrest or imprisonment of any person, except when such imprisonment is in execution of a decree.

The orders passed in appeals under this section shall be final.

What Courts to hear appeals.

589. An appeal from any order specified in section 588, clauses (15), (16) and (17), shall lie to the High Court.

When an appeal from any other order is allowed by this chapter, it shall lie to the Court to which an appeal would lie from the decree in the suit in relation to which such order was made, or, when such order is passed by a Court (not being a High Court) in the exercise of appellate jurisdiction, then to the High Court.

Procedure in appeals from orders.

590. The procedure prescribed in Chapter XLI shall, so far as may be, apply to appeals from orders under this Code, or under any special or local law in which a different procedure is not provided.

No other appeal from orders; but error therein may be set forth in memorandum of appeal against decree.

591. Except as provided in this chapter, no appeal shall lie from any order passed by any Court in the exercise of its original or appellate jurisdiction; but if any decree be appealed against, any error, defect or irregularity in any such order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal.

CHAPTER XLIV.

OF PAUPER APPEALS.

Who may appeal as pauper.

592. Any person entitled under this Code or any other law to prefer an appeal, who is unable to pay the fee required for the petition of appeal, may, on presenting an application accompanied by a memorandum of appeal, be allowed to appeal as a pauper, subject to the rules contained in Chapters XXVI, XLI, XLII and XLIII, in so far as those rules are applicable:

Procedure on application for admission of appeal.

Provided that the Court shall reject the application unless, upon a perusal thereof and of the judgment and decree against which the appeal is made, it sees reason to think that the decree appealed against is contrary to law or to some usage having the force of law, or is otherwise erroneous or unjust.

Inquiry into pauperism.

593. The inquiry into the pauperism of the applicant may be made either by the Appellate Court or by the Court against whose decision the appeal is made under the orders of the Appellate Court:

Proviso.

Provided that, if the applicant was allowed to sue or appeal as a pauper in the Court against whose decree the appeal is made, no further inquiry in respect of his pauperism shall be necessary, unless the Appellate Court sees special cause to direct such inquiry.

CHAPTER XLV.

OF APPEALS TO THE QUEEN IN COUNCIL.

'Decree' defined.

594. In this chapter, unless there be something repugnant in the subject or context, the expression 'decree' includes also judgment and order.

When appeals lie to Queen in Council.

595. Subject to such rules as may, from time to time, be made by Her Majesty in Council regarding appeals from the Courts of British India, and to the provisions hereinafter contained,

an appeal shall lie to Her Majesty in Council—

(*a*) from any final decree passed on appeal by a High Court or any other Court of final appellate jurisdiction ;

(*b*) from any final decree passed by a High Court in the exercise of original civil jurisdiction, and

(*c*) from any decree, when the case, as hereinafter provided, is certified to be a fit one for appeal to Her Majesty in Council.

Value of subject-matter.

596. In each of the cases mentioned in clauses (*a*) and (*b*) of section 595,

the amount or value of the subject-matter of the suit in the Court of first instance must be ten thousand rupees or upwards, and the amount or value of the matter in dispute on appeal to Her Majesty in Council must be the same sum or upwards,

or the decree must involve, directly or indirectly, some claim or question to, or respecting, property of like amount or value,

and where the decree appealed from affirms the decision of the Court immediately below the Court passing such decree, the appeal must involve some substantial question of law.

Bar of certain appeals.

597. Notwithstanding anything contained in section 595,

no appeal shall lie to Her Majesty in Council from the judgment of one Judge of a High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, or of one Judge of a Division Court, or of two or more Judges of such High Court, or of a Division Court constituted by two or more Judges of such High Court, wherever such Judges are equally divided in opinion and do not amount in number to a majority of the whole of the Judges of the High Court at the time being ;

and no appeal shall lie to Her Majesty in Council from any decree which, under section 586, is final.

Application to Court whose decree complained of.

598. Whoever desires to appeal under this chapter to Her Majesty in Council must apply by petition to the Court whose decree is complained of.

Time within which application must be made.

599. Such application must ordinarily be made within six months from the date of such decree.

But if that period expires when the Court is closed, the application may be made on the day that the Court re-opens.

Certificate as to value or fitness.

600. Every petition under section 598 must state the grounds of appeal, and pray for a certificate, either that, as regards amount or value and nature, the case fulfils the requirements of section 596, or that it is otherwise a fit one for appeal to Her Majesty in Council.

Upon receipt of such petition, the Court may direct notice to be served on the opposite party to show cause why the said certificate should not be granted.

Effect of refusal of certificate.

601. If such certificate be refused, the petition shall be dismissed :

Provided that, if the decree complained of be a final decree passed by a Court other than a High Court, the order refusing the certificate shall be appealable, within thirty days from the date of the order, to the High Court to which the former Court is subordinate.

Security and deposit required on grant of certificate.

602. If the certificate be granted, the applicant shall, within six months from the date of the decree complained of, or within six weeks from the grant of the certificate, whichever is the later date,

(*a*) give security for the costs of the respondent, and

(*b*) deposit the amount required to defray the expense of translating, transcribing, indexing and transmitting to Her Majesty in Council a correct copy of the whole record of the suit, except

(1) formal documents directed to be excluded by any order of Her Majesty in Council in force for the time being ;

(2) papers which the parties agree to exclude ;

(3) accounts, or portions of accounts, which the officer empowered by the Court for that purpose considers unnecessary, and which the parties have not specifically asked to be included, and

(4) such other documents as the High Court may direct to be excluded :

and when the applicant prefers to print in India the copy of the record, except as aforesaid, he shall also, within the time mentioned in the first clause of this section, deposit the amount required to defray the expense of printing such copy.

Admission of appeal and procedure thereon.

603. When such security has been completed and deposit made to the satisfaction of the Court, the Court may

(*a*) declare the appeal admitted, and

(*b*) give notice thereof to the respondent, and shall then

(*c*) transmit to Her Majesty in Council, under the seal of the Court, a correct copy of the said record, except as aforesaid, and

(*d*) give to either party one or more authenticated copies of any of the papers in the suit on his applying therefor and paying the reasonable expenses incurred in preparing them.

604. At any time before the admission of the appeal, the Court may, upon cause shown, revoke the acceptance of any such security, and make further directions thereon.

Revocation of acceptance of security.

605. If at any time after the admission of the appeal, but before the transmission of the copy of the record, except as aforesaid, to Her Majesty in Council, such security appears inadequate,

Power to order further security or payment.

or further payment is required for the purpose of translating, transcribing, printing, indexing or transmitting the copy of the record, except as aforesaid,

the Court may order the appellant to furnish, within a time to be fixed by the Court, other and sufficient security, or to make, within like time, the required payment.

606. If the appellant fail to comply with such order, the proceedings shall be stayed,

Effect of failure to comply with order.

and the appeal shall not proceed without an order in this behalf of Her Majesty in Council,

and in the meantime execution of the decree appealed against shall not be stayed.

607. When the copy of the record, except as aforesaid, has been transmitted to Her Majesty in Council, the appellant may obtain a refund of the balance, if any, of the amount which he has deposited under section 602.

Refund of balance of deposit.

608. Notwithstanding the admission of any appeal under this chapter, the decree appealed against shall be unconditionally enforced, unless the Court admitting the appeal otherwise directs.

Powers of Court pending appeal.

But the Court may, if it thinks fit, on any special cause shown by any party interested in the suit, or otherwise appearing to the Court,

(*a*) impound any moveable property in dispute or any part thereof, or

(*b*) allow the decree appealed against to be enforced, taking such security from the respondent as the Court thinks fit for the due performance of any order which Her Majesty in Council may make on the appeal, or

(*c*) stay the execution of the decree appealed against, taking such security from the appellant as the Court thinks fit for the due performance of the decree appealed against, or of any order which Her Majesty in Council may make on the appeal, or

(*d*) place any party seeking the assistance of the Court under such conditions, or give such other direction respecting the subject-matter of the appeal, as it thinks fit.

609. If, at any time during the pendency of the appeal, the security so furnished by either party appears inadequate, the Court may, on the application of the other party, require further security.

Increase of security found inadequate.

In default of such further security being furnished as required by the Court, if the original security was furnished by the appellant, the Court may, on the application of the respondent, issue execution of the decree appealed against as if the appellant had furnished no such security.

And if the original security was furnished by the respondent, the Court shall, so far as may be practicable, stay all further execution of the decree, and restore the parties to the position in which they respectively were when the security which appears inadequate was furnished, or give such direction respecting the subject-matter of the appeal as it thinks fit.

610. Whoever desires to enforce or to obtain execution of any order of Her Majesty in Council shall apply by petition, accompanied by a certified copy of the decree or order made in appeal and sought to be enforced or executed, to the Court from which the appeal to Her Majesty was preferred.

Procedure to enforce orders of Queen in Council.

Such Court shall transmit the order of Her Majesty to the Court which made the first decree appealed from, or to such other Court as Her Majesty by her said order may direct, and shall (upon the application of either party) give such directions as may be required for the enforcement or execution of the same; and the Court to which the said order is so transmitted shall enforce or execute it accordingly, in the manner and according to the rules applicable to the execution of its original decrees.

When any moneys expressed to be payable in British currency are payable in India under such order, the amount so payable shall be estimated according to the rate of exchange for the time being fixed by the Secretary of State for India in Council, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, for the adjustment of financial transactions between the Imperial and the Indian Governments.

611. The orders made by the Court which enforces or executes the order of Her Majesty in Council, relating to such enforcement or execution, shall be appealable in the same manner and subject to the same rules as the orders of such Court relating to the enforcement or execution of its own decrees.

Appeal against order relating to execution.

612. The High Court may, from time to time, make rules consistent with this Act to regulate—

Power to make rule

(*a*) the service of notices under section 600;

(*b*) the grant or refusal of certificates, under sections 601 and 602, by Courts of final appellate jurisdiction subordinate to the High Court;

(*c*) the amount and nature of the security required under sections 602, 605 and 609;

(*d*) the testing of such security;

(*e*) the estimate of the cost of transcribing the record;

(*f*) the preparation, examination and certifying of such transcript;

(*g*) the revision and authentication of translations;

(*h*) the preparation of indices to transcripts of records, and of lists of the papers not included therein;

(*i*) the recovery of costs incurred in British India in connection with appeals to Her Majesty in Council,

and all other matters connected with the enforcement of this chapter.

Publication of rules.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law in the High Court and the Courts of final appellate jurisdiction subordinate thereto.

Legalization of existing rules.

613. All rules heretofore made and published by any High Court relating to appeal to Her Majesty in Council and in force immediately before the passing of this Act, shall, so far as they are consistent with this Act, be deemed to have been made and published hereunder.

Recorder of Rangoon.

614. In sections 595 and 612, the expression 'High Court' shall be deemed to include also the Recorder of Rangoon, but not so as to empower him to make rules binding on Courts other than his own Court.

Construction of Bengal Regulation III of 1828, section 4, clause 5.

615. The rules and restrictions referred to in Bengal Regulation III of 1828, section IV, clause *fifth*, shall be deemed to be the rules and restrictions applicable to appeals under this Code from the decisions of the High Court of Judicature at Fort William in Bengal.

Saving of Her Majesty's pleasure,

616. Nothing herein contained shall be understood—

(*a*) to bar the full and unqualified exercise of Her Majesty's pleasure in receiving or rejecting appeals to Her Majesty in Council, or otherwise howsoever, or

and of rules for conduct of business before Judicial Committee.

(*b*) to interfere with any rules made by the Judicial Committee of the Privy Council, and for the time being in force, for the presentation of appeals to Her Majesty in Council, or their conduct before the said Judicial Committee.

And nothing in this chapter applies to any matter of criminal or admiralty or vice-admiralty jurisdiction, or to appeals from orders and decrees of Prize Courts.

PART VII.

CHAPTER XLVI.

OF REFERENCE TO AND REVISION BY THE HIGH COURT.

Reference of question to High Court.

617. If before or on the hearing of a suit or an appeal in which the decree is final, or if in the execution of any such decree, any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits, arises, on which the Court trying the suit or appeal, or executing the decree, entertains reasonable doubt, the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer such statement with its own opinion on the point for the decision of the High Court.

Court may pass decree contingent upon opinion of High Court.

618. The Court may either stay the proceedings or proceed in the case notwithstanding such reference, and may pass a decree or order contingent upon the opinion of the High Court on the point referred;

but no execution shall be issued, property sold, or person imprisoned in any case in which such reference is made until the receipt of a copy of the judgment of the High Court upon such reference.

Judgment of High Court to be transmitted, and case disposed of accordingly.

619. The High Court shall hear the parties to the case in which the reference is made, in person or by their respective pleaders, and shall decide the point so referred, and shall transmit a copy of its judgment, under the signature of the Registrar, to the Court by which the reference was made; and such Court shall, on the receipt thereof, proceed to dispose of the case in conformity with the decision of the High Court.

Costs of reference to High Court.

620. Costs, if any, consequent on a reference for the opinion of the High Court, shall be costs in the case.

Power to alter, &c., decrees of Court making reference.

621. When a case is referred to the High Court under this chapter, the High Court may return the case for amendment, and may alter, cancel or set aside any decree or order which the Court making the reference has passed in the case out of which the reference arose, and make such order as it thinks fit.

Power to call for record of cases not appealable to High Court.

622. The High Court may call for the record of any case in which no appeal lies to the High Court, if the Court by which the case was decided appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its jurisdiction illegally or with

material irregularity; and may pass such order in the case as the High Court thinks fit.

PART VIII.

CHAPTER XLVII.

OF REVIEW OF JUDGMENT.

Application for review of judgment.

623. Any person considering himself aggrieved—

(a) by a decree or order from which an appeal is hereby allowed, but from which no appeal has been preferred;

(b) by a decree or order from which no appeal is hereby allowed; or

(c) by a judgment on a reference from a Court of Small Causes,

and who from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him,

may apply for a review of judgment to the Court which passed the decree or made the order, or to the Court, if any, to which the business of the former Court has been transferred.

A party who is not appealing from a decree may apply for a review of judgment notwithstanding the pendency of an appeal by some other party, except when the ground of such appeal is common to the applicant and the appellant, or when, being a respondent, he can present to the Appellate Court the case on which he applies for the review.

To whom applications for review may be made.

624. Except upon the ground of the discovery of such new and important matter or evidence as aforesaid, or of some clerical error apparent on the face of the decree, no application for a review of judgment, other than that of a High Court, shall be made to any Judge other than the Judge who delivered it.

Form of applications for review.

625. The rules hereinbefore contained as to the form of making appeals shall apply, *mutatis mutandis*, to applications for review.

Application when rejected.

626. If it appears to the Court that there is not sufficient ground for a review, it shall reject the application.

Application when granted.

If the Court be of opinion that the application for the review should be granted, it shall grant the same, and the Judge shall record with his own hand his reasons for such opinion:

Proviso.

Provided that—

(a) no such application shall be granted without previous notice to the opposite party to enable him to appear and be heard in support of the decree a review of which is applied for; and

(b) no such application shall be granted on the ground of discovery of new matter or evidence which the applicant alleges was not within his knowledge, or could not be adduced by him, when the decree or order was passed, without strict proof of such allegation.

Application for review in Court consisting of two or more Judges.

627. If the Judge or Judges, or any one of the Judges, who passed the decree or order, a review of which is applied for, continues or continue attached to the Court at the time when the application for a review is presented, and is not or are not precluded by absence or other cause, for a period of six months next after the application, from considering the decree or order to which the application refers, such Judge or Judges or any of them shall hear the application, and no other Judge or Judges of the Court shall hear the same.

Application when rejected.

628. If the application for a review be heard by more than one Judge and the Court be equally divided, the application shall be rejected.

If there be a majority the decision shall be according to the opinion of the majority.

Order of rejection final.

Objections to admission.

629. An order of the Court for rejecting the application shall be final; but whenever such application is admitted, the admission may be objected to on the ground that it was

(a) in contravention of the provisions of section 624,

(b) in contravention of the provisions of section 626, or

(c) after the expiration of the period of limitation prescribed therefor and without sufficient cause.

Such objection may be made at once by an appeal against the order granting the application, or may be taken in any appeal against the final decree or order made in the suit.

Where the application has been rejected in consequence of the failure of the applicant to appear, he may apply for an order to have the rejected application restored to the file, and, if it be proved to the satisfaction of the Court that he was prevented by any sufficient cause from appearing when such application was called on for hearing, the Court may order it to be restored to the file upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for hearing the same.

No order shall be made under this section unless the applicant has served the opposite party with notice in writing of the latter application.

No application to review an order passed on review or on an application for a review shall be entertained.

Registry of application granted, and order for re-hearing.

630. When an application for a review is granted, a note thereof shall be made in the register, and the Court may at once re-hear the case or make such order in regard to the re-hearing as it thinks fit.

PART IX.

CHAPTER XLVIII.

SPECIAL RULES RELATING TO THE CHARTERED HIGH COURTS.

Chapter to apply only to certain High Courts.

631. This chapter applies only to High Courts which are or may hereafter be established under the twenty-fourth and twenty-fifth of Victoria, chapter 104 (*An Act for establishing High Courts of Judicature in India*).

Application of Code to High Courts.

632. Except as provided in this chapter the provisions of this Code apply to such High Courts.

High Court to record judgments according to its own rules.

633. The High Court shall take evidence, and record judgments and orders in such manner as it by rule from time to time directs.

Power to order execution of decree before ascertainment of costs, and

634. Whenever a High Court considers it necessary that a decree made in the exercise of its ordinary original civil jurisdiction should be enforced before the amount of the costs incurred in the suit can be ascertained by taxation, the Court may order that the decree shall be executed forthwith, except as to so much thereof as relates to the costs;

execution for costs subsequently.

and, as to so much thereof as relates to the costs, that the decree may be executed as soon as the amount of the costs shall be ascertained by taxation.

Unauthorized persons not to address Court.

635. Nothing in this Code shall be deemed to authorize any person on behalf of another to address the Court in the exercise of its ordinary original civil jurisdiction, or to examine witnesses, except when the Court shall have in the exercise of the power conferred by its charter authorized him so to do, or to interfere with the power of the High Court to make rules concerning advocates, vakils and attorneys.

Who may serve process of High Courts.

636. Notices to produce documents, summonses to witnesses, and every other judicial process, issued in the exercise of the ordinary or extraordinary original civil jurisdiction of the High Court, and of its matrimonial, testamentary and intestate jurisdictions, except summonses to defendants issued under section 64, writs of execution, and notices under section 553, may be served by the attorneys in the suit, or by persons employed by them, or by such other persons as the High Court by any rule or order from time to time directs.

Non-judicial acts may be done by Registrar.

637. Any non-judicial or quasi-judicial act which this Code requires to be done by a Judge, and any act which may be done by a Commissioner appointed to examine and adjust accounts under section 394, may be done by the Registrar of the Court or by such other officer of the Court as the Court may direct to do such act.

The High Court may from time to time by rule declare what shall be deemed to be non-judicial and quasi-judicial acts within the meaning of this section.

Sections not applying to High Court in original civil jurisdiction.

638. The following portions of this Code shall not apply to the High Court in the exercise of its ordinary or extraordinary original civil jurisdiction, namely, sections 16, 17 and 19, sections 54, clauses (*a*) and (*b*), 57, 119, 160, 182 to 185 (both inclusive), 187, 189, 190, 191, 192 (so far as relates to the manner of taking evidence), 198 to 206 (both inclusive), and so much of section 409 as relates to the making of a memorandum;

and section 579 shall not apply to the High Court in the exercise of its appellate jurisdiction.

Code not to affect High Court in exercise of insolvent jurisdiction.

Nothing in this Code shall extend or apply to any Judge of a High Court in the exercise of jurisdiction as an Insolvent Court.

Power to frame forms.

639. The High Court may from time to time frame forms for any proceeding in such Court, and may make rules as to the books, entries and accounts to be kept by its officers.

PART X.

CHAPTER XLIX.

MISCELLANEOUS.

Exemption of certain women from personal appearance.

640. Women, who according to the customs and manners of the country ought not to be compelled to appear in public, shall be exempt from personal appearance in Court.

But nothing herein contained shall be deemed to exempt such women from arrest in execution of civil process.

Local Government may exempt certain persons from personal appearance.

641. The Local Government may, by notification in the official Gazette, exempt from personal appearance in Court any person whose rank, in the opinion of such Government, entitles him to the

privilege of exemption, and may, by like notification, withdraw such privilege.

Lists of names of persons exempted to be kept in Courts.

The names and residences of the persons so exempted shall from time to time be forwarded to the High Court by the Local Government, and a list of such persons shall be kept in such Court, and a list of such persons as reside within the local limits of the jurisdiction of each Court subordinate to the High Court shall be kept in such subordinate Court.

Costs of commission rendered necessary by claiming privilege.

When any person so exempted claims the privilege of such exemption, and it is consequently necessary to examine him by commission, he shall pay the costs of that commission, unless the party requiring his evidence pays such costs.

Persons exempt from arrest under civil process.

642. No Judge, Magistrate or other judicial officer shall be liable to arrest under civil process while going to, presiding in, or returning from, his Court.

And, except as provided in sections 256 and 643, where any matter is pending before a tribunal having jurisdiction therein, or believing in good faith that it has such jurisdiction, the parties thereto, their pleaders, mukhtárs, revenue-agents and recognized agents, and their witnesses acting in obedience to a summons, shall be exempt from arrest under civil process while going to or attending such tribunal for the purpose of such matter, and while returning from such tribunal.

Procedure in case of certain offences.

643. When in a case pending before any Court, there appears to the Court sufficient ground for sending for investigation to the Magistrate a charge of any such offence as is described in section 193, section 196, section 199, section 200, section 205, section 206, section 207, section 208, section 209, section 210, section 463, section 471, section 474, section 475, section 476 or section 477 of the Indian Penal Code, which may be made in the course of any other suit or proceeding, or with respect to any document offered in evidence in the case, the Court may cause the person accused to be detained till the rising of the Court, and may then send him in custody to the Magistrate, or take sufficient bail for his appearance before the Magistrate.

The Court shall send to the Magistrate the evidence and documents relevant to the charge, and may bind over any person to appear and give evidence before such Magistrate.

The Magistrate shall receive such charge and proceed with it according to law.

Use of forms in fourth schedule.

644. Subject to the power conferred on the High Court by section 639 and by the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, the forms set forth in the fourth schedule hereto annexed, with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

Language of subordinate Courts.

645. The language which, when this Code comes into force, is the language of any Court subordinate to a High Court, shall continue to be the language of such subordinate Court until the Local Government otherwise orders;

but it shall be lawful for the Local Government from time to time to declare what language shall be the language of every such Court.

Assessors in causes of salvage, &c.

645A. In any Admiralty or Vice-Admiralty cause of salvage, towage or collision, the Court, whether it be exercising its original or its appellate jurisdiction, may if it thinks fit, and upon request of either party to such cause shall, summon to its assistance, in such manner as the Court may by rule, from time to time, direct, two competent assessors; and such assessors shall attend and assist accordingly.

Every such assessor shall receive such fees for his attendance as the Court by rule prescribes. Such fees shall be paid by such of the parties as the Court in each case may direct.

Power of Registrars of Small Cause Courts to state cases.

646. Whenever the Registrar of a Court of Small Causes has any doubt upon any question of law or usage having the force of law, or as to the construction of a document, which construction may affect the merits of the decision, he may state a case for the opinion of the Judge; and all the provisions herein contained relative to the stating of a case by the Judge shall apply, *mutatis mutandis*, to the stating of a case by the Registrar.

Miscellaneous proceedings.

647. The procedure herein prescribed shall be followed, as far as it can be made applicable, in all proceedings in any Court of civil jurisdiction other than suits and appeals.

Admission of affidavits as evidence.

The High Court may from time to time make rules to provide for the admission, in such proceedings, of affidavits as evidence of the matters to which such affidavits respectively relate; and such rules, on being published in the local official Gazette, shall have the force of law.

Procedure when person to be arrested or property to be attached is outside district.

648. Where any Court desires that any person shall be arrested or that any property shall be attached under any provision of this Code not relating to the execution of decrees, and such person resides or property is situate outside the local limits of its jurisdiction, the Court may, in its discretion, issue a warrant of arrest or make an order of attachment, and send to the District Court within the local limits of whose jurisdiction such person or property resides or is situate a copy of the warrant or order, together with the probable amount of the costs of the arrest or attachment.

The District Court shall, on receipt of such copy and amount, cause the arrest or attachment to be

made by its own officers, or by a Court subordinate to itself, and shall inform the Court which issued or made such warrant or order of the arrest or attachment;

and the Court making any arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued, unless he furnishes sufficient security for his appearance before that Court, or (where the case is one under Chapter XXXIV) for satisfying any decree that may be passed against him by such Court, in either of which cases the Court making the arrest shall release him.

Rules applicable to all civil process for arrest, sale or payment.

649. The rules contained in Chapter XIX shall apply to the execution of any judicial process for the arrest of a person or the sale of property or payment of money, which may be desired or ordered by a Civil Court in any civil proceeding.

In the same chapter, the expression 'Court which passed a decree', or words to that effect, shall, unless there is something repugnant in the context, be deemed to include, where the decree to be executed is passed in appeal, the Court which passed the decree against which the appeal was preferred, and, where the Court which passed the decree to be executed has ceased to exist or to have jurisdiction to execute it, the Court which, if the suit wherein the decree was passed were instituted at the time of making application for execution of the decree, would have jurisdiction to try such suit.

Application of rules as to witnesses.

650. The provisions of Chapters XIV and XV relating to witnesses shall apply to all persons required to give evidence or to produce documents in any proceeding under this Code.

Service of foreign summonses.

650 A. Summonses issued by any Civil or Revenue Court situate beyond the limits of British India may be sent to the Courts in British India and served as if they had been issued by such Courts: Provided that the Courts issuing such summonses have been established by the authority of the Governor General in Council, or that the Governor General in Council has, by notification in the *Gazette of India*, declared the provisions of this section to apply to such Courts.

The Governor General in Council may by like notification cancel any notification made under this section, but not so as to invalidate the service of any summons served previous to such cancellation.

Penalty for resisting apprehension or escaping from custody under Code or civil process.

651. Whoever offers any resistance or illegal obstruction to the lawful apprehension of himself under this Code, or under the warrant of any Civil or Revenue Court, or escapes or attempts to escape from any custody in which he is lawfully detained under this Code or under such warrant, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Power to make subsidiary rules of procedure.

652. The High Court may from time to time make rules consistent with this Code to regulate any matter connected with its own procedure or the procedure of the Courts of Civil Judicature subject to its superintendence. All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

THE FIRST SCHEDULE.

(*See section 3.*)

ACTS REPEALED.

Number and year.	Subject or title.	Extent of repeal.
X of 1877	The Code of Civil Procedure	So much as has not been repealed.
XII of 1879	Amending Act X of 1877, &c.	Sections one to one hundred and three (both inclusive).
VII of 1880	Merchant Shipping	Section eighty-five.

THE SECOND SCHEDULE.

(*See section 5.*)

Chapters and Sections of this Code extending to Provincial Courts of Small Causes.

PRELIMINARY: Sections 1, 2, 3 and 5.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11.

CHAPTER II.—Of the Place of Suing, except section 20, paragraph 4, and sections 22 to 24 (both inclusive).

CHAPTER III.—Of Parties and their Appearances, Applications and Acts.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.

CHAPTER V.—Of the Institution of Suits.

CHAPTER VI.—Of the Issue and Service of Summons, except section 77.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Section 111, Set-off.

CHAPTER IX.—Of the examination of the Parties by the Court, except section 119.

CHAPTER X.—Of Discovery and the Admission, &c., of Documents.

CHAPTER XII.—Section 155, first paragraph, Judgment where either party fails to produce his evidence.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses.

CHAPTER XV.—Of the Hearing of the suit and Examination of Witnesses, except sections 182 to 188 (both inclusive).

CHAPTER XVII.—Of Judgment and Decree, except sections 204, 207, 211, 212, 213, 214 and 215.

CHAPTER XVIII.—Sections 220, 221 and 222, Of Costs.

CHAPTER XIX.—Of the Execution of Decrees, sections 223 to 236 (both inclusive), 239 to 258 (both inclusive), 259 (except so far as relates to the recovery of wives), 266 (except so far as relates to immoveable property), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 280 (both inclusive), 283, 284 (so far as relates to moveable property), 285, 286, 287, 288, 289, 290, 291, 292, 293 (so far as relates to re-sales under 297), 294 to 303 (both inclusive), 328 to 333 (both inclusive, so far as relates to moveable property), 336 to 343 (both inclusive).

CHAPTER XX.—Section 360, Power to invest certain Courts with Insolvency-jurisdiction.

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of payment into Court.

CHAPTER XXIV.—Of requiring Security for Costs.

CHAPTER XXV.—Of Commissions.

CHAPTER XXVI.—Suits by Paupers.

CHAPTER XXVII.—Suits by and against Government or Government Servants.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers, except the first paragraph of section 433.

CHAPTER XXIX.—Suits by and against Corporations and Companies.

THE SECOND SCHEDULE—*concluded.*

Chapters and Sections of this Code extending to Provincial Courts of Small Causes—concluded.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.
CHAPTER XXXI.—Suits by and against Minors and Persons of unsound Mind.
CHAPTER XXXII.—Suits by and against Military Men.
CHAPTER XXXIII.—Interpleader.
CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards immoveable property.
CHAPTER XXXVI.—Appointment of Receivers.
CHAPTER XXXVII.—Reference to Arbitration, sections 506 to 526 (both inclusive).
CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties.
CHAPTER XLVI.—Reference to and Revision by High Court.
CHAPTER XLVII.—Of Review of Judgment.
CHAPTER XLIX.—Miscellaneous, sections 640 to 647 (both inclusive), sections 649 to 652 (both inclusive).

THE THIRD SCHEDULE.

(See section 7.)

Bombay Enactments.

Bombay Regulation XXIX, 1827.
" " VII, 1830.
" " I, 1831.
" " XVI, 1831.
Act XIX of 1835.
" XIII of 1842.

THE FOURTH SCHEDULE.

(See section 644.)

FORMS OF PLEADINGS AND DECREES.

A.—PLAINTS. PART I.

No. 1.

FOR MONEY LENT.

IN THE COURT OF , AT
Civil Suit No.

A. B. of
against
C. D. of

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , he lent the defendant rupees repayable on demand [*or* on the day of].

2. That the defendant has not paid the same, except rupees paid on the day of 18 .

[*If the plaintiff claims exemption from any law of limitation, say:*—

3. The plaintiff was a minor [*or* insane] from the day of till the day of].

4. The plaintiff prays judgment for rupees, with interest at per cent. from the day of 18 .

[NOTE.—The object of stating when the debt is to be repaid is merely to fix a date for interest. If, therefore, interest is not claimed, the statement may be omitted.

No. 2.

FOR MONEY RECEIVED TO PLAINTIFF'S USE.

(*Title.*)

A. B and *C. H.*, the above-named plaintiffs, state as follows:—

1. That on the day of 18 , at , the defendant received rupees [*or* a cheque on the Bank for rupees] from one *E. F.* for the use of the plaintiffs.

2. That the defendant has not paid [*or* delivered] the same accordingly.

3. The plaintiffs pray judgment for rupees, with interest at per cent. from the day of 18

THE FOURTH SCHEDULE—*continued.*

No. 3.

FOR PRICE OF GOODS SOLD BY A FACTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , he and *E. F.*, since deceased, delivered to the defendant [*one thousand barrels of flour, five hundred maunds of rice, or as the case may be*] for sale upon commission.

2. That on the day of 18 , [*or*, on some day unknown to the plaintiff, before the day of 18], the defendant sold the said merchandise for rupees.

3. That the commission and expenses of the defendant thereon amount to rupees.

4. That on the day of 18 , the plaintiff demanded from the defendant the proceeds of the said merchandise.

5. That he has not paid the same.

[*Demand of judgment.*]

No. 4.

FOR MONEY RECEIVED BY DEFENDANT THROUGH THE PLAINTIFF'S MISTAKE OF FACT.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff agreed to buy and the defendant agreed to sell bars of silver at annas per tola of fine silver.

2. That the plaintiff procured the said bars, to be assayed by one *E. F.*, who was paid by the defendant for such assay, and that the said *E. F.* declared each of the said bars to contain 1,500 tolas of fine silver, and that the plaintiff accordingly paid the defendant Rs. annas therefor.

3. That each of the said bars did contain only 1,200 tolas of fine silver.

4. That the defendant has not repaid the sum so overpaid.

[*Demand of judgment.*]

[NOTE.—A demand of repayment is not necessary, but it may affect the question of interest or the costs.]

No. 5.

FOR MONEY PAID TO A THIRD PARTY AT THE DEFENDANT'S REQUEST.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , at the request [*or* by the authority] of the defendant, the plaintiff paid to one *E. F.* rupees.

2. That, in consideration thereof, the defendant promised [*or* became bound] to pay the same to the plaintiff on demand [*or as the case may be*].

3. That [on the day of 18 , the plaintiff demanded payment of the same from the defendant, but] he has not paid the same.

[*Demand of judgment.*]

[NOTE.—If the request or authority is implied, the plaint should state facts raising the implication.]

No. 6.

FOR GOODS SOLD AT A FIXED PRICE AND DELIVERED.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , *E. F.*, of , deceased, sold and delivered to the defendant [one hundred barrels of flour, *or*, the goods mentioned in the schedule hereto annexed, *or*, sundry goods].

2. That the defendant promised to pay rupees for the said goods on delivery [*or*, on the day of *some day before the plaint was filed*].

3. That he has not paid the same.

4. That the said *E. F.*, in his lifetime made his will, whereby he appointed the plaintiff executor thereof.

5. That on the day of 18 , the said *E. F.* died.

6 That on the day of probate of the said will was granted to the plaintiff by the Court of .

7. The plaintiff as executor as aforesaid [*Demand of judgment*].

[NOTE.—If a day was fixed for payment it should be stated as furnishing a date for the commencement of interest.]

THE FOURTH SCHEDULE—*continued.*

No. 7.

GOODS SOLD AT A REASONABLE PRICE AND DELIVERED.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff sold and delivered to the defendant [sundry articles of house-furniture] but no express agreement was made as to the price.

2. That the same were reasonably worth rupees.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

[NOTE.—The law implies a promise to pay so much as the goods are reasonably worth.]

No. 8.

FOR GOODS DELIVERED TO A THIRD PARTY AT DEFENDANT'S REQUEST AT A FIXED PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff sold to the defendant [one hundred barrels of flour] and, at the request of the defendant, delivered the same to one *E. F.*

2. That the defendant promised to pay to the plaintiff rupees therefor.

3. That he has not paid the same.

[*Demand of judgment.*]

No. 9.

FOR NECESSARIES FURNISHED TO THE FAMILY OF DEFENDANT'S TESTATOR WITHOUT HIS EXPRESS REQUEST, AT A REASONABLE PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff furnished to [*Mary Jones*] the wife of [*James Jones*] deceased, at her request, sundry articles of [*food and clothing*], but no express agreement was made as to the price.

2. That the same were necessary for her.

3. That the same were reasonably worth rupees.

4. That the said *James Jones* refused to pay the same.

5. That the defendant is the executor of the last Will of the said *James Jones*.

[*Demand of judgment.*]

No. 10.

FOR GOODS SOLD AT A FIXED PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the plaintiff sold to *E. F.*, of , deceased, [*all the crops then growing on his farm in*].

2. That the said *E. F.* promised to pay the plaintiff , rupees for the same.

3. That he did not pay the same.

4. Tha the defendant is administrator of the estate of the said *E. F.*

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 11.

FOR GOODS SOLD AT A REASONABLE PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , *E. F.*, of , sold to the defendant [*all the fruit growing in his orchard in*], but no express agreement was made as to the price.

2. That the same was reasonably worth rupees.

3. That the defendant has not paid the same.

4. That on the day of the High Court of Judicature at Fort William duly adjudged the said *E. F.* to be a lunatic and appointed the plaintiff committee of his estate, with the usual powers for the management thereof.

5. The plaintiff as committee as aforesaid [*Demand of judgment*].

[NOTE.—When the lunatic's estate is not subject to the ordinary original jurisdiction of a High Court, for paragraphs 4 and 5 substitute the following:—]

4. That on the day of the Civil Court of duly adjudged the said *E. F.* to be of unsound mind and incapable of managing his affairs, and appointed the plaintiff Manager of his estate.

5. The plaintiff as Manager as aforesaid.

[*Demand of judgment.*]

No. 12.

FOR GOODS MADE AT DEFENDANT'S REQUEST, AND NOT ACCEPTED.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , *E. F.*, of , agreed with the plaintiff that the plaintiff should make for him [*six tables and fifty chairs*], and that the said *E. F.* should pay for the same upon delivery thereof rupees.

2. That the plaintiff made the said goods, and on the day of 18 , offered to deliver the same to the said *E. F.*, and has ever since been ready and willing so to do.

3. That the said *E. F.* has not accepted the said goods or paid for the same.

4. That on the day of 18 , the High Court of Judicature at Fort William duly adjudged the said *E. F.* to be a lunatic, and appointed the defendant committee of his estate.

5. The plaintiff prays judgment for rupees with interest from the day of , at the rate of per cent. per annum, to be paid out of the estate of the said *E. F.* in the hands of the defendant.

No. 13.

FOR DEFICIENCY UPON A RE-SALE [GOODS SOLD AT AUCTION].

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , plaintiff put up at auction sundry [*articles of merchandise*], subject to the condition that all goods not paid for and removed by the purchaser thereof within [*ten days*] after the sale, should be re-sold by auction on his account, of which condition the defendant had notice.

2. That the defendant purchased [*one crate of crockery*] at the said auction at the price of rupees.

3. That the plaintiff was ready and willing to deliver the same to the defendant on the said day and for [*ten days*] thereafter, of which the defendant had notice.

4. That the defendant did not take away the said goods purchased by him, nor pay therefor, within [*ten days*] after the sale, nor afterwards.

5. That on the day of 18 , at , the plaintiff re-sold the said [*crate of crockery*], on account of the defendant, by public auction, for rupees.

6. That the expenses attendant upon such re-sale amounted to rupees.

7. That the defendant has not paid the deficiency thus arising, amounting to rupees.

[*Demand of judgment.*]

[NOTE to § 4.—Unless the seller agreed to deliver, the purchaser must fetch the goods; see Act IX of 1872, section 93.]

THE FOURTH SCHEDULE—*continued.*

No. 14.

FOR THE PURCHASE-MONEY OF LANDS CONVEYED.

(*Title*).

A. B, the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the plaintiff sold [and conveyed] to the defendant [the house and compound No. , in the city of *or*, a farm known as , in *or*, a piece of land lying, *&c.*]

2. That the defendant promised to pay the plaintiff rupees for the said [house and compound, *or* farm, *or* land].

3. That he has not paid the same.

[*Demand of judgment.*]

[NOTE—Where there has been no actual conveyance, say, in § 1, "sold to the defendant the house, &c., and placed him in possession of the same."]

No. 15.

FOR THE PURCHASE-MONEY OF IMMOVEABLE PROPERTY CONTRACTED TO BE SOLD, BUT NOT CONVEYED.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the plaintiff and defendant mutually agreed that the plaintiff should sell to the defendant, and that the defendant should purchase from the plaintiff [the house No. , in the town of , *or* one hundred bighás of land in , bounded by the East Indian railroad, and by other lands of the plaintiff] for rupees.

2. That on the day of 18 , at , the plaintiff tendered [*or*, was ready and willing, and offered to execute] a sufficient instrument of conveyance of the said property to the defendant, on payment of the said sum, and still is ready and willing to execute the same.

3. That the defendant has not paid the said sum.

[*Demand of judgment.*]

No. 16.

FOR SERVICES AT A FIXED PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant [hired plaintiff as a clerk, at the salary of rupees per year].

2. That from the [said day] until the day of 18 , the plaintiff served the defendant as his [clerk].

3. That the defendant has not paid the said salary.

[*Demand of judgment.*]

No. 17.

FOR SERVICES AT A REASONABLE PRICE.

(*Title.*)

A B., the above-named plaintiff, states as follows :—

1. That between the day of 18 , and the day of 18 at , plaintiff [executed sundry drawings, designs and diagrams] for the defendant, at his request ; but no express agreement was made as to the sum to be paid for such services.

2. That the said services were reasonably worth rupees.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 18.

FOR SERVICES AND MATERIALS AT A FIXED PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff [furnished the paper for and printed one thousand copies of a book called] for the defendant, at his request [and delivered the same to him].

2. That the defendant promised to pay rupees therefor.

3. That he has not paid the same.

[*Demand of judgment.*]

No. 19.

FOR SERVICES AND MATERIALS AT A REASONABLE PRICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff built a house [known as No. in], and furnished the materials therefor, for the defendant, at his request, but no express agreement was made as to the price to be paid for such work and materials.

2. That the said work and materials were reasonably worth rupees.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 20.

FOR RENT RESERVED IN A LEASE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant entered into a contract with the plaintiff, under their hands, a copy of which is hereto annexed.

[*Or state the substance of the contract.*]

2. That the defendant has not paid the rent of the [month] ending on the day of 18 , amounting to rupees.

[*Demand of judgment.*]

Another Form.

1. That the plaintiff let to the defendant a house, No. 27, Chowringhee, for seven years to hold from the day of 18 , at rupees a year, payable quarterly.

2. That of such rent quarters are due and unpaid.

[*Demand of judgment.*]

No. 21.

FOR USE AND OCCUPATION AT A FIXED RENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant hired from the plaintiff [the house No. street], at the rent of rupees, payable on the first day of .

2. That the defendant occupied the said premises from the day of 18 to the day of 18 .

3. That the defendant has not paid rupees, being the part of said rent due on the first day of 18 .

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 22.

FOR USE AND OCCUPATION AT A REASONABLE RENT.

(*Title.*)

A. B., the above-named plaintiff, executor of the will of *X. Y.*, deceased, states as follows :—

1. That the defendant occupied the [house No. , street], by permission of the said *X. Y.*, from the day of 18 , until the day of 18 , and no agreement was made as to payment for the use of the said premises.

2. That the use of the said premises for the said period was reasonably worth rupees.

3. That the defendant has not paid the same.

4. The plaintiff as such executor as aforesaid prays judgment for rupees.

No. 23

FOR BOARD AND LODGING.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That from the day of 18 , until the day of 18 , the defendant occupied certain rooms in the house [No. , street], by permission of the plaintiff, and was furnished by the plaintiff, at his request, with meat, drink, attendance and other necessaries.

2. That, in consideration thereof, the defendant promised to pay [*or* That no agreement was made as to payment for such meat, drink, attendance or necessaries, but the same were reasonably worth] the sum of rupees.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 24.

FOR FREIGHT OF GOODS.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff transported in [his barge, *or otherwise*] [one thousand barrels of flour, *or* sundry goods], from to , at the request of the defendant.

2. That the defendant promised to pay the plaintiff the sum of [one rupee per barrel] as freight thereon [*or*, That no agreement was made as to payment for such transportation, but such transportation was reasonably worth rupees.]

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 25.

FOR PASSAGE-MONEY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , plaintiff conveyed the defendant [in his ship, called the], from to at his request.

2. That the defendant promised to pay the plaintiff rupees therefor. [*or* That no agreement was made as to the price of the said passage, but the said passage was reasonably worth rupees].

3. That the defendant has not paid the same.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 26.

ON AN AWARD.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant, having a controversy between them concerning [a demand of the plaintiff for the price of ten barrels of oil, which the defendant refused to pay], agreed to submit the same to the award of *E. F.* and *G. H.*, as arbitrators [*or*, entered into an agreement, a copy of which is hereto annexed].

2. That on the day of 18 , at , the said arbitrators awarded that the defendant should [pay the plaintiff rupees].

3. That the defendant has not paid the same.

[*Demand of judgment.*]

[NOTE.—This will apply where the agreement to refer is not filed in court.]

No. 27.

ON A FOREIGN JUDGMENT.

(*Title*).

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , in the State [*or* Kingdom] of , the Court of that State [*or* Kingdom], in a suit therein pending between the plaintiff and the defendant, duly adjudged that the defendant should pay to the plaintiff rupees, with interest from the said date.

2. That the defendant has not paid the same.

[*Demand of judgment.*]

PLAINTS UPON INSTRUMENTS FOR THE PAYMENT OF MONEY ONLY.

No. 28.

ON AN ANNUITY BOND.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant by his bond became bound to the plaintiff in the sum of rupees to be paid by the defendant to the plaintiff, subject to a condition that if the defendant should pay to the plaintiff rupees half-yearly on the day of and the day of in every year during the life of the plaintiff, the said bond should be void.

2. That afterwards, on the day of 18 , the sum of rupees for of the said half-yearly payments of the said annuity, became due to the plaintiff and is still unpaid.

[*Demand of judgment.*]

No. 29.

PAYEE AGAINST MAKER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, by his promissory note now overdue, promised to pay to the plaintiff rupees [days] after date.

2. That he has not paid the same [except rupees, paid on the day of 18].

[*Demand of judgment.*]

[NOTE.—*Where the note is payable after notice, for paragraphs 1 and 2 substitute:*—]

1. That on the day of 18 , at , the defendant by his promissory note promised to pay to the plaintiff rupees months after notice.

THE FOURTH SCHEDULE—*continued.*

2. That notice was afterwards given by the plaintiff to the defendant to pay the same months after the said notice.

3. That the said time for payment has elapsed, but the defendant has not paid the same.

[*Where the note is payable at a particular place, say*—]

1. That on the day of 18 , at , the defendant by his promissory note, now overdue, promised to pay to the plaintiff [at Messrs. *A. & Co.'s*, Madras] rupees months after date.

2. That the said note was duly presented for payment [at Messrs. *A. & Co.'s*] aforesaid, but has not been paid.

Written Statement of the Defendant.

IN THE COURT, &c.

C. D., the above-named defendant, states as follows :—

1. The defendant made the note sued upon under the following circumstances: The plaintiff and defendant had for some years been in partnership as indigo-manufacturers, and it had been agreed between them that they should dissolve partnership, that the plaintiff should retire from the business, and that the defendant should take over the whole of the partnership-assets and liabilities and should pay the plaintiff the value of his share in the assets after deducting the liabilities.

2. The plaintiff thereupon undertook to examine the partnership-books and inquire into the state of the partnership-assets and liabilities; and he did accordingly examine the said books and make the said inquiries, and he thereupon represented to the defendant that the assets of the firm exceeded Rs. 1,00,000 and that the liabilities of the firm were less than Rs. 30,000, whereas the fact was that the assets of the firm were less than Rs. 50,000 and the liabilities of the firm largely exceeded the assets.

3. The misrepresentations mentioned in the second paragraph of this statement induced the defendant to make the note now sued on, and there never was any other consideration for the making of such note.

No. 30.

FIRST INDORSER AGAINST MAKER.

(*Title*).

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant, by his promissory note, now overdue, promised to pay to the order of *E. F.* [*or* to *E. F.* or order] rupees [days after date].

2. That the said *E. F.* indorsed the same to the plaintiff.

3. That the defendant has not paid the same.

[*Demand of judgment*].

No. 31.

SUBSEQUENT INDORSER AGAINST MAKER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. [*As in the last preceding form.*]

2. That the same was, by the indorsement of the said *E. F.* and of *G. H.* and *I. J.* [*or* and others] transferred to the plaintiff.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 32.

FIRST INDORSER AGAINST FIRST INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That *E. F.*, on the day of 18 , at , by his promissory note, now overdue, promised to pay to the defendant or order rupees months after date.

THE FOURTH SCHEDULE—*continued.*

2. That the defendant indorsed the same to the plaintiff.

3. That on the day of 18 , the same was duly presented for payment, but was not paid.

[*Or state facts excusing want of presentment.*]

4. That the defendant had notice thereof.

5. That he has not paid the same.

[*Demand of judgment.*]

No. 33.

SUBSEQUENT INDORSEE AGAINST FIRST INDORSER; THE INDORSEMENT BEING SPECIAL.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to one *E. F.* a promissory note, now overdue, made [*or* purporting to have been made] by one *G. H.*, on the day of 18 , at , to the order of the defendant, for the sum of rupees [payable days after date].

2. That the same was, by the indorsement of the said *E. F.* [and others], transferred to the plaintiff. [*or* That the said *E. F.* indorsed the same to the plaintiff.]

3, 4 and 5. [*Same as 3, 4 and 5 of the last preceding form.*]

[*Demand of judgment.*]

No. 34.

SUBSEQUENT INDORSEE AGAINST HIS IMMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to him a promissory note, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , to the order of one *G. H.*, for the sum of rupees [payable days after date], and indorsed by the said *G. H.* to the defendant.

2, 3 and 4. [*Same as in* 3, 4 *and* 5 *in Form No.* 33.]

[*Demand of judgment.*]

No. 35.

SUBSEQUENT INDORSEE AGAINST INTERMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That a promissory note, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , to the order of one *G. H.*, for the sum of rupees [payable days after date], and indorsed by the said *G. H.* to the defendant, was by the indorsement of the defendant [and others] transferred to the plaintiff.

2, 3 and 4. [*As in No.* 33.]

[*Demand of judgment.*]

No. 36.

SUBSEQUENT INDORSEE AGAINST MAKER, AND FIRST AND SECOND INDORSER.

IN THE COURT OF AT

Civil Suit No. .

A. B. of

against

C. D. of

E. F. of

and

G. H. of

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, *C. D.*, by his promissory note, now overdue, promised to pay to the order of the defendant, *E. F.*, rupees months after date].

THE FOURTH SCHEDULE—*continued.*

2. That the said *E. F.* indorsed the same to the defendant, *G. H.*, who indorsed it to the plaintiff.

3. That on the day of 18 , the same was presented [*or state facts excusing want of presentment*] to the said *C. D.* for payment, but was not paid.

4. That the said *E. F.* and *G. H.* had notice thereof.

5. That they have not paid the same.

[*Demand of judgment.*]

No. 37.

DRAWER AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , by his bill of exchange, now overdue, the plaintiff required the defendant to pay to him rupees [days after date, *or* sight, thereof].

2. That the defendant accepted the said bill. [*If the bill is payable at a certain time after sight, the date of acceptance should be stated; otherwise it is not necessary.*]

3. That he has not paid the same.

4. That by reason thereof the plaintiff incurred expenses in and about the presenting and noting of the bill, and incidental to the dishonour thereof.

[*Demand of judgment.*]

[NOTE.—Where the bill is payable to a third party, for paragraphs 1, 2, 3, say——]

1. That on, &c., at &c., by his bill of exchange, now overdue, directed to the defendant, the plaintiff required the defendant to pay to *E. F.* or order rupees months after date.

2. That the plaintiff delivered the said bill to the said *E. F.* on .

3. That the defendant accepted the said bill, but did not pay the same, whereupon the same was returned to the plaintiff.

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o. 38.

PAYEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , the defendant accepted a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring the defendant to pay to the plaintiff rupees after sight thereof.

2. That he has not paid the same.

[*Demand of judgment.*]

No. 39.

FIRST INDORSEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , the defendant accepted a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring the defendant to pay to the order of one *G. H.* rupees after sight thereof.

2. That the said *G. H.* indorsed the same to the plaintiff.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 40.

SUBSEQUENT INDORSEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. [*As in the last preceding form, to the end of article 1.*]

2. That by the indorsement of the said *G. H.* [and others], the same was transferred to the plaintiff.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 41.

PAYEE AGAINST DRAWER FOR NON-ACCEPTANCE.

Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, by his bill of exchange, directed to *E. F.*, required the said *E. F.* to pay to the plaintiff rupees [days after sight.]

2. That on the day of 18 , the same was duly presented to the said *E. F.* for acceptance, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[*Demand of judgment.*]

No. 42.

FIRST INDORSEE AGAINST FIRST INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to the plaintiff a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring one *G. H.* to pay to the order of the defendant rupees [days] after sight [*or* after date, *or* at sight] thereof, [and accepted by the said *G. H.* on the day of 18].

2. That on the day of 18 , the same was presented to the said *G. H.* for payment, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[*Demand of judgment.*]

No. 43.

SUBSEQUENT INDORSEE AGAINST FIRST INDORSER; THE INDORSEMENT BEING SPECIAL.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to one *E. F.* a bill of exchange, now overdue, made [*or* purporting to have been made] by one *G. H.*, on the day of 18 , at , requiring one *I. J.* to pay to the order of the defendant rupees days after sight thereof [*or otherwise*], and accepted by the said *I. J.* on the day of 18 .
[*This clause may be omitted if not according to the fact.*]

THE FOURTH SCHEDULE—*continued.*

2. That the same was, by the indorsement of the said *E. F.* [and others], transferred to the plaintiff.

3. That on the day of 18 the same was presented to the said *I. J.* for payment, and was dishonoured.

4. That the defendant had due notice thereof.

5. That he has not paid the same.

[*Demand of judgment.*]

No. 44.

SUBSEQUENT INDORSEE AGAINST HIS IMMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That the defendant indorsed to plaintiff a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring one *G. H.* to pay to the order of *I. J.* rupees days after sight thereof [*or otherwise*], [accepted by the said *G. H.*] and indorsed by the said *I. J.* to the defendant.

2. That on the day of 18 , the same was presented to the said *G. H.* for payment, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[*Demand of judgment.*]

No. 45.

SUBSEQUENT INDORSEE AGAINST INTERMEDIATE INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring one *G. H.* to pay to the order of one *I. J.* rupees days after sight thereof [*or otherwise*], [accepted by the said *G. H.*] and indorsed by the said *I. J.* to the defendant, was, by the indorsement of the defendant [and others], transferred to the plaintiff.

2. That on the day of 18 , the same was presented to the said *G. H.* for payment, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[*Demand of judgment.*]

No. 46.

INDORSEE AGAINST DRAWER, ACCEPTOR AND INDORSER.

IN THE COURT OF , AT

Civil Suit No.

A. B. of
against
C. D. of
E. F. of
and
G. H. of

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant *C. D.*, by his bill of exchange, now overdue, directed to the defendant *E. F.*, required the said *E. F.* to pay to the order of the defendant *G. H.* rupees [days after sight thereof.]

THE FOURTH SCHEDULE—*continued.*

2. That on the day of 18 , the said *E. F.* accepted the same.

3. That the said *G. H.* indorsed the same to the plaintiff.

4. That on the day of 18 , the same was presented to the said *E. F.* for payment, and was dishonoured.

5. That the other defendants had due notice thereof.

6. That they have not paid the same.

[*Demand of judgment.*]

No. 47.

PAYEE AGAINST DRAWER FOR NON-ACCEPTANCE OF A FOREIGN BILL.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant by his bill of exchange, drawn in Calcutta, required one *E. F.* to pay to the plaintiff in [London] pounds sterling, [sixty days] after sight thereof.

2. That on the day of 18 , the same was presented to the said *E. F.* for acceptance, and was dishonoured, and was thereupon duly protested.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[5. That the value of pounds sterling, at the time of the service of notice of protest on the defendant, was rupees annas.]

Wherefore the plaintiff demands judgment against the defendant for rupees, with [ten per centum] compensation and interest from the day of 18

No. 48.

PAYEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , one *E. F.*, by his bill of exchange, now overdue, directed to the defendant, required the defendant to pay to the plaintiff rupees after date [*or* days after sight] thereof.

2. That on the day of 18 , the defendant accepted the said bill.

3. That he has not paid the same.

[*Demand of judgment.*]

No. 49.

ON A MARINE [OPEN] POLICY, ON VESSEL LOST BY PERILS OF THE SEA, &c.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That the plaintiff was the owner of [*or* had an interest in] the ship at the time of her loss, as hereinafter mentioned.

2. That on the day of 18 , at , the defendants, in consideration of rupees to them paid [*or* which the plaintiff then promised to pay] executed to him a policy of insurance upon the said ship, a copy of which is hereto annexed ; [*or*, whereby they promised to pay to the plaintiff, within days after proof of loss and interest, all loss and damage accruing to him by reason of the destruction or injury of the said ship, during her next voyage from to , whether by perils of the sea or by fire, or by other causes therein mentioned, not exceeding

THE FOURTH SCHEDULE—*continued.*

3. That the said ship, while proceeding on the voyage mentioned in the said policy, was on the day of 18 , totally lost by the perils of the sea [*or otherwise*].

4. That the plaintiff's loss thereby was rupees.

5. That on the day of 18 , he furnished the defendants with proof of his loss and interest, and otherwise duly performed all the conditions of the said policy on his part.

6. That the defendants have not paid the said loss.

[*Demand of judgment.*]

No. 50.

ON CARGO, LOST BY FIRE:—VALUED POLICY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff was the owner of [*or* had an interest in] [one hundred bales of cotton] on board the ship at the time of her loss as hereinafter mentioned.

2. That on the day of 18 , at the defendants, in consideration of rupees which the plaintiff then paid [*or* promised to pay], executed to him a policy of insurance upon the said goods, a copy of which is hereto annexed; [*or*, whereby they promised to pay to the plaintiff rupees in case of the total loss, by fire or other causes mentioned, of the said goods before their landing at ; *or*, in case of partial loss, such damage as the plaintiff might sustain thereby, provided the same should not exceed per centum of the whole value of the goods].

3. That on the day of 18 , at , while proceeding on the voyage mentioned in the said policy, the said goods were totally destroyed by fire (*or*, as the case may be).

4, 5 and 6. [*As in paragraphs 4, 5 and 6 of the last preceding form.*]

[*Demand of judgment.*]

No. 51.

ON FREIGHT:—VALUED POLICY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff had an interest in the freight to be earned by the ship on her voyage from to , at the time of her loss as hereinafter mentioned, and that a large quantity of goods was shipped upon freight in her at that time.

2. That on the day of 18 , at , the defendant, in consideration of rupees to him paid, executed to the plaintiff a policy of insurance upon the said freight, a copy of which is hereto annexed [*or state its tenor, as before*].

3. That the said ship, while proceeding upon the voyage mentioned in the said policy, was, on the day of 18 , totally lost by [the perils of the sea].

4. That the plaintiff has not received any freight from the said ship, nor did she earn any on the said voyage, by reason of her loss as aforesaid.

5 and 6. [*As in Form No 49.*]

[*Demand of judgment.*]

No. 52.

FOR A LOSS BY GENERAL AVERAGE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff was the owner of [*or* had an interest in] [one hundred bales of cotton] shipped on board a vessel called the *Y. Z.*, from to , at the time of the loss hereafter mentioned.

2. That on the day of 18 , at , in consideration of rupees [which the plaintiff then promised to pay], the defendant executed to the plaintiff a policy of insurance upon his said goods, a copy of which is hereto annexed [*or state its tenor, as before*].

THE FOURTH SCHEDULE—*continued.*

3. That on the day of 18 , while proceeding on the voyage mentioned in the said policy, the said vessel was so endangered by perils of the sea, that the master and crew thereof were compelled to, and did, cast into the sea a large part of her rigging and furniture.

4. That the plaintiff was, by reason thereof, compelled to, and did, pay a general average loss of rupees.

5. That on the day of 18 , he furnished the defendant with proof of his loss and interest, and otherwise duly performed all the conditions of the said policy on his part.

6. That the defendant has not paid the said loss.

[*Demand of judgment.*]

No. 53.

FOR A PARTICULAR AVERAGE LOSS.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1 and 2. [*As in the last preceding form.*]

3. That on the day of 18 , while on the high seas, the sea-water broke into the said ship, and damaged the said [cotton] to the amount of rupees.

4 and 5. [*As in paragraphs 5 and 6 of the last preceding form.*]

[*Demand of judgment.*]

No. 54.

ON A FIRE-INSURANCE POLICY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That plaintiff [was the owner of, *or*] had an interest in a [dwelling-house, known as No. street, in the city of ,] at the time of its destruction [*or*, injury] by fire as hereinafter mentioned.

2. That on the day of 18 , at , in consideration of rupees [to them paid], the defendants executed to the plaintiff a policy of insurance on the said [premises], a copy of which is hereto annexed [*or state its tenor*].

3. That on the day of 18 , the said [dwelling-house] was totally destroyed [*or*, greatly damaged] by fire.

4. That the plaintiff's loss thereby was rupees.

5. That on the day of 18 , he furnished the defendant with proof of his said loss and interest, and otherwise duly performed all the conditions of the said policy on his part.

6. That the defendants have not paid the said loss.

[*Demand of judgment.*]

No. 55.

AGAINST SURETY FOR PAYMENT OF RENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , one *E. F.* hired from the plaintiff, for the term of years, the [house No. , street ,] at the annual rent of rupees, payable [monthly].

2. That [at the same time and place] the defendant agreed, in consideration of the letting of the said premises to the said *E. F.*, to guarantee the punctual payment of the said rent.

THE FOURTH SCHEDULE—*continued.*

3. That the rent aforesaid for the month of , amounting to rupees, has not been paid.

[*If, by the terms of the agreement, notice is required to be given to the surety, add:*—]

4. That on the day of 18 , the plaintiff gave notice to the defendant of the non-payment of the said rent, and demanded payment thereof.

5. That he has not paid the same.

[*Demand of judgment.*]

B.—PLAINTS FOR COMPENSATION FOR BREACH OF CONTRACT.

No. 56.

FOR BREACH OF AGREEMENT TO CONVEY LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant entered into an agreement, under their hands, of which a copy is hereto annexed.

[*Or*, That on, &c., the defendant agreed with the plaintiff that, in consideration of a deposit of rupees then paid, and of the further sum of [ten thousand] rupees payable as hereinafter mentioned, he would, on the day of 18 , at , execute to the plaintiff a sufficient conveyance of [the house No. , street, in the city of , free from all incumbrances; and the plaintiff agreed to pay [ten thousand] rupees for the same on delivery thereof].

2. That on the day of 18 , the plaintiff demanded the conveyance of the said property from the defendant and tendered rupees to the defendant [*or*, That all conditions were fulfilled, and all things happened and all times elapsed necessary to entitle the plaintiff to have the said agreement performed by the defendant on his part.]

3. That the defendant has not executed any conveyance of the said property to the plaintiff [*or*, That there is a mortgage upon the said property, made by to , for rupees, registered in the office of , on the day of 18 , and still unsatisfied, *or any other defect of title*].

4. That the plaintiff has thereby lost the use of the money paid by him as such deposit as aforesaid and of other moneys provided by him for the completion of the said purchase, and has lost the expenses incurred by him in investigating the title of the defendant and in preparing to perform the agreement on his part, and has incurred expense in endeavouring to procure the performance thereof by the defendant.

5. The plaintiff prays judgment for rupees compensation.

No. 57.

FOR BREACH OF AGREEMENT TO PURCHASE LAND.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant entered into an agreement, under their hands, of which a copy is hereto annexed.

[*Or*, That on the day of 18 , at , the plaintiff and defendant mutually agreed that the plaintiff should sell to the defendant and that the defendant should purchase from the plaintiff forty bighás of land in the village of for rupees.]

2. That on the day of 18 , at , the plaintiff, being then the absolute owner of the said property [and the same being free from all incumbrances, as was made to appear to the defendant], tendered to the defendant a sufficient instrument of conveyance of the same [*or*, was ready and willing, and offered, to convey the same to the defendant by a sufficient instrument,] on the payment by the defendant of the said sum.

3. That the defendant has not paid the same.

[*Demand of judgment.*]

No. 58.

Another Form.

FOR NOT COMPLETING A PURCHASE OF IMMOVEABLE PROPERTY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That by an agreement dated the day of 18 , it was agreed by and between the plaintiff and the defendant that the plaintiff should sell to the defendant and the defendant should purchase from the plaintiff a house and land at the price of rupees, upon the terms and conditions following (that is to say)—

(*a*) That the defendant should pay the plaintiff a deposit of rupees in part of the said purchase-money on the signing of the said agreement, and the remainder on the day of 18 , on which day the said purchase should be completed.

(*b*) That the plaintiff should deduce and make a good title to the said premises on or before the day of 18 , and on payment of the said remainder of the said purchase-money as aforesaid should execute to the defendant a proper conveyance of the said premises, to be prepared at the defendant's expense.

2. That all conditions were fulfilled, and all things happened and all times elapsed necessary to entitle the plaintiff to have the said agreement performed by the defendant on his part, yet the defendant did not pay the plaintiff the remainder of the said purchase-money as aforesaid on his part.

3. That the plaintiff has thereby lost the expense which he incurred in preparing to perform the said agreement on his part, and has been put to expense in endeavouring to procure the performance thereof by the defendant.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 59.

FOR NOT DELIVERING GOODS SOLD.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant mutually agreed that the defendant should deliver [one hundred barrels of flour] to the plaintiff [on the day of 18], and that the plaintiff should pay therefor rupees on delivery.

2. That on the [said] day the plaintiff was ready and willing, and offered to pay the defendant the said sum upon delivery of the said goods.

3. That the defendant has not delivered the same, whereby the plaintiff has been deprived of the profits which would have accrued to him from such delivery.

[*Demand of judgment.*]

No. 60.

FOR BREACH OF CONTRACT TO EMPLOY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant mutually agreed that the plaintiff should serve the defendant as [an accountant, *or* in the capacity of foreman, *or as the case may be*], and that the defendant should employ the plaintiff as such, for the term of [one year], and pay him for his services rupees [monthly].

2. That on the day of 18 , the plaintiff entered upon the service of the defendant as aforesaid, and has ever since been, and still is, ready and willing to continue in such service during the remainder of the said year, whereof the defendant always had notice.

3. That on the day of 18 , the defendant wrongfully discharged the plaintiff, and refused to permit him to serve as aforesaid, or to pay him for his services.

[*Demand of judgment.*]

No. 61.

FOR BREACH OF CONTRACT TO EMPLOY, WHERE THE EMPLOYMENT NEVER TOOK EFFECT.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. [*As in last preceding Form.*]

2. That on the day of 18 , at , the plaintiff offered to enter upon the service of the defendant, and has ever since been ready and willing so to do.

3. That the defendant refused to permit the plaintiff to enter upon such service, or to pay him for his services.

[*Demand of judgment.*]

No. 62.

FOR BREACH OF CONTRACT TO SERVE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant mutually agreed that the plaintiff should employ the defendant at an [annual] compensation of rupees, and that the defendant should serve the plaintiff as [an artist] for the term of [one year].

2. That the plaintiff has always been ready and willing to perform his part of the said agreement [and on the day of 18 , offered so to do].

3. That the defendant [entered upon] the service of the plaintiff on the above-mentioned day, but afterwards, on the day of 18 , he refused to serve the plaintiff as aforesaid.

(*Demand of judgment.*)

No. 63.

AGAINST A BUILDER FOR DEFECTIVE WORKMANSHIP.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at the plaintiff and defendant entered into an agreement, of which a copy is hereto annexed.

[*Or state the tenor of the contract.*]

[2. That the plaintiff duly performed all the conditions of the said agreement on his part.]

THE FOURTH SCHEDULE—*continued.*

3. That the defendant [built the house referred to in the said agreement in a bad and unworkmanlike manner].

[*Demand of judgment.*]

No. 64.

BY THE MASTER AGAINST THE FATHER OR GUARDIAN OF AN APPRENTICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant entered into an agreement, under his hand and seal,* a copy of which is hereto annexed.

[*Or state the tenor of the contract.*]

2. That after the making of the said agreement the plaintiff received the said [*apprentice*] into his service as such apprentice for the term aforesaid, and has always performed and been ready and willing to perform all things in the said agreement on his part to be performed.

3. That on the day of 18 , the said [*apprentice*] wilfully absented himself from the service of the plaintiff, and continues so to do.

(*Demand of judgment.*)

No. 65.

BY THE APPRENTICE AGAINST THE MASTER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant entered into an agreement with the plaintiff and his [father], *E. F.*, under their hands and seals, a copy of which is hereto annexed.

2. That after the making of the said agreement the plaintiff entered into the service of the defendant with him after the manner of an apprentice to serve for the term mentioned in the said agreement, and has always performed all things in the said agreement contained on his part to be performed.

3. That the defendant has not instructed the plaintiff in the business of [*or state any other breach, such as cruelty, failure to provide sufficient food, or other ill-treatment*].

[*Demand of judgment.*]

No. 66.

ON A BOND FOR THE FIDELITY OF A CLERK.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff employed one *E. F.* as a clerk.

2. That on the day of 18 , at , the defendant agreed with the plaintiff, that if the said *E. F.* should not faithfully perform his duties as a clerk to the plaintiff, or should fail to account to the plaintiff for all moneys, evidences of debt, or other property received by him for the use of the plaintiff, the defendant would pay to the plaintiff whatever loss he might sustain by reason thereof, not exceeding rupees.

[*Or*, 2. That at the same time and place, the defendant bound himself to the plaintiff, by a writing under his hand, in the penal sum of rupees, conditioned that if the said *E. F.* should faithfully perform his duties as clerk and cashier to the plaintiff, and should justly account to the plaintiff for all moneys, evidences of debt, or other property which should be at any time held by him in trust for the plaintiff, the same should be void but not otherwise.]

[*Or*, 2. That at the same time and place, the defendant executed to the plaintiff a bond, a copy of which is hereto annexed.]

3. That between the day of 18 , and the day of 18 , the said *E. F.* received money and other property, amounting to the value of rupees, for the use of the plaintiff, for which he has not accounted to him, and the same still remains due and unpaid.

[*Demand of judgment.*]

No. 67.

BY TENANT AGAINST LANDLORD, WITH SPECIAL DAMAGE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the defendant, by an instrument in writing, let to the plaintiff [the house No. , street], for the term of years, contracting with the plaintiff that he, the plaintiff, and his legal representatives should quietly enjoy possession thereof for the said term.

2. That all conditions were fulfilled and all things happened necessary to entitle the plaintiff to maintain this suit.

3. That on the day of during the said term, one *E. F.*, who was the lawful owner of the said house, lawfully evicted the plaintiff therefrom, and still withholds the possession thereof from him.

4. That the plaintiff was thereby [prevented from continuing the business of a tailor at the said place, was compelled to expend rupees in moving, and lost the custom of *G. H.* and *I. J.* by such removal].

[*Demand of judgment.*]

* The form given in Act XIX of 1850 requires the seal of the father or guardian.

THE FOURTH SCHEDULE—*continued.*

No. 68.

FOR BREACH OF WARRANTY OF MOVEABLES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

That on the day of 18 , at , the defendant warranted a steam-engine to be in good working order, and thereby induced the plaintiff to purchase the same of him, and to pay him rupees therefor.

2. That the said engine was not then in good working order, whereby the plaintiff incurred expense in having the said engine repaired, and lost the profits which could otherwise have accrued to him while the engine was under repair.

[*Demand of judgment.*]

No. 69.

ON AN AGREEMENT OF INDEMNITY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant, being partners in trade under the firm of *A. B. & C. D.*, dissolved the said partnership, and mutually agreed that the defendant should take and keep all the partnership-property, pay all debts of the firm, and indemnify the plaintiff against all claims that might be made upon him on account of any indebtedness of the said firm.

2. That the plaintiff duly performed all the conditions of the said agreement on his part.

3. That on the day of 18 , [a judgment was recovered against the plaintiff and defendant by one *E. F.*, in the High Court of Judicature at , upon a debt due from the said firm to the said *E. F.*, and on the day of 18 ,] the plaintiff paid rupees [in satisfaction of the same].

4. That the defendant has not paid the same to the plaintiff.

[*Demand of judgment.*]

No. 70.

BY SHIPOWNER AGAINST FREIGHTOR FOR NOT LOADING.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant entered into an agreement, a copy of which is hereto annexed.

[*Or*, 1. That on , at , the plaintiff and defendant agreed by charter-party that the defendant should deliver to the plaintiff's ship at on the day of 18 , five hundred tons of merchandise, which she should carry to , and there deliver, on payment of freight; and that the defendant should have days for loading, days for discharge, and days for demurrage, if required, at rupees per day.]

2. That at the time fixed by the said agreement the plaintiff was ready and willing, and offered, to receive [the said merchandise, *or*, the merchandise mentioned in the said agreement] from the defendant.

3. That the period allowed for loading and demurrage has elapsed, but the defendant has not delivered the said merchandise to the said vessel.

Wherefore, the plaintiff demands judgment for rupees for demurrage and rupees additional for compensation.

C.—PLAINTS FOR COMPENSATION UPON WRONGS.

No. 71.

FOR TRESPASS ON LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

That on the day of 18 , at , the defendant entered upon certain land of the plaintiff, known as [and depastured the same with cattle, trod down the grass, cut the timber, and otherwise injured the same].

[*Demand of judgment.*]

No. 72.

FOR TRESPASS IN ENTERING A DWELLING-HOUSE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant entered a dwelling-house of the plaintiff called , and made a noise and disturbance therein for a long time, and broke open the doors of the said dwelling-house, and removed, took and carried away the fixtures and goods of the plaintiff therein, and disposed of the same to the defendant's own use, and expelled the plaintiff and his family from the possession of the said dwelling-house, and kept them so expelled for a long time.

2. That the plaintiff was thereby prevented from carrying on his business, and incurred expense in procuring another dwelling-house for himself and family.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 73.

FOR TRESPASS ON MOVEABLES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant broke open ten barrels of rum belonging to the plaintiff, and emptied their contents into the street [*or*, seized and took the plaintiff's goods, that is to say, iron, rice and household furniture, *or as the case may be*, and carried away the same and disposed of them to his own use]:

or, seized and took the plaintiff's cows and bullocks, and impounded them and kept them impounded for a long time.

2. That the plaintiff was thereby deprived of the use of the cows and bullocks during that time, and incurred expense in feeding them and in getting them restored to him; and was also prevented from selling them at fair, as he otherwise would have done, and the said cows and bullocks are diminished in value to the plaintiff [*otherwise, state the injury according to the facts*].

[*Demand of judgment.*]

No. 74.

FOR THE CONVERSION OF MOVEABLE PROPERTY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , plaintiff was in possession of certain goods described in the schedule hereto annexed [*or*, of one thousand barrels of flour].

2. That on that day, at , the defendant converted the same to his own use, and wrongfully deprived the plaintiff of the use and possession of the same.

[*Demand of judgment.*]

The schedule.

No. 75

AGAINST A WAREHOUSEMAN FOR REFUSAL TO DELIVER GOODS.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, in consideration of the payment to him of rupees [*or*, rupees per barrel, per month, &c.], agreed to keep in his godown [one hundred barrels of flour], and to deliver the same to the plaintiff on payment of the said sum.

2. That thereupon the plaintiff deposited with the defendant the said [hundred barrels of flour].

3. That on the day of 18 , the plaintiff requested the defendant to deliver the said goods, and tendered him rupees [*or* the full amount of storage due thereon], but the defendant refused to deliver the same.

4. That the plaintiff was thereby prevented from selling the said goods to *E. F.*, and the same are lost to the plaintiff.

[*Demand of judgment.*]

No. 76.

FOR PROCURING PROPERTY BY FRAUD.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [he, the defendant, was solvent, and worth rupees over all his liabilities].

2. That the plaintiff was thereby induced to sell [and deliver] to the defendant [dry goods] of the value of rupees.

3. That the said representations were false [*or, state the particular falsehoods*], and were then known by the defendant to be so.

4. That the defendant has not paid for the said goods. [*Or, if the goods were not delivered*, That the plaintiff, in preparing and shipping the said goods and procuring their restoration, expended rupees.]

[*Demand of judgment.*]

No. 77.

FOR FRAUDULENTLY PROCURING CREDIT TO BE GIVEN TO ANOTHER PERSON.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant represented to the plaintiff that one *E. F.* was solvent and in good credit, and worth rupees over all his liabilities [*or*, that *E. F.* then held a responsible situation and was in good circumstances, and might safely be trusted with goods on credit].

2. That the plaintiff was thereby induced to sell to the said *E. F.* [rice] of the value of rupees [month's credit].

THE FOURTH SCHEDULE—*continued.*

3. That the said representations were false and were then known by the defendant to be so, and were made by him with intent to deceive and defraud the plaintiff [*or*, to deceive and injure the plaintiff].

4. That the said *E. F.* [did not pay for the said goods at the expiration of the credit aforesaid, *or*] has not paid for the said rice, and the plaintiff has wholly lost the same by reason of the premises.

[*Demand of judgment.*]

No. 78.

FOR POLLUTING THE WATER UNDER THE PLAINTIFF'S LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That he is, and at all the times hereinafter mentioned was, possessed of certain land called and situate in , and of a well therein, and of water in the said well, and was entitled to the use and benefit of the said well and of the said water therein, and to have certain springs and streams of water which flowed and ran into the said well to supply the same to flow or run without being fouled or polluted.

2. That on the day of 18 , the defendant wrongfully fouled and polluted the said well and the said water therein and the said springs and streams of water which flowed into the said well.

3. That by reason of the premises the said water in the said well became impure and unfit for domestic and other necessary purposes, and the plaintiff and his family are deprived of the use and benefit of the said well and water.

[*Demand of judgment.*]

No. 79.

FOR CARRYING ON A NOXIOUS MANUFACTURE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That the plaintiff is, and at all the times hereinafter mentioned was, possessed of certain lands called situate in .

2. That ever since the day of 18 , the defendant has wrongfully caused to issue from certain smelting works carried on by the defendant large quantities of offensive and unwholesome smoke and other vapours and noxious matter, which spread themselves over and upon the said lands, and corrupted the air, and settled on the surface of the said lands.

3. That thereby the trees, hedges, herbage and crops of the plaintiff growing on the said lands were damaged and deteriorated in value, and the cattle and live stock of the plaintiff on the said lands became unhealthy, and divers of them were poisoned and died.

4. That by reason of the premises, the plaintiff was unable to depasture the said lands with cattle and sheep as he otherwise might have done, and was obliged to remove his cattle, sheep and farming stock therefrom, and has been prevented from having so beneficial and healthy a use and occupation of the said lands as he otherwise would have had.

[*Demand of judgment.*]

No. 80.

FOR OBSTRUCTING A WAY.

(*Title.*)

A.B., the above-named plaintiff, states as follows :—

1. That the plaintiff is, and at the time hereinafter mentioned was, possessed of [a house in the village of].

2. That he was entitled to a right of way from the said [house] over a certain field to a public highway and back again from the said highway over the said field to the said house, for himself and his servants [with vehicles, *or*, on foot] at all times of the year.

3. That on the day of 18 , defendant wrongfully obstructed the said way, so that the plaintiff could not pass [with vehicles, *or*, on foot, *or*, in any manner] along the said way [and has ever since wrongfully obstructed the same].

4. [*State special damage, if any.*]

[*Demand of judgment.*]

Another Form.

1. That the defendant wrongfully dug a trench and heaped up earth and stones in the public highway leading from to so as to obstruct it.

2. That thereby the plaintiff, while lawfully passing along the said highway, fell over the said earth and stones [*or*, into the said trench] and broke his arm, and suffered great pain, and was prevented from attending to his business for a long time, and incurred expense for medical attendance.

[*Demand of judgment.*]

No. 81.

FOR DIVERTING A WATER-COURSE.

(*Title.*)

A.B., the above-named plaintiff, states as follows :—

1. That the plaintiff is, and at the time hereinafter mentioned was, possessed of a mill situated on a [stream] known as the , in the village of , district of .

THE FOURTH SCHEDULE—*continued.*

2. That by reason of such possession the plaintiff was entitled to the flow of the said stream for working the said mill.

3. That on the day of 18 , the defendant, by cutting the bank of the said stream, wrongfully diverted the water thereof, so that less water ran into the plaintiff's mill.

4. That by reason thereof, the plaintiff has been unable to grind more than sacks per day, whereas, before the said diversion of water, he was able to grind sacks per day.

[*Demand of judgment.*]

No. 82.

FOR OBSTRUCTING A RIGHT TO USE WATER FOR IRRIGATION.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and was at the time hereinafter mentioned, possessed of certain lands situate, &c. and entitled to take and use a portion of the water of a certain stream for irrigating the said lands.

2. That on the day of the defendant prevented the plaintiff from taking and using the said portion of the said water as aforesaid, by wrongfully obstructing and diverting the said stream.

[*Demand of judgment.*]

No. 83.

FOR WASTE BY A LESSEE.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , the defendant hired from him [the house No. street] for the term of .

2. That the defendant occupied the same under such hiring.

3. That during the period of such occupation, the defendant greatly injured the premises [defaced the walls, tore up the floors, and broke down the doors; *or otherwise specify the injuries as far as possible*].

The plaintiff prays judgment for rupees compensation.

No. 84.

FOR ASSAULT AND BATTERY.

(*Title.*)

A.B., the above-named plaintiff, states as follows:—

That on the day of 18 , at , the defendant assaulted and beat him .

The plaintiff prays judgment for rupees compensation.

No. 85.

FOR ASSAULT AND BATTERY, WITH SPECIAL DAMAGE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant assaulted and beat him until he became insensible.

2. That the plaintiff was thereby disabled from attending to his business for [six weeks thereafter], and was compelled to pay rupees for medical attendance, and has been ever since disabled [from using his right arm]. [*Or otherwise state the damage, as the case may be.*]

[*Demand of judgment.*]

No. 86.

FOR ASSAULT AND FALSE IMPRISONMENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant assaulted the plaintiff and imprisoned him for days [*or* hours]; [*state special damage, if any, thus*:—]

2. That by reason thereof the plaintiff suffered great pain of body and mind and was exposed and injured in his credit and circumstances, and was prevented from carrying on his business and from providing for his family by his personal care and attention, and incurred expense in obtaining his liberation from the said imprisonment [*or otherwise, as the case may be.*]

[*Demand of judgment.*]

THE FOURTH SCHEDULE—*continued.*

No. 87.

FOR INJURIES CAUSED BY NEGLIGENCE ON A RAILROAD.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , the defendants were common carriers of passengers by railway between and

2. That on that day the plaintiff was a passenger in one of the carriages of the defendants on the said road.

3. That while he was such passenger, at [*or*, near the station of ; *or*, between the stations of and], a collision occurred on the said railway, caused by the negligence and unskilfulness of the defendant's servants, whereby the plaintiff was much injured [having his leg broken, his head cut, &c., *and state the special damage, if any, as*], and incurred expense for medical attendance, and is permanently disabled from carrying on his former business as [a salesman].

[*Demand of judgment.*]

[*Or thus* :— 2. That on that day the defendants by their servants so negligently and unskilfully drove and managed an engine and a train of carriages attached thereto upon and along the defendants' railway which the plaintiff was then lawfully crossing, that the said engine and train were driven and struck against the plaintiff, whereby, *&c., as in* § 3.]

No. 88.

FOR INJURIES CAUSED BY NEGLIGENT DRIVING.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is a shoemaker, carrying on business at
The defendant is a merchant of

2. On the [23rd May, 1875], the plaintiff was walking eastward along Chowringhee, in the City of Calcutta, at about 3 o'clock in the afternoon. He was obliged to cross Harrington Street, which is a street running into Chowringhee at right angles. While he was crossing this street, and just before he could reach the foot-pavement on the further side thereof, a carriage of the defendant's, drawn by two horses, under the charge and control of the defendant's servants, was negligently, suddenly and without any warning turned at a rapid and dangerous pace out of Harrington Street into Chowringhee. The pole of the carriage struck the plaintiff and knocked him down, and he was much trampled by the horses.

3. By the blow and fall and trampling the plaintiff's left arm was broken, and he was bruised and injured on the side and back, as well as internally, and in consequence thereof the plaintiff was for four months ill and in suffering, and unable to attend to his business, and incurred heavy medical and other expenses, and sustained great loss of business and profits.

The plaintiff claims rupees damages.

(*Title.*)

Written Statement of Defendant.

1. The defendant denies that the carriage mentioned in the plaint was the defendant's carriage, or that it was under the charge or control of the defendant's servants. The carriage belonged to [Messrs. *E.F.* and *G.H.*] of Street, Calcutta, livery stable-keepers, employed by the defendant to supply him with carriages and horses; and the person under whose charge and control the said carriage was, was the servant of the said [Messrs. *E. F.* and *G. H.*]

2. The defendant does not admit that the said carriage was turned out of Harrington Street either negligently, suddenly, or without warning, or at a rapid or dangerous pace.

3. The defendant says, that the plaintiff might and could, by the exercise of reasonable care and diligence, have seen the said carriage approaching him, and avoided any collision with it.

4. The defendant does not admit the statements of the third paragraph of the plaint.

No. 89.

FOR LIBEL; THE WORDS BEING LIBELLOUS IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant published in a newspaper, called the [*or*, in a letter addressed to *E. F.*], the following words concerning the plaintiff:—

[*Set forth the words used.*]

2. That the said publication was false and malicious.

[*Demand of judgment.*]

NOTE.—If the libel was in a language not the language of the Court, set out the libel *verbatim* in the foreign language in which it was published, and then proceed thus:—" Which said words, being translated into the language, have the meaning and effect following and were so understood by the persons to whom they were so published, that is to say [*here set out a literal translation of the libel in the language of the Court.*]

THE FOURTH SCHEDULE—*continued.*

No. 90.

FOR LIBEL; THE WORDS NOT BEING LIBELLOUS IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff [is, and] was, on and before the day of 18 , a merchant doing business in the city of .

2. That on the day of 18 , at , the defendant published in a newspaper, called the [*or*, in a letter addressed to *E. F.*, *or otherwise how published*], the following words concerning the plaintiff:—

["*A. B.* of this city has modestly retired to foreign lands. It is said that creditors to the amount of rupees are anxiously seeking his address."]

3. That the defendant meant thereby that [the plaintiff had absconded to avoid his creditors, and with intent to defraud them].

4. That the said publication was false and malicious.

[*Demand of judgment.*]

No. 91.

FOR SLANDER; THE WORDS BEING ACTIONABLE IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant falsely and maliciously spoke, in the hearing of *E. F.* [*or*, sundry persons], the following words concerning the plaintiff: ["He is a thief"].

2. That, in consequence of the said words, the plaintiff lost his situation as in the employ of

[*Demand of judgment.*]

No. 92.

FOR SLANDER; THE WORDS NOT BEING ACTIONABLE IN THEMSELVES.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant falsely and maliciously said to one *E. F.* concerning the plaintiff: ["He is a young man of remarkably easy conscience."]

2. That the plaintiff was then seeking employment as a clerk, and the defendant meant, by the said words, that the plaintiff was not trustworthy as a clerk.

3. That in consequence of the said words [the said *E. F.* refused to employ the plaintiff as a clerk].

[*Demand of judgment.*]

No. 93.

FOR MALICIOUS PROSECUTION.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant obtained a warrant of arrest from [a magistrate of the said city, *or, as the case may be*] on a charge of , and the plaintiff was arrested thereon, and imprisoned for *or* hours, and gave bail in the sum of rupees to obtain his release].

2. That in so doing, the defendant acted maliciously and without reasonable or probable cause.

3. That on the day of 18 , the said magistrate dismissed the complaint of the defendant, and acquitted the plaintiff.

4. That many persons, whose names are unknown to the plaintiff, hearing of the said arrest, and supposing the plaintiff to be a criminal, have ceased to do business with him; *or*, that, in consequence of the said arrest, the plaintiff lost his situation as clerk to one *E. F.*, *or*, that by reason of the premises the plaintiff suffered pain of body and mind, and was prevented from transacting his business, and was injured in his credit, and incurred expense in obtaining his release from the said imprisonment and in defending himself against the said complaint.

[*Demand of judgment.*]

D.—PLAINTS IN SUITS FOR SPECIFIC PROPERTY.

No. 94.

BY THE ABSOLUTE OWNER FOR THE POSSESSION OF IMMOVEABLE PROPERTY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That *X. Y.* was the absolute owner [of the estate, *or*, the share of the estate, called , situate in the district of , the Government-revenue of which is rupees and the estimated value rupees, *or*, of the house No. street in the town of Calcutta, the estimated value of which is rupees].

THE FOURTH SCHEDULE—*continued.*

2. That on the day of 18 , *Z.* illegally dispossessed the said *X. Y.* of the said estate [*or* share *or* house].

3. That the said *X. Y.* has since died intestate, leaving the plaintiff, the said *A. B.*, his heir him surviving.

4. That the defendant withholds the possession of the estate [*or* share *or* house] from the plaintiff.

The plaintiff prays judgment:

(1) for the possession of the said premises;

(2) for rupees compensation for withholding the same.

Another Form.

A. B., the above-named plaintiff, states as follows:—

1. On the day of , the plaintiff, by an instrument in writing, let to the defendant a house and premises [No. 52, Russell Street, in the] for a term of five years from the day of , at the monthly rent of 300 rupees.

2. By the said instrument the defendant covenanted to keep the said house and premises in good and tenantable repair.

3. The said instrument also contained a clause of re-entry, entitling the plaintiff to re-enter upon the said house and premises, in case the rent thereby reserved, whether demanded or not, should be in arrear for twenty-one days, or in case the defendant should make default in the performance of any covenant upon his part to be performed.

4. On the day of 18 , a month's rent became due, and on the day of 18 , another month's rent became due; on the day of 18 , both had been in arrear for twenty-one days, and both are still due.

5. On the same day of 18 , the house and premises were not and are not now in good or tenantable repair, and it would require the expenditure of a large sum of money to reinstate the same in good and tenantable repair, and the plaintiff's reversion is much depreciated in value. The plaintiff claims

(1) possession of the said house and premises;

(2) rupees for arrears of rent;

(3) rupees compensation for the defendant's breach of his covenant to repair;

(4) rupees for the occupation of the house and premises from the day of 18 , to the day of recovering possession.

No. 95.

BY THE TENANT.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That one *E. F.* is the absolute owner of [a piece of land in the town of Calcutta bounded as follows:], the estimated value of which is rupees .

2. That on the day of 18 , the said *E. F.* let the said premises to the plaintiff for years, from .

3. That the defendant withholds the possession thereof from the plaintiff.

[*Demand of judgment.*]

No. 96.

FOR MOVEABLE PROPERTY WRONGFULLY TAKEN.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , plaintiff owned [*or* was possessed of] one hundred barrels of flour, the estimated value of which is rupees.

2. That on that day, at , the defendant took the same.

The plaintiff prays judgment:

(1) for the possession of the said goods, or for rupees in case such possession cannot be had;

(2) for rupees compensation for the detention thereof.

No. 97.

FOR MOVEABLES WRONGFULLY DETAINED.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , plaintiff owned [*or, state facts showing a right to the possession*] the goods mentioned in the schedule hereto annexed [*or describe the goods*], the estimated value of which is rupees.

2. That from that day until the commencement of this suit, the defendant has detained the same from the plaintiff.

3. That before the commencement of this suit, to wit, on the day of 18 , the plaintiff demanded the same from the defendant, but he refused to deliver them.

The plaintiff prays judgment:

(1) for the possession of the said goods, or for rupees, in case such possession cannot be had;

(2) for rupees compensation for the detention thereof.

The schedule.

THE FOURTH SCHEDULE—*continued.*

No. 98.

AGAINST A FRAUDULENT PURCHASER AND HIS TRANSFEREE WITH NOTICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant [*C. D.*], for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [he was solvent, and worth rupees over all his liabilities].

2. That the plaintiff was thereby induced to sell and deliver to the said *C. D.* [one hundred boxes of tea], the estimated value of which is rupees.

3. That the said representations were false, and were then known by the said *C. D.* to be so. [*Or*, That at the time of making the said representations, the said *C. D.* was insolvent, and knew himself to be so.]

4. That the said *C. D.* afterwards transferred the said goods to the defendant *E. F.* without consideration [*or* who had notice of the falsity of the representation].

The plaintiff prays judgment:

(1) for the possession of the said goods, or for rupees, in case such possession cannot be had;

(2) for rupees compensation for the detention thereof.

E.—PLAINTS IN SUITS FOR SPECIAL RELIEF.

No. 99.

FOR RESCISSION OF A CONTRACT ON THE GROUND OF MISTAKE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , the defendant represented to the plaintiff that a certain piece of ground belonging to the defendant, situated at , contained [ten bighás].

2. That the plaintiff was thereby induced to purchase the same at the price of rupees in the belief that the said representation was true, and signed an instrument of agreement, of which a copy is hereto annexed. But no conveyance of the same has been executed to him.

3. That on the day of 18 , the plaintiff paid the defendant rupees as part of such purchase-money.

4. That the said piece of ground contained in fact only [five bighás].

The plaintiff prays judgment:

(1) for rupees, with interest from the day of 18

(2) that the said agreement of purchase be delivered up and cancelled.

No. 100.

FOR AN INJUNCTION RESTRAINING WASTE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff is the absolute owner of [*describe the property*].

2. That the defendant is in possession of the same under a lease from the plaintiff.

3. That the defendant has [cut down a number of valuable trees, and threatens to cut down many more for the purpose of sale] without the consent of the plaintiff.

The plaintiff prays judgment, that the defendant be restrained by injunction from committing or permitting any further waste on the said premises.

[*Pecuniary compensation might also be prayed.*]

No. 101.

FOR ABATEMENT OF A NUISANCE.

(*Title*).

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff is, and at all the times hereinafter mentioned was, the absolute owner of [the house No. street, Calcutta].

2. That the defendant is, and at all the said times was, the absolute owner of [a plot of ground in the same street].

3. That on the day of 18 , the defendant erected upon his said plot a slaughter-house, and still maintains the same; and from that day until the present time has continually caused cattle to be brought and killed there [and has caused the blood and offal to be thrown into the street opposite the said house of the plaintiff].

4. That [the plaintiff has been compelled, by reason of the premises, to abandon the said house, and has been unable to rent the same].

The plaintiff prays judgment, that the said nuisance be abated.

No. 102.

FOR AN INJUNCTION AGAINST THE DIVERSION OF A WATER-COURSE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

As in Form No. 81.

The plaintiff prays judgment, that the defendant be restrained by injunction from diverting the water as aforesaid.

THE FOURTH SCHEDULE—*continued.*

No. 103.

FOR RESTORATION OF MOVEABLE PROPERTY, THREATENED WITH DESTRUCTION, AND FOR AN INJUNCTION.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff is, and at all times hereinafter mentioned was, the owner of [a portrait of his grandfather, which was executed by an eminent painter], and of which no duplicate exists [*or, state any facts showing that the property is of a kind that cannot be replaced by money*].

2. That on the day of 18 , he deposited the same for safe keeping with the defendant.

3. That on the day of 18 , he demanded the same from the defendant and offered to pay all reasonable charges for the storage of the same.

4. That the defendant refuses to deliver the same to the plaintiff and threatens to conceal, dispose of, cut or injure the same if required to deliver it up.

5. That no pecuniary compensation would be an adequate compensation to the plaintiff for the loss of the [painting];

The plaintiff prays judgment:

(1) that the defendant be restrained by injunction from disposing of, injuring or concealing the said [painting];

(2) that he return the same to the plaintiff.

No. 104.

INTERPLEADER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That before the date of the claims hereinafter mentioned, one *G. H.* deposited with the plaintiff [*describe the property*] for [safe keeping].

2. That the defendant, *C. D.*, claims the same [under an alleged assignment thereof to him from the said *G. H.*]

3. That the defendant, *E. F.*, also claims the same [under an order of the said *G. H.* transferring the same to him.]

4. That the plaintiff is ignorant of the respective rights of the defendants.

5. That he has no claim upon the said property, and is ready and willing to deliver it to such persons as the Court shall direct.

6. That this suit is not brought by collusion with either of the defendants.

The plaintiff prays judgment:

(1) that the defendants be restrained, by injunction, from taking any proceedings against the plaintiff in relation thereto;

(2) that they be required to interplead together concerning their claims to the said property;

[(3) that some person be authorized to receive the said property pending such litigation;]

(4) that upon delivering the same to such [person], the plaintiff be discharged from all liability to either of the defendants in relation thereto.

No. 105.

ADMINISTRATION BY CREDITOR.

(*Title.*)

A. B, the above-named plaintiff, states as follows:—

1. *E. F.*, late of , was at the time of his death, and his estate still is, indebted to the plaintiff in the sum of [*here insert nature of debt and security, if any*].

2. The said *E. F.* made his will, dated the day of and thereof appointed *C. D.* executor [*or*, devised his estate in trust, &c., *or*, died intestate, *as the case may be*].

3. The said will was proved by the said *C. D.* [*or*, Letters of administration were granted, &c.]

4. The defendant has possessed himself of the moveable [and immoveable, *or*, the proceeds of the immoveable] property of the said *E. F.*, and has not paid the plaintiff his said debt.

5. The said *E. F.* died on or about the day of .

6. The plaintiff prays that an account may be taken of the moveable [and immoveable] property of the said *E. F.*, deceased, and that the same may be administered under the decree of the Court.

No. 106.

ADMINISTRATION BY SPECIFIC LEGATEE.

(*Title.*)

[*Alter Form No. 105 thus*:—]

[*Omit paragraph 1 and commence paragraph 2*] *E. F.*, late of , duly made his last will, dated the day of and thereof appointed *C. D.* executor, and by such will bequeathed to the plaintiff [*here state the specific legacy.*]

For paragraph 4 substitute—

The defendant is in possession of the moveable property of the said *E. F.*, and, amongst other things, of the said [*here name the subject of the specific bequest.*]

For the commencement of paragraph 6 substitute—

The plaintiff prays that the defendant may be ordered to deliver to him the said [*here name the subject of the specific bequest*] or that, *&c.*

THE FOURTH SCHEDULE—*continued.*

No. 107.

ADMINISTRATION BY PECUNIARY LEGATEE.

(*Title.*)

[*Alter Form No. 105 thus*:—]

Omit paragraph 1 and substitute for paragraph 2] *E. F.*, late of , duly made his last will, dated the day of , and thereof appointed *C. D.* executor, and by such will bequeathed to the plaintiff a legacy of rupees.

In paragraph 4, substitute "legacy" *for* "debt."

Another Form.

Between *E. F.* ... *Plaintiff*,
and
G H. ... *Defendant.*

E. F., the above-named plaintiff, states as follows :—

1. *A. B.* of *K* in the duly made his last will, dated the [first day of March, 1873], whereby he appointed the defendant and *M. N.* [who died in the testator's life-time] executors thereof, and bequeathed his property, whether moveable or immoveable, to his executors in trust, to pay the rents and income thereof to the plaintiff for his life; and after his decease, and in default of his having a son who should attain twenty-one, or a daughter who should attain that age or marry, upon trust as to his immoveable property for the person who would be the testator's heir-at-law, and as to his moveable property for the persons who would be the testator's next-of-kin if he had died intestate at the time of the death of the plaintiff, and such failure of his issue as aforesaid.

2. The testator died on the [first day of July, 1878], and his will was proved by the defendant on the [fourth day of October, 1878]. The plaintiff has not been married.

3. The testator was at his death entitled to moveable and immoveable property; the defendant entered into the receipt of the rents of the immoveable property and got in the moveable property; he has sold some part of the immoveable property.

The plaintiff claims—

(1) to have the moveable and immoveable property of *A. B.* administered in this Court, and for that purpose to have all proper directions given and accounts taken;

(2) such further or other relief as the nature of the case may require.

Between *E. F.* ... *Plaintiff.*
and
G. H. ... *Defendant.*

Written Statement of Defendant.

1. *A. B.*'s will contained a charge of debts; he died insolvent; he was entitled at his death to some immoveable property which the defendant sold, and which produced the nett sum of rupees , and the testator had some moveable property which the defendant got in, and which produced the nett sum of rupees.

2. The defendant applied the whole of the said sums and the sum of rupees which the defendant received from rents of the immoveable property in the payment of the funeral and testamentary expenses and some of the debts of the testator.

3. The defendant made up his accounts and sent a copy thereof to the plaintiff on the [tenth day of January, 1875], and offered the plaintiff free access to the vouchers to verify such accounts, but he declined to avail himself of the defendant's offer.

4. The defendant submits that the plaintiff ought to pay the costs of this suit.

No. 108.

EXECUTION OF TRUSTS.

IN THE COURT OF , AT

Civil Suit, No.

A. B. of ... *Plaintiff*,
against
C. D. of the beneficiary [*or*, one of the beneficiaries] ... *Defendant.*

A. B., the above-named plaintiff, states as follows :—

1. That he is one of the trustees under an instrument of settlement bearing date on or about the day of made upon the marriage of *E. F.* and *G. H.*, the father and mother of the defendant [*or*, an instrument of assignment of the estate and effects of *E. F.* for the benefit of *C. D.*, the defendant, and other the creditors of *E. F.*]

2. The said *A. B.* has taken upon himself the burden of the said trust, and is in possession of [*or*, of the proceeds of] the moveable and immoveable property conveyed [*or* assigned] by the before-mentioned deed.

3. The said *C. D.* claims to be entitled to a beneficial interest under the before-mentioned deed.

4. The plaintiff is desirous to account for all the rents and profits of the said immoveable property [and the proceeds of the sale of the said, *or* of part of the said, immoveable property, *or* moveable, *or* the proceeds of the sale of, *or* of part of, the said moveable, property, *or* the profits accruing to the plaintiff as such trustee in the execution of the said trust]; and he prays that the Court will take the accounts of the said trust, and also that the whole of the said trust estate may be administered in the Court for the benefit of the said *C. D.*, the defendant, and all other persons who may be interested in such administration, in the presence of the said *C. D.* and such other persons so interested as the Court may direct, or that the said *C. D.* may show good cause to the contrary.

[*N. B.—Where the suit is by a beneficiary, the plaint may be modelled,* mutatis mutandis, *on the plaint by a legatee.*]

No. 109.

FORECLOSURE OR SALE.

(*Title*).

A. B., the above-named plaintiff, states as follows :—

1. By a mortgage-deed dated the day of 18 , a house with the garden and appurtenances, situated within the jurisdiction of this Court, were conveyed by the defendant to him

THE FOURTH SCHEDULE—*continued.*

the plaintiff, his heirs [*or* executors, administrators,] and assigns, for securing the principal sum of Rs. together with interest thereon at the rate of Rs. per centum per annum, subject to redemption upon payment by the said defendant of the said principal and interest at a day long since past.

2. There is now due from the defendant to the plaintiff the sum of Rs. for principal and interest on the said mortgage.

3. The plaintiff prays (*a*) that the Court will order the defendant to pay him the said sum of Rs. with such further interest as may accrue between the filing of the plaint and the day of payment, and also the costs of this suit, on some day to be named by the Court, and in default that the right to redeem the said mortgaged premises may be foreclosed and the plaintiff placed in possession of the same premises; or (*b*) that the said premises may be sold, and the proceeds applied in and towards the payment of the amount of the said principal, interest and costs; and (*c*) that if such proceeds shall not be sufficient for the payment in full of such amount, the defendant do pay to the plaintiff the amount of the deficiency with interest thereon at the rate of six per cent. per annum until realization; and (*d*) that for that purpose all proper directions may be given and accounts taken by the Court.

No. 110.

REDEMPTION.

Title.

[*Alter Form No. 109 thus:—*]

Transpose parties and also the facts in paragraph 1.

For paragraph 2, substitute—

2. There is now due from the plaintiff to the defendant, for principal and interest on the said mortgage, the sum of Rs. which the plaintiff is ready and willing to pay to the defendant, of which the defendant, before filing this plaint, had notice.

For paragraph 3, substitute—

The plaintiff prays that he may redeem the said premises and that the defendant may be ordered to re-convey the same to him upon payment of the said sum of Rs. and interest, with such costs (if any), as the Court may order, upon a day to be named by the Court, and that the Court will give all proper directions for the preparation and execution of such re-conveyance and doing such other acts as may be necessary to put him into possession of the said premises, freed from the said mortgage.

No. 111.

SPECIFIC PERFORMANCE. (No. 1).

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. By an agreement dated the day of and signed by the above-named defendant, *C. D.*, he the said *C. D.* contracted to buy of [*or* sell to] him certain immoveable property therein described and referred to, for the sum of rupees.

2. He has applied to the said *C. D.* specifically to perform the said agreement on his part, but he has not done so.

3. The said *A. B.* has been and still is ready and willing specifically to perform the agreement on his part of which the said *C. D.* has had notice.

4. The plaintiff prays that the Court will order the said *C. D.* specifically to perform the said agreement and to do all acts necessary to put the said *A. B.* in full possession of the said property [*or* to accept a conveyance and possession of the said property] and to pay the costs of the suit.

[*N.B.—In suit for delivery up, to be cancelled, of any agreement, omit paragraphs 2 and 3, and substitute a paragraph stating generally the grounds for requiring the agreement to be delivered up to be cancelled—such as that the plaintiff signed it by mistake, under duress, or by the fraud of the defendant —and alter the prayer according to the relief sought.*]

No. 112.

SPECIFIC PERFORMANCE. (No. 2.)

(*Title*).

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , the defendant was absolutely entitled to certain immoveable property described in the agreement hereto annexed.

2. That on the same day, the plaintiff and defendant entered into an agreement, under their hands, a copy of which is hereto annexed.

3. That on the day of 18 , the plaintiff tendered rupees to the defendant, and demanded a conveyance of the said property.

4. That on the day of 18 , the plaintiff again demanded such conveyance. [*Or*, That the defendant refused to convey the same to the plaintiff.]

5. That the defendant has not executed such conveyance.

6. That the plaintiff is still ready and willing to pay the purchase-money of the said property to the defendant.

The plaintiff prays judgment:

(1) that the defendant execute to the plaintiff a sufficient conveyance of the said property [*following the terms of the agreement*];

(2) for rupees compensation for withholding the same.

No. 113.

PARTNERSHIP.

(*Title*).

A. B., the above-named plaintiff, states as follows:—

1. He and the said *C. D.*, the defendant, have been for the space of years [*or* months] last past carrying on business together at within the jurisdiction of this Court, under cer-

THE FOURTH SCHEDULE—*continued.*

tain articles of partnership in writing, signed by them respectively, [*or*, under a certain deed sealed and executed by them respectively, *or*, under a verbal agreement between them, the said plaintiff and defendant]

2. Divers disputes and differences have arisen between the plaintiff and defendant as such partners, whereby it has become impossible to carry on the said business in partnership with advantage to the partners.

3. The plaintiff desires to have the said partnership dissolved, and he is ready and willing to bear his share of the debts and obligations of the partnership according to the terms of the said articles [*or* deed, *or* agreement].

4. The plaintiff prays the Court to decree a dissolution of the said partnership, and that the accounts of the said partnership-trading may be taken by the Court, and the assets thereof realized, and that such party may be ordered to pay into Court any balance due from him upon such partnership-account, and that the debts and liabilities of the said partnership may be paid and discharged, and that the costs of the suit may be paid, out of the partnership-assets, and that any balance remaining of such assets, after such payment and discharge, and the payment of the said costs, may be divided between the plaintiff and defendant, according to the terms of the said articles [*or* deed, *or* agreement], or that, if the said assets shall prove insufficient, he the plaintiff and the said defendant may be ordered to contribute in such proportions as shall be just to a fund to be raised for the payment and discharge of such debts, liabilities and costs. And to give such other relief as the Court shall think fit.

This plaint was filed by , pleader for the plaintiff, [*or* by

[*N. B.—In suits for winding-up of any partnership, omit the prayer for dissolution: but instead thereof insert a paragraph stating the fact of the partnership having been dissolved.*]

No. 114.

FORMS OF CONCISE STATEMENTS.

[Code of Civil Procedure, section 58.]

The plaintiff's claim is	rs. for money lent [and interest].	Money lent.
The plaintiff's claim is rs. for money lent, and	rs., whereof rs. is for the price of goods sold, and rs. for interest.	Several demands.
The plaintiff's claim is	rs. for arrears of rent.	Rent.
The plaintiff's claim is	rs. for arrears of salary as a clerk [*or, as the case may be*].	Salary, &c.
The plaintiff's claim is	rs. for interest upon money lent.	Interest.
The plaintiff's claim is	rs. for a general average contribution.	General average.
The plaintiff's claim is	rs. for freight and demurrage.	Freight, &c.
The plaintiff's claim is	rs. for money deposited with the defendant as a banker.	Banker's balance.
The plaintiff's claim is pleader.	rs. for fees for work done [and rs. money expended] as a	Fees, &c., as pleader.
The plaintiff's claim is &c].	rs. for commission earned as [*state character—as* auctioneer, cotton-broker,	Commission.
The plaintiff's claim is	rs. for medical attendances.	Medical attendance.
The plaintiff's claim is	rs. for a return of premiums paid upon policies of insurance.	Return of premium.
The plaintiff's claim is	rs. for the warehousing of goods.	Warehouse-rent.
The plaintiff's claim is	rs. for the carriage of goods by railway.	Carriage of goods.
The plaintiff's claim is	rs. for the use and occupation of a house.	Use and occupation of house.
The plaintiff's claim is	rs. for the hire of [furniture].	Hire of goods.
The plaintiff's claim is	rs. for work done as a [surveyor].	Work done.
The plaintiff's claim is	rs. for board and lodging.	Board and lodging
The plaintiff's claim is	rs. for the [board, lodging and] tuition of *X. Y.*	Schooling.
The plaintiff's claim is *&c.*] of the plaintiff.	rs. for money received by the defendant as pleader [*or* factor, *or* collector, *or*	Money received.
The plaintiff's claim is	rs. for fees received by the defendant under colour of the office of	Fees of office.
The plaintiff's claim is railway.	rs. for a return of money overcharged for the carriage of goods by	Money overpaid
The plaintiff's claim is	rs. for a return of fees overcharged by the defendant as	Return of money by stake-holder.
The plaintiff's claim is	rs. for a return of money deposited with the defendant as stake-holder.	
The plaintiff's claim is able to plaintiff.	rs. for money entrusted to the defendant as stake-holder, and become pay-	Money won from stake-holder
The plaintiff's claim is plaintiff.	rs. for a return of money entrusted to the defendant as agent of the	Money entrusted to agent.
The plaintiff's claim is	rs. for a return of money obtained from the plaintiff by fraud.	Money obtained by fraud.
The plaintiff's claim is	rs. for a return of money paid to the defendant by mistake.	Money paid by mistake.
The plaintiff's claim is left undone; *or*, a bill to be taken up, *or*, a bill not taken up; *or*, *&c.*]	rs. for a return of money paid to the defendant for [work to be done, *or*, work	Money paid for consideration which has failed
The plaintiff's claim is	rs. for a return of money paid as a deposit upon shares to be allotted.	
The plaintiff's claim is	rs. for money paid for the defendant as his surety.	Money paid by surety for defendant.
The plaintiff's claim is	rs. for money paid for rent due by the defendant.	Rent paid.
The plaintiff's claim is modation.	rs. upon a bill of exchange accepted [*or* indorsed] for the defendant's accom-	Money paid on accommodation-bill.
The plaintiff's claim is	rs. for a contribution in respect of money paid by the plaintiff as surety.	Contribution by surety.
The plaintiff's claim is fendant, paid by the plaintiff.	rs. for a contribution in respect of a joint debt of the plaintiff and the de-	By co-debtor.
The plaintiff's claim is bound to indemnify the plaintiff.	rs. for money paid for calls upon shares, against which the defendant was	Money paid for calls.

THE FOURTH SCHEDULE—*continued.*

Money payable under award.

The plaintiff's claim is rs. for money payable under an award.

Life-policy.

The plaintiff's claim is rs. upon a policy of insurance upon the life of *X. Y.*, deceased.

Money-bond.

The plaintiff's claim is rs. upon a bond to secure payment of rs. and interest.

Foreign judgment.

The plaintiff's claim is rs. upon a judgment of the Court in [the Empire of Russia].

Bills of exchange, &c.

The plaintiff's claim is rs. upon a cheque drawn by the defendant.

The plaintiff's claim is rs. upon a bill of exchange accepted [*or* drawn, *or* indorsed] by the defendant.

The plaintiff's claim is rs. upon a promissory note made [*or* indorsed] by the defendant.

The plaintiff's claim is rs. against the defendant, *A. B.*, as acceptor, and against the defendant, *C. D.*, as drawer [*or* indorser] of a bill of exchange.

Surety.

The plaintiff's claim is rs. against the defendant as surety for the price of goods sold.

The plaintiff's claim is rs. against the defendant, *A. B.*, as principal, and against the defendant, *C. D.*, as surety, for the price of goods sold [*or* for arrears of rent, *or* for money lent, *or* for money received by the defendant, *A. B.*, as traveller for the plaintiff, *or*, *&c.*]

Calls.

The plaintiff's claim is rs. for calls upon shares.

Indorsement for Costs, &c.

[*Add to the above forms*] and rs. for costs; and if the amount claimed be paid to the plaintiff or his pleader within days [*or if the summons is to be served out of the jurisdiction, insert the time for appearance limited by the order*] from the service hereof, further proceedings will be stayed.

Damages and other Claims.

Agent, &c.

The plaintiff's claim is for damages for breach of a contract to employ the plaintiff as traveller.

The plaintiff's claim is for damages for wrongful dismissal from the defendant's employment as traveller [and rs. for arrears of wages].

The plaintiff's claim is for damages for the defendant's wrongfully quitting the plaintiff's employment as manager.

The plaintiff's claim is for damages for breach of duty as factor [*or*, *&c.*,] of the plaintiff [and rs. for money received as factor, *or*, *&c.*]

Apprentices.

The plaintiff's claim is for damages for breach of the terms of a deed of apprenticeship of *X. Y.* to the defendant [*or* plaintiff].

Arbitration.

The plaintiff's claim is for damages for non-compliance with the award of *X. Y.*

Assault, &c.

The plaintiff's claim is for damages for assault [and false imprisonment, and for malicious prosecution].

By husband and wife.

The plaintiff's claim is for damages for assault and false imprisonment of the plaintiff, *C. D.*

Against husband and wife.

The plaintiff's claim is for damages for assault by the defendant, *C. D.*

Pleader.

The plaintiff's claim is for damages for injury by the defendant's negligence as pleader of the plaintiff

Bailment.

The plaintiff's claim is for damages for negligence in the custody of goods [and for wrongfully detaining the same].

Pledge.

The plaintiff's claim is for damages for negligence in the keeping of goods pawned [and for wrongfully detaining the same].

Hire.

The plaintiff's claim is for damages for negligence in the custody of furniture [*or*, a carriage] lent on hire, [and for wrongfullly, *&c.*].

Banker.

The plaintiff's claim is for damages for wrongfully neglecting [*or* refusing] to pay the plaintiff's cheque.

Bill.

The plaintiff's claim is for damages for breach of a contract to accept the plaintiff's drafts.

Bond.

The plaintiff's claim is upon a bond conditioned not to carry on the trade of a .

Carrier.

The plaintiff's claim is for damages for refusing to carry the plaintiff's goods by railway.

The plaintiff's claim is for damages for refusing to carry the plaintiff by railway.

The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of coals by railway.

The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of machinery by sea.

Charter-party.

The plaintiff's claim is for damages for breach of charter-party of ship [*Mary*].

Claim for return of goods; damages.

The plaintiff's claim is for return of household furniture, [*or*, *&c.*,] or their value, and for damages for detaining the same.

Damages for depriving of goods.

The plaintiff's claim is for wrongfully depriving plaintiff of goods, household furniture, &c.

Defamation.

The plaintiff's claim is for damages for libel.

The plaintiff's claim is for damages for slander.

Wrongful distress.

The plaintiff's claim is for damages for improperly distraining.

[*This Form shall be sufficient whether the distress complained of be wrongful or excessive, or irregular.*]

Ejectment.

The plaintiff's claim is to recover possession of a house, No. in Street, or of a farm called Blackacre, situate in the of in the of .

To establish title and recover rents.

The plaintiff's claim is to establish his title to [*here describe property*] and to recover the rents thereof.

[*The two previous Forms may be combined.*]

Fishery.

The plaintiff's claim is for damages for infringement of the plaintiff's right of fishing.

Fraud.

The plaintiff's claim is for damages for fraudulent misrepresentation on the sale of a horse [*or* a business, *or* shares, *or*, *&c.*].

The plaintiff's claim is for damages for fraudulent misrepresentation of the credit of *A. B.*

Guarantee.

The plaintiff's claim is for damages for breach of a contract of guarantee for *A. B.*

The plaintiff's claim is for damages for breach of a contract to indemnify the plaintiff as the defendant's agent to distrain.

Insurance.

The plaintiff's claim is for a loss under a policy upon the ship [*Royal Charter*], and freight of cargo [*or* for return of premiums].

[*This Form shall be sufficient whether the loss claimed be total or partial.*]

Fire-insurance.

The plaintiff's claim is for a loss under a policy of fire-insurance upon house and furniture.

The plaintiff's claim is for damages for breach of a contract to insure a house.

Landlord and tenant.

The plaintiff's claim is for damages for breach of a contract to keep a house in repair.

THE FOURTH SCHEDULE—*continued.*

The plaintiff's claim is for damages for breaches of covenants contained in a lease of a farm. — Landlord and tenant.

The plaintiff's claim is for damages for injury to the plaintiff from the defendant's negligence as a medical man. — Medical man.

The plaintiff's claim is for damages for injury by the defendant's dog. — Mischievous animal.

The plaintiff's claim is for damages for injury to the plaintiff by the negligent driving of the defendant or his servants. — Negligence.

The plaintiff's claim is for damages for injury to the plaintiff while a passenger on the defendant's railway by the negligence of the defendant's servants.

The plaintiff's claim is for damages for injury to the plaintiff at the defendant's railway-station from the defective condition of the station.

The plaintiff's claim is as executor of *A. B.*, deceased, for damages for the death of the said *A. B.*, from injuries received while a passenger on the defendant's railway, by the negligence of the defendant's servants. — Act XIII of 1855.

The plaintiff's claim is for damages for breach of promise of marriage. — Promise of marriage.

The plaintiff's claim is for damages for breach of contract to accept and pay for goods. — Sale of goods.

The plaintiff's claim is for damages for non-delivery [*or* short delivery, *or* defective quality, *or other breach of contract of sale*] of cotton [*or, &c.*].

The plaintiff's claim is for damages for breach of warranty of a horse.

The plaintiff's claim is for damages for breach of a contract to sell [*or* purchase] land. — Sale of land.

The plaintiff's claim is for damages for breach of a contract to let [*or* take] a house.

The plaintiff's claim is for damages for breach of a contract to sell [*or* purchase] the lease, with good-will, fixtures, and stock-in-trade of a public-house.

The plaintiff's claim is for damages for breach of covenant for title [*or* for quiet enjoyment, *or, &c.*] in a conveyance of land.

The plaintiff's claim is for damages for wrongfully entering the plaintiff's land and drawing water from his well [*or* cutting his grass, *or* felling his timber, *or* pulling down his fences, *or* removing his gate, *or* using his road or path, *or* crossing his field, *or* depositing sand there, or carrying away gravel from thence, *or* carrying away stones from his river]. — Trespass on land.

The plaintiff's claim is for damages for wrongfully taking away the support of plaintiff's land [*or* house, *or* mine]. — Support.

The plaintiff's claim is for damages for wrongfully obstructing a way [public highway, *or* private way]. — Way.

The plaintiff's claim is for damages for wrongfully diverting [*or* obstructing, *or* polluting, *or* diverting water from] a water-course. — Water-course, &c.

The plaintiff's claim is for damages for wrongfully discharging water upon the plaintiff's land [*or* into the plaintiff's mine].

The plaintiff's claim is for damages for wrongfully obstructing the plaintiff's use of a well.

The plaintiff's claim is for damages for the infringement of the plaintiff's right of pasture. — Pasture.

[*This Form shall be sufficient whatever the nature of the right to pasture be.*]

The plaintiff's claim is for damages for obstructing the access of light to plaintiff's house. — Light.

The plaintiff's claim is for damages for the infringement of the plaintiff's patent. — Patent.

The plaintiff's claim is for damages for the infringement of the plaintiff's copyright. — Copyright.

The plaintiff's claim is for damages for wrongfully using [*or* imitating] the plaintiff's trademark. — Trademark.

The plaintiff's claim is for damages for breach of a contract to build a ship [*or* to repair a house, *&c.*]. — Work.

The plaintiff's claim is for damages for breach of a contract to employ the plaintiff to build a ship, &c.

The plaintiff's claim is for damages to his house, trees, crops, &c., caused by noxious vapours from the defendant's factory [*or*, &c.] — Nuisance.

The plaintiff's claim is for damages from nuisance by noise from the defendant's works [*or* stables, *or, &c.*]

[*Add to indorsement*]:—and for an injunction — Injunction.

[*Add to indorsement where claim is to land, or to establish title, or both*]:—

and for mesne profits. — Mesne profits.

and for an account of rents or arrears of rent. — Arrears of rent.

and for breach of covenant for [repairs]. — Breach of covenant.

1. *Creditor to administer Estate.*

The plaintiff's claim is as a creditor of *X. Y.*, of , deceased, to have the moveable and immoveable property of the said *X. Y.* administered. The defendant, *C. D.*, is sued as the administrator of the said *X. Y.* [and the defendants, *E. F.* and *G. H.*, as his co-heirs at law].

2. *Legatee to administer Estate.*

The plaintiff's claim is as a legatee under the will dated the day of 18 , of *X. Y.*, deceased, to have the moveable and immoveable property of the said *X. Y.* administered. The defendant, *C. D.*, is sued as the executor of the said *X. Y.* [and the defendants *E. F.* and *G. H.*, as his devisees].

3. *Partnership.*

The plaintiff's claim is to have an account taken of the partnership-dealings between the plaintiff and defendant [under articles of partnership dated the day of], and to have the affairs of the partnership wound up.

4. *By Mortgagee.*

The plaintiff's claim is to have an account taken of what is due to him for principal, interest and costs on a mortgage dated the day of , made between [*parties*] [*or*, by deposit of title-deeds], and that the mortgage may be enforced by foreclosure or sale.

5. *By Mortgagor.*

The plaintiff's claim is to have an account taken of what, if anything, is due on a mortgage dated and made between [*parties*], and to redeem the property comprised therein.

6. *Raising Portions.*

The plaintiff's claim is that the sum of rs. which by a deed of settlement, dated was provided for the portions of the younger children of may be raised.

7. *Execution of Trusts.*

The plaintiff's claim is to have the trusts of an indenture dated and made between [*parties*] carried into execution.

THE FOURTH SCHEDULE—*continued.*

8. Cancellation or Rectification.

The plaintiff's claim is to have a deed dated and made between [*parties*] set aside or rectified.

9. Specific Performance.

The plaintiff's claim is for specific performance of an agreement dated the day of for the sale by the plaintiff to the defendant of certain [freehold] hereditaments at

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No. 115.

PROBATE.

1. *By an executor or legatee propounding a will in solemn form.*

The plaintiff claims to be executor of the last will dated the day of of *C. D.*, late of , deceased, who died on the day of , and to have the said will established. This summons is issued against you as one of the next-of-kin of the said deceased [*or, as the case may be*].

2. *By an executor or legatee of a former will, or a next-of-kin, &c., of the deceased, seeking to obtain the revocation of a probate granted in common form.*

The plaintiff claims to be executor of the last will dated the day of of *C. D.*, late of , deceased, who died on the day of and to have the probate of a pretended will of the said deceased, dated the day of revoked. This summons is issued against you as the executor of the said pretended will [*or, as the case may be*].

3. *By an executor or legatee of a will when letters of administration have been granted as in an intestacy.*

The plaintiff claims to be executor of the last will of *C. D.*, late of , deceased, who died on the day of , dated the day of .

The plaintiff claims that the grant of letters of administration of the estate of the said deceased obtained by you should be revoked, and probate of the said will granted to him.

4. *By a person claiming a grant of administration as a next-of-kin of the deceased, but whose interest as next-of-kin is disputed.*

The plaintiff claims to be the brother and sole next-of-kin of *C.D.*, of , deceased, who died on the day of , intestate, and to have as such a grant of administration to the personal estate of the said intestate. This writ is issued against you because you have entered a caveat, and have alleged that you are the sole next-of-kin of the deceased [*or, as the case may be*].

THE FOURTH SCHEDULE—*continued.*

F.—MISCELLANEOUS.

No. 116.

Section 58 of the Code of Civil Procedure.

COURT of the of holden at

REGISTER OF CIVIL SUITS in the year 18 .

Date of presentation of plaint.	No. of Suit.	Plaintiff.			Defendant.			Claim.			Appearance.			Judgment.			Appeal.		Execution.					Return of Execution.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Particulars.	Amount or value.	When the Cause of Action accrued.	Day for parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or amount.	Date of appeal.	Judgment in Appeal.	Date of Application.	Date of Order.	Against whom.	For what, and amount if money.	Amount of costs.	Amount paid into Court.	Arrested.	Minute of other Return than Payment or Arrest, and date of every Return.

THE FOURTH SCHEDULE—*continued.*

No. 117.

SUMMONS FOR DISPOSAL OF SUIT.

Sections 64 and 68 of the Code of Civil Procedure.

(*Title.*)

To

dwelling at

NOTICE—1. Should you apprehend your witnesses will not attend of their own accord, you can have summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call upon the witness to produce, on applying to the Court at any time before the trial, on your depositing their necessary subsistence-money.

2. If you admit the demand, you should pay the money into Court with the costs of the suit, to avoid the summary execution of the decree, which may be against your person or property, or both, if necessary.

WHEREAS has instituted a suit against you for you are hereby summoned to appear in this Court in person or by a duly authorized pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions on the day of 18 , at o'clock in the forenoon, to answer the above-named plaintiff; and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce all your witnesses on that day; and you are hereby required to take notice that, in default of your appearance on the day before-mentioned, the suit will be heard and determined in your absence; and you will bring with you, or send by your pleader , which the plaintiff desires to inspect, and any documents on which you intend to rely in support of your defence.

GIVEN under my hand and the seal of the Court this day of 18

L. S.

Judge.

NOTE.—*If written statements are required, say*—You are [*or* such a party is, *as the case may be*] required to put in a written statement by the day of .

No. 118.

SUMMONS FOR SETTLEMENT OF ISSUES.

Sections 64 and 68 of the Code of Civil Procedure.

(*Title.*)

To

dwelling at

NOTICE.—1. Should you apprehend your witnesses will not attend of their own accord, you can have summonses from this Court to compel the attendance of any witness, and the production of any document that you have a right to call on the witness to produce, on applying to the Court at any time before the trial, on your depositing their necessary subsistence-money.

2. If you admit the demand, you should pay the money into Court with the costs of the suit, to avoid the summary execution of the decree, which may be against your person or property, or both, if necessary.

WHEREAS has instituted a suit against you for you are hereby summoned to appear in this Court in person or by a duly authorized pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions, on the day of 18 , at o'clock in the forenoon, to answer the above-named plaintiff; and you are hereby required to take notice that, in default of your appearance on the day before mentioned, the issues will be settled in your absence; and you will bring with you, or send by your pleader , which the plaintiff desires to inspect, and any document on which you intend to rely in support of your defence.

GIVEN under my hand and the seal of the Court this day of 18 .

L. S.

Judge,

NOTE.—*If written statements are required, say*—You are [*or* such a party is, *as the case may be*] required to put in a written statement by the day of .

No. 119.

SUMMONS TO APPEAR.

Section 68 of the Code of Civil Procedure.

No. of Suit.

IN THE COURT OF AT

Plaintiff.
Defendant.

To

(*Name, description and address.*)

WHEREAS [*here enter the name, description and address of the plaintiff*] has instituted a suit in this Court against you [*here state the particulars of the claim as in the register*]: you are hereby summoned to appear in this Court in person on the day of at in the forenoon [*If not specially required to appear in person, state*—" in person or by a pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able

THE FOURTH SCHEDULE—*continued.*

to answer all such questions "] to answer the above-named plaintiff. [*If the summons be for the final disposal of the suit, this further direction shall be added here;* "and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce all your witnesses on that day"]; and you are hereby required to take notice that, in default of your appearance on the day before-mentioned, the suit will be heard and determined in your absence; and you will bring with you (or send by your agent) [*here mention any document the production of which may be required by the plaintiff*], which the plaintiff desires to inspect, and any document on which you intend to rely in support of your defence.

GIVEN under my hand and the seal of the Court this day of 18

L. S.

Judge.

No. 120.

ORDER FOR TRANSMISSION OF SUMMONS FOR SERVICE IN THE JURISDICTION OF ANOTHER COURT.

Section 85 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

The day of 18 .

WHEREAS it is stated in the plaint that , the defendant in the above suit is at present residing in , but that the right to sue accrued within the jurisdiction of this Court: it is ordered that a summons returnable on the day of 18 be forwarded for service on the said defendant, to the Court of with a duplicate of this proceeding.

L. S.

Judge.

No. 121.

TO ACCOMPANY RETURN OF SUMMONS OF ANOTHER COURT.

Section 85 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

The day of 18

A. B. of

against

C. D. of

Read proceeding from the forwarding for service on in civil No. of that Court.

Read bailiff's endorsement on the back of the process stating that the and proof of the above having been duly taken by me on the [oath *or*] affirmation of and . it is ordered that the be returned to the with a copy of this proceeding.

L. S.

Judge.

NOTE.—This form will be applicable to process other than summons, the service of which may have to be effected in the same manner

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No. 122.

DEFENDANT'S STATEMENT.

Section 110 of the Code of Civil Procedure.

(*Title.*)

I, the undersigned defendant [*or* one of the defendants], disclaim all interest under the will of the said *E. F.* in the plaint, named [*or*, as heir-at-law, *or*, as next-of-kin, *or* one of the next-of-kin, of *E. F.*, deceased, in the said plaint named].

Or, I, the undersigned defendant, state that I admit [*or* deny] [*here repeat in the language of the plaint the statements admitted or denied*].

Or, I, the undersigned defendant, submit that, upon the facts stated in the plaint, it does not appear that there is any agreement which can be legally enforced [*or*, that it appears upon the said plaint that I am jointly liable with one *E. F.*, who is not a party to the suit, and not severally liable as by the plaint appears, *or*, that it appears by the said plaint that *G. H.* should have been a joint-plaintiff with the said *A. B.* in the said suit, *or, as the case may be*].

THE FOURTH SCHEDULE—*Continued.*

Or, that the plaintiff has conveyed his interest in the said mortgage [*or* right to redeem] to one *I. J.* [*or*, that I have conveyed or assigned to *H. L.* by way of further charge for securing the sum of Rs. , the right to redeem in the property sought by the suit to be foreclosed].

Or, that since the dissolution of the partnership the plaintiff has executed an instrument, whereby the plaintiff covenants to discharge all debts and liabilities of the partnership, and generally to release me from all claims and liabilities either by or to himself and others in respect of the said partnership-trading [*or, as the case may be*].

(*Signed*) *C. D.*,
Defendant.

No. 123.

INTERROGATORIES.

Section 121 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A.B.

against

C. D., *E. F.* and *G. H.*

Interrogatories on behalf of the above-named *A. B.* [*or C. D.*] for the examination of the above-named [*E. F.* and *G. H.*, *or A. B.*]

1. Did not, &c.
2. Has not, &c.

The defendant *E. F.* is required to answer the interrogatories numbered
The defendant *G. H.* is required to answer the interrogatories numbered

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No. 124.

FORM OF NOTICE TO PRODUCE DOCUMENTS.

Section 131 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .

A. B.

against

C. D.

Take notice that the plaintiff [*or* defendant] requires you to produce for his inspection the following documents referred to in your plaint [*or* written statement, *or* affidavit], dated the day of 18 .

Describe documents required.

X. Y., Pleader for the plaintiff [*or* the defendant].

To *Z.*,
Pleader for the defendant [*or* plaintiff].

No. 125.

SUMMONS TO ATTEND AND GIVE EVIDENCE.

Sections 159 and 163 of the Code of Civil Procedure.

(Title.)

To

WHEREAS your attendance is required to on behalf of the in the above cause, you are hereby required [personally to appear before this Court] on the day of 18 , at the hour of A.M. [and] to bring with you or to send to this Court .

A sum of Rs. , being your travelling and other expenses and subsistence-allowance for one day, is herewith sent. If you do not comply with this order, you will be subject to the consequence of non-attendance laid down in the Code of Civil Procedure, section 170.

Notice—(1). If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

(2). If you are to be detained beyond the day aforesaid, a sum of Rs. will be tendered to you for each day's attendance beyond the day specified.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 126.

Another Form.

No. of Suit.

IN THE COURT OF AT

Plaintiff,
Defendant.

To

[*Name, description and address.*]

YOU are hereby summoned to appear in this Court in person on the day of at in the forenoon, to give evidence on behalf of the plaintiff [*or* the defendant] in the

THE FOURTH SCHEDULE—*continued.*

above-mentioned suit, and to produce [*here describe with convenient certainty any document the production of which may be required. If the summons be only to give evidence, or if it be only to produce a document, it must be expressed accordingly*], and you are not to depart thence until you have been examined [*or* have produced the document] and the Court has risen, or unless you have obtained the leave of the Court.

FORMS OF DECREES.

No. 127.

SIMPLE MONEY-DECREE.

(*Title.*)

Claim for

THIS cause coming on for final disposal before in the presence of , on the part of the plaintiff, and on the part of the defendant, it is ordered that the do pay to the the sum of Rs. , with interest thereon at the rate of per cent. per from to the date of realization of the said sum, and do also pay to the the costs of this suit as taxed by the officer of the Court, with interest thereon at the rate aforesaid from the date of taxation to the date of realization.

Costs of suit.

PLAINTIFF.	Rs.	A.	P.	DEFENDANT.	Rs.	A.	P.
1. Stamp for plaint				Stamp for power			
2. Do. for power				Do. petition			
3. Do. exhibits				Pleader's fee			
4. Pleader's fees on Rs.				Subsistence for witnesses			
5. Translation-fee				Service of process			
6. Subsistence for witness for attendance				Translation-fee			
7. Commissioner's fee				Commissioner's fee			
8. Service of process							
9. &c.							
TOTAL ...				TOTAL ...			

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 128.

DECREE FOR SALE IN A SUIT BY A MORTGAGEE OR PERSON ENTITLED TO A LIEN.

(*Title.*)

It is ordered that it be referred to the Registrar [*or* Taxing Officer] to take an account of what is due to the plaintiff for principal and interest on the mortgage [*or* lien] mentioned in the plaint, and to tax the plaintiff's costs of this suit, and that the Registrar [*or* Taxing Officer] do declare in court on the day of what he shall find to be due for principal and interest as aforesaid, and for costs; And upon the defendant paying into court what shall be certified to be due to the plaintiff for principal and interest as aforesaid, together with the said costs, within six months from the date of declaring in court the amount so due; it is ordered that the plaintiff do reconvey the said mortgaged premises free and clear from all incumbrances done by him, or any claiming by, from, or under, him, and do deliver up to the defendant or to such person as he appoints all documents in his custody or power relating thereto, and that upon such reconveyance being made, and documents being delivered up, the Registrar [*or* Taxing Officer] shall pay out to the plaintiff the said sum so paid in as aforesaid for principal, interest and costs; but in default of the defendant paying into court such principal, interest and costs as aforesaid by the time aforesaid, then it is ordered that the said mortgaged premises [*or* the premises subject to the said lien] be sold with the approbation of the Registrar [*or* Taxing Officer]. And it is ordered that the proceeds of such sale (after defraying thereout the expenses of the sale) be paid into court, to the end that the same may be duly applied in payment of what shall be found due to the plaintiff for principal, interest and costs as aforesaid, and that the balance (if any) shall be paid to the defendant or other person entitled to receive the same.

No. 129.

FINAL DECREE FOR FORECLOSURE.

(*Title.*)

WHEREAS it appears to the Court that the defendant has not paid into court the sum which was on the day of last declared in court to be due to the plaintiff for principal an interest upon the mortgage in the plaint mentioned, and for costs, pursuant to the order made n

THE FOURTH SCHEDULE—*continued.*

this suit on the day of last, and that the period of six months has elapsed since the said day of

It is ordered that the defendant do stand absolutely debarred of all right to redeem the said mortgaged premises.

No. 130.

PRELIMINARY ORDER—ADMINISTRATION-SUIT.

Section 213 of the Code of Civil Procedure.

(*Title.*)

It is ordered that the following accounts and inquiries be taken and made; that is to say:—

In creditor's suit—

1. That an account be taken of what is due to the plaintiff and all other the creditors of the deceased.

In suits by legatees—

2. An account be taken of the legacies given by the testator's will.

In suits by next-of-kin—

An inquiry be made and account taken of what, or of what share, if any, the plaintiff is entitled to as next-of-kin [*or* one of the next-of-kin] of the intestate.

[*After the first paragraph, the Order will, where necessary, order, in a creditor's suit, inquiry and accounts for legatees, heirs-at-law and next-of-kin. In suits by claimants other than creditors, after the first paragraph, in all cases, an order to inquire and take an account of creditors will follow the first paragraph, and such of the others as may be necessary will follow, omitting the first formal words. The form is continued as in a creditor's suit.*]

3. An account of the funeral and testamentary expenses.

4. An account of the moveable property of the deceased come to the hands of the defendant, or to the hands of any other person by his order or for his use.

5. An inquiry what part (if any) of the moveable property of the deceased is outstanding and undisposed of.

6. And it is further ordered, that the defendant do, on or before the day of next, pay into court all sums of money which shall be found to have come to his hands, or to the hands of any person by his order or to his use.

7. And that if the *Registrar* shall find it necessary for carrying out the objects of the suit to sell any part the moveable property of the deceased, that the same be sold accordingly, and the proceeds paid into court.

8. And that Mr. *E. F.* be Receiver in the suit [*or* proceeding], and receive and get in all outstanding debts and outstanding moveable property of the deceased, and pay the same into the hands of the Registrar [and shall give security by bond for the due performance of his duties to the amount of rupees].

9. And it is further ordered, that if the moveable property of the deceased be found insufficient for carrying out the objects of the suit, then the following further inquiries be made, and accounts taken, that is to say,—

(*a*) an inquiry what immoveable property the deceased was seized of or entitled to at the time of his death;

(*b*) an inquiry what are the incumbrances (if any) affecting the immoveable property of the deceased, or any part thereof;

(*c*) an account, so far as possible, of what is due to the several incumbrancers, and to include a statement of the priorities of such of the incumbrancers as shall consent to the sale hereinafter directed.

10. And that the immoveable property of the deceased, or so much thereof as shall be necessary to make up the fund in court sufficient to carry out the object of the suit, be sold with the approbation of the Judge, free from incumbrances (if any) of such incumbrancers as shall consent to the sale, and subject to the incumbrances of such of them as shall not consent.

11. And it is ordered, that *G. H.* shall have the conduct of the sale of the immoveable property, and shall prepare the conditions and contracts of sale subject to the approval of the Registrar, and that in case any doubt or difficulty shall arise the papers shall be submitted to the Judge to settle.

12. And it is further ordered, that for the purpose of the inquiries hereinbefore directed, the Registrar shall advertise in the newspapers according to the practice of the Court, or shall make such inquiries in any other way which shall appear to the Registrar to give the most useful publicity to such inquiries.

13. And it is ordered, that the above inquiries and accounts be made and taken, and that all other acts ordered to be done be completed, before the day of and that the Registrar do certify the result of the inquiries, and the accounts, and that all other acts ordered are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of

14. And, lastly, it is ordered, that this suit [*or* matter] stand adjourned for making final decree to the day of

[*Such part only of this order is to be used as is applicable to the particular case.*]

No. 131.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE.

Section 213 of the Code of Civil Procedure.

1. IT is ordered that the defendant do on or before the day of pay into court the sum of Rs. , the balance by the said certificate found to be due from the said defendant on account of the estate of , the testator, and also the sum of Rs. for interest, at the rate of Rs. per centum per annum, from the day of to the day of amounting together to the sum of Rs.

2. Let the Registrar [*or* Taxing officer] of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said costs, when so taxed, be paid out of the said sum of Rs. ordered to be paid into court as aforesaid, as follows:—

(*a*).—The costs of the plaintiff to Mr. , his attorney [*or* pleader], and the costs of the defendant to Mr. , his attorney [*or* pleader].

THE FOURTH SCHEDULE—*continued.*

(*b*).—And (*if any debts are due*) with the residue of the said sum of Rs. , after payment of the plaintiff's and defendant's costs as aforesaid, let the sums found to be owing to the several creditors mentioned in the schedule to the Registrar's certificate, together with subsequent interest on such of the debts as bear interest, be paid; and after making such payments, let the amount coming to the several legatees mentioned in the schedule, together with subsequent interest (to be verified as aforesaid), be paid to them.

3. And if there should then be any residue, let the same be paid to the residuary legatee.

DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE, WHERE AN EXECUTOR IS HELD PERSONALLY LIABLE FOR THE PAYMENT OF LEGACIES.

Section 213 of the Code of Civil Procedure.

1. Declare that the defendant is personally liable to pay the legacy of Rs. bequeathed to the plaintiff;

2. And it is ordered, that an account be taken of what is due for principal and interest on the said legacy;

3. And it is also ordered, that the defendant do within weeks after the date of the Registrar's certificate, pay to the plaintiff the amount of what the Registrar shall certify to be due for principal and interest;

4. And it is ordered, that the defendant do pay the plaintiff his costs of suit, the same to be taxed in case the parties differ.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY NEXT-OF-KIN.

Section 213 of the Code of Civil Procedure.

1. Let the Registrar of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said plaintiff's costs, when so taxed, be paid by the defendant to the plaintiff out of the sum of Rs. , the balance by the said certificate found to be due from the said defendant on account of the personal estate of *E. F.*, the intestate, within one week after the taxation of the said costs by the said Registrar, and let the defendant retain for her own use out of such sum her costs, when taxed.

2. And it is ordered, that the residue of the said sum of Rs. , after payment of the plaintiff's and defendant's costs as aforesaid, be paid and applied by defendant as follows:—

(*a*).—Let the defendant, within one week after the taxation of the said costs by the Registrar as aforesaid, pay one-third share of the said residue to the plaintiffs, *A. B.*, and *C.*, his wife, in her right, as the sister and one of the next-of-kin of the said *E. F.*, the intestate.

(*b*).—Let the defendant retain for her own use one other third share of the said residue, as the mother, and one other of the next-of-kin of the said *E. F.*, the intestate.

(*c*).—And let the defendant, within one week after the taxation of the said costs by the Registrar as aforesaid, pay the remaining one-third share of the said residue to *G. H.*, as the brother and the other next-of-kin of the said *E. F.*, the intestate.

No. 132.

ORDER—DISSOLUTION OF PARTNERSHIP.

Section 215 of the Code of Civil Procedure.

(*Title.*)

IT is declared that the partnership in the plaint mentioned between the plaintiff and defendant ought to stand dissolved as from the day of , and it is ordered that the dissolution thereof as from that day be advertised in the *Gazette, &c.*

And it is ordered that be the Receiver of the partnership-estate and effects in this suit, and do get in all the outstanding book-debts and claims of the partnership.

And it is ordered that the following accounts be taken:—

1. An account of the credits, property and effects now belonging to the said partnership;

2. An account of the debts and liabilities of the said partnership;

3. An account of all dealings and transactions between the plaintiff and defendant, from the foot of the settled account exhibited in this suit and marked (A), and not disturbing any subsequent settled accounts.

And it is ordered that the goodwill of the business heretofore carried on by the plaintiff and defendant as in the plaint mentioned, and the stock-in-trade, be sold on the premises, and that the Registrar may, on the application of any of the parties, fix a reserved bidding for all or any of the lots at such sale, and that either of the parties is to be at liberty to bid at the sale.

And it is ordered that the above accounts be taken and all the other acts required to be done be completed before the day of , and that the Registrar do certify the result of the accounts, and that all other acts are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of

And, lastly, it is ordered that this suit stand adjourned for making a final decree to the day of .

No. 133.

PARTNERSHIP—FINAL DECREE.

Section 215 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No.

A. B. of

against

C. D. of

IT is ordered that the fund now in court, amounting to the sum of Rs. be applied as follows:—

1. In payment of the debts due by the partnership set forth in the Registrar's certificate, amounting in the whole to Rs.

THE FOURTH SCHEDULE—*continued.*

2. In payment of the costs of all parties in this suit, amounting to Rs.
[*These costs must be ascertained before the decree is drawn up*].

3. In payment of the sum of Rs. to the plaintiff as his share of the partnership-assets, of the sum of Rs. , being the residue of the said sum of Rs. now in court, to the defendant as his share of the partnership-assets.

[*Or*, And that the remainder of the said sum of Rs. be paid to the said plaintiff [*or* defendant] in part payment of the sum of Rs. certified to be due to him in respect of the partnership-accounts.]

And that the defendant [*or* plaintiff] do on or before the day of pay to the plaintiff [*or* defendant] the sum of Rs. being the balance of the said sum of Rs. due to him, which will then remain due.

No. 134.

CERTIFICATE OF NON-SATISFACTION OF DECREE.

Section 224 of the Code of Civil Procedure.

IN THE COURT OF AT .
Civil Suit, No. of 18 .

A. B. of
against
C. D. of

CERTIFIED that no [*or* partial, *as the case may be, and if partial, state to what extent*] satisfaction of the decree of this Court, in Civil Suit No. of 18 , a copy of which is hereunto attached, has been obtained by execution within the jurisdiction of this Court.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 135.

NOTICE TO SHOW CAUSE WHY EXECUTION SHOULD NOT ISSUE.

Section 248 of the Code of Civil Procedure.

IN THE COURT OF AT .
Civil Suit, No. of 18 .
Miscellaneous, No. of 18 .

A. B. of
against
C. D. of

To

WHEREAS
has made application to this Court for execution of decree in Civil Suit No. 18
this is to give you notice that you are to appear before this Court on the
day of 18 , either in person, or by a pleader of this Court, or agent duly authorized and instructed, to show cause, if any, why execution should not be granted.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 136.

WARRANT OF ATTACHMENT OF MOVEABLE PROPERTY IN DEFENDANT'S POSSESSION IN EXECUTION OF A DECREE FOR MONEY.

Section 254 of the Code of Civil Procedure.

(*Title.*)

TO THE BAILIFF OF THE COURT.

WHEREAS was ordered, by decree of this Court, passed on the day of 18 , in Suit No. of 18 pay to the plaintiff the sum of Rs. as noted in the margin; and whereas the said sum of Rs. has not been paid

DECREE.			
Principal			
Interest			
Costs			
Costs of decree . . .			
Interest thereon . .			
Total of attachment . .			
TOTAL .			

THESE ARE TO COMMAND YOU to attach the moveable property of the said as set forth in the list hereunto annexed, or which shall be pointed out to you by the said , and unless the said shall pay to you the said sum of Rs. together with Rs. , the costs of this attachment, to hold the same until further orders from this Court.

YOU ARE FURTHER COMMANDED to return this Warrant on or before the day of

THE FOURTH SCHEDULE—*continued.*

18 , with an endorsement certifying the date and manner in which it has been executed, or why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 18 .

Schedule.

L. S.

Judge.

No. 137.

WARRANT TO THE BAILIFF TO GIVE POSSESSION OF LAND, &C.

Section 263 of the Code of Civil Procedure.

(*Title.*)

TO THE BAILIFF OF THE COURT.

WHEREAS in the occupancy of has been decreed to , the plaintiff in this suit: you are hereby directed to put the said in possession of the same, and you are hereby authorized to remove any person who may refuse to vacate the same.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 138.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY TO BE ATTACHED CONSISTS OF MOVEABLE PROPERTY, TO WHICH THE DEFENDANT IS ENTITLED SUBJECT TO A LIEN OR RIGHT OF SOME OTHER PERSON TO THE IMMEDIATE POSSESSION THEREOF.

Section 268 of the Code of Civil Procedure.

(*Title.*)

To

WHEREAS has failed to satisfy a decree passed against on the day of 18 in favour of for Rs. : it is ordered that the defendant be, and is hereby, prohibited and restrained, until the further order of this Court, from receiving from the following property in the possession of the said that is to say, to which the defendant is entitled, subject to any claim of the said , and the said is hereby prohibited and restrained, until the further order of this Court, from delivering the said property to any person or persons whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 139.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF DEBTS NOT SECURED BY NEGOTIABLE INSTRUMENTS.

Section 268 of the Code of Civil Procedure.

(*Title.*)

To

WHEREAS has failed to satisfy a decree passed against on the day of 18 , in Civil Suit, No. of 18 , in favour of for Rs. : it is ordered that the defendant be, and hereby, prohibited and restrained, until the further order of this Court, from receiving from you a certain debt alleged now to be due from you to the said defendant, namely, and that you, the said , be, and you are hereby, prohibited and restrained, until the further order of this Court, from making payment of the said debt, or any part thereof, to any person whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 140.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF SHARES IN A PUBLIC COMPANY, &c.

Section 268 of the Code of Civil Procedure.

(*Title.*)

To

Defendant, and to Manager of Company.

WHEREAS has failed to satisfy a decree passed against on the day of 18 , in Civil Suit, No. of 18 in favour of for Rs. : it is ordered that you, the defendant, be, and you are hereby, prohibited and restrained, until the further order of this Court, from making any transfer of shares in the aforesaid Company, namely, or from receiving payment of any dividends thereof; and you , the Manager of the said Company, are hereby prohibited and restrained from permitting any such transfer or making any such payment.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 141.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF IMMOVEABLE PROPERTY.

Section 274 of the Code of Civil Procedure.

(*Title.*)

To

Defendant.

WHEREAS you have failed to satisfy a decree passed against you on the day of 18 , in Civil Suit, No. of 18 , in favour of for Rs. : it is ordered that you, the said , be, and you are hereby, prohibited and restrained, until the further order of this Court, from alienating the property specified in the schedule hereunto annexed, by sale, gift, or otherwise, and that all persons be, and that they are hereby, prohibited from receiving the same by purchase, gift, or otherwise.

GIVEN under my hand and the seal of the Court, this day of 18

Schedule.

L. S.

Judge.

No. 142.

ATTACHMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF MONEY OR OF ANY SECURITY IN THE HANDS OF A COURT OF JUSTICE OR OFFICER OF GOVERNMENT.

(Sections 272 and 486 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B.

against

C. D. of

To

SIR,

THE plaintiff having applied, under section of the Code of Civil Procedure, for an attachment of certain money now in your hands (*here state how the money is supposed to be in the hands of the person addressed, on what account, &c.*), I request that you will hold the said money subject to the further order of this Court.

I have the honour to be,

SIR,

Your most obedient Servant,

L. S.

Dated the day of 18 *Judge.*

THE FOURTH SCHEDULE—*continued.*

No. 143.

ORDER FOR PAYMENT TO THE PLAINTIFF, &c., OF MONEY, &c., IN THE HANDS OF A THIRD PARTY.

Section 277 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18
Miscellaneous, No. of 18

A. B. of
against
C. D. of

TO THE BAILIFF OF THE COURT AND TO

WHEREAS the following property has been attached in execution of a decree in Civil Suit, No. of 18 , passed on the day of 18 , in favour of for Rs. : it is ordered that the property so attached, consisting of Rs. in money, and Rs. in Currency notes, or a sufficient part thereof to satisfy the said decree, shall be paid over by you the said , to , and that the said property, so far as may be necessary for the satisfaction of the said decree, shall be sold by you, the Bailiff of the Court, by public auction in the manner prescribed for sale in execution of decrees, and that the money which may be realized by such sale, or a sufficient part thereof to satisfy the said decree, shall be paid over to the said and the remainder if any, shall be paid to you, the said

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 144.

NOTICE TO ATTACHING CREDITOR.

Section 278 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18
Miscellaneous, No. of 18

A. B. of
against
C. D. of

To

WHEREAS has made application to this Court for the removal of attachment on placed at your instance in execution of the decree in Civil Suit, No. of 18 , this is to give you notice to appear before this Court on , the day of , 18 , either in person or by a pleader of the Court duly instructed, to support your claim, as attaching creditor.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 145.

WARRANT OF SALE OF PROPERTY IN EXECUTION OF A DECREE FOR MONEY.

Section 287 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18
Miscellaneous, No. of 18

A. B. of
against
C. D. of

TO THE BAILIFF OF THE COURT.

THESE ARE TO COMMAND YOU to sell by auction, after giving days' previous notice, by affixing the same in this court-house, and after making due proclamation,* the property attached under a warrant from this Court dated the day of , 18 , in execution of a decree in favour of in suit No. of 18 , or so much of the said property as shall realize the sum of Rs. , being the of the said decree and costs still remaining unsatisfied.

YOU ARE FURTHER COMMANDED to return this warrant on or before the day of 18 with an endorsement certifying the manner in which it has been executed, or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

* This proclamation shall specify the time, the place of sale, the property to be sold, the revenue assessed, should the property consist of land paying revenue to Government, and the amount for the recovery of which the sale is ordered, and as fairly and accurately as possible the other particulars required by section 287 to be specified.

THE FOURTH SCHEDULE—*continued.*

No. 146.

NOTICE TO PERSON IN POSSESSION OF MOVEABLE PROPERTY SOLD IN EXECUTION.

Section 300 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To

WHEREAS has been the purchaser at a sale by auction in execution of the decree in the above suit of now in your possession, you are hereby prohibited from delivering possession of the said to any person except the said

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 147.

PROHIBITORY ORDER AGAINST PAYMENT OF DEBTS SOLD IN EXECUTION TO ANY OTHER THAN THE PURCHASER.

Section 301 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To

and to

WHEREAS has become the purchaser at a public sale in execution of the decree in the above suit of certain debt due from you to you , that is to say , it is ordered that you be, and you are hereby, prohibited from receiving, and you from making payment of, the said debt to any person or persons except the said

GIVEN under my hand and the seal of the Court, this day of

L. S.

Judge.

No. 148.

PROHIBITORY ORDER AGAINST THE TRANSFER OF SHARES SOLD IN EXECUTION.

Section 301 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To

and Manager of Company.

WHEREAS has become the purchaser at a public sale in execution of the decree, in the above suit of certain shares in the above Company, that is to say, of standing in the name of you , it is ordered that you be, and you are hereby, prohibited from making any transfer of the said shares to any person except the said the purchaser aforesaid, or from receiving any dividends thereon; and you , Manager of the said Company, from permitting any such transfer or making any such payment to any person except the said , the purchaser aforesaid.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 149.

ORDER CONFIRMING SALE OF LAND, &c.

Section 312 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

WHEREAS the following land [*or* immoveable property] was on the day of 18 sold by the Bailiff of this Court in execution of the decree in this suit; and whereas days have elapsed and no application has been made [*or* objection allowed] to the said sale, it is ordered that the said sale be, and the said sale is hereby, confirmed.

GIVEN under my hand and the seal of the Court, this day of 18

Schedule.

L. S.

Judge.

No. 150.

CERTIFICATE OF SALE OF LAND.

Section 316 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

THIS is to certify that has been declared the purchaser at sale by public auction on the day of 18 of execution of decree in this suit, and that the said sale has been duly confirmed by the Court.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 151.

ORDER FOR DELIVERY TO CERTIFIED PURCHASER OF LAND AT A SALE IN EXECUTION.

Section 318 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS has become the certified purchaser of at a sale in execution of the decree in Civil Suit No. of 18 ; and whereas such land is in the possession of , you are hereby ordered to put the said , the certified purchaser, as aforesaid, into possession of the said and if need be, to remove any person who may refuse to vacate the same.

GIVEN under my hand and the seal of the Court, this day of

L. S.

Judge.

No. 152.

AUTHORITY TO THE COLLECTOR TO STAY PUBLIC SALE OF LAND.

Section 326 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

TO

Collector of

SIR,

In answer to your communication No. dated , representing that the sale in execution of the decree in this suit of and, lying within your district,

THE FOURTH SCHEDULE—*continued.*

paying revenue to Government, is objectionable, I have the honour to inform you that you are authorized to make provision for the satisfaction of the said decree in the manner recommended by you instead of proceeding to a public sale of

I have the honour to be,
SIR,
Your obedient Servant,

L. S.

Judge.

No. 153.

ORDER FOR COMMITTAL FOR RESISTING, &c., EXECUTION OF DECREE FOR LAND.

Section 329 of the Code of Civil Procedure.

(*Title.*)

To

WHEREAS it appears to the Court that has without just cause resisted [*or* obstructed] the execution of the decree of the Court passed against on the day of 18 , in Civil Suit, No. of 18 , whereby certain land or immoveable property was adjudged to , it is ordered that the said be committed to custody for a period of days.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 154.

WARRANT OF ARREST IN EXECUTION.

Section 337 of the Code of Civil Procedure.

IN THE COURT OF AT
Civil Suit, No. of 18 .
Miscellaneous, No. of 18 .

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS was adjudged by a decree of the Court, in No. of 18 , dated 18 , to pay to the plaintiff the sum of Rs. as noted in the margin, and whereas the said sum of Rs. has not been paid to the said plaintiff in satisfaction of the said decree, these are to command you to arrest the said defendant, and unless the said defendant shall pay to you the said sum of Rs. , together with Rs. for the costs of executing this process, to bring the said defendant before the Court with all convenient speed. You are further commanded to return this warrant on or before the day of 18 , with an endorsement certifying the day and manner in which it has been executed, or the reason why it has not been executed.

Principal			
Interest			
Costs			
Execution			
TOTAL			

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 155.

NOTICE OF PAYMENT INTO COURT.

Section 377 of the Code of Civil Procedure.

IN THE COURT OF 18 .
B. No.

A. B. v. *C. D.*

TAKE notice that the defendant has paid into Court Rs. , and says [that that sum is enough to satisfy the plaintiff's claim [*or* the plaintiff's claim for, *&c.*]

To Mr. *X. Z.*,
the Plaintiff's Pleader,
Z.,
Defendant's Pleader.

THE FOURTH SCHEDULE—*continued.*

No. 156.

COMMISSION TO EXAMINE ABSENT WITNESSES.

Section 386 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

To

WHEREAS the evidence of is required by the in the above suit; and whereas you are requested to take the examination on interrogatories [*or* vivâ voce] of such witnesses and you are hereby appointed a Commissioner for that purpose, and you are further requested to make return of such examination so soon as it may be taken [process to require the attendance of the witness will be issued by this Court on your application].*

GIVEN under my hand and the seal of the Court, this day of

L. S.

Judge.

* Not necessary where the commission goes to another Court.

No. 157.

COMMISSION FOR A LOCAL INVESTIGATION, OR TO EXAMINE ACCOUNTS.

Sections 392 and 394 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To

WHEREAS it is deemed requisite, for the purposes of this suit, that a commission for should be issued; you are hereby appointed Commissioner for the purpose of [process to compel the attendance before you of any witnesses, or for the production of any documents which you may desire to examine or inspect, will be issued by this Court on your application.]*

A sum of Rs. , being your fee in the above, is herewith forwarded.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

* Not necessary where the commission goes to another Court.

No. 158.

WARRANT OF ARREST BEFORE JUDGMENT.

Section 478 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS , the plaintiff in the above suit, has proved to the satisfaction of the Court that there is probable cause for believing that the defendant is about to , these are to command you to take the said into custody, and to bring before the Court, in order that he may show cause why he should not furnish security to the amount of rupees for personal appearance before the Court, until such time as the said suit shall be fully and finally disposed of, and until execution or satisfaction of any decree that may be passed against in the suit.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 159.

ORDER FOR COMMITTAL.

Section 481 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .

A. B. of
against
C. D. of

To

WHEREAS , plaintiff in this suit, has made application to the Court that security be taken for the appearance of the defendant to answer any judgment that may be passed against in the suit; and whereas the Court has called upon the defendant to furnish such security, or to offer a sufficient deposit in lieu of security, which has failed to do; it is ordered that the said defendant be committed to custody until the decision of the suit; or if judgment be given against , until the execution of the decree.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 160.

ATTACHMENT BEFORE JUDGMENT, WITH ORDER TO CALL FOR SECURITY FOR FULFILMENT OF DECREE.

Section 484 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .

A. B. of
against
C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS has proved to the satisfaction of the Court that the defendant in the above suit these are to command you to call upon the said defendant on or before the day of either to furnish security for the sum of rupees to produce and place at the disposal of this Court when required or the value thereof, or such portion of the value as may be sufficient to fulfil any decree that may be passed against , or to appear and show cause why should not furnish security; and you are further ordered to attach the said and keep the same under safe and secure custody until the further order of the Court, and in what manner you shall have executed this warrant make appear to the Court immediately after the execution hereof, and have you here then this warrant.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 161.

ATTACHMENT BEFORE JUDGMENT, ON PROOF OF FAILURE TO FURNISH SECURITY.

Section 485 of the Code of Civil Procedure.

IN THE COURT OF AT .

CIVIL SUIT, No. of 18 .

A. B. of
against
C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS , the plaintiff in this suit, has applied to the Court to call upon , the defendant, to furnish security to fulfil any decree that may be passed against in the suit, and whereas the Court has called upon the said to furnish such security which has failed to do ; these are to command you to attach the property of the said and keep the same under safe and secure custody until the further order of the Court, and in what manner you shall have executed this warrant make appear to this Court immediately after the execution hereof, and have you here then this warrant.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 162.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY TO BE ATTACHED CONSISTS OF MOVEABLE PROPERTY, TO WHICH THE DEFENDANT IS ENTITLED, SUBJECT TO A LIEN OR RIGHT OF SOME OTHER PERSONS TO THE IMMEDIATE POSSESSION THEREOF.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .
A. B. of
against
C. D. of

To

Defendant.

It is ordered that you the said be, and you are hereby, prohibited and restrained until the further order of this Court from receiving from the following property in the possession of the said that is to say to which the defendant is entitled, subject to any claim of the said and the said is hereby prohibited and restrained, until the further order of this Court, from delivering the said property to any persons whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 163.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF IMMOVEABLE PROPERTY.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .
A. B. of
against
C. D. of

To

Defendant.

It is ordered that you the said be, and you are hereby, prohibited and restrained, until the further order of this Court, from alienating the property specified in the schedule hereunto annexed, by sale, gift or otherwise, and that all persons be, and that they are hereby, prohibited from receiving the same by purchase, gift or otherwise.

GIVEN under my hand and the seal of the Court, this day of

Schedule.

L. S

Judge.

No. 164.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF MONEY IN THE HANDS OF OTHER PERSONS, OR OF DEBTS NOT BEING NEGOTIABLE INSTRUMENTS.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .
A. B. of
against
C. D. of

To

It is ordered that the defendant be, and he is hereby, prohibited and restrained, until the further order of this Court, from receiving from the [money now in hands belonging to the said defendant *or* debts, *as the case may be, describing them*] and that the said be, and hereby prohibited and restrained, until the further order of this Court, from making payment of the said [money, &c.], or any part thereof, to any person whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 165.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF SHARES IN A PUBLIC COMPANY, &c.

Section 436 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

To Defendant and to

Manager of Company.

It is ordered that , the defendant, be, and hereby, prohibited and restrained, until the further order of the Court, from making any transfer of shares being in the aforesaid Company, or from receiving payment of any dividends thereof, and you Manager of the said Company, are hereby prohibited and restrained from permitting any such transfer, or making any such payment.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 166.

TEMPORARY INJUNCTIONS.

Section 492 of the Code of Civil Procedure.

Upon motion made unto this Court by , Pleader of [*or* Counsel for] the plaintiff, *A. B.*, and upon reading the petition of the said plaintiff in this matter filed [this day] [*or* the plaint filed in this cause on the day of , *or* the written statement of the said plaintiff filed on the day of] and upon hearing the evidence of and in support thereof, [*if after notice and defendant not appearing: add,* and also the evidence of as to service of notice of this motion upon the defendant, *C. D.*] This Court doth order that an injunction be awarded to restrain the defendant, *C. D.*, his servants, workmen and agents from pulling down, or suffering to be pulled down, the house in the plaint in the said suit of the plaintiff mentioned [*or* in the written statement, *or* petition, of the plaintiff and evidence at the hearing of this motion mentioned] being No. 9, Oilmongers Street, Hindúpur, in the Taluq of and from selling the materials whereof the said house is composed, until the hearing of this cause or until the further order of this Court.

Dated this day of 18 .

Civil Judge.

[*Where the injunction is sought to restrain the negotiation of a note or bill, the ordering part of the order may run thus:—*] to restrain the defendants and from parting with out of the custody of them or any of them or endorsing, assigning or negotiating the promissory note [*or* bill of exchange] in question, dated on or about the , *&c.*, mentioned in the plaintiff's plaint [*or* petition] and the evidence heard at this motion until the hearing of this cause, or until the further order of this Court.

[*In Copyright cases*] to restrain the defendant, *C. D.*, his servants, agents or workmen from printing, publishing, or vending a book, called , or any part thereof, until the, *&c.*

[*Where part only of a book is to be restrained*] to restrain the defendant, *C. D.*, his servants, agents or workmen from printing, publishing, selling, or otherwise disposing of such parts of the book in the plaint [*or* petition and evidence, *&c.*,] mentioned to have been published by the defendant as hereinafter specified, namely, that part of the said book which is entitled and also that part which is entitled [*or* which is contained in page to page both inclusive] until the , *&c.*

[*In Patent cases*] to restrain the defendant, *C. D.*, his agents, servants and workmen, from making or vending any perforated bricks (*or as the case may be*) upon the principle of the inventions in the plaintiff's plaint [*or* petition, *&c.*, *or* written statement, *&c.*,] mentioned, belonging to the plaintiffs, or either of them, during the remainder of the respective terms of the patents in the plaintiff's plaint [*or as the case may be*] mentioned, and from counterfeiting, imitating or resembling the same inventions, or either of them, or making any addition thereto, or subtraction therefrom, until the hearing, &c.

[*In cases of Trademarks*] to restrain the defendant, *C. D.*, his servants, agents or workmen, from selling, or exposing for sale, or procuring to be sold, any composition or blacking [*or, as the case may be*] described as or purporting to be blacking manufactured by the plaintiff, *A. B.*, in bottles having affixed thereto such labels as in the plaintiff's plaint [*or* petition, *&c.*] mentioned, or any other labels so contrived or expressed as, by colourable imitation or otherwise, to represent the composition or blacking sold by the defendant to be the same as the composition or blacking manufactured and sold by the plaintiff, *A. B.*, and from using trade-cards so contrived or expressed as to represent that any composition or blacking sold or proposed to be sold by the defendant is the same as the composition or blacking manufactured or sold by the plaintiff, *A. B.*, until the, &c.

THE FOURTH SCHEDULE—*continued.*

[*To restrain a partner from in any way interfering in the business*]

to restrain the defendant, *C. D.*, his agents and servants, from entering into any contract, and from accepting, drawing, endorsing or negotiating any bill of exchange, note or written security, in the name of the partnership-firm of *B. & D.*, and from contracting any debt, buying and selling any goods, and from making or entering into any verbal or written promise, agreement or undertaking, and from doing or causing to be done, any act, in the name or on the credit of the said partnership-firm of *B. & D.*, or whereby the said partnership-firm can or may in any manner become or be made liable to or for the payment of any sum of money, or for the performance of any contract, promise or undertaking, until the, &c.

No. 167.

NOTICE OF APPLICATION FOR INJUNCTION.

Section 494 of the Code of Civil Procedure.

IN THE COURT OF AT .

A. B. of

against

C. D. of

TAKE notice that I, *A. B.*, intend to apply at the sitting of the Court at aforesaid, on the day of for an injunction to restrain *C. D.* from further prosecuting a suit which he has commenced against me in , to recover damages for the breach of the contract for the specific performance of which this suit was commenced [*or* to restrain him from receiving and giving discharges for any of the debts due to the partnership in the matter of the partnership between us for the winding-up of which the suit was commenced, *or* from digging the turf from the land which was agreed to be sold by him to me by the agreement, the specific performance of which this suit is commenced to enforce *or, as the case may be*].

Dated this day of 18 .

To C. D.

A. B.

[*N. B.—Where the injunction is to be applied for against a party whose name and address do not appear upon any proceeding already filed in the suit, such name and address must be stated in full to enable the proper officer to serve the notice.*]

No. 168.

APPOINTMENT OF A RECEIVER.

Section 503 of the Code of Civil Procedure.

IN THE COURT OF AT .

Civil Suit, No. of 18 .

A. B. of

against

C. D. of

To

WHEREAS has been attached in execution of a decree passed in the above suit on the day of 18 , in favour of : you are hereby (subject to your giving security to the satisfaction of the *Registrar*) appointed Receiver of the said property under section 503 of the Code of Civil Procedure, with full powers under the provisions of that section.

You are required to render a due and proper account of your receipts and disbursements in respect of the said property on . You will be entitled to remuneration at the rate of per cent. upon your receipts under the authority of this appointment.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 169.

BOND TO BE GIVEN BY RECEIVER.

Section 503 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of

A. B. of

against

C. D. of

KNOW all men by these presents, that we, *I. J.* of, &c., and *K. L.* of, &c., and *M. N.* of, &c., are jointly and severally bound to *G. H., Registrar* of the Court of in Rs. , to be paid to the said *G. H.* or his attorney, executors, administrators or assigns. For which payment to be made we bind ourselves, and each of us, in the whole, our and each of our heirs, executors and administrators, jointly and severally, by these presents.

Dated this day of 18 .

And whereas a plaint has been filed in this Court by *A. B.* against *C. D.* for the purpose of [*here insert object of suit*].

THE FOURTH SCHEDULE—*continued.*

And whereas the said *I. J.* has been appointed, by order of the above-mentioned Court, to receive the rents and profits of the immoveable property, and to get in the outstanding moveable property of *O. P.*, the testator in the said plaint named.

Now the condition of this obligation is such, that if the above-bounden *I. J.* shall duly account for all and every the sum and sums of money which he shall so receive on account of the rents and profits of the immoveable property, and in respect of the moveable property of the said *O. P.* [*or, as may be*] at such periods as the said Court shall appoint, and shall duly pay the balances which shall from time to time be certified to be due from him as the said Court hath directed or shall hereafter direct, then this obligation shall be void, otherwise it shall remain in full force.

I. J.
K. L.
M. N.

Signed and delivered by the above-bounden in the presence of

NOTE.—*If deposit of money be made, the memorandum thereof should follow the terms of the condition of the bond.*

No. 170.

ORDER OF REFERENCE TO ARBITRATION UNDER AGREEMENT OF PARTIES.

Section 508 of the Code of Civil Procedure.

(*Title.*)

To

WHEREAS the above-mentioned plaintiff and defendant have agreed to refer the matters in difference between them in the above suit to your arbitration and award, you are hereby appointed accordingly to determine all the said matters in difference between the parties, and with power, by consent of the parties, to determine which party shall pay the costs of this reference.

You are required to deliver your award in writing to this Court on or before the day of 18 , or such other day as this Court may further fix.

Process to compel the attendance before you of any witnesses, or for the production of any documents which you may desire to examine or inspect, will be issued by this Court on your application, and you are empowered to administer to such witnesses oath or affirmation.

A sum of Rs. , being your fee in the above suit, is herewith forwarded.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 171.

ORDER OF REFERENCE TO ARBITRATION BY COURT, WITH CONSENT.

Section 508 of the Code of Civil Procedure.

(*Title.*)

Upon reading a petition of the plaintiff, filed this day, and on the consent of for the defendant, and upon hearing for the plaintiff and for the defendant, it is ordered, by and with the consent of all the parties, that all matters in difference in this suit, including all dealings and transactions between all parties, be referred to the final determination of , who is to make his award in writing and submit the same to this Court, together with all proceedings, depositions and exhibits in this suit, within one month from the date hereof. And it is ordered further, by and with the like consent, that the said arbitrator is to be at liberty to examine the parties and their witnesses upon oath or affirmation, which he is empowered to administer, and that the said arbitrators shall have all such powers or authorities as are vested in arbitrators under the Code of Civil Procedure, including therein power to call for all books of account that he may consider necessary. And it is further ordered, by and with the like consent, that the costs of this suit, together with the costs of reference to arbitration, up to and including the award of the said arbitrator, and the enforcement thereof, do abide the result of the finding of the said arbitrator. And it is further ordered, by and with the like consent, that the said arbitrator be at liberty to appoint a competent accountant to assist him in the investigation of the several matters referred to him as aforesaid, and that the remuneration of such accountant and other charges attending thereto be in the discretion of the said arbitrator.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 172.

SUMMONS IN SUMMARY SUIT ON NEGOTIABLE INSTRUMENT.

Section 532 of the Code of Civil Procedure.

No. OF SUIT.

IN THE COURT OF AT

Plaintiff.

To Defendant.

[*Here enter the defendant's name, description and address.*]

WHEREAS [*here enter the plaintiff's name, description and address*] has instituted a suit in this Court against you under Chapter XXXIX of the Code of Civil Procedure for Rs. principal and interest [*or* Rs. balance of principal and interest] due to him as the payee [*or* endorsee] of a bill of exchange [*or* hundí *or* promissory note], of which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court within ten days from the service hereof, inclusive of the day of such service, to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled at any time after the expiration of such ten days to obtain a decree for any sum not exceeding the sum of Rs. [*here state the sum claimed*] and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits, or that it is reasonable that you should be allowed to appear in the suit.

[*Here copy the bill of exchange, hundí or promissory note, and all endorsements upon it.*]

No. 173.

MEMORANDUM OF APPEAL.

Section 541 of the Code of Civil Procedure.

MEMORANDUM OF APPEAL.

(*Name, &c., as in Register.*) Plaintiff—Appellant.

(*Name, &c., as in Register.*) Defendant—Respondent.

[*Name of Appellant*] [plaintiff *or* defendant] above-named appeals to the High Court at [*or* District Court at , *as the case may be*] against the decree of in the above suit dated the day of , for the following reasons, namely, [*here state the grounds of objection.*]

THE FOURTH SCHEDULE—*continued.*

No. 174.

REGISTER OF APPEALS.

Section 548 of the Code of Civil Procedure.

COURT (*OR* HIGH COURT) AT

REGISTER OF APPEALS FROM DECREES in the year 18 .

Date of Memorandum.	No. of Appeal.	APPELLANT.			RESPONDENT.			DECREE APPEALED FROM.				APPEARANCE.			JUDGMENT.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed or altered.	For what or Amount.

THE FOURTH SCHEDULE—*continued.*

No. 175.

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE APPEAL.

Section 553 of the Code of Civil Procedure.

IN THE COURT OF AT

, *Appellant*, v. , *Respondent.*

APPEAL from the of the Court of

dated the day of 18

Respondent.

To

TAKE notice that an appeal from the decree of

in this case has been presented by

and registered in this Court, and that the

day of 18 has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself, your pleader, or by some one by law authorized to act for you in this appeal, it will be heard and decided *ex parte* in your absence.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

[NOTE.—*If a stay of execution has been ordered, intimation should be given of the fact on this notice.*]

No. 176.

DECREE ON APPEAL.

Section 579 of the Code of Civil Procedure.

IN THE COURT OF AT .

, *Appellant*, v. , *Respondent.*

APPEAL from the of the Court of dated the

day of 18 .

Memorandum of Appeal.

, *Plaintiff.*
, *Defendant.*

Plaintiff [*or* defendant] above-named appeals to the Court at

against the decree of in the above suit, dated the

day of 18 , for the following reasons, namely;

[*here state the reasons*]

This appeal coming on for hearing on the day of 18 ,

before , in the presence of

for the Appellant, and of for the Respondent, it is ordered—

[*here state the relief granted*]

The costs of this appeal, amounting to , are to be paid by

The costs of the original suit are to be paid by

GIVEN under my hand, this day of 18 .

L. S

Judge.

THE FOURTH SCHEDULE—*continued.*

No. 177.

REGISTER OF APPEALS FROM APPELLATE DECREES.

Section 587 of the Code of Civil Procedure.

HIGH COURT AT

REGISTER OF APPEALS FROM APPELLATE DECREES.

Date of Memorandum.	No. of Appeal.	Appellant.			Respondent.			Decree appealed from.				Appearance.			Judgment.		
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suit and of Appeal.	Particulars.	Amount or Value.	Day for parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed or altered.	For what or Amount.

THE FOURTH SCHEDULE—*concluded.*

No. 178.

NOTICE TO SHOW CAUSE WHY A REVIEW SHOULD NOT BE GRANTED.

Section 626 of the Code of Civil Procedure.

IN THE COURT OF AT

, *Plaintiff*, v. , *Defendant.*

To

TAKE notice that has applied to this Court for a review of its judgment passed on the day of 18 in the above case. The day of 18 is fixed for you to show cause why the Court should not grant a review of its judgment in this case.

GIVEN under my hand and the seal of the Court, this day of 18 .

L. S.

Judge.

No. 179.

NOTICE OF CHANGE OF PLEADER.

IN THE COURT OF AT

A. B. of

against

C. D. of

TO THE REGISTRAR OF THE COURT.

TAKE notice that I, *A. B.* [*or C. D.*], have hitherto employed as my pleader *G. H.* of in the above-mentioned cause, but that I have ceased to employ him, and that my present pleader is *J. K.* of

A. B. [*or C. D.*]

No. 180.

MEMORANDUM TO BE PLACED AT FOOT OF EVERY SUMMONS, NOTICE, DECREE OR ORDER OF COURT, OR ANY OTHER PROCESS OF THE COURT.

Hours of attendance at the office of the Registrar [*place of office*] from *ten* till *four*, except on [*here insert the day on which the office will be closed*], when the office will be closed at *one*.

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 17th March, 1882, and is hereby promulgated for general information :—

ACT No. XV OF 1882.

THE PRESIDENCY SMALL CAUSE COURTS ACT, 1882.

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An Act to consolidate and amend the law relating to the Courts of Small Causes established in the Presidency towns.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts of Small Causes established in the towns of Calcutta, Madras and Bombay; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Commencement.

1. This Act may be called "The Presidency Small Cause Courts Act, 1882"; and it shall come into force on the first day of July, 1882.

But nothing herein contained shall affect the provisions of the Army Act, 1881, section 151, or the rights or liabilities of any person under any decree passed before that day.

Repeal of enactments.

2. On and from the said day the enactments specified in the first schedule hereto annexed shall be repealed to the extent mentioned therein.

But all Courts constituted, appointments made and securities given under any of the said enactments shall, so far as may be, be deemed to have been respectively constituted, made and given under this Act.

References in previous Acts.

All references to any enactment hereby repealed made in Acts passed prior to the said day shall be read, so far as may be practicable, as if made to this Act or the corresponding provisions hereof.

Amendment of Acts.

3. In Act No. XXIII of 1850 *(for securing the Land-revenue of Calcutta)*, section 3, for the word and figures "Act VII. 1847," the words and figures "The Presidency Small Cause Courts Act, 1882, Chapter VIII," shall be substituted; the words "as provided by the said Act" shall be repealed; and for each of the expressions "a Commissioner of the Court for recovery of small debts referred to in the said Act," and "the said Commissioners" the words "the Judges of the Court of Small Causes at Calcutta," shall be substituted.

IN the Code of Civil Procedure, section 8, after the word and figures "chapter XXXIX" the words and figures "and by the Presidency Small Cause Courts Act, 1882," shall be inserted.

"Small Cause Court" defined.

4. In this Act, "the Small Cause Court" means the Court of Small Causes constituted under this Act in the town of Calcutta, Madras or Bombay, as the case may be.

CHAPTER II.

CONSTITUTION AND OFFICERS OF THE COURT.

Courts of Small Causes established.

5. There shall be in each of the towns of Calcutta, Madras and Bombay a Court, to be called the Court of Small Causes of Calcutta, Madras or Bombay, as the case may be.

Court to be deemed under superintendence, &c., of High Court.

6. The Small Cause Court shall be deemed to be a Court subject to the superintendence of the High Court of Judicature at Fort William, Madras or Bombay, as the case may be, within the meaning of the Letters Patent, respectively dated the 28th day of December, 1865, for such High Courts and within the meaning of the Code of Civil Procedure; and the High Court shall have, in respect of the Small Cause Court, the same powers as it has under the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, in respect of Courts subject to its appellate jurisdiction.

Appointment, suspension and removal of Judges.

7. Subject to the control of the Governor General in Council, the Local Government may, from time to time, by notification in the official Gazette, appoint a person to be Chief Judge, and so many other persons as it thinks fit to be Judges, of the Small Cause Court: Provided that not less than one-third of the persons so appointed, including the Chief Judge, shall be advocates of one of the said High Courts.

The Local Government may, by a like notification, suspend and, with the previous sanction of the Governor General in Council, remove any Judge so appointed.

All barristers who when this Act comes into force are, or are acting as, Judges of the Small Cause Court shall, for the purposes of this section, be deemed to be advocates of a High Court.

Rank and precedence of Judges.

8. The Chief Judge shall be the first of the Judges in rank and precedence.

The other Judges shall have rank and precedence as the Local Government may, from time to time, direct.

Power to make rules.

9. Except as otherwise provided by this or any other law for the time being in force, the Small Cause Court may, with the previous sanction of the High Court, make rules to provide, in such manner as it thinks fit, for all matters not specially provided for by this Act, and for the exercise by one or more of its Judges of any powers conferred on the Small Cause Court by this Act or by any other law for the time being in force.

Chief Judge to distribute business of Court.

10. Subject to such rules, the Chief Judge may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof.

Procedure in case of difference of opinion.

11. Save as hereinafter otherwise provided, when two or more of the Judges sitting together differ on any question, the opinion of the majority shall prevail; and if the Court is equally divided, the Chief Judge, if he is one of the Judges so differing, or in his absence the Judge first in rank and precedence of the Judges so differing, shall have the casting voice.

Seal to be used.

12. The Small Cause Court shall use a seal of such form and dimensions as are for the time being prescribed by the Local Government.

Appointment of Registrar and ministerial officers.

13. The Local Government may, from time to time, appoint an officer to be called the Registrar of the Court, and to be the chief ministerial officer of the Court;

and the Chief Judge may, from time to time, subject to the control of the Local Government, appoint as many clerks, bailiffs and other ministerial officers as may be necessary for the administration of justice by the Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force.

Powers and duties of such officers.

The Registrar and other officers so appointed shall exercise such powers, and discharge such duties, of a ministerial nature as the Chief Judge may, from time to time, by rule, direct.

The Chief Judge may suspend or remove any Registrar or other officer so appointed; but the removal of any Registrar or officer drawing a monthly salary of one hundred rupees or upwards shall be subject to the orders of the Local Government.

Registrar may be invested with powers of a Judge in suits not exceeding twenty rupees.

14. The Local Government may invest the Registrar with the powers of a Judge under this Act for the trial of suits in which the amount or value of the subject-matter does not exceed twenty rupees. And, subject to the orders of the Chief Judge, any Judge of the Small Cause Court may, whenever he thinks fit, transfer from his own file to the file of the Registrar any suit which the latter is competent to try.

Judge or other officer not to practise or trade.

15. No Judge or other officer appointed under this Act shall, during his continuance as such Judge or officer, either by himself or as a partner of any other person, practise or act, either directly or indirectly, as an advocate, attorney, vakil or other legal practitioner, or be concerned, either on his own account or for any other person, or as the partner of any other person, in any trade or profession.

Any such Judge or officer so practising, acting or concerned shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

Nothing herein contained shall be deemed to prohibit any such Judge or officer from being a member of any company incorporated or registered under Royal Charter, Letters Patent, Act of Parliament or Act of any British Indian legislature

CHAPTER III.

LAW ADMINISTERED BY THE COURT.

Questions arising in suits, &c., under Act to be decided according to law administered by High Court.

16. All questions, other than questions relating to procedure or practice, which arise in suits or other proceedings under this Act in the Small Cause Court shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

CHAPTER IV.

JURISDICTION IN RESPECT OF SUITS.

Local limits of jurisdiction of Court.

17. The local limits of the jurisdiction of each of the Small Cause Courts shall be the local limits for the time being of the ordinary original civil jurisdiction of the High Court.

Suits in which Court has jurisdiction.

18. Subject to the exceptions in section nineteen, the Small Cause Court shall have jurisdiction to try all suits of a civil nature—

when the amount or value of the subject-matter does not exceed two thousand rupees: and

(*a*) the cause of action has arisen, either wholly or in part, within the local limits of the jurisdiction of the Small Cause Court, and the leave of the Court has, for reasons to be recorded by it in writing, been given before the institution of the suit; or

(*b*) all the defendants, at the time of the institution of the suit, actually and voluntarily reside, or carry on business, or personally work for gain, within such local limits; or

(*c*) any of the defendants, at the time of the institution of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, within such local limits, and either the leave of the Court has been given before the institution of the suit, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution.

Explanation I.—When in any suit the sum claimed is, by a set-off admitted by both parties, reduced to a balance not exceeding two thousand rupees, the Small Cause Court shall have jurisdiction to try such suit.

Explanation II.—Where a person has a permanent dwelling at one place and also a lodging at another place for a temporary purpose only, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary lodging.

Explanation III.—A Corporation or Company shall be deemed to carry on business at its sole or principal office in British India, or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

Suits in which Court has no jurisdiction.

19. The Small Cause Court shall have no jurisdiction in—

(*a*) suits concerning the assessment or collection of the revenue;

(*b*) suits concerning any act ordered or done by the Governor General in Council or the Local Government, or by the Governor General or a Governor, or by any Member of the Council of the Governor General or of the Governor of Madras or Bombay, in his official capacity, or by any person by order of the Governor General in Council or the Local Government;

(*c*) suits concerning any act ordered or done by any Judge or judicial officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court or any such Judge or judicial officer;

(*d*) suits for the recovery of immoveable property;

(*e*) suits for the partition of immoveable property;

(*f*) suits for the foreclosure or redemption of a mortgage of immoveable property;

(*g*) suits for the determination of any other right to or interest in immoveable property;

(*h*) suits for the specific performance or rescission of contracts;

(*i*) suits to obtain an injunction;

(*j*) suits for the cancellation or rectification of instruments;

(*k*) suits to enforce a trust;

(*l*) suits for a general average loss and suits on policies of insurance on sea-going vessels;

(*m*) suits for compensation in respect of collisions on the high seas;

(*n*) suits for compensation for the infringement of a patent, copyright or trademark;

(*o*) suits for a dissolution of partnership or for an account of partnership-transactions;

(*p*) suits for an account of property and its due administration under the decree of the Court;

(*q*) suits for compensation for libel, slander, malicious prosecution, adultery or breach of promise of marriage;

(*r*) suits for the restitution of conjugal rights, for the recovery of a wife, or for a divorce;

(*s*) suits for declaratory decrees;

(*t*) suits for possession of a hereditary office;

(*u*) suits against Sovereign Princes or Ruling Chiefs, or against Ambassadors or Envoys of Foreign States;

(*v*) suits on any judgment of a High Court;

(*w*) suits the cognizance whereof by the Small Cause Court is barred by any law for the time being in force.

Court may by consent try suits beyond pecuniary limits of jurisdiction.

20. When the parties to a suit which, if the amount or value of the subject-matter thereof did not exceed two thousand rupees, would be cognizable by the Small Cause Court, have entered into an agreement in writing that the Small Cause Court shall have jurisdiction to try such suit, the Court shall have jurisdiction to try the same, although the amount or value of the subject-matter thereof may exceed two thousand rupees.

Every such agreement shall be filed in the Small Cause Court, and, when so filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by its decision in such suit.

Suits by and against officers of Court.

21. All suits to which an officer of the Small Cause Court is, as such, a party, except suits in respect of property taken in execution of its process, or the proceeds or value thereof, may be instituted in the High Court at the election of the plaintiff as if this Act had not been passed.

Costs when plaintiff sues in High Court in other cases cognizable by Small Cause Court.

22. If any suit cognizable by the Small Cause Court, other than a suit to which section twenty-one applies, is instituted in the High Court, and if in such suit the plaintiff obtains, in the case of a suit founded on contract, a decree for any matter of an amount or value less than two thousand rupees, and in the case of any other suit a decree for any matter of an amount or value of less than three hundred rupees, no costs shall be allowed to the plaintiff;

and if in any such suit the plaintiff does not obtain a decree, the defendant shall be entitled to his costs as between attorney and client.

The foregoing rules shall not apply to any suit in which the Judge who tries the same certifies that it was one fit to be brought in the High Court.

CHAPTER V.

PROCEDURE IN SUITS.

Portions of Civil Procedure Code extending to the Court.

23. The portions of the Code of Civil Procedure specified in the second schedule hereto annexed shall extend, and shall,

so far as the same may, in the judgment of the Court, be applicable, be applied, to the Small Cause Court; and the procedure prescribed thereby shall be the procedure followed in the Court in all suits cognizable by it, except where such procedure is inconsistent with the procedure prescribed by any specific provisions of this Act:

Provided that the Court may, subject to the control of the Local Government, from time to time, by notification in the official Gazette, declare that any of the said portions of the said Code shall not extend and be applied to the Small Cause Court, or that any of such portions shall so extend and be applied with such modifications as the Court, subject to the control aforesaid, may think fit.

No written statement except in cases of set-off.

24. Except in cases of set-off under the Code of Civil Procedure, section 111, no written statement shall be received unless required by the Court.

Return of documents admitted in evidence.

25. When a period of eight days from the decision of a suit has expired without any application for a new trial or re-hearing of such suit having been made, or when any such application has been made within such period and such application has been refused, or the new trial or re-hearing (as the case may be) has ended, any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on the record, shall, unless the document is impounded under section 143 of the Code of Civil Procedure, be entitled to receive back the same:

Provided that a document may be returned at any time before any of such events on such terms as the Court may direct: Provided also that no document shall be returned which by force of the decree has become void or useless.

On the return of a document which has been admitted in evidence, a receipt shall be given, by the party receiving it, in a receipt-book to be kept for the purpose.

Compensation payable by plaintiff to defendant in certain cases.

26. In any suit in which the defendant appears and does not admit the claim, and the plaintiff does not obtain a decree for the full amount of his claim, the Small Cause Court may in its discretion order the plaintiff to pay to the defendant, by way of satisfaction for his trouble and attendance, such sum as it thinks fit.

When any claim preferred, or objection made, under section 278 of the Code of Civil Procedure is disallowed, the Small Cause Court may in its discretion order the person preferring or making such claim or objection to pay to the decree-holder, or to the judgment-debtor, or to both, by way of satisfaction as aforesaid, such sum or sums as it thinks fit.

And when any claim or objection is allowed the Court may award such compensation by way of damages to the claimant or objector as it thinks fit; and the order of the Court awarding or refusing such compensation shall bar any suit in respect of injury caused by the attachment.

Any order under this section may, in default of payment of the amount payable thereunder, be enforced by the person in whose favour it is made against the person against whom it is made as if it were a decree of the Court.

Decree-holder to accompany officer executing warrant.

27. Whenever the Small Cause Court issues a warrant for the arrest of a judgment-debtor or the attachment of his property, the decree-holder, or some other person on his behalf, shall accompany the officer of the Court entrusted with the execution of such warrant, and shall point out to such officer the judgment-debtor or the property to be attached, as the case may be.

Things attached to immoveable property and removeable by tenant to be deemed moveable in execution.

28. When the judgment-debtor under any decree of the Small Cause Court is a tenant of immoveable property, anything attached to such property, and which he might before the termination of his tenancy lawfully remove without the permission of his landlord, shall, for the purpose of the execution of such decree, be deemed to be moveable property, and may, if sold in such execution, be severed by the purchaser, but shall not be removed by him from the property until he has done to the property whatever the judgment-debtor would have been bound to do to it if he had removed such thing.

Discharge of judgment-debtor on sufficient security.

29. Whenever any judgment-debtor, who has been arrested or whose property has been seized in execution of a decree of the Small Cause Court, offers security to the satisfaction of such Court for payment of the amount which he has been ordered to pay and the costs, the Court may order him to be discharged or the property to be released.

Court may in certain cases suspend execution of decree.

30. Whenever it appears to the Small Cause Court that any judgment-debtor under its decree is unable, from sickness, poverty or other sufficient cause, to pay the amount of the decree, or, if such Court has ordered the same to be paid in instalments, the amount of any instalment thereof, it may, from time to time, for such time and upon such terms as it thinks fit, suspend the execution of such decree and discharge the debtor, or make such order as it thinks fit.

Execution of decree of Small Cause Court by other Courts.

31. If the judgment-debtor under any decree of the Small Cause Court has not, within the local limits of its jurisdiction, moveable property sufficient to satisfy the decree, the Court

may, on the application of the decree-holder, send the decree for execution—

(*a*) in the case of execution against immoveable property situate within such local limits—to the High Court;

(*b*) in all other cases—to any Civil Court within the local limits of whose jurisdiction such judgment-debtor, or any moveable or immoveable property of such judgment-debtor, may be found.

Procedure when decree transferred.

The procedure prescribed by the Code of Civil Procedure for the execution of decrees by Courts other than those which made them shall be the procedure followed in such cases.

Minors may sue in certain cases as if of full age.

32. Notwithstanding anything contained in the Code of Civil Procedure as applied by this Act, any minor may institute a suit for any sum of money, not exceeding five hundred rupees, which may be due to him under section 70 of the Indian Contract Act, 1872, for wages or piece-work or for work as a servant, in the same manner as if he were of full age.

Power to delegate non-judicial duties.

33. Any non-judicial or quasi-judicial act which the Code of Civil Procedure as applied by this Act requires to be done by a Judge, and any act which may be done by a Commissioner appointed to examine and adjust accounts under section 394 of that Code as so applied, may be done by the Registrar of the Small Cause Court or by such other officer of that Court as that Court may, from time to time, appoint in this behalf.

The High Court may, from time to time, by rule declare what shall be deemed to be non-judicial and quasi-judicial acts within the meaning of this section.

Registrar to hear and determine suits like a Judge.

34. The suits cognizable by the Registrar under section fourteen shall be heard and determined by him in like manner in all respects as a Judge of the Court might hear and determine the same:

Proviso.

Provided that, subject to the control of the Chief Judge, any Judge of the Court may, whenever he thinks fit, transfer to his own file any suit on the file of the Registrar.

Registrar may execute all decrees with the same powers as a Judge.

35. The Registrar may receive applications for the execution of decrees of any value passed by the Court, and may commit and discharge judgment-debtors, and make any order in respect thereof which a Judge of the Court might make under this Act.

Decrees and orders of Registrar to be subject to new trial as if made by a Judge.

36. Every decree and order made by the Registrar in any suit or proceeding shall be subject to the same provisions in regard to new trial as if made by a Judge of the Court.

CHAPTER VI.

NEW TRIALS AND RE-HEARING.

Judgments and orders of Court final.

37. Save as is herein specially provided, every decree and order of the Small Cause Court in a suit shall be final and conclusive; but the Court may, on application of either party, made within eight days from the date of the decree or order in any suit (not being a decree passed under section 522 of the Code of Civil Procedure), order a new trial to be held, or alter, set aside or reverse the decree or order, upon such terms as it thinks reasonable, and may, in the meantime, stay the proceedings.

Power to order new trial in Small Cause Court.

Application for re-hearing in High Court.

38. Any party may, within eight days after the judgment in any suit in the Small Cause Court in which the amount or value of the subject-matter exceeds one thousand rupees, apply to the High Court for an order that such suit may be re-heard in the High Court.

Such application shall be supported by affidavits, and, in case the applicant has appeared in the Small Cause Court by advocate, vakil, attorney or pleader, by a certificate from such advocate, vakil, attorney or pleader that in his opinion there are good grounds for re-hearing the suit, and if, on hearing such application, the High Court is of opinion that there has been a miscarriage or failure of justice, or that there are other good grounds for such re-hearing, the Court shall make an order *ex parte*, on such terms as it thinks fit, for such re-hearing, and fix a day for the same, whereof notice shall be given to the opposite party.

The rules contained in sections 545, 546 and 547 of the Code of Civil Procedure, relating to staying and executing decrees under appeal, shall apply in the case of applications under this section as if such applications were appeals from the decisions of the Small Cause Court.

Procedure at re-hearing.

39. On the day fixed under section thirty-eight or on any other day to which the re-hearing may be adjourned, the High Court, or some Judge thereof, shall proceed to re-hear and determine the case as if the same were a suit brought in such High Court in its ordinary original civil jurisdiction, in which the plaintiff in the Small Cause Court was plaintiff, and the defendant in such Court was defendant, and in which written statements had not been ordered to be filed; and, except as herein otherwise provided, all the practice and procedure of such High Court in respect of suits brought in its ordinary original civil jurisdiction shall be followed in suits re-heard under this section: Provided that there shall not be any appeal from any judgment, decree or order under this section.

Execution of decree of High Court.

40. Every decree or order made by any High Court upon any such re-hearing may either be executed by such High Court in the same manner as other decrees or orders of such Court or may, in the

discretion of the High Court, be remitted to the Small Cause Court for execution.

CHAPTER VII.

RECOVERY OF POSSESSION OF IMMOVEABLE PROPERTY.

Summons against person occupying property without leave.

41. When any person has had possession of any immoveable property situate within the local limits of the Small Cause Court's jurisdiction and of which the annual value at a rack-rent does not exceed one thousand rupees, as the tenant, or by permission, of another person, or of some person through whom such other person claims,

and such tenancy or permission has determined or been withdrawn,

and such tenant or occupier or any person holding under or by assignment from him (hereinafter called the occupant) refuses to deliver up such property in compliance with a request made to him in this behalf by such other person,

such other person (hereinafter called the applicant) may apply to the Small Cause Court for a summons against the occupant, calling upon him to show cause, on a day therein appointed, why he should not be compelled to deliver up the property.

Service of summons.

42. The summons shall be served on the occupant in the manner provided by the Code of Civil Procedure for the service of a summons on a defendant.

Order for possession.

43. If the occupant does not appear at the time appointed and show cause to the contrary, the applicant shall, if the Small Cause Court is satisfied that he is entitled to apply under section forty-one, be entitled to an order addressed to a bailiff of the Court directing him to give possession of the property to the applicant on such day as the Court thinks fit to name in such order.

Explanation.—If the occupant proves that the tenancy was created or permission granted by virtue of a title which determined previous to the date of the application, he shall be deemed to have shown cause within the meaning of this section.

Such order to justify bailiff entering on property and giving possession.

44. Any such order shall justify the bailiff to whom it is addressed in entering after the hour of six in the morning and before the hour of six in the afternoon upon the property named therein, with such assistants as he thinks necessary, and giving possession of such property to the applicant : and no suit or prosecution shall be maintainable against any Judge or officer of the Small Cause Court by whom any such order as aforesaid was issued, or against any bailiff or other person by whom the same was executed, or by whom any such summons as aforesaid was served, for the issue, execution or service of any such order or summons, by reason only that the applicant was not entitled to the possession of the property.

Bar to proceedings against Judge or officer for issuing, &c., order or summons.

Applicant, if entitled to possession, not to be deemed trespasser for any error in proceedings.

45. When the applicant, at the time of applying for any such order as aforesaid, was entitled to the possession of such property, neither he nor any person acting in his behalf shall be deemed, on account of any error, defect or irregularity in the mode of proceeding to obtain possession thereunder, to be a trespasser ; but any person aggrieved may bring a suit for the recovery of compensation for any damage which he has sustained by reason of such error, defect or irregularity :

Occupant may sue for compensation.

when no such damage is proved, the suit shall be dismissed; and when such damage is proved but the amount of the compensation assessed by the Court does not exceed ten rupees, the Court shall award to the plaintiff no more costs than compensation, unless the Judge who tries the case certifies that in his opinion full costs should be awarded to the plaintiff.

Liability of applicant obtaining order when not entitled.

46. Nothing herein contained shall be deemed to protect any applicant obtaining possession of any property under this chapter from a suit by any person deeming himself aggrieved thereby, when such applicant was not at the time of applying for such order as aforesaid entitled to the possession of such property.

Application for order in such case an act of trespass.

And when the applicant was not, at the time of applying for any such order as aforesaid, entitled to the possession of such property, the application for such order, though no possession is taken thereunder, shall be deemed to be an act of trespass committed by the applicant against the occupant.

Stay of proceedings on occupant giving security to bring a suit against the applicant.

47. Whenever on an application being made under section forty-one the occupant binds himself, with two sureties, in a bond for such amount as the Small Cause Court thinks reasonable, having regard to the value of the property and the probable costs of the suit next hereinafter mentioned, to institute without delay a suit in the High Court against the applicant for compensation for trespass and to pay all the costs of such suit in case he does not prosecute the same or in case judgment therein is given for the applicant, the Small Cause Court shall stay the proceedings on such application until such suit is disposed of.

If the occupant obtains a decree in any such suit against the applicant, such decree shall supersede the order (if any) made under section forty-three.

Nothing contained in section twenty-two shall apply to suits under this section.

Proceedings to be regulated by the Code of Civil Procedure.

48. In all proceedings under this chapter, the Small Cause Court shall, as far as may be and except as herein otherwise provided, follow the procedure prescribed for a Court of first instance by the Code of Civil Procedure.

Recovery of possession no bar to suit to try title.

49. Recovery of the possession of any immoveable property under this chapter shall be no bar to the institution of a suit in the High Court for trying the title thereto.

CHAPTER VIII.

DISTRESSES.

Local extent of chapter.

50. This chapter extends to every place within the local limits of the ordinary original civil jurisdictions of the High Courts of judicature at Fort William, Madras and Bombay. But nothing contained in this chapter applies—

Saving of certain rents.

(*a*) to any rent due to Government;

(*b*) to any rent which has been due for more than twelve months before the application mentioned in section fifty-three.

Appointment of bailiffs and appraisers.

51. The Judges of the Small Cause Court may appoint four or more persons to be bailiffs and appraisers for the purpose of this chapter, and may from time to time, with the previous sanction of the Local Government, fix such remuneration for the services of such officers as the said Judges think fit, and may suspend or remove them.

Security to be given by appointees.

52. The persons so appointed shall give security, to be approved by the said Judges, faithfully to discharge the duties of their office, and they shall be deemed to be public servants within the meaning of the Indian Penal Code.

Application for distress-warrant.

53. Any person claiming to be entitled to arrears of rent of any house or premises to which this chapter extends, or his duly constituted attorney, may apply to any Judge of the Small Cause Court, or to the Registrar of the Small Cause Court, for such warrant as is hereinafter mentioned.

The application shall be supported by an affidavit or affirmation to the effect of the form (marked A) in the third schedule hereto annexed.

Issue of distress-warrant.

54. The Judge or Registrar may thereupon issue a warrant under his hand and seal and returnable within six days, to the effect of the form (marked B), contained in the same schedule addressed to any one of such bailiffs.

The Judge or Registrar may at his discretion, upon personal examination of the person applying for such warrant, decline to issue the same.

Time for distress.

55. Every distress under this chapter shall be made after sunrise and before sunset, and not at any other time.

What places bailiff may force open.

56. The bailiff directed to make the distress may force open any stable, outhouse or other building, and may also enter any dwelling-house the outer door of which may be open, and may break open the door of any room in such dwelling-house for the purpose of seizing property liable to be seized under this chapter:

Provided that he shall not enter or break open the door of any room appropriated for the zanánâ or residence of women, which by the usage of the country is considered private.

Property which may be seized.

57. In pursuance of the warrant aforesaid the bailiff shall seize the moveable property found in or upon the house or premises mentioned in the warrant and belonging to the person from whom the rent is claimed (hereinafter called the debtor), or such part thereof as may in the bailiff's judgment be sufficient to cover the amount of the said rent, together with the costs of the said distress:

Provided that the bailiff shall not seize—

(*a*) things in actual use; or

(*b*) tools and implements not in use, where there is other moveable property in or upon the house or premises sufficient to cover such amount and costs; or

(*c*) the debtor's necessary wearing apparel; or

(*d*) goods in the custody of the law.

Impounding distress.

58. The bailiff may impound or otherwise secure the property so seized in or on the house or premises chargeable with the rent.

Inventory.

Notice of intended appraisement and sale.

59. On seizing any property under section fifty-seven the bailiff shall make an inventory of such property, and shall give a notice in writing to the effect of the form (marked C) in the third schedule hereto annexed to the debtor, or to any other person upon his behalf in or upon the said house or premises.

Copies of inventory and notice to be filed.

The bailiff shall, as soon as may be, file in the Small Cause Court copies of the said inventory and notice.

Application to discharge or suspend warrant.

60. The debtor, or any other person alleging himself to be the owner of any property seized under this chapter, or the duly constituted attorney of such debtor or other person, may, at any time within five days from such

seizure, apply to any Judge of the said Court to discharge or suspend the warrant, or to release a distrained article, and such Judge may discharge or suspend such warrant or release such article accordingly, upon such terms as he thinks just,

and any of the Judges of the said Court may in his discretion give reasonable time to the debtor to pay the rent due from him.

Upon any such application, the costs attending it and attending the issue and execution of the warrant shall be in the discretion of the Judge, and shall be paid as he directs.

Claim to goods distrained made by a stranger.

61. If any claim is made to, or in respect of, any property seized under this chapter, or in respect of the proceeds or value thereof, by any person not being the debtor, the Registrar of the Small Cause Court, upon the application of the bailiff who seized the property, may issue a summons calling before the Court the claimant and the person who obtained the warrant.

And thereupon any suit which may have been brought in the High Court in respect of such claim shall be stayed, and any Judge of the High Court, on proof of the issue of such summons and that the property was so distrained, may order the plaintiff to pay the costs of all proceedings in such suit after the issue of such summons.

And a Judge of the Small Cause Court shall adjudicate upon such claim and make such order between the parties in respect thereof and of the costs of the proceedings as he thinks fit;

and such order shall be enforced as if it were an order made in a suit brought in such Court.

The procedure in Small Cause Courts in cases under this section shall conform, as far as may be, to the procedure in an ordinary suit in such Courts.

Power to award compensation to debtor or claimant.

62. In any case under section sixty or section sixty-one the Judge by whom the case is heard may award such compensation by way of damages to the applicant or claimant (as the case may be) as the Judge thinks fit,

and may for that purpose make any enquiry he thinks necessary;

and the order of the Judge awarding or refusing such compensation shall bar any suit for the recovery of compensation for any damage caused by the distress.

Power to transfer to High Court cases involving more than Rs. 1,000.

63. In any case under section sixty or section sixty-one, if the value of the subject-matter in dispute exceeds one thousand rupees, the applicant or claimant may apply to the High Court to transfer the case to itself, and the High Court, on being satisfied that it is expedient that the case should be disposed of by itself, may direct the case to be transferred accordingly, and may thereupon alter or set aside any order passed in the case by a Judge of the Small Cause Court, and may make such order therein as the High Court thinks fit.

Every application under this section shall be made within seven days from the date of the seizure of the subject-matter in dispute.

In granting applications under this section, the High Court may impose such terms as to payment of, or giving security for, costs or otherwise as it thinks fit.

The procedure in cases transferred under this section shall conform, as far as may be, to the procedure in suits before the High Court in the exercise of its ordinary original civil jurisdiction; and orders made under this section may be executed as if they were made in the exercise of such jurisdiction; and every such order awarding or refusing compensation shall bar any suit for the recovery of compensation for any damage caused by the distress which gave rise to the case wherein such order was made.

Appraisement.

Notice of sale.

64. In default of any order to the contrary by a Judge of the Small Cause Court or by the High Court, any two of the said bailiffs may, at the expiration of five days from a seizure of property under this chapter, appraise the property so seized, and give the debtor notice in writing to the effect of the form (marked D) in the third schedule hereto annexed.

The bailiffs shall file in the Small Cause Court a copy of every notice given under this section.

Sale.

Application of proceeds.

65. In default of any such order to the contrary, the distrained property shall be sold on the day mentioned in such notice, and the said bailiffs shall on realizing the proceeds pay over the amount thereof to the Registrar of the Small Cause Court; and such amount shall be applied first in payment of the costs of the said distress and then in satisfaction of the debt; and the surplus, if any, shall be returned to the debtor:

Provided that the debtor may direct that the sale shall take place in any other manner, first giving security for any extra costs thereby occasioned.

Costs of distresses.

66. No costs of any distress under this chapter shall be taken or demanded except those mentioned in the part (marked E) of the third schedule hereto annexed.

The Judges of the Small Cause Court may apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said bailiffs, as appears to the said Judges expedient.

Account of costs and proceeds.

67. The Registrar of the Small Cause Court shall keep a book in which all sums received as costs upon distresses made under this chapter, and all sums paid as remuneration to the said bailiffs, and all contingent charges incurred in respect of such distresses, shall be duly entered.

He shall also enter in the said book all sums realized by sale of the property distrained and paid over to landlords under the provisions of this chapter.

Bar of distresses except under this chapter.

68. No distress shall be levied for arrears of rent, except under the provisions of this chapter;

Penalty for making illegal distresses.

And any person, except a bailiff appointed under section fifty-one, levying or attempting to levy any such distress shall, on conviction before a Presidency Magistrate, be liable to be punished with fine which may extend to five hundred rupees and with imprisonment for a term which may extend to three months, in addition to any other liability he may have incurred by his proceedings.

CHAPTER IX.

REFERENCES TO HIGH COURT.

Reference when compulsory.

69. If two or more Judges of the Small Cause Court sit together in any suit, or in any proceeding under Chapter VII of this Act, and differ in their opinion as to any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits,

or if in any suit or any such proceeding, in which the amount or value of the subject-matter exceeds five hundred rupees, any such question arises, and either party so requires,

the Small Cause Court shall draw up a statement of the facts of the case, and refer such statement, under section 617 of the Code of Civil Procedure, for the opinion of the High Court, and shall either reserve judgment or give judgment contingent upon such opinion.

Security to be furnished on such reference by party against whom contingent judgment given.

70. When judgment is given under section sixty-nine contingent upon the opinion of the High Court, the party against whom such judgment is given shall at once furnish security, to be approved by the Small Cause Court, for the costs of the reference to the High Court and for the amount of such judgment:

Provided that no security for the amount of such judgment shall be required in any case in which the Judge who tried the case has ordered such amount to be paid into Court, and the same has been paid accordingly.

If no such security given, party to be deemed to have submitted to judgment.

Unless such security as aforesaid is at once furnished, the party against whom such contingent judgment has been given shall be deemed to have submitted to the same.

CHAPTER X.

FEES AND COSTS.

Institution-fee.

71. A fee not exceeding—

(*a*) when the amount or value of the subject-matter does not exceed five hundred rupees—the sum of two annas in the rupee on such amount or value,

(*b*) when the amount or value of the subject-matter exceeds five hundred rupees—the sum of sixty-two rupees eight annas, and one anna in the rupee on the excess of such amount or value, over five hundred rupees,

shall be paid on the plaint in every suit, and every application under section thirty-eight or section forty-one; and no such plaint or application shall be received until such fee has been paid.

An additional fee of ten rupees shall be paid on the filing of every agreement under section twenty.

Fees for processes.

72. The fees specified in the third and fourth columns of the fourth Schedule hereto annexed shall be paid previous to the issue in any suit or in any proceeding under Chapter VII of this Act of the processes, to which the said columns respectively relate, by the persons on whose behalf such processes are issued, when the amount or value of the subject-matter exceeds the sum specified in the first column, but does not exceed the sum specified in the second column of the said Schedule.

Repayment of half fees on settlement before hearing.

73. Whenever any such suit or proceeding is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the Small Cause Court to the parties by whom the same have been respectively paid.

Fees and costs of poor persons.

74. The Small Cause Court may, whenever it thinks fit, receive and register suits instituted, and applications under section forty-one made, by poor persons, and may issue processes on behalf of such persons, without payment or on a part-payment of the fees mentioned in sections seventy-one and seventy-two.

Power to vary fees.

75. The Local Government may, from time to time, by notification in the official Gazette, vary the amount of the fees payable under sections seventy-one and seventy-two:

Provided that the amount of such fees shall in no case exceed the amount prescribed by the said sections.

Expense of employing legal practitioners.

76. The expense of employing an advocate, vakíl, attorney or other legal practitioner incurred by any party shall not be allowed as costs in any suit or in any proceeding under Chapter VII of this Act, in the Small Cause Court, in which suit or pro-

ceeding the amount or value of the subject-matter does not exceed twenty rupees, unless the Court is of opinion that the employment of such practitioner was under the circumstances reasonable.

Sections 3, 5 and 25 of Court Fees Act, 1870, saved.

77. Nothing contained in this chapter shall affect the provisions of sections 3, 5 and 25 of the Court Fees Act, 1870.

CHAPTER XI.

MISCONDUCT OF INFERIOR MINISTERIAL OFFICERS.

Power to fine officers.

78. The Chief Judge may, by order, fine, in an amount not exceeding one month's salary, any clerk, bailiff or other inferior ministerial officer of the Court who is guilty of misconduct or neglect in the performance of the duties of his office, and such fine may be deducted from his salary.

Default of bailiff or other officer in execution of order or warrant.

79. If any clerk, bailiff or other inferior ministerial officer of the Small Cause Court who is employed as such in the execution of any order or warrant, loses, by neglect, connivance or omission, an opportunity of executing such order or warrant, he shall be liable, by order of the Chief Judge, on the application of the person injured by such neglect, connivance or omission, to pay such sum, not exceeding in any case the sum for which the said order or warrant was issued, as, in the opinion of the Chief Judge, represents the amount of the damage sustained by such person thereby.

Extortion or default of officers.

80. If any clerk, bailiff or other inferior ministerial officer of the Small Cause Court is charged with extortion or misconduct while acting under colour of its process, or with not duly paying or accounting for any money levied by him under its authority, the Court may inquire into such charge, and may make such order for the repayment or payment of any money so extorted, or of any money so levied as aforesaid, and of damages and costs, by such officer, as it thinks fit.

Court empowered to summon witnesses, &c.

81. For the purposes of any inquiry under this chapter, the Small Cause Court shall have all the powers of summoning and enforcing the attendance of witnesses and compelling the production of documents which it possesses in suits under this Act.

Enforcement of order.

82. Any order under this chapter for the payment or repayment of money may, in default of payment of the amount payable thereunder, be enforced by the person to whom such amount is payable as if the same were a decree of the Small Cause Court in his favour.

CHAPTER XII.

CONTEMPT OF COURT.

Procedure of Court in certain cases of contempt.

83. When any such offence as is described in section 175, 178, 179, 180 or 228 of the Indian Penal Code is committed in the view or presence of the Small Cause Court, the Court may cause the offender to be detained in custody; and, at any time before the rising of the Court on the same day, may, if it thinks fit, take cognizance of the offence, and punish the offender with fine which may extend to two hundred rupees, and in default of payment of such fine with imprisonment in the civil jail for a term which may extend to one month unless such fine is sooner paid.

Record in such cases.

84. In every such case the Court shall record the facts constituting the offence, the statement (if any) made by the offender, and the finding and sentence.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court when interrupted or insulted was sitting, and the nature of the interruption or insult offered.

Procedure where Court considers that the case should not be dealt with under section 83.

85. If the Court considers that a person accused of any offence referred to in section eighty-three and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or if the Court is for any other reason of opinion that the case should not be disposed of under section eighty-three, the Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Presidency Magistrate, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, may forward him under custody to such Magistrate.

Such Magistrate shall deal with the accused person in the manner provided by the Presidency Magistrates Act, 1877; and may sentence the offender to punishment as provided in the section of the Indian Penal Code under which he is charged.

Discharge of offender on submission or apology.

86. When the Court has, under section eighty-three or section eighty-five, punished an offender, or forwarded him to a Presidency Magistrate for trial, for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of the Court, or on apology being made to its satisfaction.

Imprisonment or committal of person refusing to answer or produce document.

87. If any witness before the Small Cause Court refuses to answer such questions as are put to him, or to produce any document in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, the Court may sentence him to simple imprisonment, or commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to answer such questions or to produce such document, as the case may be, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section eighty-three or section eighty-five.

Appeal from orders under sections 83 and 87.

88. Any person deeming himself aggrieved by an order under section eighty-three or section eighty-seven may appeal to the High Court, and the provisions of the Presidency Magistrates Act, 1877, relating to appeals shall, so far as may be, apply to appeals under this section.

CHAPTER XIII.

MISCELLANEOUS.

Persons by whom process may be served.

89. Notices to produce documents, summonses to witnesses, and all other processes issued in the exercise of any jurisdiction conferred on the Small Cause Court by this Act, except summonses to defendants and writs of execution, may, if the Court by general or special order so directs, be served by such persons as the Court, from time to time, appoints in this behalf.

Registers and returns.

90. The Small Cause Court shall keep such registers, books and accounts, and submit to the High Court such statements and returns, as may, subject to the approval of the Local Government, be prescribed by the High Court.

Court to furnish records, &c., called for by Local Government or High Court.

91. The Small Cause Court shall comply with such requisitions as may from time to time be made by the Local Government or High Court for records, returns and statements in such form and manner as such Government or Court, as the case may be, thinks fit.

Holidays and vacations.

92. The Small Cause Court shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the Court, and shall submit the same for the approval of the Local Government.

Such list, when it has received such approval, shall be published in the local official Gazette, and the said holidays and vacations shall be observed accordingly.

Certain persons exempt from arrest by Court.

93. The Governor General and Members of his Council, the Governors of Fort St. George and Bombay and the Members of their respective Councils, the Lieutenant-Governor of Bengal, and the Chief Justices and Judges of the High Courts established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, shall not be liable to arrest by order of the Small Cause Court.

No suit to lie upon decree of Court.

94. No suit shall lie on any decree of the Small Cause Court.

Place of imprisonment.

95. Any person ordered by the Small Cause Court to be imprisoned may be imprisoned in such place as the Local Government, from time to time, appoints in this behalf.

Tender in suit for anything done under Act.

96. If any person against whom any suit is brought for anything purporting to be done by him under this Act has, before the institution of the suit, tendered sufficient amends to the plaintiff, the plaintiff shall not recover.

Limitation of prosecutions.

97. All prosecutions for anything purporting to be done under this Act must be commenced within three months after the offence was committed.

THE FIRST SCHEDULE.

(See section 2.)

ENACTMENTS REPEALED.

A.—Charters of the Supreme Courts.

Date.		Extent of repeal.
26th March, 1774	Charter of the Supreme Court at Fort William.	Clause 21.
26th December, 1800.	Charter of the Supreme Court at Madras.	Clause 47.
8th December, 1823.	Charter of the Supreme Court at Bombay.	Clause 59.

B.—Acts of the Governor General in Council.

Number and year.	Subject or short title.	Extent of repeal.
IX of 1850 ...	For the more easy recovery of small debts and demands in Calcutta, Madras and Bombay.	So much as has not been repealed.
XX of 1857 ...	To amend Act IX of 1850.	The whole.
XXVI of 1864	To extend the jurisdiction of the Courts of Small Causes at Calcutta, Madras and Bombay, and to provide for the appointment of an increased number of Judges of these Courts.	So much as has not been repealed.
I of 1875 ...	To regulate Distresses for Rents in the Presidency-towns.	The whole.
X of 1877 ...	The Code of Civil Procedure.	Section eight, para. 2.

C.—Act of the Governor of Bombay in Council.

Number and year.	Subject.	Extent of repeal.
VI of 1864 ...	For the better regulation of the diet-money of persons imprisoned by the Bombay Court of Small Causes.	So much as has not been repealed.

THE SECOND SCHEDULE.

(*See section 23.*)

PORTIONS OF CIVIL PROCEDURE CODE EXTENDING TO COURT.

PRELIMINARY: Section 2, Interpretation-clause.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11.

CHAPTER II.—Of the Place of suing, except sections 15 to 19 (both inclusive), section 20, paragraph 4, sections 22, 23 and 24 and section 25, paragraphs 2 and 3.

CHAPTER III.—Of Parties and their Appearances, Applications and Acts, except section 37, clause (*b*), and the last paragraph.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.

CHAPTER V.—Of the Institution of Suits, except section 53, clause (*e*), section 55, section 57, clause (*b*), and sections 58 and 62.

CHAPTER VI.—Of the Issue and Service of Summons, except, in section 64, the words "and the copies or concise statements required by section 58 have been filed," and sections 65, 66 and 86.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Of Written Statements and Set-off, except sections 110, 112 and 113.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Sending for Records and Production, &c., of Documents, sections 137 (except paragraph 2), 138, 140 (except the proviso and the last six words), 141 (except the third sentence), 142, 143 and 145.

CHAPTER XI.—Settlement of issues, sections 150 and 151.

CHAPTER XII.—Disposal of the Suit at the first hearing, except sections 154 and 155.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses, except sections 168, 169, 170 and 175.

CHAPTER XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 191 (both inclusive).

CHAPTER XVI.—Of Affidavits.

THE SECOND SCHEDULE—*contd.*

CHAPTER XVII.—Of Judgment and Decree, except sections 200, 201, 202, 204, 207 and 211 to 215 (both inclusive).

CHAPTER XVIII.—Of Costs.

CHAPTER XIX.—Of the Execution of Decrees, section 230, first two clauses, sections 231 to 236 (both inclusive), 243 to 259 (both inclusive), 266 (so far as relates to the attachment of moveable property or decrees therefor), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 303 (both inclusive), 328 to 333 (both inclusive), 336 (except the last three clauses), and 337 to 343 (both inclusive).

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of Requiring Security for Costs.

CHAPTER XXV.—Of Commissions, except section 396.

CHAPTER XXVII.—Suits by or against Government, or public officers.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers, except section 433.

CHAPTER XXIX.—Suits by and against Corporations and Companies.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by and against Minors and Persons of Unsound Mind.

CHAPTER XXXII.—Suits by and against Military Men.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards the attachment of immoveable property.

CHAPTER XXXV.—Interlocutory orders, sections 498, 499, 500 and 502.

CHAPTER XXXVI.—Appointment of Receivers, section 503.

CHAPTER XXXVII.—Reference to Arbitration, except the provisions of section 522 as to appeals.

CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties, except so much of section 527, clause *b*, as relates to immoveable property.

CHAPTER XLVI.—Of Reference to and Revision by High Court.

CHAPTER XLIX.—Miscellaneous, sections 640 to 651 (both inclusive).

THE THIRD SCHEDULE.

FORMS.

A.

[*See section 53.*]

In the Small Cause Court for

*A. B.*_____(Plaintiff),

versus

*C. D.*_____(Defendant).

A. B. of_____, in the town of_____, maketh oath [*or* affirms] and saith that *C. D.*_____, of_____, is justly indebted to_____in the sum of Rs._____for arrears of rent of the house and premises No._____, situated at_____, in the town of_____, due for_____months, to wit from_____ to_____, at the rate of Rs._____per mensem.

Sworn [*or* affirmed] before me the_____day of_____188 .

Judge [or *Registrar.*]

B.

[*See section 54.*]

In the Small Cause Court for

FORM OF WARRANT.

I hereby direct you to distrain the moveable property of *C. D.*, on the house and premises situate at No. _____, in the town of_____, for the sum of_____Rs. and the costs of the distress, according to the provisions of Chapter VIII of the Presidency Small Cause Courts Act, 1882. Dated day of

(*Signed and sealed*).

To *E. F., Bailiff and Appraiser.*

C.

[*See section 59.*]

In the Small Cause Court for

FORM OF INVENTORY AND NOTICE.

(*State particulars of property seized*).

Take notice that I have this day seized the moveable property contained in the above inventory for the sum of_____Rs., being the amount of_____months' rent due to *A. B.* at_____last, and that unless you pay the amount thereof, together with the costs of this distress, within five days from the date hereof, or obtain an order from one of the Judges or the Registrar of the Small Cause Court to the contrary, the same will be appraised and sold pursuant to the provisions of Chapter VIII of the Presidency Small Cause Courts Act, 1882. Dated the day of 188 .

(Signed) *E. F.,*
Bailiff and Appraiser.

To *C. D.*

D.

[*See section 64.*]

In the Small Cause Court for

Take notice that we have appraised the moveable property seized on the_____day of_____, under the provisions of Chapter VIII of the Presidency Small Cause Courts Act, 1882, of which seizure and property a notice and inventory were duly served upon you [*or* upon_____on your behalf, *as the case may be*] under date the_____, and that the said property will be sold on the_____ [*two clear days at least after the date of the notice*] at_____pursuant to the provisions of the said Act. Dated this_____day of_____188—.

(Signed) *E. F.,*
G. H.,
Bailiffs and Appraisers.

To *C. D.*

E.

[*See section 66.*]

In the Small Cause Court for

SCALE OF FEES TO BE LEVIED IN DISTRAINTS FOR HOUSE-RENT.

Sums sued for.				Affidavit and warrant to distrain.			Order to sell.			Commission.			Total.		
Rs.		Rs.		Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1	and under	5	...	0	4	0	0	8	0	0	8	0	1	4	0
5	"	10	...	0	8	0	0	8	0	1	0	0	2	0	0
10	"	15	...	0	8	0	0	8	0	1	8	0	2	8	0
15	"	20	...	0	8	0	1	0	0	2	0	0	3	8	0
20	"	25	...	0	12	0	1	0	0	2	8	0	4	4	0
25	"	30	...	1	0	0	1	0	0	3	0	0	5	0	0
30	"	35	...	1	0	0	1	0	0	3	8	0	5	8	0
35	"	40	...	1	0	0	1	8	0	4	0	0	6	8	0
40	"	45	...	1	4	0	2	0	0	4	8	0	7	12	0
45	"	50	...	1	8	0	2	0	0	5	0	0	8	8	0
50	"	60	...	2	0	0	2	0	0	6	0	0	10	0	0
60	"	80	...	2	8	0	2	8	0	6	8	0	11	8	0
80	to	100	...	3	0	0	3	0	0	7	0	0	13	0	0
Upwards of 100			...	3	0	0	3	0	0	7 per centum			...		

The above scale includes all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpœnaed, in which case each subpœna for sums under Rs. 40 must be paid for at four annas each, and twelve annas above that amount; and also where peons are kept in charge of property distrained, four annas per day must be paid per man.

THE FOURTH SCHEDULE.

(*See section 72.*)

FEES FOR SUMMONSES AND OTHER PROCESSES.

When the amount or value of the subject-matter exceeds	But does not exceed	Fee for summons.			Fee for other processes.		
Rs.	Rs.	Rs.	A.	P.	Rs.	A.	P.
0	10	0	2	0	0	2	0
10	20	0	4	0	0	4	0
20	50	0	8	0	0	8	0
50	100	1	0	0	1	0	0
100	200	1	4	0	2	0	0
200	300	1	8	0	3	0	0
300	400	1	12	0	4	0	0
400	500	2	0	0	5	0	0
500	600	2	4	0	6	0	0
600	700	2	8	0	7	0	0
700	800	2	12	0	8	0	0
800	900	3	0	0	9	0	0
900	1,000	3	4	0	10	0	0
1,000	1,100	3	6	0	10	8	0
1,100	1,200	3	8	0	11	0	0
1,200	1,300	3	10	0	11	8	0
1,300	1,400	3	12	0	12	0	0
1,400	1,500	3	14	0	12	8	0
1,500	1,600	4	0	0	13	0	0
1,600	1,700	4	2	0	13	8	0
1,700	1,800	4	4	0	14	0	0
1,800	1,900	4	6	0	14	8	0
1,900	2,000	4	8	0	15	0	0

R. J. CROSTHWAITE,

Offg. Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 1, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following further Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th March, 1882 :—

From Officiating Secretary to Government, North-Western Provinces and Oudh, No. 629, dated 25th April, 1881, and enclosures [Papers No. 2].
„ Officiating Secretary to Government, North-Western Provinces and Oudh, No. 799, dated 19th May, 1881, and enclosures [Papers No 3].

WE, the undersigned members of the Select Committee to which the Bill to provide for the Relief of Encumbered Estates in the Jhánsí Division of the North-Western Provinces was referred, have considered the Bill and the papers noted in the margin, and have the honour to present this further report.

The Bill, as amended by us, was laid before the Council, with our report dated 4th February, 1881, and was sent to the Local Government for opinion.

The Government of the North-Western Provinces replied in their Secretary's letter, No. 629, dated 25th April, 1881. In that letter, the Lieutenant-Governor suggested an entirely new plan for dealing with the Jhánsí question, and forwarded a memorandum prepared by Mr. Bazett Colvin, and the rough draft of a new Bill.

It is this new Bill which we have now had under consideration.

The chief points of the present scheme, as laid down by Mr. Colvin, are as follows :—

(1). The indebted zamíndár, or an officer appointed for the purpose by the Local Government, may apply to the Commissioner of the Division, stating the debts and liabilities of such zamíndár.

(2). The Commissioner may refer the application to an officer styled "the Special Judge," who is to be appointed for this purpose, and who may, if the Local Government pleases, be one of the District staff.

(3). On the receipt of an application by the Special Judge, all claims against the indebted zamíndár are to be called in.

(4). In dealing with the claims, the Special Judge is to have powers similar to those conferred on the Courts by the Dekkhan Agriculturists' Relief Act, No. XVII of 1879.

(5). All proceedings, of whatever kind, taken in other Courts against the indebted zamíndár, are to be for ever stayed; and he is to be disabled from contracting fresh liabilities, until certain conditions have been fulfilled.

(6). The Special Judge will determine the amount of the debts and liabilities of the zamíndár, and will ascertain the nature and amount of property possessed by him, other than his proprietary rights in land.

(7). If the value of such property, other than as aforesaid, is sufficient to pay the debts, the Special Judge will give the creditors decrees, which they may execute through the ordinary Civil Courts.

(8). If such value is not so sufficient, the Special Judge will submit to the Commissioner a report showing the amount of the debts due by the zamíndár, and detailing the property, other than proprietary rights in land, belonging to such zamíndár.

(9). An arbitrary value is then to be put on the zamíndár's proprietary rights in land; (1), for the purpose of a loan from Government, a sum equal to eight times the nett annual profits derived from such rights; (2), for the purchase of such rights by Government, a sum equal to sixteen times and two-thirds such nett annual profits.

(10). If the debts certified by the Special Judge can be met by the proceeds of such other property as the indebted zamíndár possesses, together with a sum equal to the loan value of his proprietary rights in land, the zamíndár is to be asked if he will accept a loan from Government. If he accepts, the money is to be advanced from the public treasury, and the debts are to be paid. If he declines, the Commissioner may sell his proprietary rights by auction, to the extent necessary to meet the claims certified by the Special Judge.

(11). When the zamíndár accepts a loan, the Government will have a lien on his land. If he fails to repay the loan within the time laid down for that purpose by the Commissioner, his proprietary rights, or such part of them as may be necessary to cover the unpaid portion of the loan, shall vest in the Secretary of State for India in Council.

(12). When the debts certified by the Special Judge, exceed in amount the aggregate value of the zamíndár's other property and of his proprietary rights in land as estimated for the purpose of a loan, the zamíndár is to be declared to be insolvent, and his proprietary rights in land are to be sold by auction.

(13). Such rights will be put up for sale at the upset price of sixteen times and two-thirds the nett annual profits, and sold to the highest bidder above that sum. If there is no bid, the Commissioner will pay to the insolvent's estate a sum equal to sixteen times and two-thirds the nett annual profits. The debts will be paid off, so far as may be practicable, and the insolvent's proprietary rights in land will vest in the Secretary of State for India in Council.

(14). In all cases in which the proprietary rights shall vest in the Secretary of State for India in Council, the zamíndár will continue to hold his sír-land as an ex-proprietary tenant. And the same consequence ensues, as a matter of course, when his rights are sold on his refusal to accept a loan.

(15). On the final completion of any of these proceedings, that is to say, when the zamíndár's proprietary rights have been sold, or when they have vested in the Secretary of State for India in Council, or when the loan has been re-paid, the Commissioner will declare the disabilities imposed on the zamíndár to be removed.

The zamíndár then will be in this position. If he has taken a loan, he will be liable for the repayment of the loan, by instalments, with interest. He will have to pay these sums in addition to his land-revenue, but they will probably be less than the sums extracted from him by his creditors. He will have his sír-land to live upon, together with whatever remains to him out of his rental, after the payments of instalments of the loan, interest thereon, land-revenue and rates. He will be freed from all other liabilities and encumbrances, and, after the loan is re-paid, will be restored to the full enjoyment of his rights.

If he refuses the loan, he will lose his proprietary rights, in whole or in part, but he will be completely freed from debt, and will continue to hold his sír-land as an ex-proprietary tenant.

Such also will be his position if he is declared an insolvent.

We have made the following material alterations in the Bill, as drafted by Mr. Bazett Colvin:—

Firstly, Mr. Colvin provided that, if the debts, as found by the Special Judge, could be met by the proceeds of the sale of the zamíndár's property, other than his proprietary rights in land, the Special Judge should give the creditors decrees and leave them to get satisfaction in ordinary course of law. He provided also that, in such case, the zamíndár's disabilities were to cease.

It appears to us that the result of this proceeding would be to start the zamíndár on a fresh career, with decrees hanging over him, to meet which he would probably raise fresh loans.

We have provided, therefore, that in these cases also the Special Judge shall send a report to the Commissioner, who will cause the property enumerated in the Special Judge's report, or a portion of it, to be sold. If the proceeds are sufficient to pay the debts as determined by the Special Judge, the Commissioner will pay such debts, and the zamíndár will thereupon be discharged from all liabilities.

If the proceeds are not so sufficient, the Commissioner will cause the valuation of the zamíndár's proprietary rights to be made, and the case will go on as contemplated by Mr. Colvin.

Secondly, we think that the value proposed to be put upon the zamíndár's interest in the land is too high. It is probably three times as much as property of the kind in Jhánsí would fetch at public auction. We assent to the principle that the zamíndár's creditors, whose contracts we propose to override, should be generously dealt with; but we do not think it is safe to advance more than six times the nett annual profits of the property as a loan, or to give more than ten times such profits for the purchase of such property.

The interest chargeable on loans advanced by Government under the Bill has been fixed at five per cent. simple interest, with the assent of the Financial Department. The Bill has been amended accordingly.

Thirdly, we think that, when the debts of the zamíndár can be met with a loan, it is unnecessary to provide that his proprietary rights in land shall, on his failure to repay the loan, vest in the Secretary of State for India in Council.

The necessary corollary of this provision is that, when part of the loan has been re-paid, part only of the proprietary rights shall be forfeited. The result will be, that small parts of villages or shares in villages will belong to Government and much trouble will be given to the administration.

It seems to us better to provide that, on the occurrence of a default in the payment of any instalment of principal or interest, the whole sum due shall be deemed to be an arrear of land-revenue, and shall be recoverable as such.

This provision will give the Deputy Commissioner ample power to take possession of the defaulter's land, and, if necessary, will enable Government to sell the defaulter's proprietary rights under the land-revenue law.

The objection taken to this amendment is, that it will compel the district-officer to manage the land. But in any case, whether he assumes possession for a term of years as we propose, or whether the proprietary rights of the defaulter are vested in the Secretary of State for India in Council, some arrangement will have to be made for the management of the land and the collection of the rents. There will be no more difficulty in the one case than in the other.

The Bill appears to us now to be put in as simple a shape as is practicable.

We recommend that the Bill, as now amended, be published in the *Gazette of India* and in the local official Gazette.

C. H. T. CROSTHWAITE.
WHITLEY STOKES.
RIVERS THOMPSON.
E. BARING.
W. C. PLOWDEN.

The 16th March, 1882.

No. III.

THE JHÁNSÍ ENCUMBERED ESTATES BILL, 1882.

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No. III.

Bill to provide for the relief of Encumbered Estates in the Jhánsí Division of the North-Western Provinces.

Preamble.

WHEREAS many zamíndárs in the Jhánsí Division of the North-Western Provinces are in debt, and their immoveable property is subject to encumbrances, and it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

Commencement.

1. This Act may be called "The Jhánsí Encumbered Estates Act, 1882": and it shall come into force on the passing thereof.

Interpretation-clause.

"zamíndár":

"sír-land":

2. In this Act—

"zamíndár" means a proprietor of land or of any share in land assessed to revenue, and includes an ubáridár:

and "sír-land" means—

(*a*) land recorded as sír at the last settlement or revision of settlement of the district in which it is situate, and continuously so recorded since;

(*b*) land continuously cultivated for twelve years by the proprietor himself with his own stock or by his servants, or by hired labour;

(*c*) land recognized by village-custom as the special holding of a co-sharer, or treated as such in the distribution of profits or charges among the co-sharers.

CHAPTER II.

APPOINTMENT OF OFFICERS.

Power to appoint a special Judge.

3. The Local Government may, from time to time, by notification in the official Gazette, appoint, for any local area in the Jhánsí Division, a special Judge, who shall exercise the powers conferred, and perform the duties imposed, by this Act on such officer.

Power to suspend or remove special Judge.

The Local Government may, at any time, by a like notification, suspend or remove any special Judge so appointed.

CHAPTER III.

OF THE APPLICATION AND PRELIMINARY INQUIRY.

Application for the benefit of this Act.

4. At any time within twelve months after a special Judge is appointed for any local area, any zamíndár owning land in such area, or such officer as the Local Government may, from time to time, appoint in this behalf, may apply, in writing, to the Commissioner of the Jhánsí Division, stating that such zamíndár is subject to debts or liabilities other than debts due, or liabilities incurred, to Government, or that his immoveable property is encumbered with debts and liabilities other than as aforesaid, and requesting that the provisions of this Act be applied to him:

Provided that, when such zamíndár is a disqualified proprietor within the meaning of section 194 of the North-Western Provinces Land-revenue Act, 1873, such application shall be made—

(*a*) when his property is under the superintendence of the Court of Wards, by the manager of his property, with the consent of that Court; and

(*b*) when his property is not under such superintendence, by the Deputy Commissioner of the district in which such property is situate.

Power to extend time for making applications.

The Local Government may, from time to time, by notification in the official Gazette, extend the time prescribed for making applications under this section.

Order to inquire.

5. When any such application is made in the case of any zamíndár, the Commissioner shall direct an inquiry to be made by the special Judge—

(*a*) into the nature and amount of such debts and liabilities other than debts due, and liabilities incurred to, Government; and

(*b*) into the sufficiency of such zamíndár's property, whether moveable or immoveable, (exclusive of the property mentioned in the first proviso to section 266 of the Code of Civil Procedure), to discharge such debts and liabilities other than as aforesaid.

Verified statement to be submitted.

6. When an inquiry has been directed under section five, the applicant shall, within a period to be fixed by the Commissioner, submit to the special Judge a statement duly verified by the said applicant, or by some other competent person, in the manner required by law for the verification of plaints.

Contents of statement.

Such statement shall contain, so far as may be practicable,—

(*a*) such particulars as the special Judge may require respecting the debts and liabilities, other than as aforesaid, to which the zamíndár is subject, or with which his immoveable property or any part thereof is encumbered;

(*b*) the nature and value of the zamíndár's property (exclusive of his proprietary rights in land and the property mentioned in the first proviso to section 266 of the Code of Civil Procedure); and

(*c*) the names and residences of his creditors, so far as they are known to, or can be ascertained by, such zamíndár.

False averments in statement.

If any such statement contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, he shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code:

Provided that, when the application is made by an officer appointed under section four, or by the Deputy Commissioner, it shall not be necessary to verify such statement; but the zamíndár shall, so far as may be practicable, within a period to be fixed by the special Judge, furnish such information regarding the matters mentioned in section six, clauses (*a*), (*b*) and (*c*), as such Judge may require.

Proviso.

CHAPTER IV.

PROOF OF DEBTS AND PROCEDURE OF SPECIAL JUDGE.

7. When the duly verified statement or the information referred to in section six has been submitted or furnished, the special Judge shall publish in the official Gazette, a notice in the vernacular language of the district, calling upon all persons having claims against the person or the property of the zamíndár, by, or with respect to, whom the application was made, under section four, to present to the special Judge, within two months from the date of such publication, a written statement of such claims.

Notice to claimants against zamíndár.

Provided that, when the claimant satisfies the special Judge that he had sufficient cause for not presenting such statement within such period, the special Judge may receive such statement within a further period of two months from the expiration of the original period.

Provision for admission of claims within further period of two months.

The special Judge shall also cause copies of such notice to be exhibited at his own office, at the offices of the Commissioner of the Jhánsí Division and the Deputy Commissioner of the district in which the land of such zamíndár is situate, and at some conspicuous place in the village where such zamíndár resides.

Copies of notice to be exhibited.

8. After the publication of such notice, the following consequences shall ensue (namely) :—

Consequences of notice.

(*a*) all proceedings then pending in any civil or revenue Court in British India, in respect of all debts and liabilities, other than as aforesaid, to which the zamíndár is subject, or with which his immoveable property is encumbered, shall be for ever stayed; and all processes, executions and attachments issued by any such Court, and then in force, in respect of any such debt or liability, shall become null and void;

(*b*) in respect of such debts and liabilities, no fresh proceedings, processes, executions or attachments shall, except as hereinafter provided, be instituted in, or issued by, any civil or revenue Court in British India;

(*c*) until the Commissioner has declared, as hereinafter provided, that the zamíndár has ceased to be subject to the disabilities mentioned in this clause, such zamíndár shall be incompetent to sell, mortgage, exchange, give or, without the consent of the Commissioner, lease, his proprietary rights in land or any part thereof.

9. Every claimant referred to in section seven shall, in the written statement of his claim, present full particulars thereof.

Claim to contain full particulars.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the special Judge along with such written statement.

Documents to be given up.

If the document be an entry in any book, the claimant shall produce the book to the special Judge, together with a copy of the entry on which he relies. The special Judge shall mark the book, for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Entries in books.

If any document in the possession, or under the control, of the claimant is not delivered or produced by him, as required by this section, the special Judge may refuse to receive such document in evidence on the claimant's behalf, at the investigation of the case.

Exclusion of documents not produced.

10. Every such claim (other than claims of the Government), not made within the time and in the manner hereby required, shall be deemed, for all purposes, and on all occasions, to have been duly discharged.

Claim not duly notified to be deemed duly discharged.

11. The special Judge shall hear the zamíndár, or, when the application has been made on behalf of a disqualified proprietor, shall hear the manager of his property, or the Deputy Commissioner, as the case may be, in answer to each claim so made; and, if the amount of any such claim (other than a claim decreed by a competent Court) is disputed, shall inquire into the history and merits thereof from the commencement of the transactions between the parties, and shall, as hereinafter provided, determine the amount (if any) justly due to the claimant.

History of transactions with zamíndár to be investigated.

12. When the special Judge inquires, under section eleven, into the history and merits of a claim, he shall—

Mode of taking account.

notwithstanding any agreement between the zamíndár and the claimant, or the persons (if any) through whom they claim, as to allowing compound interest, or as to setting off the profits of mortgaged property in lieu of interest without an account, or otherwise determining the manner of taking the account, and

notwithstanding any statement or settlement of account, or any contract purporting to close previous dealings and create a new obligation,

open the account from the commencement of the transactions between the parties, and take that account according to the following rules (that is to say) :—

(*a*) separate accounts of principal and interest shall be taken ;

(*b*) in the account of principal, there shall be debited to the zamíndár such money as may, from time to time, have been actually received by him, or on his account, from the claimant, and the price of goods (if any) sold to him by the claimant, as part of the transactions between them ;

(*c*) in the account of principal, there shall not be debited to the zamíndár any money which he may have agreed to pay in contravention of section 257A of the Code of Civil Procedure ;

(*d*) in the account of principal, there shall not be debited to the zamíndár any accumulated interest which has been converted into principal at any statement or settlement of account, or by any contract made in the course of the transactions, unless the special Judge, for reasons to be recorded by him in writing, deems such debit to be reasonable ;

(*e*) in the account of interest, there shall be debited to the zamíndár monthly simple interest on the balance of principal for the time being outstanding, at the rate allowed by the special Judge as hereinafter provided ;

(*f*) all money paid by, or on account of, the zamíndár to the claimant or on his account, and all profits, service, or other advantages of every description received by the claimant in the course of the transactions, shall be credited first in the account of interest ; and, when any payment is more than sufficient to discharge the balance of interest due at the time it is made, the residue of such payment shall be credited to the zamíndár in the account of principal :

Explanation—The advantages mentioned in this clause shall be estimated, if necessary, at such money-value as the special Judge may determine in his discretion, or with the aid of arbitrators appointed by him ;

(*g*) the accounts of principal and interest shall be made up to the date of making the claim ; and the aggregate of the balances (if any) appearing due on both such accounts against the zamíndár at that date, shall be deemed to be the amount due at that date, except when the balance appearing due on the account of interest exceeds that appearing due on the account of principal, in which case double the latter balance shall be deemed to be the amount then due.

Interest to be allowed.

13. The interest to be awarded in taking an account, according to the rules set forth in section twelve, shall be—

(*a*) the rate (if any) agreed upon between the zamíndár and the claimant, or the persons (if any) through whom they respectively claim, unless such rate is deemed by the special Judge to be unreasonable ; or

(*b*) if such rate is deemed by the special Judge unreasonable, or if no rate was agreed upon, or, when any agreement to set off profits in lieu of interest without an account, entered into between the zamíndár and the claimant, or the persons (if any) through whom they respectively claim, has been set aside by the special Judge, such rate as the special Judge deems reasonable.

Power to rank debts and fix future interest.

14. If the amount so determined to be due cannot, in the opinion of the special Judge, be paid at once, he shall then proceed to rank the claims according to the order in which they shall be paid or discharged, and to fix the interest (if any) to be paid on the amounts thereof respectively from the date of the final decision thereon to the date of the payment and discharge thereof.

Report to be submitted by special Judge.

15. When the amount of the claims has been finally determined in the manner hereinbefore prescribed, the special Judge shall submit a report to the Commissioner, showing the nature and amount of the claims so determined, and also the nature and amount of all the zamíndár's property (exclusive of his proprietary rights in land and the property mentioned in the first proviso to section 266 of the Code of Civil Procedure), which may be available for the payment or discharge of the same.

CHAPTER V.

PROCEDURE OF COMMISSIONER AND MODE OF LIQUIDATION.

On report of special Judge, Commissioner to sell property reported by special Judge and, if necessary, to direct valuation of proprietary rights.

16. On receiving such report, the Commissioner shall direct that the property reported by the special Judge, as available for the discharge of the claims determined by him, or any specified portion of such property, be sold by public auction, and, from the proceeds thereof, shall pay or discharge, so far as practicable, the amount of the said claims.

If such proceeds are not sufficient to pay or discharge in full such amount, the Commissioner shall direct the value of the zamíndár's proprietary rights in land, to be ascertained in the manner following :—

For the purposes of a loan, the value of such rights shall be estimated to be a sum amounting to six times the nett annual profits of such zamíndár.

For the purposes of purchase by Government, the value of such rights shall be estimated to be a sum amounting to ten times such nett annual profits.

"Nett annual profits."

Explanation—The expression "nett annual profits" means the aggregate amount—

(a) of the rents which a zamíndár is entitled to receive as such annually from his tenants;

(b) of all profits received by him as zamíndár, and of the rent which he would have to pay for his sír-land (if any), if he were an exproprietary tenant thereof,

after deducting, from such aggregate amount, the Government revenue and all rates payable by him, under the North-Western Provinces Local Rates Act, 1878, or any other Act for the time being in force.

Proceedings in liquidation.

17. When the value of the zamíndár's proprietary rights has been ascertained as directed in section sixteen, the Commissioner shall proceed as follows:—

(a) If the sum at which the zamíndár's proprietary rights in land have been valued for the purposes of a loan, is sufficient to pay or discharge the balance of the said claims, the Commissioner may, with the consent of the zamíndár, direct such sum as may be necessary, not being more than the amount of such valuation, to be advanced from the public treasury as a loan to the zamíndár, and shall, from the sum so advanced, pay or discharge in full the balance of the said debts and liabilities.

(b) If the zamíndár does not consent to accept such loan, the Commissioner may direct that any portion, or, if necessary, the whole, of such rights, shall be sold in the manner hereinafter prescribed, in order to discharge such balance. Out of the proceeds of such sale, the Commissioner shall, so far as practicable, discharge such balance.

(c) If the sum at which the zamíndár's proprietary rights in land have been valued, for the purposes of a loan, is not sufficient to discharge the balance of the said debts and liabilities, the Commissioner may order his proprietary rights in land to be sold, in the manner hereinafter prescribed.

The purchaser, under this section, of the zamíndár's proprietary rights shall take the same free of all encumbrances created by such zamíndár, or the person through whom he claims.

Attachment of proprietary rights.

18. When an order for the sale of the proprietary rights of any zamíndár has been made hereunder, the Commissioner may order such rights to be attached and taken under the management of the Deputy Commissioner, who shall have, for this purpose, the same powers as are conferred, for the management of a mahál, on a Collector by the North-Western Provinces Land-revenue Act, 1873, section one hundred and fifty-five.

Such management shall continue until such rights are sold hereunder.

Mode of selling proprietary rights.

19. All sales, under this Act, of proprietary rights in land, shall be made by public auction in the manner prescribed by the said North-Western Provinces Land-revenue Act, 1873, for the sale of immoveable property for arrears of land-revenue. If, at the public auction of any zamíndár's proprietary rights in land, any bid be made for such rights above the sum at which they have been valued for the purposes of purchase by Government, such rights shall be sold to the highest bidder; and the proceeds of such sale shall be paid to the Deputy Commissioner or such officer as the Commissioner may direct. If no such bid be made, the Commissioner shall direct a sum of money equal to the amount of such valuation to be paid from the public treasury to the Deputy Commissioner or such officer.

Duty of Deputy Commissioner.

20. The Deputy Commissioner or such officer, as the case may be, shall thereupon, subject to the control of the Commissioner,—

firstly—pay, from the money which he has received under section nineteen, the debts, fines and liabilities (if any) due or incurred by the zamíndár to the Government;

secondly—pay all costs awarded against the zamíndár by the special Judge or Commissioner;

thirdly—out of the balance of such money, pay or discharge, so far as may be practicable, the claims against the zamíndár determined by the special Judge in the order in which they are ranked under section fourteen by such Judge;

fourthly—pay the surplus (if any) to the zamíndár.

Consequences of loan.

21. When a sum of money has been lent, under section seventeen, to a zamíndár, and applied in payment or discharge of the claims against him, the following consequences shall ensue (namely):—

(a) his proprietary rights in land shall be deemed to be mortgaged to the Secretary of State for India in Council, until such loan shall have been fully paid off;

(b) he shall be bound to repay the amount of such loan, with interest thereon at the rate of five per cent. per annum, by yearly instalments, within such term, not exceeding ten years, as the Commissioner may prescribe;

(c) in the event of his failing to pay any such instalment of principal or interest on the day fixed for the payment thereof, the whole sum remaining due on account of principal or interest, or both, shall be recoverable as an arrear of land-revenue due by him.

Conditions of purchase by the Government.

22. When a sum of money has been paid from the public treasury, as provided in section nineteen, and applied towards paying or discharging the claims against

a zamíndár, the following consequences shall ensue (namely) :—

(*a*) his proprietary rights in land shall vest in the said Secretary of State in Council;

(*b*) in respect of his sír-land, the proprietary rights in which are, under this section, vested in the said Secretary of State in Council, the zamíndár shall be deemed to be an ex-proprietary tenant holding such land directly under the Government.

Power to declare that zamíndár has ceased to be subject to disabilities.

23. In each of the following cases (namely) :—

(*a*) when the amount lent, under section seventeen, to a zamíndár has been repaid, together with the interest due thereon, or

(*b*) when such amount has been recovered from him as an arrear of land-revenue or has been remitted, in whole or in part, by the Local Government, or

(*c*) when the whole, or, where it is necessary to sell only a portion, such portion, of his proprietary rights in land has been sold under this Act to the highest bidder, or such rights have vested in the said Secretary of State in Council, under section twenty-two;

the Commissioner shall declare that such zamíndár has ceased to be subject to the disabilities mentioned in section eight, clause (*c*) :

Provided that in cases coming under clause (*b*) of this section, no such declaration shall be made without the previous sanction of the Local Government.

CHAPTER VI.

OF APPEAL AND REVISION.

Appeals.

24. An appeal against any decision or order, under this Act, of the special Judge shall lie to the Commissioner, if preferred within one month from the date of such decision or order :

Provided that when the Appellant satisfies the Commissioner that he had sufficient cause for not presenting the appeal within such period, such appeal may be admitted after the period prescribed by this section.

Subject to the power of revision next hereinafter provided, the decision of the Commissioner on an appeal, under this section, shall be final.

Power to call for proceedings and pass order thereon.

25. The Board of Revenue or the Commissioner may, of its or his own motion, or on the application of any person concerned, call for the proceedings in any case under this Act, and pass such order thereon, consistent with the provisions herein contained, as it or he thinks fit :

Provided that nothing in this section shall empower the Commissioner to pass any order reversing or modifying an order previously passed by the Board of Revenue.

CHAPTER VII.

MISCELLANEOUS.

Power to make rules.

26. The Local Government may, from time to time, make rules consistent with this Act—

(*a*) to regulate the procedure in all cases under this Act ;

(*b*) to declare what shall, for the purposes of this Act, be deemed to be the vernacular language of any specified district; and

(*c*) generally to carry out the provisions of this Act.

Such rules shall be published in the official Gazette, and, when so published, shall have the force of law.

Investigation to be deemed a judicial proceeding.

27. Every investigation conducted by the special Judge, with reference to any claim made to him under this Act, or to any matter connected with such claim, shall be deemed to be a judicial proceeding within the meaning of the Indian Penal Code ;

Special Judge deemed public servant within meaning of Indian Penal Code.

and the special Judge shall be deemed to be a public servant within the meaning of the said Code.

Power to summon witnesses and compel production of documents.

28. For the purposes of compelling the attendance of witnesses and the production of documents the special Judge shall have the powers conferred on a Civil Court by the Code of Civil Procedure.

Bar of suits.

29. No suit or other proceeding shall be maintained against any person in respect of anything done by him in good faith pursuant to this Act.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Report of a Select Committee, together with the Bill, as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th March, 1882 :—

WE, the undersigned Members of the Select Committee to which the Bill to consolidate and amend the law relating to Agricultural Tenancies in the Central Provinces was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

Preliminary Note by the Commissioner, Jabalpur Division, Central Provinces, dated 1st September, 1873 [Paper No. 1].
Note by Officiating Commissioner, Nágpur Division [Paper No. 2].
Commentary by Officiating Commissioner, Nágpur Division [Paper No. 3].
Note by Officiating Judicial Commissioner, Central Provinces, dated 15th October, 1879 [Paper No. 4].
From Settlement-officer, Sirsá, dated 25th August, 1880, and enclosure [Papers No. 5].
" Commissioner, Haidarábád Assigned Districts, No. 4640, dated 18th September, 1880 [Paper No. 6].
" Gopal Naráyan Ghatate and other málguzárs, Nágpur Division, dated 25th December, 1880, and enclosure [Papers No. 7].
" Lakshmí Naráyana Pandit, Pleader, High Court, North-Western Provinces, dated 2nd March, 1881, and enclosure [Papers No. 8].
" Officiating Assistant Secretary to Chief Commissioner, Central Provinces, No. 2283-112, dated 23rd January, 1881, and enclosures [Papers No. 9].
" Officiating Assistant Secretary to Chief Commissioner, Central Provinces, No. 353-23, dated 1st February, 1881, and enclosures [Papers No. 10].
" Officiating Secretary to Chief Commissioner, Central Provinces, No. 3799-208, dated 19th October, 1881, and enclosures [Papers No. 11].

2. The Bill introduced on the 6th August, 1880, met with much criticism in the Central Provinces. In May, 1881, the Chief Commissioner referred the Bill to a Committee composed of officers* belonging to the Central Provinces, whose report has been now under consideration. The amendments recommended by this Committee have received the unqualified support of the Chief Commissioner. They are of such a nature as to render it necessary to re-draft the Bill.

*Mr. C. H. T. Crosthwaite, Judicial Commissioner.
" J. W. Neill, Commissioner, Nágpur.
" J. W. Chisholm, Officiating Commissioner, Narbada.

3. We have, accordingly, amended and re-cast the Bill, but the majority of us desire to reserve our opinion as to the expediency of making these amendments until the Bill has been republished in its present shape, and subjected to further criticism. The most important amendments, and those to which we desire to attract particular attention, are as follows :—

(1.)—The Bill, as introduced, withdrew the power of making a distraint for rent, and practically compelled the landlord to sue a tenant on the produce of whose holding he wished to retain a lien for arrears of rent.

The Bill, as now amended, gives no right to distrain, but it maintains the landlord's lien on the produce for rent, and directs a Court executing a decree, other than for rent, by attachment and sale of the produce of a tenant's holding, to pay to the landlord, out of the proceeds of the sale, and before satisfying the decree-holder, any arrear of rent that may be due by the tenant, and likewise the instalment of rent falling due next after the usual date of harvesting the produce attached and sold.

It also allows a landlord, when an arrear is due to him, to prohibit the tenant, for a period of twenty-eight days, from removing the produce of the holding on which the rent is due. It is intended by this provision to give the landlord time to institute a suit and apply to the Court for an order to attach the produce.

These provisions do not apply to rent due for a longer period than one year.

(2.)—The Bill, as introduced, took away the right conferred at the settlement on those tenants who are known as absolute occupancy-tenants, of transferring their holdings.

The amended Bill maintains this class of tenants exactly in the position given to it at settlement.

(3.)—The amended Bill stops the future growth of occupancy-right by operation of the twelve-year rule, but maintains in the enjoyment of that right those tenants who, at the passing of the Act, have acquired it.

(4.)—The Bill, as introduced, established a class of protected tenants, the condition of protection being, *inter alia*, residence and cultivation of land in the village for five years. Tenants, who had not so qualified, it left to the landlord's discretion.

The amended Bill protects all ordinary tenants (*i. e.*, all tenants who have not absolute occupancy or occupancy-rights and are not sub-tenants) from capricious eviction.

(5.)—The Bill, as introduced, provided for the determination of the rent of occupancy-tenants primarily on the basis of the settlement-rates and the customary rates paid by tenants of the same class; and fixed the rents so determined for the term of settlement, subject to enhancement or abatement on account of change in the value of the produce or in the productive power of the land.

It left the rent of protected tenants to be determined, in case of dispute, by the Courts, with reference to the rent paid by ordinary tenants. A rent so determined was only fixed from year to year.

The amended Bill adopts, for the determination of the rent of ordinary tenants, the principle of compensation for disturbance, giving the tenant from whom an increase of rent is demanded the option of agreeing to the enhancement, in which case his rent will be fixed for seven years, or of leaving the land, taking, as compensation, ten times the sum demanded as enhancement.

It provides that the rents of absolute occupancy-tenants shall not be raised during settlement.

It provides that the rents of occupancy-tenants, *i.e.*, those who have acquired rights under the twelve-year rule, shall be fixed at twenty-five per cent. below the rent paid by ordinary tenants for like land, and that, when the rent of such tenants has been fixed, it shall not be enhanced till after the expiry of a period of ten years.

In the case of all classes of tenants, the landlord is, at any time, entitled to an increase of rent if the productive power of the land has been increased by improvements made by such landlord, or if the area of the holding has been added to.

4. We recommend that the Bill, as now amended, be re-published in the *Gazette of India* and sent to the Local Government for publication in the local Gazette and translation into the vernacular languages; and that its re-consideration be postponed for a period of two months.

C. H. T. CROSTHWAITE.
WHITLEY STOKES.
W. W. HUNTER.
H. J. REYNOLDS.

The 16th March, 1882.

No. II.

THE CENTRAL PROVINCES TENANCY BILL, 1882.

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No. II.

A Bill to Consolidate and amend the law relating to Agricultural Tenancies in the Central Provinces.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to agricultural tenancies in the Central Provinces; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Central Provinces Tenancy Act, 1882":

Local extent.

It extends to all the territories for the time being administered by the Chief Commissioner of the Central Provinces, except those specified in the Scheduled Districts Act, 1874, Schedule I, Part VI;

Commencement.

and it shall come into force on such day as the said Chief Commissioner, with the previous sanction of the Governor General in Council, may by notification in the local official Gazette direct.

Bill, s. 2.

Acts repealed.

2. On and from such day the Acts mentioned in the schedule hereto annexed, shall be repealed so far as they relate to the territories to which this Act extends.

Bill, ss. 12, 78, 79, 82, 92.

Saving of certain settlement conditions in the Chánda, Nimár and Sambalpúr districts.

But nothing contained in this Act, or in any Act hereby repealed, shall affect the rights or liabilities of tenants or landlords in the districts of Nimár, Chánda and Sambalpúr, so far as such rights or liabilities have been determined by any order of the Governor General in Council made at the settlement of any such district.

Pending suits and applications.

All suits or applications instituted or made under any Act hereby repealed, and which, when this Act comes into force, are pending before any officer, before whom they would have been instituted or made, if this Act had been in force, shall, so far as may be, be deemed to have been respectively instituted or made hereunder.

Bill, s. 3.

Interpretation-clause.

3. In this Act, unless there is something repugnant in the subject or context,—

"land":

(1) "land" means land which is let or occupied for agricultural purposes or for purposes subservient to agriculture, and includes the sites of buildings appurtenant to such land:

"tenant":

(2) "tenant" means a person who holds land of another person, and is, or, in the absence of a contract to the contrary, would be, liable to pay rent for such land to such other person. But it does not include a mortgagee or a person who takes a lease of unoccupied land for the purpose of sub-letting it, or of land already in the occupation of cultivators.

New.

Where such person, at the time of taking a lease of such land, is a tenant of any land included therein, he does not by reason only of such lease cease to be a tenant of the land so included:

"landlord":

(3) "landlord" means the person of whom a tenant holds land, and to whom such tenant is, or, in the absence of a contract to the contrary, would be, liable to pay rent therefor; but when the right to receive rent or any other right which a landlord is entitled as such to exercise, is, for the time being, vested in a person other than the person of whom the land is held, such other person shall be deemed to be the landlord in respect of the right so vested:

"rent":

(4) "rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant on account of the use or occupation of land let to him:

"pay" and "payable":

(5) "pay" and "payable" used with reference to rent, include "deliver" and "deliverable":

"arrear":

(6) "arrear" means an instalment of rent which is not paid on or before the date on which it is payable:

"holding":

(7) "holding" means a parcel of land held by a tenant of a landlord under one lease or agreement:

"improvement":

(8) "improvement" means, with reference to a holding, any work which adds to the letting-value of such holding, without diminishing the value of any other part of the estate of the landlord of whom such holding is held; which is suitable to such holding and consistent with the purpose for which it was let; and which, if not executed on the holding, is either executed directly for its benefit or is, after execution, made directly beneficial to it:

New.

It includes the reclaiming, enclosing or clearing of lands for agricultural purposes; but it does not include such embankments, temporary wells, and water-channels as are ordinarily made by tenants.

Explanation.—A work which benefits several holdings may be deemed to be, with respect to each of them, an improvement:

"Revenue-officer":

(9) "Revenue-officer" means any Revenue-officer appointed under the Central Provinces Land-revenue Act, 1881, not being below the rank of Tahsíldár, and includes also a Settlement-officer:

(10) "agricultural year" means the year commencing on the first day of June, or on such other date as the Chief Commissioner may, in the case of any specified District or Districts, from time to time, appoint:

"agricultural year":

(11) "sír-land" means (*a*) land recorded as "sír" in the papers of the last preceding settlement of the local area in which such land is situate; and (*b*) land not so recorded, but which has been cultivated by the proprietor or one of the proprietors thereof for a period of not less than twelve consecutive years; and (*c*) waste land which has been broken up by the proprietor or one of the proprietors thereof and cultivated by him for a period of not less than six consecutive years; and (*d*) in Sambalpúr, includes also "bhogra" land.

"sír-land":

Explanation.—Land which has, after the date of such settlement, or the expiry of such period of twelve years, or six years (as the case may be), been for a period of six consecutive years unoccupied by such proprietor is not sír-land. Land is not unoccupied by the proprietor when it is leased out by him with an express reservation of his sír-rights.

(12) "mahál" means any local area held under a separate engagement for the payment of the land-revenue direct to Government, and includes also any local area declared, under the provisions of the Central Provinces Land-revenue Act, 1881, to be a mahál:

"mahál":

(13) "village" includes any tract of land which, at the last settlement of such land, has been recognized as a village, or which the Chief Commissioner declares to be a village for the purposes of the Central Provinces Land-revenue Act, 1881:

"village":

(14) "lambardár" means a person appointed under the Central Provinces Land-revenue Act, 1881, to represent the proprietary body of a mahál in its relations with the Government:

"lambardár":

(15) "record-of-rights" includes the supplementary administration-paper prepared at or after the time of making a settlement before the Central Provinces Land-revenue Act, 1881, came into force.

"record-of-rights".

CHAPTER II.

OF THE CLASSES OF TENANTS, AND THEIR ORDINARY RIGHTS AND LIABILITIES.

Classes of tenants.

4. There shall be four classes of tenants:—

(1)—Absolute occupancy-tenants:

(2)—Occupancy-tenants:

(3)—Ordinary tenants:

(4)—Sub-tenants.

A.—Rights and Liabilities common to all Classes of Tenants.

Presumptions as to rents payable.

5. In all suits and proceedings between landlord and tenant, the rent payable for any year by a tenant, in respect of his holding, shall be deemed to be the rent payable, in respect of such holding, in the year immediately preceding such year, unless a different rent has been agreed upon, in writing, by the landlord and the tenant, or has been fixed by an order under this Act. Bill ss. 4, 66.

Date from which orders fixing rents operate.

6. When the rent of a holding is fixed by any order under this Act, such order shall take effect from the commencement of the agricultural year next following the date of the application upon which such order is made. Provided that, if such application is made on the ground of an increase, or diminution, of the area of a holding, the order shall take effect from such date as the officer making it may direct. Bill, s. 5.

Rents when payable.

7. Rents shall be payable in such instalments and on such dates as the Chief Commissioner may, from time to time, by rule prescribe, and in the absence of such rule, according to local usage. Bill, 6.

Lambardár to be deemed sole landlord in certain cases.

8. In the absence of any person duly appointed to act on behalf of several persons who are joint proprietors of a mahál, the lambardár shall be deemed to be, for the purpose of this Act, the sole person entitled to grant leases to tenants, or enter into agreements with tenants as such, of the land held jointly by such proprietors, or to give receipts for the rent of such land, or to issue any notice, make any application, or being any suit, under this Act, to, in respect of, or against, any tenant of such land. Bill s. 46.

Rents payable to joint landlords.

9. When two or more persons are the joint landlords of any tenant, such tenant, subject to any rule which the Chief Commissioner may, from time to time, make in this behalf, shall not be compelled to pay part of the rent of his holding to one of such persons and part to another or others; and such persons shall, if the tenant so desires, appoint one of their number, or some other person, to receive the rent of such holding. Bill, s. 47

Tenant may in certain cases deposit rent with Revenue-officer.

10. When any landlord refuses to accept any instalment of rent payable in money when tendered to him by a tenant, and Bill, s. 7

when any tenant, in the case mentioned in section nine, desires the appointment of a person to receive rent payable in money and no such appointment is made within a reasonable time, and

when any tenant in any other case is doubtful as to the person entitled to receive such rent from him,

such tenant may apply to a Revenue-officer for permission to deposit in his Court the amount of

rent which he believes to be due; and such officer shall receive such deposit, if it appears to him, after examining the applicant, that he had reasonable grounds for making the application and that it was made in good faith.

Bill s. 8.

Deposit to be deemed a payment to the landlord.

11. When any deposit has been so received, it shall be deemed to be a payment made by the tenant to his landlord on account of rent due.

Revenue-officer how to deal with deposit.

The officer receiving such deposit may pay the amount thereof to any person appearing to him to be entitled to receive the same, or may, if he thinks fit, retain the deposit pending the decision of a Civil Court as to the person so entitled.

No suit or other proceeding shall be instituted against the Secretary of State for India in Council, or against any officer of the Government, in respect of anything done by a Revenue-officer under this section; but nothing herein contained shall prevent any person entitled to receive the amount of any such deposit from recovering the same from a person to whom it has been paid by a Revenue-officer.

Bill, s. 9.

Penalty for exaction by landlord.

12. Every tenant, from whom any sum is levied by his landlord in excess of the rent specified in his lease, or payable under the provisions of this Act, shall be entitled to recover from such landlord a sum not exceeding double the amount so levied.

Bill, s. 9.

For not giving receipt.

13. When any landlord refuses a receipt for rent paid by a tenant, or grants such receipt but refuses or neglects to specify therein the period or crop in respect of which the payment is made, such tenant shall be entitled to recover from such landlord a sum not exceeding double the amount of the rent so paid.

Bill, s. 89, cl. (b).

Enhancement allowed when productive power of holding has been increased by landlord.

14. Notwithstanding anything contained in this Act, or in the conditions of settlement, the rent of any tenant may, on the application of the landlord, be enhanced on the ground that the productive power of the tenant's holding has been increased through the agency or at the expense of the landlord. Such enhancement shall bear the same proportion to such rent as the increase so effected in the productive power of the holding bears to the productive power of the holding as it was immediately before such increase was effected.

The rent of an absolute-occupancy tenant shall not be enhanced under this section when the productive power of the holding has been increased by an improvement made by a landlord in contravention of any rule made hereunder.

Bill, s. 89, cl. (d).

Power to fix rent when area of holding is altered.

15. When the area of a holding is increased or diminished by encroachment, fluvial action or otherwise, a Revenue-officer may, by order, on the application of the landlord or of the tenant, fix the rent payable in respect of such holding with reference to such increase or diminution:

Provided that such order shall not bar the landlord's claim to enhance the rent of such holding on other grounds allowed by this Act.

Bill, s. 54.

Agreement fixing rent on revenue-paying lands beyond term of settlement, voidable.

16. The rent of land assessed to land-revenue shall not be fixed for a term exceeding the period of the settlement of such land.

All agreements made in contravention of this section shall, as regards the amount of rent, be voidable at the will of either party.

Bill, s. 94.

Rents payable in kind may be commuted.

17. In all cases in which a tenant has paid rent in kind, or on the estimated value of a portion of the crop, or by rates varying with the crop, or partly in one of such ways and partly in another or others, the landlord or tenant may apply to commute such rent to a fixed money rent. Such application shall be made,

while the settlement of the district in which such tenant's holding is situate is in progress, to a Settlement-officer; and,

at any other time, to any revenue-officer specially empowered by the Chief Commissioner in this behalf.

On the receipt of such application, such officer shall determine the sum to be paid as money rent and shall order that the tenant shall pay, in lieu of paying his rent in kind or as aforesaid, the sum so determined. If the application is opposed, such officer may, for reasons to be recorded by him in writing, refuse to grant the same.

Bill, ss. 23, 24, 25, 26.

Surrender of holdings.

18. Any tenant not holding under a lease for a fixed period may, at the end of any agricultural year, surrender his holding, or, with the consent of his landlord, any part thereof. But notwithstanding such surrender he shall continue to be liable for the year next following the date of such surrender for the rent of the holding or part surrendered, unless—

(a) he gives to his landlord, at least thirty days before the end of such agricultural year, notice in writing of such surrender; or

(b) he takes a new holding in the same village from the same landlord; or

(c) he ceases, at least thirty days before the end of such year, to reside in the village in which the surrendered holding is situate; or

(d) the landlord himself cultivates such holding or lets it to another tenant.

Bill, ss. 17—1 22, altered

Hypothecation of produce for rent.

19. The produce of a holding in the occupation of a tenant shall be hypothecated for the rent payable in respect thereof, and, if such produce is attached and sold in execution of a decree,

the Court executing the decree shall apply the nett proceeds of the sale in the first instance to satisfy the landlord's claim (if any) for sums due to him in respect of the rent of such holding for the year immediately preceding the attachment, and for the instalment of rent which falls due next after the usual period of harvesting the produce attached.

Landlord may, by notice, prohibit removal of produce.

20. Where an arrear is due from any tenant in respect of his holding, the landlord may, by notice to the tenant, prohibit the removal of the produce of such holding.

Act XII, 1881, s. 58.

No such prohibition shall be made in respect of any sum claimed in excess of the rent payable by the tenant for such holding in the preceding year, unless the rent has been enhanced in accordance with the provisions of this Act, nor in respect of an arrear which has been due for a longer period than one year.

No such prohibition shall be made more than once in respect of the same produce.

Procedure in delivering notice.

21. Every notice under section twenty, shall be in writing, and shall specify the amount of the arrear claimed, the period for which, and the holding in respect of which, it is said to be due, and, when a sum in excess of the rent payable by the tenant in the last preceding year is claimed, the decree, order or agreement, as the case may be, for the payment of such sum.

The notice shall be served on the tenant, or other person who may be in charge of the produce on his behalf, and shall remain in force until the rent specified in such notice is paid, or, if such rent is not paid, until the expiry of twenty-eight days after such notice is so given.

Tenant to retain charge of the produce.

22. Notwithstanding such notice, the tenant may reap, gather or store the produce of his holding, and do all other such acts as may be necessary for the due preservation of the same.

Penalty for tenant removing produce, removal of which has been prohibited.

23. Any tenant on whom a notice in respect of the produce of his holding has been served under section twenty, and who, except for any of the purposes mentioned in section twenty-two, while such notice is in force, removes, attempts to remove, or abets the removal of, such produce from the place where it was standing, deposited or stored when such notice was served, and

Illegal distraint.

any landlord who distrains or attempts to distrain the produce of any holding, or prevents, or attempts to prevent, otherwise than in accordance with this Act, the removal of any produce of a holding by the tenant thereof,

shall be punished with fine which may extend to five hundred rupees.

Act XII, 1881, s. 43: Bill, s. 13.

Commission for dividing or estimating crops.

24. Whenever rent is taken by division of the produce, or by estimate or appraisement of the crop, if either the landlord or the tenant neglects to attend, either personally or by agent, at the proper time for making such division, estimate or appraisement, or if there is a dispute regarding the division of the said produce, or the quantity or value of the crop, a Revenue-officer may, on the application of either party, issue a commission to such person as such officer thinks fit, directing him to divide, estimate or appraise the crop.

Bill, s. 14.

Appointment of assessors.

25. When a Revenue-officer appoints a Commissioner for any of the purposes mentioned in section twenty-four, such officer may, in his discretion, direct such Commissioner to associate with himself any other persons as assessors, and may give him instructions regarding the number, qualifications and mode of selecting such assessors (if any), and the procedure to be followed in making such division, estimate or appraisement.

The Commissioner so appointed shall make the division, estimate or appraisement, in accordance with such instructions.

Bill, ss. 15, 16.

Procedure where crop has been estimated or appraised.

26. When a crop has been estimated or appraised under the foregoing provisions, such estimate or appraisement shall be reduced to writing and signed by the Commissioner making the same, and shall be submitted to the Revenue-officer by whom the commission was issued. Such Revenue-officer shall consider the Commissioner's report, and after such hearing and enquiry (if any), as he may think necessary, shall pass order thereon either confirming or varying the estimate or appraisement, and the rent shall be payable in accordance with such order.

Produce of a holding.

27. In sections nineteen to twenty-four (both inclusive) the produce of a holding means—

(*a*) crops and other products of the earth standing or ungathered on such holding;

(*b*) crops and other products of the earth which have been grown on the holding and have been reaped or gathered and are deposited on such holding or a threshing-ground, or stored in the homestead of the village in which such holding is situate, or in which the tenant, whose holding it is, resides.

B.—Of Absolute Occupancy-tenants.

"Absolute occupancy-tenants."

28. All tenants who, on the day when this Act comes into force, occupy any holding in respect of which they have been recorded in any record-of-rights made before such day as "absolute occupancy-raiyats," or in terms equivalent thereto, shall be deemed to be absolute occupancy-tenants of such holding.

New.

Rents fixed for period of settlement.

29. The rent of the holding of every absolute occupancy-tenant shall be fixed by the Settlement-officer at the settlement of the district in which such hold-

ing is situate, and the rent so fixed, shall not be enhanced during the currency of such settlement, except under the provisions of section fourteen or section fifteen.

The rent payable in respect of his holding by any such tenant, when this Act comes into force, shall be deemed to have been fixed at the last preceding settlement of the district in which his holding is situate.

New: Bill, ss. 81, 82.

Right heritable and transferable after notice to landlord who may claim to purchase at fixed rate.

30. The right of an absolute occupancy-tenant in his holding shall devolve as if it were land, and shall be transferable by mortgage or sale or gift. Any mortgage of such right for a longer period than fourteen years made, after this Act comes into force, shall be deemed for the purposes of this Act to be a sale.

If an absolute occupancy-tenant intends to transfer his right in his holding by sale or gift, he shall give to his landlord a written notice of such intention, and the landlord may thereupon—

(*a*) within one month from the receipt of such notice, claim to purchase such right, at a price equal to five times the yearly rent payable in respect of the holding; or

(*b*) permit the sale or gift, in which case he shall be entitled to a sum equal to such rent for one year, and such sum shall be a charge on the holding sold.

Any transfer made in contravention of this section shall be void.

New.

Absolute occupancy-tenant not liable to ejectment.

31. An absolute occupancy-tenant shall not be liable to be ejected from his holding by his landlord as such for an arrear of rent or for any cause.

Right hypothecated for rent.

The right of such tenant in his holding shall be deemed to be hypothecated to the landlord for the rent thereof.

New.

Landlord's rights reserved in sales in execution of decree.

32. When the right of an absolute occupancy-tenant in his holding is sold by order of a Civil Court in execution of a decree other than a decree obtained by his landlord, the landlord shall, in respect of such holding, have the same rights as are reserved to him by section thirty in the case of a private sale.

C.—Of Occupancy-tenants.

Bill, s. 75.

Occupancy-tenants.

33. All tenants who, when this Act comes into force, have held the same land continuously for twelve years, otherwise than as absolute occupancy-tenants or sub-tenants, have a right of occupancy in, and shall be deemed to be occupancy-tenants of, such land; Provided that such land is not

(*a*) sír-land, or

(*b*) held in lieu of wages, or

(*c*) held under a written lease in which it is agreed that a right of occupancy in such land shall not be acquired, or that the tenant shall quit the land at the termination of such lease.

Explanation I.—The occupation of the person from whom the tenant inherited his holding shall, for the purposes of this section, be deemed to be the occupation of the tenant.

Explanation II.—When, by the custom of any village the holdings of tenants are, or have been, liable to periodical re-distribution, land which a tenant or any person under whom he claims has, in accordance with such custom, from time to time, received in exchange for land previously held by him shall, for the purpose of calculating, under this section, the period of twelve years, be deemed to be the same land as the land which he held prior to such exchange.

New.

Rents only liable to enhancement at intervals of ten years.

34. When the rent of the holding of an occupancy-tenant has been fixed by agreement or under this Act, or under any Act hereby repealed, such rent shall not be enhanced until the expiry of ten years from the day on which it was so fixed, except when the settlement of the district in which such holding is situate is in progress, or under the provisions of section fourteen or section fifteen.

Bill, s. 81, altered.

Descent of occupancy-right, and right of transfer.

35. When any occupancy-tenant dies, his right in his holding shall devolve as if it were land: Provided that no collateral relative of such tenant shall be entitled to inherit such right, unless at the death of such tenant he was a co-sharer in the holding.

No right of occupancy shall be transferable in execution of a decree or otherwise than by voluntary transfer between persons in favour of whom, as co-sharers, such right originally arose, or who have become, by succession, co-sharers therein.

New.

Rent of occupancy-tenants.

36. Subject to the provisions of section thirty-four, the rent payable by an occupancy-tenant may be fixed on the application either of the tenant or his landlord,

(*a*) when the settlement of the district in which such holding is situate is in progress, to a Settlement-officer;

(*b*) during the currency of the settlement of such district, to a Revenue-officer.

On such application the Settlement or Revenue-officer, as the case may be, may fix the rent at a rate, not more than three-fourths of the rate usually paid by ordinary tenants of holdings situate in the same or adjoining tahsíls, for land of similar quality with like advantages.

When the land in respect of which an application is made under this section, has been improved in accordance with this Act by the agency or at the expense of the tenant of such land, the quality and advantages of such land shall, for the purposes of this section, be deemed to be the quality and advantages had and enjoyed by such land immediately before such improvements were made.

New Bill, s. 29.

Grounds for ejectment.

37. No occupancy-tenant shall be ejected from his holding, except in execution of a decree of a Civil Court

(a) in a suit for arrears of rent; or,

(b) in a suit for compensation for diverting the land to non-agricultural purposes or for some other act or omission which by custom or contract not inconsistent with this Act or with any other law for the time being in force renders him liable to be ejected.

Bill, s. 76.

Case of lands re-distributed in accordance with village custom.

38. A tenant having a right of occupancy in land situate in a village in which the holdings of tenants are by custom liable to periodical re-distribution, and exchanging such land in accordance with such custom for other land situate in the same village, shall be deemed to have a right of occupancy in the land so taken in exchange.

Bill, s. 77.

Tenant changing land in other cases.

39. If a tenant having a right of occupancy in any land ceases to hold such land, and thereupon commences to hold other land of the same landlord, under circumstances from which it may be inferred that such tenant has accepted such other land in lieu of, and on the same conditions as, the land which he has ceased to hold, he shall, in the absence of a written agreement to the contrary, be deemed to have a right of occupancy in the land which he so commences to hold.

D.—Of Sub-tenants.

Sub-tenants.

40. A tenant who holds land from another tenant, is a sub-tenant of such land.

Hold according to agreement.

41. A sub-tenant shall hold on such terms as may be agreed upon between him and his landlord.

Right ceases with landlord's possession.

42. No sub-tenant shall be entitled to retain his holding after the determination of his landlord's interest in the land comprised therein; nor shall he have any claim, for compensation or otherwise, against any one but his own landlord on account of any loss arising to him from such determination.

E.—Of Ordinary Tenants.

Bill, s. 55.

Ordinary tenants.

43. All tenants who are not absolute occupancy-tenants or occupancy-tenants or sub-tenants, are ordinary tenants.

Bill, s. 66.

Rents regulated by agreement, but only liable to enhancement once in seven years.

44. An ordinary tenant shall pay such rent as may, from time to time, be fixed by agreement between him and his landlord:

Provided that, after the rent has been so fixed, it shall not be liable to be changed, except under the provisions of section fourteen or section fifteen, or until the expiry of seven years from the date when it was so fixed.

Grounds on which an ordinary tenant may be ejected.

45. An ordinary tenant shall not be ejected from his holding, except under a decree of a Civil Court, on one or other of the following grounds:

(a) that he has refused to agree to an enhancement of rent demanded by his landlord, in accordance with the provisions of this Act;

(b) that the land is needed for the execution of some work of permanent and general benefit to the village in which such land is situate or to the residents thereof;

(c) any ground mentioned in section thirty-seven clause (a) or clause (b).

New.

Compensation for disturbance.

46. An ordinary tenant who is ejected, under clause (a) or clause (b) of section forty-five from his holding shall be entitled to receive from his landlord compensation for disturbance.

Such compensation shall be in addition to any compensation due to him hereunder on account of improvements, and shall amount,

(a) if the tenant is ejected under clause (a) of section forty-five, to a sum equal to ten times the yearly increase of rent demanded from him;

(b) if the tenant is ejected under clause (b) of section forty-five, to a sum calculated at the rate of one year's rent of the land from which he is ejected, for every year during which he has occupied such land, subject to a maximum limit of five years' rent.

New.

Tenancy not transferable, and, except when jointly cultivated by members of the same family, to lapse at death.

47. The right of an ordinary tenant in his holding shall not be transferable, except with his landlord's consent, and, where it has not been transferred, shall cease to exist at the death of such tenant: Provided as follows:—

(a) the representative (if any) of a deceased ordinary tenant shall be entitled to occupy the holding of such tenant until the end of the agricultural year in which he died:

(b) if such representative be ejected, he shall be entitled to such compensation for improvements as such tenant would have been entitled to, had he been ejected;

(c) when two or more persons have jointly cultivated the same holding as ordinary tenants, the right shall not cease to exist until the death of the last survivor of such persons.

CHAPTER III.

OF IMPROVEMENTS AND COMPENSATION THEREFOR.

Bill, s 39.

Right to make improvements.

48. On the holding of an absolute occupancy-tenant, the tenant, and on the holding of any other tenant, the landlord of such tenant, shall be entitled to make improvements.

If a landlord or tenant, not being so entitled, desires to make improvements on a holding, he shall proceed in such manner as the Chief Commissioner may, from time to time, by rule direct.

Bill, s. 40; Cf. 33 & 34 Vic., c. 46, s. 4.

Compensation for improvements payable to tenants on ejectment.

49. Every tenant who is ejected from his holding shall be entitled to compensation for improvements made by him or the persons under whom he claims, and for which compensation has not already been made.

Whenever a Court makes a decree or order for the ejectment of a tenant, it shall determine the amount of compensation due under this section to such tenant for improvements, and shall make the order of ejectment conditional on the payment of such amount to the tenant.

No compensation under this section for an improvement, shall be claimable in any of the following cases, namely:—

(*a*) where the tenant has made the improvement in contravention of any rule made under section forty-eight and for the time being in force;

(*b*) where the tenant, having contracted not to make such improvement without giving the landlord reasonable notice to make it, has made it without giving such notice.

Improvements made by a tenant before this Act comes into force, in lands other than sír-land, shall be deemed to have been made in accordance with rules made under section forty-eight, unless it is shown that the landlord forbade the tenant to make the improvement, and was ready to make it himself.

Bill, s. 41.

Principle on which compensation to be assessed.

50. In estimating the compensation to be awarded under section forty-nine for an improvement, the Court shall have regard—

(*a*) to the labour and capital expended by the tenant in making such improvement:

(*b*) to the amount by which the letting value, or the produce of the holding or the value of such produce is increased by such improvement:

(*c*) to the amount for which the improvement could have been made by the landlord; and

(*d*) to any reduction or remission of rent made by the landlord to the tenant in consideration of such improvement.

Bill, s. 42.

Manner in which compensation may be given.

51. Compensation for improvements may be made in such manner as may be agreed upon by the landlord and the tenant, or may be paid in money by such instalments (if any) as the Court thinks fit.

CHAPTER IV.

JURISDICTION AND PROCEDURE.

Bill, s. 98.

Revenue-officers to have cognizance of certain applications.

52. No Court other than the Court of a Revenue-officer shall take cognizance of any dispute or matter in which any application of the nature mentioned in this section might be made namely:—

(*a*) applications for the appointment of a receiver of rent (section nine);

(*b*) applications for permission to deposit rent in court (section ten);

(*c*) applications to enhance rent on account of improvements made by, or at the expense of, the landlord (section fourteen);

(*d*) applications to fix the rent of a holding the area of which has been increased or diminished (section fifteen);

(*e*) applications for the commutation of rents paid in kind (section seventeen);

(*f*) applications for a commission to divide, estimate or appraise a crop (section twenty-four);

(*g*) applications to fix the rent payable by an occupancy-tenant (section thirty-six);

(*h*) applications relating to such other matters as Revenue-officers are empowered to deal with under this Act.

On any such application being made to the Court of a Revenue-officer it may, subject to the provisions herein contained, grant such relief as the nature of the case requires.

Procedure on such applications.

53. In disposing of the matters referred to in section fifty-two, Revenue-officers shall, as nearly as may be practicable, exercise the same powers and follow the same procedure as they exercise and follow under the Central Provinces Land-revenue Act, 1881.

From every order passed by a Revenue-officer in respect of any such matter, an appeal shall lie as if such order had been passed by such officer under the said Land-revenue Act.

Limitations of applications.

54. Applications to fix the rent of an occupancy-tenant may be made, subject to the provisions of section thirty-four, at any time during the period of such tenant's occupation.

All other applications may be made at any time during the occupation of his holding by the tenant by or in respect of whom such applications are made.

Code of Civil Procedure to apply to suits.

55. In suits under this Act, the Code of Civil Procedure shall apply, as far as may be, to all proceedings for which no special procedure is herein provided.

Powers of Revenue-officers.

56. Deputy Commissioners shall, as such, exercise all the powers conferred on a Revenue-officer by this Act. Bill, s. 3, cl. (14).

The Chief Commissioner may, from time to time, confer upon any other Revenue-officer, either by name or by virtue of his office, all or any of such powers.

Bill, s. 100.

Jurisdiction of Civil Courts.

57. Except as provided in section fifty-two, the Civil Courts shall have jurisdiction in all suits or proceedings between landlord and tenant: Provided that—

(a) no Judge of a Civil Court of original jurisdiction shall, unless he is also a Revenue-officer, hear any suit between a landlord and a tenant regarding any matter dealt with by this Act; and

(b) such suits shall be heard and determined only in such Courts, competent to try the same, as the Chief Commissioner may, from time to time, direct.

Bill, s. 101.

Power of Chief Commissioner to direct that certain suits be entered in separate register.

58. The Chief Commissioner may, from time to time, direct, that all suits, or any specified class of suits, between landlord and tenant shall not be registered in the registers kept under the Code of Civil Procedure for the registration of civil suits, but in such other separate registers as he may prescribe.

Bill, s. 102.

Plaint in such suits.

59. In suits under this Act between landlord and tenant, the plaint shall, in addition to the matters mentioned in section fifty of the Code of Civil Procedure, specify the area of the land, and, where the fields, comprised in the holding to which the suit relates, have been numbered in a Government survey, the number of each such field; and, in the case of suits for an arrear, the amount of the yearly rent and the instalments in which such rent is payable; and, in suits for compensation for improvements, an accurate valuation and description of the improvements.

When the land to which the suit relates comprises parts of numbered fields, or has not been divided into numbered fields, an accurate and sufficient description of such land and its boundaries shall be given in the plaint.

Bill, s. 103.

Legal practitioners' fees not allowed, unless for special reasons.

60. In suits and applications under this Act, the fees of a legal practitioner shall not be allowed as costs, unless the Court considers, for reasons to be recorded by it in writing, that such fees ought to be allowed.

Bill. s. 107.

Set-off when allowed.

61. No set-off shall be allowed in any suit under this Act, unless the amount claimed as a set-off has been determined by a decree or order of a competent Court.

Bill, s. 108.

Interest on arrears.

62. In suits under this Act, for arrears of rent, interest on such arrears may be allowed up to judgment, at such rate, not exceeding twelve per cent. per annum as the Court thinks fit.

Bill, s. 110.

No appeal in certain arrear-cases.

63. When any such suit is decided, whether on appeal or otherwise, by a Judge of a Civil Court exercising powers not less than those of an Assistant Commissioner of the first class, as defined in the Central Provinces Courts' Act, 1865, the decision shall not be subject to appeal, unless—

(a) the amount or value of the subject-matter of the suit exceeds one hundred rupees; or

(b) a question relating to a title to land, or some interest in land, has been determined as between parties having conflicting claims thereto.

Bill, s.

Limitation of suits.

64. No suit for an arrear of rent shall be instituted after three years from the date when the arrear became due; and no other suit under this Act shall be instituted after one year from the date when the cause of action accrued.

No process of execution shall be issued on a decree under this Act after three years from the date of such decree, or, in the case of a decree for money, after three years from the date on which the money, to recover which execution is applied for, became payable under the decree.

Ejectment for non-payment of an arrear due under a decree.

65. If a decree for an arrear of rent is passed against a tenant other than an absolute occupancy-tenant, and remains unsatisfied at the end of the agricultural year in which such decree was passed, the landlord may apply to the Court, having authority to execute such decree, to eject such tenant; and the Court may thereupon cause a notice to be served on such tenant, informing him that if he does not pay the amount due under the decree within thirty days from the receipt of the notice, he will be ejected from his land.

If such amount be not so paid, the Court may, on proof of the service of such notice, eject such tenant from the land in respect of which the amount is due, or may allow the tenant such further period not exceeding thirty days as to it seems fit and may on the expiry of such further period, if such amount be not paid, eject him.

New.

Power of Court to deal with cases of drought or other calamity.

66. Where, in answer to a suit for an arrear of rent, the tenant admits that the arrear is due, but pleads that the produce of his holding during the period for which the arrear is claimed has been diminished or destroyed by drought, hail or other calamity beyond his control, the Court in its decree may make such deduction from the amount claimed by the landlord, and direct payment of the amount decreed in such instalments (if any), as it may think fit, and may order that such decree shall not be executed by ejectment of the tenant from his holding.

In making such decree the Court shall have regard to—

(a) the value of the produce of the holding for the whole agricultural year in which the arrear accrued;

(b) the proportion which the amount of rent payable for such year by the tenant bears to such value.

Bill, s. 10.

If in any such suit it appears that the land-revenue of the village in which such holding is situate has been suspended or remitted on account of drought or other calamity in respect of the period for which the arrear is claimed, the Court shall presume, until the contrary is shown, that, in the case of suspension, the produce of the holding has been diminished, and, in the case of remission, that such produce has been destroyed, by such calamity.

N.-W. P. Rent Act, s. 149.

Cases in which Court may order that decree for ejectment be not executed.

67. Whenever a decree is given for the ejectment of a tenant or the cancellation of his lease, on account of any act or omission by which the land in his occupation has been damaged, or which is inconsistent with the purpose for which the land has been let, the Court may, if it thinks fit, allow him to repair such damage within one month from the date of the decree, or order him to pay such compensation within such time, or may make such other order in the case, as the Court thinks fit. If such damage be so repaired or compensation so paid, or order obeyed, the decree shall not be executed.

New.

Notice of ejectment and enhancement to be served through Civil Court in case of ordinary tenant.

68. When a landlord wishes to eject, under section forty-five, clause (*b*), an ordinary tenant, or to enhance his rent without his consent, such landlord shall serve through the Civil Court a notice on such tenant, on or before the thirty-first day of December next preceding the agricultural year in which such landlord desires to take possession of the land, or in which the enhancement is to take effect.

New.

Decree of ejectment not to be executed till money payable to such tenant is deposited.

69. When a Civil Court passes under clause (*b*) of section forty-five a decree for the ejectment of an ordinary tenant, it shall in its decree state the amount payable to the tenant as compensation under section forty-six, and such decree shall not be executed until the sum so payable has been deposited in Court by the landlord.

New.

When ejected ordinary tenant may be restored to possession.

70. If an ordinary tenant has been ejected under clause (*b*) of section forty-five from his holding, and the landlord within one year from the date of such ejectment fails to use proper diligence in the execution of the work for which such holding was taken, the Court, on the application of such tenant and on his refunding the sum paid to him under section forty-six as compensation, or so much of it as the Court may direct, shall reinstate him in the holding.

New.

Procedure on refusal of ordinary tenant to pay enhanced rent.

71. When an ordinary tenant, on whom a notice of enhancement of rent has been served under section sixty-eight, refuses to agree to pay the enhanced rent, the landlord may institute a suit for ejectment in the Civil Court on or before the fifteenth day of March next after the date of such refusal.

Thereupon the Court shall fix a date for hearing the case, and shall issue a notice to the tenant, summoning him to appear on such date, and stating the yearly increase of rent asked by the landlord and the sum payable to the tenant as compensation under section forty-six, clause (*a*).

New.

Procedure of Court on appearance of parties.

72. On the appearance of the parties on the date fixed, the Court shall require the tenant to agree, or refuse to agree, to pay the enhanced rent.

If he agrees to pay such rent, his agreement shall thereupon be recorded, and he shall be liable to pay the enhanced rent from the commencement of the agricultural year next following the date of such agreement.

If he refuses, the Court shall pass a decree for his ejectment on condition that within fifteen days from the date of the decree the landlord deposits in Court the sum payable to the tenant as compensation under section forty-six, clause (*a*).

New.

Orders as to ejectment or otherwise.

73. If such sum is so deposited, the order of ejectment shall be made absolute and the sum deposited shall be paid to the tenant. If such sum is not so deposited, the decree shall become null and void, and the tenant shall remain in occupation of his holding at the rent previously paid by him.

Bill, s. 32.

Rights of ejected tenant in respect of crops and land prepared for sowing.

74. The following rules shall be applicable in the case of every tenant ejected from a holding in accordance with the provisions of this Act—

(*a*) when the tenant has, previous to the date of his ejectment, sown or planted crops in any land comprised in such holding he shall be entitled, at the option of the landlord, either to retain possession of such land and to use it for the purpose of tending and gathering in such crops; or to receive from the landlord the estimated value of the labour and capital expended by the tenant in preparing such land and sowing, planting and tending such crops;

(*b*) when the tenant has, previous to the date of his ejectment, prepared for sowing any land comprised in his holding, but has not sown or planted crops in such land, he shall be entitled to receive from the landlord the estimated value of the labour and capital expended by him in so preparing such land:

Provided that no tenant shall be entitled to retain possession of any land or receive any sum in respect thereof under this section when, after proceedings had been taken by the landlord for his ejectment, he has cultivated or prepared such land contrary to local usage.

Bill, s. 33.

Payment by tenant for occupation of land under section 73.

75. When a landlord elects, under section seventy-four, clause (*a*), to allow a tenant to retain possession of any land for the purpose specified in that clause, such tenant shall pay to such landlord, for the use and occupation of such land during the period for which he is allowed to retain possession of the same, such rent as the Court may deem reasonable.

Bill, s. 34.

Account to be taken generally between landlord and tenant.

76. Notwithstanding the provisions of section sixty-one, in all suits for ejectment, the Court shall inquire into and determine all claims under this Act, by the landlord against such tenant, or by such tenant against the landlord.

Bill, s. 35.

Procedure when, on ejectment, money has to be paid by the landlord to the tenant.

77. When it appears to a Court, making such inquiry that the amount payable under this Act by the landlord to the tenant exceeds the amount so payable by the tenant to the landlord, it shall, unless the landlord and tenant come to an arrangement regarding the payment of such excess sum, fix a time within which it must be paid into Court.

If such payment is made within the time fixed, the Court shall eject the tenant;

and if such payment is not so made within such time, it shall refuse to eject the tenant.

Bill, s. 60.

Ejectment decrees to have effect from beginning of agricultural year.

78. All decrees for ejectment under this Act shall take effect from the beginning of the agricultural year next following the date of the order or decree, and shall be made subject to the conditions specified in sections forty-nine and seventy-four.

Bill, s. 53.

Applications to measure or ascertain condition of holdings.

79. If any landlord or tenant desires that the extent of any holding should be ascertained, or that evidence relating to any improvement made in respect thereof, or to the state of such holding at any specified time, should be recorded, he may apply to a Revenue-officer, and such officer shall thereupon make, or cause to be made, such inquiry as he thinks fit, with a view to ascertaining the extent of the holding, or shall record such evidence, as the case may be:

Provided that no action shall be taken by any Revenue-officer under this section if he considers that there are no reasonable grounds for making the application, or if the subject-matter thereof is under inquiry in a Civil Court.

CHAPTER V.

MISCELLANEOUS.

New: 44 & 45 Vic., cap. 49, s. 22.

Tenants may not contract out of the Act.

80. Every provision contained in any lease or contract of tenancy or other contract, which provision is inconsistent with any of the provisions of this Act, or whereby a tenant agrees not to make, or to be ejected if he makes, improvements on his holding, or to forego any claim to compensation to which he is entitled hereunder, shall be void:

Bill, s. 43.

Provided that nothing in this section shall affect any agreement or lease whereby—

(*a*) waste-land is let for the first time, in so far as such agreement or lease fixes the rent of such waste-land for any period not exceeding the term of the current settlement;

(*b*) any tenant is secured in the enjoyment of rights greater than those given to tenants of his class under this Act.

Bill, s. 44.

Certain entries in record-of-rights to be void.

81. All entries in the record-of-rights of any village providing—

(*a*) that landlords shall be entitled to prevent tenants from making, or to eject them for making, improvements on their holdings, or to demand increased rent from them in respect of any such improvements; or

(*b*) that tenants ejected from their holdings shall not be entitled to compensation for improvements in cases in which they would, under this Act, be entitled to such compensation,

shall be void.

Bill, s. 73.

Cases in which ex-proprietors become occupancy-tenants of their sír.

82. Every person whose proprietary rights in land are, after this Act comes into force, transferred in any of the following cases:—

(*a*) when he sells such rights without expressly agreeing to transfer his right to cultivate sír-land contained in the land;

(*b*) when such rights in land are sold for an arrear of land-revenue;

(*c*) when such rights are sold in execution of any decree which does not expressly convey his rights in the sír-land contained in the land,

shall have the rights of an occupancy-tenant in the land cultivated by him as sír at the date of such transfer.

Rules by Chief Commissioner.

83. The Chief Commissioner may, from time to time, make rules, consistent with the provisions of this Act, for the guidance of all persons in matters connected with the enforcement thereof.

SCHEDULE.

(See section 2.)

ACTS REPEALED.

Number and year of Act.	Short title.
Act X of 1859 ...	To amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.
Act XIV of 1863 ...	To amend Act X of 1859.
Act XXII of 1872 ...	To explain and amend Act X of 1859.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th March, 1882, and was referred to a Select Committee :—

No. 6 OF 1882.

A Bill to provide for the grant of licenses to Pilots in British Burma and for investigating certain charges against them.

Preamble.

WHEREAS it is expedient to provide for the grant of licenses to pilots in British Burma, and for investigating certain charges against them; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The British Burma Pilots Act, 1882":

Local extent.

It extends to the territories for the time being administered by the Chief Commissioner of British Burma;

Commencement.

and it shall come into force at once.

Interpretation-clause. "Port":

2. In this Act—

"Port" means any port, or any part of a navigable river or channel, in which the Indian Ports Act, 1875, is for the time being in force.

Licensing of Pilots.

Cf. Act VII of 1880, s. 68.

Local Government to appoint examiners.

3. The Chief Commissioner may, from time to time, appoint competent persons for the purpose of examining the qualifications of persons desirous of acting as pilots at any port,

and to make rules for the licensing of pilots.

and make rules—

(a) for the conduct of such examinations and for the qualifications to be required;

(b) for the grant to qualified persons of licenses to act as pilots; and

(c) for the fees to be paid for such examinations and licenses.

Draft s. 2: Cf. Act VII of 1880, s. 69.

No person to act as pilot without license.

4. No person shall act as a pilot at any port, unless he holds a license granted under section three, authorizing him to act as a pilot at such port.

Cf. Act VII of 1880, s. 70.

Penalty for acting without license as pilot.

5. Any person acting as a pilot in contravention of the provisions of section four shall be punished, for every time he so acts, with fine which may extend to two hundred rupees.

Investigations into charges against Pilots.

Draft s. 22, para. 2.

Chief Commissioner may make rules to regulate conduct of pilots.

6. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, by notification in the *British Burma Gazette*, make rules to regulate the conduct of pilots licensed hereunder in all matters connected with the performance of their duties as such pilots.

Any such rule may contain a provision that a pilot committing a breach of such rule shall be punished with the suspension or cancellation of his license, or with the change of his license from a higher to a lower grade.

Draft s. 5: Cf. I. M. S. Bill (No. III), s. 141.

Chief Commissioner may direct investigation, by Court, into charges against pilots.

7. If the Chief Commissioner has reason to believe that there are grounds for charging any pilot licensed hereunder with incompetency or misconduct in the discharge of his duties as such pilot, or with any act or omission in breach of a rule made under section six, he may direct a Court to be constituted, under this Act, at a port at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and shall then transmit a statement of such grounds to such Court and direct such Court to make an investigation into such charge.

Draft s. 8.

Delegation of power by Chief Commissioner.

The Chief Commissioner may, from time to time, by notification in the *British Burma Gazette*, delegate the powers conferred on him by this section to any person at any port.

All proceedings of any person in exercise of the powers so delegated shall be subject to the confirmation of the Chief Commissioner.

Draft s. 9: Cf. Act VII of 1880, s. 13.

Constitution of Court.

8. Every Court constituted under this Act shall consist of a President sitting with three assessors.

Draft s. 7: Cf. Act VII of 1880, s. 14.

President to be appointed by Chief Commissioner.

9. The President shall be such person as the Chief Commissioner, by notification in the *British Burma Gazette*, appoints in this behalf, either generally or for any specified case.

Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Draft s. 9.

Assessors.

10. One of the said assessors shall be a master of a sea-going vessel lying in the port at which the investigation is to be made: another shall be a merchant residing at such port: and the third shall be a pilot of not less than five years' service.

Draft s. 12: Cf. Act VII of 1880, s. 15.

Appointment of assessors.

11. The assessor who is the master of a sea-going vessel shall be appointed in each case by the Chief Commissioner, and shall be summoned by the President.

The other assessors shall be summoned by the President in such manner as may be prescribed by rule, out of two lists, one of merchants, the other of pilots, to be, from time to time, prepared for the purpose and published by the Chief Commissioner in the *British Burma Gazette*. If there are no such lists, or if it is impracticable to procure the attendance of two persons, one of whom is named in such list of merchants, and the other in such

list of pilots, such other assessors or assessor, as the case may be, shall be appointed and summoned by the President.

Draft s. 18.

Fee to be paid to assessors.

12. The assessors shall receive such fees as the Chief Commissioner may, from time to time, by rule prescribe.

Draft s. 20: Cf. I. M. S. Bill No. 111), s. 141, para. 2.

Copy of charge or report to be furnished to pilot accused or concerned.

13. Before commencing any investigation under this Act the Court shall cause the pilot charged to be furnished with a copy of the statement transmitted, under section seven, to such Court by the Chief Commissioner.

New: Cf. I. M. S. Bill (No. 111), s. 142.

Person charged to be heard.

14. For the purpose of an investigation under this Act the Court may summon such pilot to appear before it and shall give him full opportunity of making a defence, either in person or otherwise.

Draft s. 18: Cf. I. M. S. Bill (No. 111), s. 143.

Powers of the Court as to evidence and regulating proceedings.

15. For the purpose of any investigation under this Act the Court shall, so far as relates to compelling the attendance, and to the examination, of witnesses, the production of documents, and the regulation of the proceedings, have the same powers as are exercisable by the principal Court of original criminal jurisdiction for the place at which the investigation is made.

Draft s. 21.

Decision of Court.

16. Upon the completion of the investigation the Court shall give its decision. Such decision shall be according to the opinion of the majority of the members of the Court, or, if the Court is equally divided, according to the opinion of the President and the member with whom he concurs. In the latter case, any member who does not concur in the decision of the Court may separately record his opinion.

Draft s. 22.

Sentence of Court, if the accused be found guilty.

17. If, by such decision, the pilot is found guilty of the charge, or of any one or more of the charges, made against him, the President shall sentence him,

(*a*) if the act or omission of which the pilot has been found guilty is an act or omission in breach of a rule made under section six, to such penalty as may be prescribed by such rule, or

(*b*) if the act or omission of which the pilot has been found guilty is any other act or omission, to such penalty, by way of suspension or cancellation of license, or by way of change of license from a higher to a lower grade, as the President thinks fit.

Drafts 23.

Acquittal.

18. If, by such decision as aforesaid, the pilot is found not guilty of the charge or charges made against him, the President shall declare him acquitted of the same.

Draft s. 24.

No sentence to be final till confirmed by the Chief Commissioner.

19. Every sentence passed, under section seventeen, by the President shall be subject to the confirmation by the Chief Commissioner, to whom the proceedings of the Court shall be submitted by the President.

Draft s. 25.

The Chief Commissioner may remit sentence or mitigate punishment.

20. The Chief Commissioner may, in his discretion, remit the whole or any part of such sentence, or direct the substitution of any mitigated punishment in lieu of the punishment awarded by the said Court.

Draft s. 26.

If decision of members be manifestly contrary to evidence or investigation be otherwise insufficient.

21. If the President is of opinion that the decision of the majority of the members of the Court is manifestly contrary to the evidence, or that the investigation is otherwise insufficient, the President, instead of passing sentence on the pilot charged, or declaring him acquitted, as the case may be, may certify such opinion to the Chief Commissioner, and the Chief Commissioner may thereupon either order a new investigation before other assessors, or acquit the said pilot, as he thinks fit.

Draft, s. 27.

Power of Chief Commissioner to pass orders on charge without holding investigation.

22. Notwithstanding the provisions herein contained, when a charge of misconduct or incompetency is made against any pilot licensed hereunder, the Chief Commissioner may, without holding an investigation under this Act into such charge, pass such orders thereon as he thinks proper, and may sentence such pilot to such penalty as he might be sentenced to under section seventeen.

Draft s. 3.

Power of Chief Commissioner to make rules.

23. The Chief Commissioner may, from time to time, make rules to carry into effect the provisions of this Act, with respect to the Court for making investigations into charges against pilots, and in particular with respect to—

(*a*) the mode in which the President shall, under section eleven, summon the assessors;

(*b*) the amount of the fees to be paid to the assessors; and

(*c*) the procedure of the said Court.

Publication of rules.

All such rules shall be published in the *British Burma Gazette*, and shall thereupon have the force of law.

STATEMENT OF OBJECTS AND REASONS.

THE Pilot Rules at present in force at the ports of British Burma have not the force of law. So far as they relate merely to the appointment and duties of pilots, the want of legal sanction does not appear to be of importance, as these matters can be arranged for executively. The rules, however, provide also for the holding of courts for the trial and punishment of pilots guilty of misconduct in the performance of their duties, and in so far as they relate to such matters require something more than the authority of mere executive orders for their due enforcement. At Calcutta, where the subject of the appointment and duties of pilots has, as in Burma, been provided for executively, the subject of the trial and punishment of pilots has been dealt with by the Legislature, in a special Act (XII of 1859). It seems desirable that in Burma, also, this subject should be similarly dealt with.

The present Bill has, therefore, been prepared. It provides for the holding of investigations into charges of misconduct on the part of pilots. The constitution of the Courts of Enquiry, and the manner of selecting the members, are duly provided for, and power is given to the Chief Commissioner to make rules for conducting the proceedings. The authority of the Courts, and the confirmation required for their findings and orders, are also suitably defined. The Bill also prohibits any person from acting as a pilot in any port in British Burma, or in any navigable river or channel leading to any such port, unless he holds a license to act as a pilot granted by the Chief Commissioner. This seems desirable, as under the present law there is nothing to prevent a person from acting as a pilot without a license, except in ports to which section 38 of the Indian Ports Act, 1875, has been specially extended.

CALCUTTA;
The 9th February, 1882.

WHITLEY STOKES.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India.

SUPPLEMENT TO

The Gazette of India.

No. 13.] CALCUTTA, SATURDAY, APRIL 1, 1882.

OFFICIAL PAPERS.

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GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 28th MARCH 1882.

GENERAL REMARKS.—Slight rain has fallen in some of the districts of the Madras, Bombay and Bengal Presidencies and in parts of the Punjab and Mysore and Coorg; in Assam there has been a good general rainfall.

Harvest operations are in progress throughout Madras, and general prospects are good; there is a good deal of fever and small-pox about, as well as some cattle disease. In Bombay the *rabi* harvest is still in progress in some of the districts; scarcity of drinking water in Dharwar continues, and there is slight fever and cattle disease in parts; cholera continues in Thana. In Bengal rain is wanted to facilitate ploughing and for crops on the ground; owing to the scanty rainfall during the cold weather, the *rabi* harvest is not expected to yield a very good crop this year; cholera and small-pox continue in parts, but no cases of cattle disease are reported. Harvesting is nearly over in the southern districts of the North-Western Provinces and Oudh, and the outturn is generally fair; there is some sickness in Allahabad and four other districts, otherwise public health is good; cattle disease continues in Jhansi and Kumaun, and there have been some fresh cases of cow-pox at Benares.

In the Punjab harvest prospects and health are generally good, although there is some small-pox in Delhi city, and fever and small-pox in two tahsils of the Rawalpindi district. *Rabi* harvesting continues in the Central Provinces, and prospects are generally good; but small-pox and cattle disease are somewhat prevalent. In British Burma there is a little small-pox and cholera, and cattle disease continues in Henzada, Akyab and Toungoo.

Prospects are good in Assam, Berar and Hyderabad, Central India, Rajputana, and in Mysore and Coorg; but rain is still much needed in North Coorg.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—		
Bellary ...	·15 (average of two stations).	Standing crops, wet good; dry withering in parts; harvest wet and dry grains, sugarcane and cotton, yield below average; fever and small-pox in parts.
Kurnool ...	...	Standing crops, dry generally good; harvest wet and dry grains, outturn below average; cattle disease in two taluks.
Ganjam ...	·04 at one station.	Standing crops, gingelly and cotton thriving; harvest green gram, outturn poor; small-pox and fever prevalent; cattle disease exists.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—*contd.*		
Kistna ...	...	Standing crops good; harvest dry grains, cotton and oilseeds outturn below average; ague and small-pox in parts; cattle disease continues.
Chingleput (Madras) ...	...	Standing crops under larger tanks and river channels in good condition, elsewhere backward; harvest paddy, outturn below average agricultural operations generally progressing; small-pox in one taluk.
Coimbatore ...	...	Standing crops, wet generally good, dry suffering from want of rain and from disease; harvest wet and dry grains, outturn wet about average, dry poor.
Tanjore ...	...	Standing crops good; harvest wet and dry grains, outturn below average; a few cases of cholera.
Madura ...	...	Standing crops wet suffering from blight and deficient water-supply in parts; fever and cholera in parts.
Malabar ...	...	Fever and cattle disease in parts; small-pox more generally prevalent.
		General Remarks.—No rain, except in Ganjam and Bellary; general prospects good.
Bombay—(March 29th)		
Kurrachee ...	...	River at Kotri on 27th 3 feet 5 inches, same as last year on same date; fever in eight talukas; small-pox—Dadu six cases and Tatta two cases cattle disease in two talukas; prices—wheat, red rice and *bajri* in Kotri, 32, 32 and 50, Tatta 23, 44 and 54, Sakro 15, 40 and 50, Ghorabari 17, 46 and 52, Mirpur Batoro 20, 56 and 54, and Sajawal 18, 48 and 56 pounds per rupee respectively.
Hyderabad ...	...	*Rabi* crops being harvested; fever in ten talukas; cattle disease in two; small-pox in taluka Guni; wheat 26, *jowari* 48, *bajri* 44, rice red 34, and rice white 22 pounds per rupee.
Ahmedabad ...	...	*Rabi* harvest progressing; health good; wheat 30 and *bajri* 34 pounds per rupee.
Baroda ...	...	*Rabi* being harvested; public health good; chicken-pox in Amreli; prices—*bajri* 31, common rice 24 pounds per rupee.
Surat ...	...	Cotton picking continues; *jowari* 40 and *nagli* 50 pounds per rupee.
Násik	...	Reaping of *rabi* crops almost completed; cattle disease in Igatpuri; *bajri* 44, wheat 31 and *jowari* 67 pounds per rupee.
Colaba (Bombay) ...	·02 on 23rd instant.	Abnormal temperature 4° warm; abnormal wind southerly and moist till 26th, afterwards northerly and dry.
Poona ...	Hail storm with rain on 22nd instant.	Health good; average prices—*bajri* 48 and *jowari* 61 pounds; in Poona bazar—*bajri* 41 and *jowari* 52 pounds per rupee.
Ahmednagar ...	...	Land being prepared for next season in Jamkhed and Akola; cattle disease prevailing in Karjat; *jowari*, maximum, 96 pounds in Jamkhed, minimum, 60½ in Sheogaon; *bajri* 72 pounds in Jamkhed, 48 pounds in Kopergaon.
Sholapur ...	...	*Rabi* harvest continues; *jowari* 77 pounds 16 tolas and *bajri* 59 pounds 37 tolas per rupee.
Dharwar ...	Rain in 6 talukas; ·73 in Hubli; ·70 in Kalghatghi; ·53 in Hangal and slight in the others.	Wheat and gram almost harvested; cotton picking in progress; *rabi* and *jowari* being reaped in Navalgund taluka, crop very poor; scarcity of drinking water in Navalgund, Gadag, Hangal, Karajghi, Kalghatghi and Kod; public health generally good; cattle disease in one taluka; rice 23 and *jowari* 61 pounds per rupee.
Kanara ...	·39 in Hallial.	Rainfall during previous week ·48; total rainfall ·87; harvesting second crop on Coast taluks; crops thriving above Ghat; fever in two talukas; cattle disease in three talukas; two cases of small-pox at Bhatkal; common rice in Karwar 17 seers, average in district 15½ seers per rupee; weather hot and cloudy.
Rajkot ...	...	Weather hot; health generally good; *bajri* 29 and *jowari* 35 pounds per rupee.
		General Remarks.—*Rabi* harvest still in progress in some districts; scarcity of drinking water in parts of Dharwar continues; slight fever and cattle disease in a few districts; cholera in Thana—69 cases and 66 deaths; prices generally steady.
Bengal—(March 28th)		
Chittagong ...	1·40	Heavy showers in some places beneficial for spring crops; prices stationary; small-pox and cholera still continue; general health otherwise good.
Dacca ...	1·29	State and prospects of crops continue satisfactory; the rain has done much good; health generally good.
24-Pergunnahs ...	*Nil*	Harvesting of winter crops finished, yield fair; lands are being prepared for early and *aman* crops; price of common rice stationary; public health generally good; isolated cases of cholera reported from the Diamond Harbour and Barrackpore Sub-Divisions.
Moorshedabad ...	*Nil*	Harvesting of *rabi* crops almost finished; land is being prepared for rice; cholera still very severe in the town of Jungipore.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bengal—*contd.*		
Rajshahye ...	...	Slight rain on 23rd; *rabi* crops fair, nearly all harvested; lands are in many places ready for *aus* paddy; cholera in many parts of the district.
Burdwan ...	1·00	Harvesting of winter crops continues; cholera still reported, also some cases of small-pox in Raniganj.
Rungpore ...	3·20	Weather cloudy and cool; prospects of crops favourable; *aus* crop is up in some places; land is being prepared for jute; public health good.
Bhagulpore ...	*Nil*	Prospects of crops good; cases of cholera and small-pox prevalent.
Purneah ...	1·32	Pulses, wheat and oats are being harvested, yield only fair; cholera in most parts of the district.
Patna ...	*Nil*	*Rabi* harvest going on; public health good; a few cases of small-pox reported from the Behar Sub-Division.
Durbhanga ...	*Nil*	Weather cool; east wind; *rabi* below the average; indigo promising well; prices stationary: cholera decreasing in the east.
Hazaribagh ...	*Nil*	Weather hot; rain wanted; *rabi* harvest continues; health generally good.
Cuttack ...	*Nil*	Rain wanted; very little water in river; *dalua* rice is ripening; cholera and small-pox reported.
		General Remarks.—There has been rain in several districts in Bengal Proper, and in parts of the Bhagulpore Division; elsewhere rain is much wanted to facilitate ploughing, and for crops on the ground; *rabi* harvest is not expected to yield a very good crop this year, owing to want of rain during the cold weather; in some places the crop is said to be much below the average, and in others it is only fair; *mohua* crops in Chota Nagpore and Sonthal Pergunnahs, and mango crop in many places, are very poor; cases of cholera and small-pox continue to be reported from several places.
N.-W. Provinces and Oudh—		
Benares (March 28th)	*Nil*	Weather seasonable; harvest operations in full swing; sugarcane being planted; health of men and cattle good, though some cases of cow-pox are still reported from Chandauli; bazars well supplied with food grains at moderate prices.
Allahabad („ 29th)	...	Unimportant variations in prices; harvest in full progress; fever and small-pox have appeared; sporadic cholera continues to increase.
Gorakhpur („ 28th)	...	Weather fine; harvest nearly gathered in; sporadic cholera in south-west; prices steady.
Jhansi („ „)	...	Weather seasonable; harvesting in progress; average outturn fourteen annas; prices fluctuating; small-pox among children and cattle is reported.
Agra („ 20th)	...	Harvest progressing; sugarcane sowings continue; health as before; slight variations in prices.
Bareilly („ 28th)	...	Crops fair, except in high unirrigated tracts; slight rise in prices; cattle and people in good condition.
Meerut („ „)	...	Wind east; weather unseasonably hot; health good; barley and gram being cut; prices of wheat and gram rising.
Rae Bareli („ 27th)	...	Weather seasonable; harvest in progress; prospects good.
Kumaun („ 28th)	...	Rain urgently wanted; measles in some places; cattle disease continues; prices unchanged.
Lucknow („ „)	...	Seasonable; strong west wind; heat great; harvest operations in progress; health fair; prices stationary.
Partabgarh („ „)	...	Crops have been cut and are now being threshed; sugarcane sowing in progress; cholera reported in Patti and Partabgarh tahsils.
Cawnpore („ „)	...	Harvest operations progressing; markets well supplied with grain; health good; prices stationary.
Sitapur („ „)	...	Outturn poor; slight rise in prices; health good.
Farukhabad („ „)	...	Strong west wind for several days, threatening injury to crops, but has now subsided; health good; prices slightly risen.
Fyzabad („ „)	...	Harvest nearly all in.
		General Remarks.—High west wind prevailed during the early part of the week, weather now calm and sultry; harvest in the southern districts nearly over; outturn, except in Sitapur, fair; prices show a tendency to rise, sporadic cholera continues in Gorakhpur, has appeared in Partabgarh and has increased in Allahabad; some cases of measles reported from Kumaun and small-pox from Allahabad and Jhansi, but on the whole general health was good; cattle disease continues in Jhansi and Kumaun.
Punjab—(March 28th)		
Delhi ...	*Nil*	Prospects good; small-pox in city; prices falling.
Hissar ...	*Nil*	Crops thriving; health good; prices stationary.
Umballa ...	*Nil*	Crops and health good; prices steady.
Jullundur ...	*Nil*	*Kharif* ploughings commenced; health good; prices rising.
Lahore ... / Ferozepore ...	*Nil*	Crops and health good; prices stationary.
Sialkot ...	*Nil*	Crops and health good; prices falling.
Rawalpindi ...	·5¾	Prospect of crops good; fever prevalent in Attock and Kahuta tahsils, and small-pox in Attock; prices rising.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Punjab—*contd.*		
Peshawar ...	1·3	Crops and health good; prices generally falling.
Mooltan ...	*Nil*	Prospects good; prices steady.
Dera Ismail Khan ...	·03	Health good; crops suffering from want of rain; prices steady.
		General Remarks.—Harvest prospects good; health good except in Delhi city and the Attock and Kahuta tahsils of the Rawalpindi District; prices generally steady, but in some districts have a downward tendency.
Central Provinces—		
Nagpur (March 29th)	..	Weather warm; prospects of crop and health good; prices steady.
Jubbulpore („ 28th)	.	Weather warm; reaping and threshing in progress; poor outturn; isolated cases of cholera; prices—rice 13 seers and wheat 23 seers per rupee.
Saugor („ 27th)	...	Weather seasonable; *rabi* harvest in progress; small-pox in some parts; prices steady.
Seoni („ 28th)	...	Weather becoming hot; threshing in progress; cholera declining; small-pox somewhat prevalent; prices—wheat 24½ seers and rice 20 seers per rupee.
Khandwa („ „)	...	Weather very warm; small-pox prevalent; outturn of *rabi* and general heath good; *kharif* preparations continue; prices—rice 13½ seers, wheat 18 seers and *jowar* 31 seers per rupee.
Hoshangabad(„ „)	...	Harvesting continues; small-pox prevalent; prices—wheat 21 seers, rice 9 seers and *jowari* 26 seers per rupee.
Raipur („ 25th)	...	Weather clear and very warm; harvesting of spring crops almost completed; cattle disease prevalent in some parts.
Sambalpur („ 23rd)		Weather hot; health good; prices easy; rice 31 seers per rupee.
		General Remarks.—Weather very warm; reaping and threshing of *rabi* progressing; cholera reported in districts of Jubbulpore and Mandla; small-pox and cattle disease somewhat prevalent; prices easy.
British Burma— (March 25th)		
Akyab ...	*Nil*	Total rainfall ·40; two deaths from small-pox in Akyab town disease prevailing also in three townships; slight cattle disease in four townships.
Rangoon ..	*Nil*	Total rainfall ·34; one fatal case of cholera and one of small-pox; otherwise public health good.
Bassein ..	*Nil*	Total rainfall ·62; one death from cholera and one from small-pox in Bassein town, otherwise public health good.
Prome		Thirteen deaths from cholera in Prome town, otherwise public health good.
Amherst (Moulmein) .		Public health in Moulmein and district good; crops fair.
Toungoo ..	*Nil*	Total rainfall ·3; small-pox in Toungoo town and in two town ships of district, otherwise public health good; slight cattle disease in one township.
		General Remarks.—Small-pox continues in Akyab and Toungoo; cholera in Prome, Henzada and Thyetmyo; otherwise public health good; cattle disease in Henzada, Akyab and Toungoo.
Assam—		
Gauhátti ..	·98	Weather rainy and cool; sowing of *asu* in progress; cholera reported from Sastra, Carpetta and Sarukhettri Mouzahs.
Sylhet ...	6·02	The rain has facilitated ploughing; reaping of mustard finished; prospects generally good.
Cachar ..	6·28	Weather very wet; constant rain, hail and thunderstorms; church struck by lightning week before last, little damage done; yesterday Tydd's bungalow struck by lightning and completely burnt, also telegraphic interruption; 5 cases of cholera reported from *sadr*, 2 from Lakhipore; price of common rice 29 seers per rupee.
Dibrugarh	3·78	Weather seasonable; sowing of *ahu dhan* continues; public health good.
Mysore and Coorg - (March 29th)		
Bangalore ...	.	Wet crops in bad condition; prospects fairly good; *ragi* half seer cheaper; horse-gram dearer by one and a half seers.
Mysore ..	3	Crops in good condition; prospects fair; prices unaltered; general rain has fallen in five districts; prospects improved; prices lower in many districts.
Mercara ...	·73	Good fall of rain throughout South Coorg, most beneficial in forming coffee blossom; rain much needed in North Coorg; the *Vyshaka* rice crop in Surlabe Mulnad is coming into ear; prices of food grains stationary; no improvement in prices offered for coffee and cardamoms; small-pox still prevalent in many places; six cases of cholera in the Sampaji ghat near Mercara.
Berar & Hyderabad— (March 29th)		
Amraoti ...	...	Threshing of *rabi* continues; wheat 18 and *jowari* 36 seers per rupee.
Akola ...	...	Harvesting of *rabi* completed; weather warm.
Hyderabad. .	...	Reaping of *rabi* crops continues; *tabi* crops prospering; want of water is felt in some taluks; fever and cattle disease in places; prices—wheat 17½, rice 10½, white *jowari* 24, yellow *jowari* 26½ and *tur* 30¼ seers per current *sicca* rupee.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Central India States— (March 29th)		
Indore ...	...	Weather clear and cooler; health good; prospects remain unchanged; a full opium crop is expected in most districts; but probable total outturn of grain is diminished by failure of winter rains.
Morar (Gwalior) ...	*Nil*	Weather unusually hot.
Sutna ...	...	Fine clear weather.
Neemuch ...	...	Small-pox in cantonment and districts continues; *rabi* crops being gathered.
Goona ...	...	Health and prospects good.
Bhopal ...	...	
Nowgong ...	...	*Rabi* crop being reaped; weather hot; cholera has disappeared.
Manpur ...	...	Weather cloudy and warm with occasionally high wind; *rabi* harvesting progressing; prices stationary.
Rajputana—		
Abu (March 29th)	...	Weather seasonable, windy and cooler.
Sirohi („ 26th)	...	Tanks nearly dry, wells good; crops very good; weather very hot.
Marwar („ 24th)	...	Abundant water in tanks and wells; health and crops good; heat increasing; crops being gathered; prices stationary.
Meywar („ 25th)	...	Tanks, wells and health good; crops very good, being cut in most places.
Harowti („ „)	...	Wheat and barley being harvested; small-pox in parts, otherwise health good; westerly winds setting in; water low; prices steady.
Jhallawar („ 22nd)	...	Health good; wells and tanks low.
Ajmere („ 28th)	...	Average harvest; health good.
Jeypore („ „)	...	Harvesting commenced; prospects good; health good.
Ulwar („ „)	...	Harvesting continues; wells failing; health good, but small-pox and cattle disease reported.

E. C. BUCK,
Offg. Secy. to the Govt. of India.

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CALCUTTA, TUESDAY, APRIL 4, 1882.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House on Friday, the 10th March, 1882.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I., G.M.I.E., *presiding*.
His Honour the Lieutenant-Governor of Bengal, K.C.S.I.
His Excellency the Commander-in-Chief, G.C.B., C.I.E.
The Hon'ble Whitley Stokes, C.S.I., C.I.E.
The Hon'ble Rivers Thompson, C.S.I., C.I.E.
The Hon'ble J. Gibbs, C.S.I., C.I.E.
Major the Hon'ble E. Baring, R.A., C.S.I., C.I.E.
Major-General the Hon'ble T. F. Wilson, C.B., C.I.E.
The Hon'ble Mahárájá Jotíndra Mohan Tagore, C.S.I.
The Hon'ble L. Forbes.
The Hon'ble G. H. P. Evans.
The Hon'ble C. H. T. Crosthwaite.
The Hon'ble A. B. Inglis.
The Hon'ble Rájá Siva Prasád, C.S.I.
The Hon'ble W. C. Plowden.
The Hon'ble W. W. Hunter, C.I.E., LL.D.
The Hon'ble Sayyad Ahmad Khán Bahádur, C.S.I.
The Hon'ble Durgá Charan Láhá.
The Hon'ble H. J. Reynolds.

TARIFF BILL.

Major the Hon'ble E. BARING moved that the Bill to amend the law relating to Customs-duties and for other purposes be taken into consideration. He said that he desired, with the President's permission, to postpone what he wished to say on the Bill to a later stage of the discussion.

His Excellency THE PRESIDENT said that he just wished to say, reserving to himself the right to speak at the end of the discussion, that, although there were, technically speaking, three Bills before the Council, it would probably be more convenient for the conduct of the debate that the general discussion upon the proposals should be taken up upon the first Bill. It might not be perfectly regular; but it would be certainly more convenient, and therefore he trusted

that hon'ble members would consider the discussion as now open upon the general subject as a whole.

The Hon'ble MR. REYNOLDS said that he did not propose to attempt any detailed criticism of the Financial Statement which had been laid before the Council, but he should wish to be permitted to say a few words on some of the leading features of the scheme, and especially on those portions of it which more particularly affected that Province of the Empire with which he was personally connected. He thought he spoke the sentiments of every member of this Council when he ventured to congratulate His Excellency's Government on the satisfactory condition of public affairs which this Budget disclosed, on the sound financial principles on which it was generally based, and on the clear and perspicuous manner in which it had been presented to the Council.

The proposals for improving the condition of the Subordinate Executive Service were calculated to raise the status and to ameliorate the prospects of an extremely deserving class of public officers. But the scheme appeared to him in some measure incomplete, as it did not include the Subordinate Judicial Service. Munsifs of the lowest grade at present received in Bengal only Rs. 200 a month, and they remained in that grade for about three years. They were, in general, University graduates, and they were always gentlemen of good education and intellectual ability. If it was not possible at present to put the Judicial and Executive Services on the same footing in point of salary, he trusted the Government would take the earliest opportunity in its power of recognizing the claim of the Munsifs to the same advantages as it was now intended to confer on Deputy Collectors.

The terms of the provincial contract of 1877 were stated to have been exceptionally favourable to the Government of Bengal; but he did not think the successor of the Hon'ble Member would be able to make the same remark of the conditions on which it was now proposed to renew the contract. However, he for one was prepared loyally to accept the decision of the Government of India on this point. The limit to which the resources of Bengal could be expanded was still far from being reached, and it might reasonably be expected that the development of the scheme of local self-government would have the effect at once of increasing the receipts, and of curtailing unnecessary expenditure.

On the difficult question of opium, the practical conclusions of the Budget would, he believed, commend themselves to the approval of all those who were able to take a candid and reasonable view of the facts. In the posts which he had held under the Government of Bengal, he had had good opportunities of acquainting himself with the working of the present system of Government manufacture; and he had no hesitation in saying that, so far as this country was concerned, the system was a good one both for the Government and for the people. But on the question of the policy pursued towards the Chinese Government in relation to the opium trade, he could not speak with the same confidence. It might be perfectly true, as the Hon'ble Member had told the Council, that the admission of opium was not forced upon China by the Treaty of Tientsin—that China drew from imported opium a large revenue, which she would be reluctant to sacrifice—and that the Chinese Government was at present unable, and possibly unwilling, to suppress the use of opium in that country. But if it was really the fact, as the promoters of the anti-opium agitation persistently declared it to be, that the Chinese Government, if it were left free to act as it pleased, would absolutely prohibit the admission of opium into the treaty-ports, on the ground that its introduction demoralized the Chinese people—if, he said, this was the fact, then he greatly doubted whether the Government, either here or in England, would very long be able to resist the claim that China should be permitted to act as she thought fit in the matter. And he might add that, looking on the question as one of international morality, he thought the claim was one which this Government would have no right to resist. Holding these views, he cordially approved of the policy indicated in the Financial Statement before the Council, that the Government monopoly should be maintained, and that this country should derive at present as large a revenue as possible from opium; but that the Government should keep in view the possibility of a reduction in the opium receipts, and

should not rely on the opium-revenue as a means of dispensing with any taxes which could not easily be re-imposed.

With regard to salt, while he fully recognized the advantage of establishing an uniform rate of duty, he must confess he could have wished that the Hon'ble Member had explained somewhat more fully the grounds which led the Government to consider the re-adjustment of the salt-duties a matter of more pressing importance than other fiscal reforms, which might have been attained at no greater sacrifice of revenue. Speaking for Bengal, he was confident that the abolition of the export-duties and of the license-tax would have been a far greater boon to the province than a reduction of 30 per cent. in the salt-duty. He had not had time to refer to the latest figures, but he believed that the former reduction of the duty from Rs. 3-4 to Rs. 2-14 had absolutely had no effect either in increasing consumption or in lowering the retail price. The larger reduction now proposed would probably have the effect of lowering the price to the consumer; but he did not think it would increase consumption in Bengal, for the simple reason that the consumption of salt in Bengal was already as great as it would probably be if there were no duty at all. The revenue abandoned by the Government would partly be absorbed by salt merchants and dealers; and would partly act as a remission of taxation to the mass of the people. The present salt-duty in Bengal was practically a capitation-tax of about 5 annas a year, and was almost the only contribution which the bulk of the population made to the public revenues. It was collected at very little cost, and with hardly any hardship, and neither the cost nor the hardship would be decreased by the reduction of the duty. If, therefore, the circumstances of Bengal alone were to be considered, he should look upon the decision of the Government as a matter for regret. A surplus should be utilized in taking off the worst taxes, and in Bengal there were several worse imposts than the salt-tax. But he was quite aware that it was impossible for the Supreme Government to shape its financial policy according to the needs of a single province, and he must assume that the whole question had been fully considered, and that the benefit of the relief which would be given in Bombay and Madras had been thought to outweigh the loss incurred by the uncalled-for sacrifice of revenue in Bengal.

On the question of the customs-duties, he would only say that, whatever might be thought of the wisdom of the policy adopted in 1878 and 1879, he was satisfied that the total abolition of the cotton-duties was now the best, and indeed the only possible, course to take. He was not sure that he fully accepted the remark of the Chamber of Commerce that "the duty on grey goods was dying a natural death." The death did not seem to him altogether natural. He should prefer to say that the duty had received its death-wound, and that the sooner it was put out of its misery the better. And, when it had once been determined to abolish the cotton-duties, he supposed no one would desire that the general import-duties should be retained. He could only have wished, as he had already intimated, that the export-duties had disappeared at the same time, and he hoped the day was not distant when the Government would be able to expunge this objectionable item from the tariff.

The evils of the present license-tax had been so fully acknowledged in the Financial Statement that it was perhaps unnecessary for him to touch upon the subject. The Hon'ble Member, however, had told the Council that the repeal of the license-tax would only relieve the small number of people who paid it. The tax was paid, to Government, by about one person in a thousand, and it yielded the Government a revenue of about 52 lákhs. But the license-tax was paid by a great many people from whom Government never received a pice. It would probably be a moderate estimate to say that three times the amount received by Government was extracted from the people under colour of the tax. As an abstract question, no one would deny the justice of requiring the trading classes to contribute a fair share of the public burdens. And it must fairly be admitted that the evils of the tax were not attributable to any laxity of administration on the part of the Local Governments. But, in spite of all this, the tax was so unpopular, so demoralizing, and so wasteful, that he believed the public would receive with much gratification

the assurance of the Hon'ble Member that the Government did not intend to incorporate the license-tax, in its present form, into the permanent fiscal system of the country. And he believed they would be still more gratified if they were told that it was the fixed intention of Government to abolish the tax as speedily as possible.

One of the reasons which the Hon'ble Member gave for postponing the question of the license-tax for another year was that the Government would perhaps be in a better position a year hence to judge of the future of silver than was at present possible. There was, he believed, a general impression that the question of the future of silver was likely to be materially affected by the events of the next few weeks, and that much would depend upon the attitude which the Government might take up when the Monetary Conference should re-assemble in April next. He observed that, in the calculation of loss by exchange, the rate for next year had been taken at 1*s.* 8*d.*; but the Statement did not explain the grounds upon which it had been thought probable that this rate might safely be assumed.

He would not detain the Council with any further remarks, except to express his tribute of acknowledgment to the Government for the various fiscal and administrative reforms which had already been established, and for others of which the introduction was promised in this Budget Statement. The improvement in the pay of Native officials; the development of local self-government; the institution of post-office savings-banks; the scheme for the issue of stock-notes; the reduction in the rates for telegrams and registered letters; the appointment of independent Financial Commissioners; the extension of railway communication; the encouragement of local industries in the supply of Government stores; the establishment of the Famine Insurance Fund on a substantial basis—these were all measures which would promote the prosperity of the country, and command the confidence of the people.

The Hon'ble DURGÁ CHARAN LÁHÁ said that, with reference to the Financial Statement which was laid before the hon'ble Council by the hon'ble the Finance Member on Wednesday last, he desired in the first place to congratulate him and the Government on the flourishing state of the treasury, and on the sound principles which had generally guided the administration of the finances. He would, however, say a few words on one or two points discussed in the Budget Statement, which, he should remark, was a remarkably lucid statement. The first subject which he noticed was opium. The Hon'ble Major Baring, it seemed, had devoted much time and attention to the consideration of this subject in all its various phases, and it was very satisfactory to observe that he had exhaustively and conclusively shewn that it would neither be to the interests of the Chinese nor to those of the people of this country to sever the Government connection with this trade. There was a misapprehension in regard to this traffic which, he was sorry to see, the evidence of some of the most experienced and competent authorities had not proved successful in removing. It was a mistake to suppose that opium was injurious to health, on the contrary the people of this country knew from experience that when taken in moderate quantities it was conducive to health. It was the same in China: it was far from demoralising, and, when it was seen that the Chinese were themselves cultivating the poppy-plant and had other sources of supply, it would do no good to them if the opium-trade of India with China were put a stop to. On the other hand, the Government would lose a most productive source of revenue. By keeping the cultivation under Government control a most effective check was exercised on over-trading in opium.

The next question was salt. The manner in which the salt-duty was proposed to be reduced, that was to say, not by substitution of any fresh taxation, but from surplus revenue, disarmed to a certain extent adverse criticism; but the question was whether, considering the unobjectionable way in which the salt-tax was realized, causing no irritation and no oppression, and its incidence on the people hardly exceeding 8 annas per head per annum, it would not have been wiser to take advantage of the surplus to remit some of the direct taxes which were admittedly unsuited to the circumstances of this country, and

which were attended with much hardship and oppression. He did not believe that the reduction of the duty would lead to much increased consumption, because the incidence, as he had already said, was so low that even the poorest man did not stint himself of this necessary condiment of food. It was observable that, should the future exigencies of the State require additional revenue, it would be most unfortunate if the Government should have recourse to direct taxation. Here was a most unobjectionable source at its disposal, and to abandon it, and on what he could not but consider sentimental grounds, appeared to him to be a questionable policy. But if the reduction in salt-duty must be made, it ought to take effect from 1st June next, otherwise the loss to the traders who bought up to Wednesday, little expecting that any such serious change was contemplated, would be most heavy. One of the largest dealers in salt called upon him on Wednesday night, bitterly complaining of the action of Government in thus lowering the duty without any previous intimation. He said that he himself held about 35,000 maunds between what he had on the river and in his golás in the interior, and the loss on this quantity would amount to Rs. 30,000; and many other persons were similarly situated. BÁBÚ DURGÁ CHARAN LÁHÁ thought, therefore, that some consideration ought to be shewn to the dealers in salt, who were thus doomed to serious loss from no fault of their own. He would, therefore, earnestly ask the hon'ble the Finance Member to consider the matter.

Then, as for the import-duties, when a large portion of these duties had been already remitted, he thought the total abolition of these duties was a necessary corollary of the past policy of the Government, and the step taken by the present Government was, therefore, inevitable.

He felt bound to say that if the Government had seen its way to abolish the heavy rice-duty which now formed the only objectionable item in our customs-tariff, the advantage to the masses, in his humble opinion, by enabling them to find a better market, and better prices for their produce, would have been far greater than what they might derive from the reduction of the salt-duty.

The Hon'ble MR. HUNTER said that the hon'ble the Finance Member quoted in his Statement on Wednesday a passage from the Famine Commissioners' Report which had a very significant bearing upon the Customs Bill—the first Bill before the Council to-day, and the one to which he should confine his remarks:—"At the root of much of the poverty of the people of India, and of the risks to which they were exposed in seasons of scarcity, lay the unfortunate circumstance that agriculture formed almost the sole occupation of the mass of the population." The truth of these words forcibly presented itself to MR. HUNTER while conducting the recent inquiries into the economic condition of India. On the one hand was seen a dense and an increasing population struggling to earn a subsistence from the soil. On the other hand, it was perceived that many local industries which once gave employment to the non-agricultural classes had now disappeared. He believed that this Bill, which formed in reality the charter of Free Trade for India, would tend to remedy the latter evil. For it completed an economic change, of which the decline of the Native manufactures was the transition stage. Those manufactures were conducted under an industrial system, in which labour was isolated from capital—a system rooted in protection and monopoly, and ignorant of the first principles of Free Trade. When such a system came into competition with manufactures produced in a country like England, which had accepted free trade in its fullest consequences, and in which the co-operation of capital and labour had been organized with singular success, there could be but one result. The old industrial centres of India decayed, and, in some districts, the weaving castes had been forced to give up their hereditary employment, and become tillers of the soil. The growth of capital in India, and, of late years, its co-operation with labour in manufactures on a large scale, had already done something to ameliorate this state of things. The present Budget carried that process of amelioration to its logical conclusion. Indirectly, it would stimulate the application of capital to every kind of Indian enterprize, while its direct result would be

to place the manufactures of the competing countries—England and India—on the same basis of Free Trade.

The new era of industry which this Bill represented had been reached only by slow stages. He passed over the long period when the Indian trade was a monopoly in the hands of the East India Company, and afterwards of a few powerful firms. But as lately as 1867, almost every article of merchandise was taxed before it could either enter or leave an Indian harbour. The rule, as the Council would remember, was that all exports and imports paid duty unless specifically exempted. In 1867 this rule was technically reversed; a long list of dutiable articles was drawn up, and non-specified articles went free. The past fourteen years had seen the gradual reduction of that list; and to-day would, he trusted, witness its final abolition, except on intoxicating liquors. Some of the most important of those reductions were associated with the name of one whose voice was for long powerful in this Council. The hon'ble the Financial Member had more than once referred in generous terms to the labours of Sir John Strachey. That name was closely associated with the history of the tariff reform, as indeed it was with the progress of good government in every branch of the Indian administration; and it was a name which MR. HUNTER could never mention without sentiments of personal gratitude and respect. During recent years, the question of the Indian tariff, as the hon'ble the Financial Member pointed out, had been complicated by the special claims of the English manufacturers of piece-goods. However much this might be a subject for regret at the time, he thought the present Bill would remove that regret. For this Bill declared that, while India must be governed by the great principles of political economy which had been deliberately accepted by England, those principles would be interpreted by the Indian Government, not in favour of one nation or the other, but in the interests of both. The question of the Indian import-duties had now happily ended, as many great historical questions ended, by consent, and not by controversy; not by the violent action of any one of the parties concerned, but by the common agreement of all.

If Free Trade did for industry in India what it had accomplished for industry in England, this Bill would confer a lasting benefit on the people. But it would render the problem of administration more complex. A period of industrial development was a period of administrative exigencies unknown in less progressive eras. For it was easier to maintain the banks of a stagnant tank, than those of a rushing stream. The administrative improvements which His Lordship's Government had announced simultaneously with the introduction of this Bill, seemed therefore to be specially well timed. Those improvements would stimulate the zeal and public spirit of the whole body of the Native administration. All who had really studied the question were now of one mind as to the necessity of incorporating the Native element more closely into the texture of Anglo-Indian rule. That incorporation had been effected, partly by throwing open the doors of the Covenanted Civil Service to all Natives who could win their way into it by their own talents, and also to selected Natives of high rank or of hereditary distinction. It had likewise to some extent been effected by improving the position of the lower grades of Native employés. The changes which the hon'ble the Financial Member announced on Wednesday marked an important advance in the latter direction. They would better the condition and dignify the career of the vast multitude of Native public servants, who were the best intermediaries between ourselves and the people, and on whom the burden of local administration heavily fell. Taken by itself, this measure would have been a welcome one. But it had a special value when it was remembered that His Lordship, in putting the corner-stone to the freedom of Indian trade, had by the same public act strengthened the fundamental structure of the Indian administration.

This was an improvement which MR. HUNTER believed would well repay its cost. For, beneath the conspicuous features of this truly great Budget, lay the unattractive problem of direct taxation. The Statement which the Council heard on Wednesday recalled, in its treatment of indirect taxation, the memorable early Budgets of the master of finance who now presided over Her Majesty's Government. This Bill, and the Bill for Regulating the Duty on Salt, which also

came before the Council to-day, represented in a special manner that aspect of the question. The fiscal history of England during the past thirty years was the narrative of the transition from indirect to direct taxation. The abolition of indirect taxes, such as this and the Salt Bill would effect, had in England and in other countries proved the precursor of direct taxation. It might be that the wise economy of His Lordship's government, the peaceful development of India's internal resources, and the bounty of the seasons, would indefinitely postpone that necessity. But in the midst of the present good fortune he could not help remembering that India was not always prosperous. In accepting the boon which this Bill conferred, the country should be prepared, sooner or later, to face the questions of direct taxation, which arose out of the abolition of indirect taxes.

But the present Budget, while leaving, as all previous Budgets had left, the problem of direct taxation unsolved, simplified the conditions under which that problem would have to be worked out. It was one thing to lay direct taxation on the shoulders of a people already burdened with indirect taxation; it was another thing to take advantage, for the purposes of direct taxation, of the national prosperity which the previous removal of indirect taxation had developed. There was also another respect in which the present measures simplified the problem. The hon'ble the Finance Member had drawn a most instructive picture of the difficulties attending direct taxation in India, and had referred to the great number of devices by which the Government had sought to obviate them. He told the Council that, in the last twenty-two years, no fewer than twenty-three Acts of the legislature had been passed, ringing all the possible changes on the various expedients for imposing direct taxes. But one great and special difficulty of direct taxation in India had been the difficulty of administering it. The peculiar unpopularity of such taxes in this country had arisen from the fresh inquisition which preceded them, and from the manner in which they were levied. The special difficulties of direct taxation in India were, therefore, in a special measure, difficulties of administration. Every measure which improved the rural governing body would lessen those difficulties. The present Budget would, he thought, form a landmark in the progress of India, not only by its fiscal reforms, but by enlisting the Natives more fully and more zealously in the administration of the country.

The Hon'ble RÁJÁ SIVA PRASÁD said:—"My Lord,—We Indians have become so much accustomed to the cry of deficits, introduction of new taxes and reduction of pay and useful works, not by 'cheese-paring,' but by wholesale, that we somewhat feel puzzled, or rather bewildered, though with utmost joy, to hear of surpluses, reduction of taxes, grants to Local Governments for useful works, and increase in the pay of the under-paid Indians in the subordinate service. Had India possessed a mouth, she would have been loud in congratulating Your Excellency for this new era to be written in golden characters in the financial history of India. I would not feel surprised to hear complaints against even such an unexceptionally excellent Budget Statement from many a highly educated or rich fellow-countryman, because, as everything has its penalty to pay, the high English education instils so many English ideas, English theories and English party-feelings into the brains of the educated, that little room is left there for any knowledge of the wants and wishes of our dear country; and the rich cannot, of course, be expected to part even with a penny without a murmur.

"The excellence of the Budget is not so much in showing a surplus as in its disposal. Let us see how it has been disposed of. The trade has been relieved of customs-duties, the chief of which was that on cotton. It takes off, no doubt, a large item from the public revenue, but the revenue can afford to lose it, and, after what was done in 1878 in exempting certain descriptions of grey goods, it could not be retained. I think it will do good. It will lower the price, and be of great help to the poor in dressing. Reduction in duties on salt will be held by the poor as a great boon. They will be able to use better salt, and in more adequate quantities, to preserve health and life. If a poor man saves half a rupee every year, it is a great thing to him. It enables him to purchase an iron pan, a brass *lota*, or a piece of waist-cloth

I hear it is said that the duty on salt is not felt and the license-tax is much felt; but it is simply preposterous. Conceive a man, whose financial budget does not go beyond Rs. 40 or 50 per annum, not feel a saving of a rupee or two; and those who are rolling in wealth, and count their income by thousands, feel to pay two per cent. in the shape of license-tax. The fact is, that these rich men, whether they feel it or not, know well how to make their cry felt by the Government, whereas the poor masses are perfectly dumb. Had it been possible for them, what a long address of thanks they would have sent to the Government with millions of signatures. In my humble opinion, the license-tax does not require so much abolition as re-casting, and I am almost sure that the next year, if it is not abolished, the Hon'ble Member of Finance will re-cast it in such a manner that the unpopularity will be reduced to its minimum—not a whit more than any tax in the world is doomed to have. The other item is the patwárí's cess in the North-Western Provinces and Oudh. How happy hundreds of my tenants will be when I return to Benares and tell them that Rs. 3-2 per cent. per annum on their rental, which they have been paying me all along for the patwárí, is now kindly remitted by the Government, and they shall not have to pay anything in future on that account. I am sure there will be a general rejoicing in my villages.

"Municipalities have been relieved of the police-charges, which must go now to their improvement so urgently required. The increase of pay of the Tahsíldárs, Deputy Collectors and Post Masters is a measure which the Government has very rightly taken into consideration. We want only improvement in the Uncovenanted Service. I am not in favour of any interference with the Covenanted Civilians. The only announcement in the Statement which I have to deplore is the reduction of the Covenanted Civil Servants by 133, and a forecast of a further and further reduction in future. India cannot afford to lose the services of such officers. The only inexplicable thing to a Native mind is why bonus is given for an old officer to retire. It would have been far better to give bonus to retain his services. Beautifully has a Persian poet said—

کاش از بهر این همه حکام * گشتی هندوستان همیشه مقام
تا شدی هند خطهٔ لندن * رشک خوردی برو بهشت عدن

'Had it been possible for all these officers to settle permanently in India, India would have become like England, and even paradise would have become jealous of her.' Any measure which may discourage English gentlemen of high merits to come out to India or remain here, will be most detrimental to the interests of the country, till, at least, a railway-line joins India to Europe, and orthodox Hindús have the same facility to go there as the Europeans have to come here. The Hon'ble Finance Member has mentioned the Northbrook Club in his Statement; but, except the Muhammadans, Pársís, Brahmos and others like them cannot take any advantage of that admirable institution, to the greatest discontentment of the orthodox Hindús, who form the main body of the Indian population. The hon'ble member's calculations of 'the influence of breaking down of social and religious obstacles' are far distant to be realized, and no genuine orthodox Hindú would ever like to set a premium on the breaking up of his society or religion.

"I see in the Budget a Native newspaper's opinion quoted that 'there must be some selfish motive at the bottom of the movement made in England for the suppression of the Indian opium-trade,' and remarked that 'no doubt an opinion of this sort is very foolish. The high motives which guide the action of the society for the suppression of the opium-trade cannot for a moment be doubted;' but, granting that, may I be allowed to ask whether the society's wisdom also cannot be doubted? The poor Native newspaper, out of sheer respect, could not doubt it. It is simply an oriental mode of expression. The newspaper-writer simply means to say that, if there is no selfish motive at the bottom of the movement, there must be folly. To prevent the Chinese from smoking opium is, in the same way, impossible for the pious English gentlemen as to prevent the Persians from drinking wine for the pious Muhammadans, or to prevent the English from eating beef for the pious

Hindús. If India does not supply opium to China, China must find it somewhere else, and India will lose five crores of rupees for nothing.

"As famine is mentioned in the Statement, I take this opportunity to express the opinion of the majority of the Natives, which is very strong in favour of checking the export of food-grain beyond the seas in the time of severe famine and extreme dearth. It is quite useless to argue with them with the questions of English free trade and English political economy. They cannot discover the wisdom of allowing a crore and half rupee's worth of grain to be exported from Bombay when people are dying in the Dekkhan by hundreds and thousands for a handful of grain, and when the astute King of Siam had sent back the ships, which had gone to bring rice from Bangkok, telling that his people were in greater want of food than the foreigners. In my humble opinion, much can be done in the way of allaying the distress by properly arranging a graduated scale of railway-fares from the grain-supplying districts to the famine-stricken ones, and beyond the famine-stricken districts to the ports of exportation.

"I need not take more time in saying how highly the Indians appreciate the substitution of the stores of Indian origin or manufacture for imported goods, and what an amount of good will the stock-notes do to the labouring classes, whose number is legion.

"The only little thing which seems to me incongruous with the spirit of the Statement is the export-duty on rice; but, as the hon'ble member professes to have freed the trade, I have full hope that the next year will see that also swept away."

The Hon'ble Mr. Inglis said that he desired to congratulate the Government on the flourishing state of the Indian finances. The Budget Statement, to which the Council listened on Wednesday, would, he hoped, dispel the fears of those persons who had from time to time taken a pessimist view of the position of this country. They would no longer be able to say that the Indian revenues were inelastic. Indeed, he was not sure that it would not have been better for the country if the surplus had been smaller than it was. The magnitude of the surplus had induced the Government of India to propose some very bold measures, which, it was hoped, events would justify, but as to the wisdom of which doubts were expressed in some quarters.

He would first refer to the abolition of the import-duties. It was undoubtedly a matter for sincere congratulation that the vexed question of the cotton-duties had been set at rest in a way which was open to the least amount of criticism. To have abolished the import-duty on cotton-goods while retaining it on other articles would have been wholly indefensible, and he therefore thought that, when Government decided to abolish a part, they had no option but to make a clean sweep of the whole. Nevertheless, it might be doubted whether this bold measure of free trade had not come somewhat too soon for the permanent good of the country. There were many industries at the present moment struggling for existence which it was to be feared would be most seriously affected by the removal of the duties. To these the effect would be much the same as that produced on a child unable to swim, who was thrown suddenly into the water, and left to sink or swim as best he might. It was hoped these children might learn to swim, but the fear was many of them would sink in the process. He had received a letter regarding one of these industries, that of sugar-refining, from which, with the permission of the Council, he would read an extract:

"There is scarcely a district in India which is not eminently suited by nature for the production in perfection of the great sugar-yielding plants—cane, the date-tree, and maize or *sorghum*.

"Notwithstanding, so faulty is the cultivation and the methods of extraction of juice and its treatment, that India exports scarcely any sugar, and, of what she does ship, the greater bulk is of the most wretched quality. Of refineries on the European system I know of but six. I don't think that any of the sugar-concerns—as distinguished from the rum—are doing particularly well. Raw sugar is dear, and generally bad, whilst the Natives do not so far buy enough English-refined sugar to keep a mill in full work. Raw sugar is dear, because the Natives make it so badly that they only get 1 ton 3 cwt. to 1 ton 8 cwt. per acre against 3 tons 4 cwt. down about Singapore.

"Hitherto we have struggled on because we have had partial protection in the shape of the customs-duty, which is eight annas per maund, and because we have been supported by the hope that Native sugar would improve and that Natives themselves would presently take to using our produce.

"If, however, this duty be removed, I feel grave doubts how far we can go on. The imports into Bombay of Mauritius sugar are already enormous. When I first came here, in 1862, I used occasionally to sell 800 tons per month for Bombay; now we don't sell an ounce. The same process is apparent here. We are having our market taken from us by Penang, Singapore and Mauritius, though hitherto much more gradually than has been the case at Bombay.

"Free trade is all very well, and at the right time and place an excellent thing. But babes can't digest strong meat, and for India, in her half-developed, semi-dormant state, some of the theories of political economists are very stringy salt junk.

"I don't think it can be good for the cultivators, landowners, bankers, middlemen, brokers, dealers and others interested in raw sugar, that the indigenous article by which they live should be elbowed out of its own market by the foreign stuff.

"Nor do I think it good for Government to do that which must tend to reduce the value of the land (in many districts sugar pays the rent of the entire holding), to injure local industries, and to depreciate exchange by necessitating large remittance to pay for sugar."

Another point had to be considered. The intentions of Government had been so well kept that the sudden abolition of these duties had come as a surprise. It came, too, at a very inopportune time for many persons. The trade in imports was depressed, prices were low, and heavy stocks were held. The effect of the announcement made on Wednesday had been to depreciate prices to the extent of the duty it was proposed to abolish. From the point of view of the consumer, this might be a matter for congratulation, and he did not deny that, in the long run, the country would probably benefit. Still, the change ought to be made with the least amount of inconvenience and loss to holders of duty-paid stocks. Some of the latter stood to lose very heavily, and had represented to MR. INGLIS that, if the date fixed for the new Tariff Bill coming into operation were delayed for six months, it would give them time to work off their stocks with a smaller loss than they were likely to suffer if the abolition took immediate effect. If he thought the result of postponing the operation of the measure would have that effect, he would strongly urge that the interests of holders of stocks should be considered as paramount in this matter. He, however, questioned very much if any postponement would now lessen the inevitable loss. The abolition had been already discounted by buyers, and, he feared, nothing the Council could do could restore prices to Tuesday's level. The holders of large duty-paid stocks were very much to be sympathised with in view of the losses they would sustain; and he was sure, if Government could see their way to afford them any relief, such relief would be ungrudgingly given. It was always the drawback to fiscal changes of this nature that individuals suffered in the process; but experience, he thought, proved that this loss was not lessened, but rather increased, by lengthening out the period for making the change.

The measure now submitted to the Council was the logical outcome of the tampering with the cotton-duties in 1878. He had always considered that a great mistake was then made, as by common consent the duties were not protective in the proper sense of the word, and they hurt nobody. If Sir John Strachey had at that period reduced the duties on piece-goods all round, instead of wholly remitting them in some special classes, and had intimated that the aim of Government was to abolish all import-duties whenever the state of the finances permitted, traders would have had time to prepare for the change, and no one would have been injured. As it was, by a sudden remission, such as was now proposed, which no one expected, the cases of individual hardship were very numerous and of a serious kind. He did not overlook the difficult position Government were placed in by the action of their predecessors, but he thought if they had decided to make the change more gradual in its nature, it would have been better for the country.

Before leaving this part of the subject he would suggest to the Finance Member the advisability of remitting the duties on light wines so as to encourage the consumption of these in preference to spirits. If a substitute were required, he thought an additional duty might, without any harm arising, be put on spirits to the extent to which it was taken off light wines. He

thought it was advisable to encourage the use of such wines rather than spirits, if for no other reason than to promote temperance. They were much better suited for use in this country than spirits, and to assistants on tea and indigo estates, and the European community in the towns, he should think it would be a real boon to cheapen the price of these light wines by removing the present duty.

It would, no doubt, sound well that Indian markets should be absolutely free to the productions of all the world; but if, when throwing these markets open, foreign markets were voluntarily closed to the products of this country, it could not be said that full effect was given to free trade principles.

This brought him to speak of the rice-duties. So far as he had been able to gather the opinion in mercantile circles during the short time which had elapsed since the Budget Statement was delivered, he thought it was felt that the further retention of the duty on rice, now that all import-duties were to be practically abolished, was indefensible. He would here read an extract from a letter he had this morning received on this point:—

"It seems to me that, being in the position to forego £1,400,000 of revenue, one of the best possible ways of doing so would have been to have given up the £700,000 which accrues from the export-duty on rice, and taken the remainder from salt.

"The argument in favour of abolishing the export-duty on rice to me seems to be overpowering; but I am aware that the Lieutenant-Governor holds strongly just the opposite view. It is, I believe, a fact that Bengal is now choked with rice, worth Re. 1-12; the people are really impoverished by reason of the low value. At present value, the export-duty is from 10 per cent. to 12 per cent.

"It is difficult, and perhaps unsafe, to hazard an opinion as to the precise uses to which Bengal rice could be put in Europe if present prices were permanent, but it is generally believed that half-cleaned Bengal rice is really very suitable for brewers' purposes and distillers, and if once introduced would become a staple, like Indian wheat, which is now wanted on its merits.

"The export-duty kills it. Rice, therefore, is not wanted in Bengal except for home consumption, and one result is, that a succession of fine harvests becomes a curse instead of a blessing. An abnormal low price like the present might almost tend to check production.

"If rice could once be got to circulate out of Bengal, the advantages all round are enormous. Hitherto, the evil of an export-duty has not been felt in Burma; but it will be felt, and perhaps more quickly than we at present suspect. The removal of the export-duty would, to say the least of it, give Bengal a chance of establishing itself in foreign markets, and that is all we require.

"That end once accomplished, and Bengal made a rice-exporting country, a new and probably most productive source of employment is afforded to shipping. Ships must then come here to carry away the increasing volume of export; and as the people get coin and goods in exchange for their rice, they are likely to become better customers for salt."

This, Mr. Inglis thought, expressed a view very generally entertained, and he hoped the Government would justify to the public the retention of the solitary export-duty on rice which now remained when they had decided to sweep away import-duties. As confirming the opinion of the correspondent from whose letter he had read, he might mention that a gentleman largely interested in the rice-trade told him this morning that he had been unable to execute orders for 5,000 tons of rice this season because of the difference the existing duty made in its price to the exporter. The same gentleman mentioned that the zamíndárs of Noakhálí and Comilla were at present unable to collect their rent, because the raiyats on their properties were unable to find a market for their rice. No doubt, this was partly due to the absence of good communications in these districts, but the removal of the duty would help such people very greatly. In other countries, it had always been customary to take off export-duties in preference to those on imports, and he knew of nothing in the circumstances of India or of the Indian rice-trade which could justify a different mode of procedure in this case.

He now turned to the salt-duties. It was this portion of the Budget which was being most freely criticised out of doors. It looked to many people as if the large sacrifice of salt-duties were wholly unnecessary. The incidence of the duties at present was so light as to be practically unfelt. In Bengal and Bombay it was five annas per head, and in Madras it approached six annas. No one would contend that this incidence was in the smallest degree oppressive. He was aware there were people at home who, in this matter, as in that of the

opium question, preferred sentimental considerations to hard facts, and no doubt such persons would hail the reduction as a wonderful boon to the people of India. Many persons ventured to doubt, however, if the food of the people of India would be cheapened by one single pice because of this reduction, nor was it thought merchants would benefit further than they would have done if the Government stopped short at simple equalization. Up to that point—the necessity for equalizing the duties—he thought, all were agreed. To go beyond that was to take a "leap in the dark."

What people did ask for was the removal of the license-tax; and, with all deference to the opinion of members of the Government, he believed the verdict of the country upon the Budget would be that the Government had missed their opportunity in sacrificing such a large sum of revenue in reducing the salt-duties, which were unobjectionable and unoppressive, rather than applying the money at their disposal to the abolition of the license-tax and the rice-duty. Instead of taking £1,400,000 off salt, he thought the wiser course would have been to apply it as follows:—

				£
To abolishing license-tax	...	...	...	500,000
" rice-duty	...	...	...	700,000
To equalizing salt-duties	...	...	...	200,000
				1,400,000

leaving the rest of the Budget as it stood. He had no hope that Government would agree to this proposal, and he did not wish to make any definite motion on the subject; but he believed he gave expression to the opinion of a great many people in the best position to judge as to the merits of the Government proposals, when he said that this mode of distributing the surplus would be not only more popular but more beneficial to the country. Government in this matter had proceeded on the principle of thinking that the people of India did not know what was good for them, and, therefore, they did not give them what they asked for, but what the Government thought was best for them. MR. INGLIS thought himself it would have been better to have yielded more to the popular sentiment in the matter.

The Government did not attempt to defend the license-tax as it was at present levied. It was a mass of inequalities, and utterly indefensible in its selection of particular sections of the community for the bearing of burdens which should be borne equally by all classes. The non-official community, in their desire not to embarrass Government in the weighty task of restoring the finances of the country, had hitherto not complained much about these inequalities, but he feared that this reticence would not continue, and that, in declining either to remove the tax or to remedy its glaring inequalities, Government had opened the door to an agitation which a different policy would have prevented.

To prevent any misconception, he wished to say that, so far as he understood the feelings of the mercantile community, they did not at all object to the license-tax *per se*. So far as they were concerned, its incidence was extremely light, and they would willingly pay the amount demanded, or more, if they felt the money was really required, if it was levied equally from all classes, and if a bold attempt were made to grapple with the exaction and oppression of which it was the innocent instrument. A systematic assessment by officials so liberally paid as to place them above any temptation to accept bribes or act corruptly was a *sine qua non* to the success of any system of direct taxation in this country. When, however, he had said this, he had virtually said that direct taxation was unsuitable to this country in its present condition, as the mere expense of such an assessment would absorb the whole proceeds of any tax that could be imposed. He sympathised with the desire to see some system of direct taxation made applicable to India, but nothing that had yet been devised avoided the difficulty incidental to the circumstances of the country, and it was foolish to ignore this.

In thus freely criticising the proposals made in the Budget, he wished only to add that he did so more to elicit a free expression of opinion than from any desire to adopt a hostile attitude towards it.

The Hon'ble MAHÁRÁJÁ JOTÍNDRA MOHAN TAGORE said that His Lordship's Government, and especially the hon'ble member in charge of the Budget, were to be congratulated on the prosperous state of the finances; he confessed it had seldom been his lot to hear a more able and lucid statement than that which was submitted to this Council at its last sitting. He could not, however, help expressing his regret that, with a substantial surplus, the Government should have come to the resolution to apply a part of it to the abolition of almost all import-duties, including the remaining portion of the impost on cotton-goods, and to the reduction of the salt-duties, while the direct famine-taxes—he meant the license-tax and the land-cesses, which latter affected even the lowest class of agriculturists—had been left untouched. He admitted, to a certain extent, the force of the argument used by the hon'ble member for remitting indirect, in preference to direct, taxes, and also that, after the partial repeal of the cotton-duties, it was difficult to continue the remaining portion for any length of time; but almost all right-thinking men had admitted that, in the first instance, it was a mistake to have allowed any partial remission of the cotton-duties so long as they were not protective in their tendency. The right course for the Government under the circumstances, in his humble opinion, would have been to have retraced its steps; but this, it was said, was impossible. The Natives, however, failed to see any cogent reason why it was considered impossible, for they maintained that, with the Government here, justice to the many millions entrusted to its care ought to carry greater weight than the interested cry of Manchester, whatever influence it might have with the Ministry in England. Lord Northbrook, when Viceroy of India, in dwelling on this question, remarked :—"The interests of the millions of India ought to have our first consideration." He must take the liberty to observe that, although the proposed reduction of the salt-duties and the almost total repeal of the import-duties would entail a loss of revenue which was estimated at a little over two millions sterling, it would bring no measureable relief to the people for whose benefit the remission would be made. For it had been found by experience that the remission of duties on certain kinds of cotton-goods did not cheapen the price of cloth to any appreciable extent, but perhaps contributed to fill the pockets of the manufacturers only; and the same might be predicated of the reduction of the salt-duties, and, for aught they knew, Cheshire might benefit in the same way as Lancashire had done in the other case. Besides, the payment of these indirect taxes was never felt as a hardship by the people, and none ever complained of these imposts, for the best of reasons, namely, that they paid them without knowing that they did so; whereas the proposed remissions, although in the aggregate they came to a large amount, being spread over a population numerically vast, the incidence of relief per head would be infinitesimally small. For instance, an agriculturist family consisting of, say, four salt-consuming members, and earning one hundred rupees annually, would, by the proposed remission of the salt-duty, make a saving of about three annas, or ten pies, per head in the year, while they should continue to pay one rupee and nine annas on account of the public works cess. The relief under such circumstances on account of the salt-duty could well be imagined. Moreover, it was well known that direct taxation was not at all suited to the condition and circumstances of the people, and that they themselves were entirely averse to it. Then, as to free trade, it might be all very well in theory, but it must be borne in mind that England, with her advanced notions in commercial matters, had not yet been able to introduce it in practice. In the trade of this country with Great Britain, while Indian goods should continue to pay duties to swell the large revenue of the latter, that this poor country should sacrifice any portion of her limited resources for the sake of a theory, was what, he must frankly confess, did not commend itself to Native thoughts and ideas. When other nations with whom India had commercial relations would be prepared to have free ports in their countries, it would then be time for the Government of this country to think how far they could adopt such a course, and not before. The Government, however, after mature deliberation, had determined upon a fiscal measure, and it was not for him at this stage to hamper their proceedings by proposing any amendment; he had ventured to offer these few remarks simply with the

object of laying before this Council the views which a majority of his countrymen entertained on some points of the Budget.

The Financial Statement was replete with many points of interest and importance, but he would not take up the time of the Council by dwelling upon them. He could not, however, conclude without expressing his grateful appreciation of the broad and statesmanlike views enunciated in it regarding several matters of administrative policy; and his fervent hope was that the prosperous condition of the finances would admit of the execution of many healthy reforms under the auspices of His Lordship's liberal rule.

Major-General the Hon'ble T. F. WILSON said that the estimated net cost of the military expenditure of this country for the coming financial year was calculated at £11,289,500, a sum which compared favourably with the amount which was expended in 1877-78, which, as being the last year of normal expenditure before the war, was the one with which he desired to compare the present cost of the army in India. In 1877-78, the cost of the army in India was £11,548,444, and, therefore, the military charge as calculated at present for the coming financial year, would be very close upon £259,000 lower than they proved to be in 1877-78, and this notwithstanding some permanent necessary additions which had been made to military expenditure in India; he said "necessary additions" for he might observe that, whilst, on the one hand, the Government of India fully recognized the importance, in the interests of the tax-payers of this country, of carefully keeping down the military estimates, and whilst every fresh item of military expenditure was carefully scrutinized and watched, on the other hand the Government did not lose sight of the even greater importance of keeping the army complete and thoroughly efficient and capable, at all times and on all occasions, of ensuring the safety, peace and tranquillity of this vast Empire; and, therefore, when any new and well ascertained and approved improvements were introduced into other armies, they usually, very quickly, followed and were introduced into the army of India. As an instance of this kind, he would advert to the recent establishment of the Intelligence Department, which, under the sanction of the Government of India, had been established, and was now in full working order. This was a Department which could not fail to be of great value in the future. But, of course, its value had to be paid for, and for this the modest sum of 86,000 rupees had been added to the military estimates, and this would be, of course, a permanent yearly addition; but, on the other hand, there were some small sets-off which had been made by reductions ordered by the Commander-in-Chief in other establishments. Then there was another permanent addition which had been made—an addition which had not, however, been introduced by the Government of India. The Royal Warrant of June 25th, 1881, revised the pay, promotion and non-effective pay of the British army. This had undoubtedly improved the positions of the various officers and soldiers serving in that army in this country. The Government did not grudge these benefits to deserving officers and soldiers, but he must observe that these benefits had increased expenses by nearly nine lákhs of rupees annually. The volunteer movement in India was one which had the hearty goodwill of the Government, who fully recognized its great value, and who were anxious to give it every reasonable encouragement. For his own part, he had a very high opinion of the value of the volunteers, and he was very glad to say that their numbers now closely approximated 10,000 men. But this great and rapid expansion of strength had necessitated the provision of more rupees, and, during the last five years, nearly three lákhs had been added to the year's accounts upon this head.

Turning to the Native army, of whose loyalty and efficiency the Government during the past few years had abundant proofs, the rates of pension for commissioned officers had been increased, and the qualifying period of service for pension reduced from 40 to 32 years. These measures were introduced in 1878, and were, as he thought, well calculated not only to improve the condition of those to whom they were applied, but also that they were well calculated to increase the general contentment of the Native army. But these, together with the invaliding which had resulted from the late war, had increased the expenditure since 1878 by seven lákhs of rupees. As he had

said before, he had taken the year 1877-78 with which to compare the present cost of the army, because it was the last financial year which was undisturbed by wars. The accounts showed an increase of some ten lákhs of rupees for expenses in India, on account of Indian-brewed beer; but this would be counterbalanced by a corresponding reduction in the home charges. The estimates, he believed, made full and ample provision for all the requirements of the army, and, besides this, a not inconsiderable sum had been set aside for any special charges which might even yet result from the late war. These special charges would probably take the form of further compensation to camel-owners and others on account of losses they might have sustained. For several months past two able officers were employed upon this duty, and their work was nearly finished. So that it could, he thought, reasonably be hoped that the full sum which had been provided on this account would not be required.

The estimates also provided for a temporary increase of numbers to the two Pioneer and five Ghoorkha regiments, which had been kept at a temporary increased strength pending the settlement of the question of the strength of the regiments of the Native army.

The declared policy of the Government of India to purchase, as far as possible, local stores and to substitute them for English manufacture, had been very largely carried out. These had added to the expenditure in India, but the home accounts would show a corresponding diminution; and, whilst upon this particular point, he might say that the home charges for military stores were, at the present moment, lower than they had been at any time during the past fifteen years.

On the side of economy some very important savings had been effected, which would very much more than counterbalance the permanent expenditure to which he had alluded. The most important of these was the reduction which had been recently sanctioned and carried out in the Royal Artillery serving in India. The establishment in this country recently was 86 batteries; namely, 15 batteries of horse artillery, 43 of field, 2 of mountain, and 4 of heavy, and 22 garrison batteries, the latter having a complement of 80 rank and file each. Under the revised establishment, the strength would be as follows:—77 batteries; namely, 10 horse, 40 field, 6 mountain, 4 heavy and 17 garrison; the latter having an increased strength of 108 rank and file. Thus, there had been a reduction in the artillery of nine batteries, which would reduce expenditure by about eleven lákhs of rupees per annum. In making the recommendations for these reductions in the artillery, the Government had been largely influenced by the fact that, as the extension of the railway-system was rapidly increasing, the mobility of the army would be increased in the same measure; and Government considered that, with the experience gained in the recent war, for general purposes field-batteries were found usually as efficient as horse artillery for warfare in India.

Under the head of Stud and Remounts, there would, consequent upon the above reductions, be a not inconsiderable saving. Recently, the establishment of horses in regiments of British cavalry had been reduced from 436 to 397, and the Haupper Depôt had been abolished; the Government had, therefore, at this time a considerable number of surplus horses, and, during the coming year, a very limited number of remounts would be required.

Another important measure which had been introduced recently into the Bengal army, and which had been found to work admirably, and which would, in consequence, be very shortly—almost immediately—extended to the other Presidencies, was a station hospital system. The plan was one by which one British hospital took the place of several in a cantonment. It had admitted of very large reductions, not only in the number of medical officers and establishments, but also in the equipment of the hospitals, whether stationary or on the line of march. There was already, as compared with 1881-82, a reduction of 35 medical officers in the Bengal Command alone, and, when the system became further developed and was fully established in the two minor Presidencies, it was quite certain that still larger economies would follow; nor must it be forgotten that economy would certainly result from the maintenance and repair of the hospitals and other buildings. These changes in the organizations of army hospitals, however, must not be considered as entirely and wholly in the financial

interests of the Government. The highest medical authority in India had recently made a somewhat extended tour in the Upper Provinces, and, having inspected most of the hospitals there, he had made the following observations. He said he "was satisfied that the changes which had been effected were more in the interest "of the sick soldier than in that of the State, and that the efficiency of military "hospitals—which it must never be forgotten was the main object of their exist-"ence at all—had been much increased." Therefore, the new arrangements would not only produce economy, but would also materially promote the comfort and welfare of the soldier in hospital.

As regarded the home charges, he had little to say. The net budget-estimate showed the figures at £3,970,050. This showed a slight decrease on the budget-estimates of last year. He was not in a position to say why there should be so small a decrease in these charges; but there was one explanation to be found in the fact that the charges for retired pay of officers of the Indian army had for many years past yearly increased, and would, it was believed, continue to increase yearly; but, when the charge for the pensions of Staff Corps officers reached its maximum, which it would do in 1897, the expenditure would then decrease until the Staff Corps reached its normal condition.

He had alluded to the Royal Warrant of 25th June, 1881, as having cast upon the revenues of India some increased charges. It was, therefore, right for him to show what it was expected it would ultimately save to India. But upon this point, he regretted to say, he had nothing very hopeful to relate; for, if the War Minister was rightly reported by Hansard, he said on the 24th June last, in the House of Commons, that "it would not be before the year 1893 that the heavy dead-weight, which was due to the terms of short service, would begin to diminish, and meanwhile, as he had stated previously, it must considerably increase, and the automatic increase of pensions would continue, whatever economies might be made elsewhere." And, after referring to details, the War Minister further said—"The aggregate figures show an economy of £680,000 to us and £220,000 a year to India—the whole amounting to £900,000. I am sorry to say this will not be effected till a far distant day. But the slowness of the gain ought not to dishearten us." GENERAL WILSON, therefore, desired it to be understood that, although it was calculated that the new Warrant would at a "far distant day" result in a yearly saving to this country of £220,000 sterling, yet its only immediate effect had been to increase the military charges by nearly £90,000 per annum.

There were, however, very important changes to be made in the Native army, which would result in further large economies, and, as the Government believed, in increased efficiency; and, although these changes had been very recently sanctioned by the Secretary of State for India, they had considered it prudent to avoid taking any credit for them in the military estimates for the ensuing year, for reasons which he would presently explain.

The Council would have in their recollection, that, in the year 1879, under the authority of the Secretary of State for India, an Army Commission was assembled in Simla. That Commission was composed of some of the most distinguished officers—civil and military—which India could furnish. Some of these were officers who had earned high distinction in the military service, and they were brought together from different parts of India,—from Madras, Bengal and Bombay,—and these distinguished officers were presided over by the present Lieutenant-Governor of Bengal. That Commission was directed to make an exhaustive enquiry into the whole military system of India, in view to an important reduction being effected in military expenditure; and, after assembly, that Commission placed themselves in communication with Local Governments and the several Commanders-in-Chief, and they also sought out the opinions of very many officers of reputation in the several armies, and they made a very large, exhaustive and comprehensive and, GENERAL WILSON ventured to say, a very valuable report. In due course that report was sent home to the Secretary of State for India, and it was at the close of the year 1880 sent back to the present Government of India, with orders to carefully examine its proposals, in view of making such suggestions and recommendations as they might deem desirable. This extemely important duty, which necessitated the exercise of

very great care and caution, and needing very full and prolonged consideration, could not be taken up immediately at Calcutta, for reasons into which he need not enter. When Government, however, returned to Simla, in the early part of last year, the Army Commission Report came under its immediate consideration, and, he was bound to say, had received all the attention which the magnitude of the question demanded. These protracted discussions and investigations had resulted in the Government agreeing with the views which were entertained by the Army Commission, that the existing strength of Native regiments in India was insufficient, and that, while the present aggregate strength of the Native armies of India ought to be maintained undiminished, the several armies might with advantage be organised into a smaller number of regiments; and the experience gained in the recent war strengthened this view. Consequently, the Secretary of State for India had recently sanctioned a reduction in the number of Native corps to be retained for the future. Under this arrangement, there would be an immediate reduction of 22 regiments, namely, 4 of cavalry and 18 of infantry. This reduction was considerable, but it fell short of what was recommended by the Army Commission, who proposed a reduction of 40 regiments—10 of cavalry and 30 of infantry. The reduction would fall upon the three Armies of India, as follows—in the Bengal Army, 3 regiments of Native cavalry, 6 of Native infantry; in the Bombay Army, 1 regiment of Native cavalry and 4 of Native infantry; and, in the Madras Army, there would be no change made in the number of Native cavalry regiments, but there would be a reduction of 8 regiments of Native infantry. These reductions in the number of Native regiments would not reduce the aggregate strength of the Native army. The cavalry regiments in Bengal and Bombay would be raised from 457 and 487 respectively to 550 Natives of all ranks, while the strength of the Madras cavalry would remain unchanged. The strength of the infantry regiments would be raised from 712 to 832 of all ranks. The effect of these changes would be that the total strength of the three Native armies in India would be increased by 31 men. Its present strength was 110,964, and, after the changes to be made, its future strength would be 110,995. There would be a small increase in the Bengal and a small decrease in the Bombay cavalry, that of Madras remaining as at present. While there would be an increase of 1,362 infantry in Bengal and of 272 in Bombay, there would be a decrease of 1,896 infantry in the Madras army. These, he thought, were the chief changes to be made which would affect the Native officers, non-commissioned officers and sepoys of the army. With regard to the European officers, it was not intended that their strength should be diminished; they would remain, as nearly as possible, on the same strength as now, and this would be done by adding an officer to each regiment of Native cavalry and infantry in addition to those already maintained. The position of these officers would be that of "squadron" and "wing" officers, and they would receive the rates of pay and allowances now allowed to those holding similar appointments.

Of course, extensive reductions and reforms in a large army could not be carried out without causing a certain amount of inconvenience and disadvantage to some of those immediately concerned, but it was the anxious desire of this Government, and it was also the anxious desire of the Secretary of State, that these disadvantages should, as far as possible, be mitigated and relieved; and to this end extremely liberal concessions had been granted to all who might be disadvantageously affected by the reductions which were now about to be brought into force. Indeed, in the face of these very liberal concessions, the Government had not considered it desirable to make any reductions in the army budget estimates for the ensuing year; and in this determination the Military Department had been considerably guided by what took place in the year 1869, when it was found that the reductions ordered in that year were not fully realized till the following year.

Another change which had taken place during the past financial year was the transfer, on 1st January last, under the sanction of the Secretary of State, of the Military Works Branch of the Public Works Department to the Military Department. He was unable to say that there would be any direct saving from this measure. But, as it not only expedited business, but enabled the Depart-

ment immediately concerned to adjudge and carefully determine upon the best and most economic measures, and the means for utilising yearly the grants for military works throughout India, he was by no means devoid of hope that economy would eventually result.

There were, at the present moment, several large questions connected with army reform which were before the Secretary of State for India, and on which it would not be right for him to invite any discussion in this assembly. He had, therefore, purposely confined himself to the financial bearings and aspects of subjects which had already received the sanction of the Secretary of State for India, and which had therefore passed beyond official criticism.

Hitherto he had spoken only as to the economies which would result from the changes which were about to be made in organization; but if he believed that nothing beyond economy would result from these great changes, he for one would have certainly hesitated to advocate as earnestly as he had the alterations which were about to take place; but he held a strong opinion that those changes would give strength and efficiency to, and add to the power of, the Indian army.

These were not new ideas—these were not views manufactured by him to suit this particular occasion. He had had an exceptionally long experience in the ranks of the Indian army, and held many positions in it; and these were the results of convictions which had been absolutely forced upon him by the experience gained by him in the course of his long service. He believed it had been his fate to see the army under as many extraordinary circumstances as almost any one in this country. If there was in any one's mind—in any quarter—any lurking suspicions that he had in any way shifted his opinions or changed his views since he had the honour done him of being appointed a Member of His Excellency's Government, then he took this opportunity of emphatically denying that such was the case. He had not shifted his ground an iota, in proof of which he invited attention to the fact that he held in his hand two articles which he contributed to a London magazine twelve years ago, and which were published to the world; in fact, the dates of these two articles were, one in January, 1870, and the other in the following February. And, in writing on the subject of army reform, he then said that there were three things which were essential to complete efficiency in the Indian army. The first was, that there should be more British officers; the second, that there should be a reduction in the number of regiments; and thirdly, that the strength of regiments to be maintained should be materially increased.

The Hon'ble Mr. Rivers Thompson said that he did not think that Hon'ble Members could complain of the want of variety in the addresses which had been delivered that morning in Council. Indeed, the wide scope of the subject, relating to the financial administration of an Empire like India, justified a variety of treatment; and he was sure, speaking as a Member of the Government of India, that the fullest expression of opinion upon all questions connected with the Budget would be cordially welcomed. Apart from the advantages of freedom of debate in eliciting facts they had in the statement of the Hon'ble Rájá Siva Prasád, in his remarks in connection with the license-tax, and in the influential opinions expressed by the Hon'ble Mr. Inglis as regarded the abolition of export-duty, statements which he (the speaker) was sure would be valuable guides to the Government of India in its deliberations upon the financial administration of the next year. Before they proceeded to consider the separate Bills which would be presented to them shortly, he (Mr. Thompson) wished to offer a few observations upon one subject to which Hon'ble Members opposite had made frequent allusions. Though the Government might, as he thought it might, accept the tender of congratulations which several speakers had offered upon the generally satisfactory financial position of the country during the past year, observations had fallen from several speakers who had preceded him, which took exception to certain portions of the Financial Administration. The objections formulated themselves somewhat in this way:—that, given a surplus which Government had found itself in a position to distribute, the distribution of that surplus had not been a judicious one. It had not been pretend-

ed—certainly no attempt had been made to show—that the administration of the Hon'ble the Finance Minister during the last twelve months had been unsatisfactory; but the issue was raised, that, having 1½ millions to dispose of, the proposals now submitted for their consideration did not dispose of that amount in a satisfactory manner. MR. THOMPSON would confine his remarks, in a very few words, to the objection which had been taken to the reduction of the duty upon salt, and the uniform rate which it was now proposed to adopt everywhere except in Burma and the trans-Indus districts of the Panjáb Province. It would be in the knowledge of most of the Members of Council that large questions connected with the incidence of taxation in different Provinces of India had been the subject of very detailed enquiries, under the auspices of the Financial Department of the Government of India, by an officer eminently qualified to undertake that duty—he referred to Mr. Barbour. The work of investigation occupied a greater portion of the Simla season last year, and the result of it, after careful scrutiny and examination by those who were responsible, had been accepted in some part as the basis of certain of the proposals which the Government had now put forward in the Financial Statement. It would be impossible, upon such an occasion as the present, to give any summary of the final conclusions of such enquiry; but this much might be asserted, that, in stating the incidence of taxation per head of the population in different Provinces, the inequality of the burden upon the people had been very clearly demonstrated. While there might arise no very pressing need for a reduction of taxation in some places, it had been clearly manifested in particular Provinces that a decrease of taxation was desirable. Two Provinces stood out as exceptionally favoured in this respect. First, the Lower Provinces of Bengal, where it was asserted the wealthier classes were too lightly taxed in comparison with the poorer classes, and the Central Provinces, which were under the administration of the Chief Commissioner of Nágpur, where a result from a comparison with other parts of India showed a very lenient incidence of taxation. But whatever the conclusion might be as to inter-provincial comparison—and upon this subject he would say in passing that the proposals which had been made would tend to relieve the pressure upon land in the North-Western Provinces in a Bill to be introduced—the general conclusions brought out most conclusively that the severity of taxation in India fell upon the poorer classes, and that the poverty of these classes was extremely great. It did not require, indeed, the researches of experts in statistical enquiries to show this as a matter of fact. It was patent to all who had any knowledge of the condition of rural life in India, and they had the authority of a very high evidence that the extreme poverty of by far the larger portion of the bulk of the population of India was seldom properly appreciated except by ocular evidence. Here was the "cause of justice to the millions" to which the Hon'ble Jotíndra Mohan Tagore alluded, and it was in the course of the dispensation of justice to the millions, that the Government proposal for a reduction of the duty on salt was made. He did not believe that any one had ever questioned that salt was a proper and legitimate subject for taxation. As an article of universal consumption, it not only must reach the great bulk of the population, but it enabled the Government to raise from the population their contribution for the necessities of the State. In its indirect form it presented not only probably the cheapest mode of collection of a tax, but one which was the least harassing to the people. The Government did not contest any one of these conclusions on which some of the speakers had laid stress. But its present action in establishing an uniformity of rate and a reduction of the duty, was taken with the object of so adjusting the payment of the tax as to remove all charges of unfairness or of oppression in the application of that tax.

Two arguments had been used against this, first, that no complaints were made by the people, and second, that a remission of duty would not benefit the people for whose benefit it was intended. As regarded the first point, the answer was that no complaints were made, because the people whom the Government wished to relieve had no means of raising their voice. Generally, this was the case, though he held in his hands a Native paper which very strongly advocated the urgent claims of the poor in the reduction of the duty on salt. He would

not read any extracts from this paper now, because it would occupy too much of the time of the Council; but he could say that the article was written with an earnest expression of the hope that some benefit would be done to the people of India in any legislation which might be undertaken now. When it was said that a remission of taxation would not benefit the poorer classes, MR. RIVERS THOMPSON could only say that, if that was the case in India, then the laws of supply and demand and of political economy were very different in India from those in any other part of the world. If that was the fact, and if figures established—although he believed that anything could be established by figures—that a large reduction in the duty on salt had not shown either a fall in price or an increased consumption, the answer might be that the time which had elapsed since the reduction took place was very short, and that the reduction itself was so small that possibly it would take a long time before the effects of it could be felt. But, practically, what was now proposed was to reduce the rate of duty in Bengal by 30 per cent. and in other parts of India by 20 per cent.; and it was impossible to argue that the benefits of this reduction would not extend to those for whose benefit the reduction was to be made. He believed that, in taking this step for the reduction of the duty on salt, the Government was incontestably right, not only because it would afford relief to the poorer classes in India, but because it secured the prospect of a large increase in the consumption of an article which was a necessary of life, and thus promised a return of some of the revenue which was temporarily sacrificed; and, above all, because, in the form which the Bill took, giving power to the Government in any emergency to raise the rate up to a maximum of Rs. 3 per maund, it established, in a way in which no other form of taxation did, a most valuable financial reserve.

His Excellency THE COMMANDER-IN-CHIEF said that, as the arrangements for giving effect to the changes in the organization of the Native Army, to which General Wilson had just referred, required careful elaboration before they could be published; it might be convenient to those concerned if he stated here somewhat in detail the precise character of the changes which the Government had been authorised by the Secretary of State to carry out.

It was obvious that these changes could not be carried out without touching the interests of individuals, but the liberal compensation which was to be allowed to the officers and non-commissioned officers who would be displaced left very little room for complaint in that direction.

In order that the men of the regiments to be broken up might suffer as little inconvenience as was possible under the circumstances, the Government proposed to transfer them by troops and companies intact; the regiments so strengthened being required to break up and distribute throughout the regiment the men of the troops and companies which must make way for the men of the reduced regiments.

It would be seen that, under this scheme, none of the rank and file of the army would be required to take their discharge.

When the process of distribution had taken place, the supernumerary commissioned and non-commissioned officers would remain to be disposed of.

He apprehended, however, that there would be no difficulty in dealing with these classes, as there were at all times in every regiment some officers and non-commissioned officers hanging on for pension.

To these, and to men whose strength had begun to fail, though they were able to do their duty in ordinary times, the liberal terms of retirement sanctioned by the Secretary of State would be hailed as a boon.

The conditions of retirement were as follows:—

I. The superior rates of pensions to officers, non-commissioned officers and men who had completed 25 years and upwards.

II. The ordinary rates of pensions to all officers, non-commissioned officers and men who had completed 14 years' service and who had less than 25 years' service, with a bonus of one month's pay for every two years of service.

III. To officers, non-commissioned officers and men of more than 10 and less than 14 years' service, two-thirds of the ordinary rate of pension and a bonus of three months' pay.

IV. To non-commissioned officers and men of 5 years' service and less than 10, a gratuity of one month's pay for each year of service and a bonus of three months' pay.

V. For non-commissioned officers and men of less than 5 years' service, a gratuity of six months' pay.

The Secretary of State had also sanctioned the issue of good-conduct pay to uncovenanted officers throughout the Native Army to the following extent:—

To duffadárs and havildárs, one rupee a month for every two years of good service in that grade up to a maximum of Rs. 4; to naiks, one rupee a month for every two years of good service in that grade up to a maximum of Rs. 2.

The Secretary of State had also sanctioned the following terms to officers of the reduced regiments, who might retire from the service within three months of their regiment being broken up:—

To officers of over 32 years' service, the pension to which they might be entitled, not in excess of £456-5 a year, with the value of their Colonel's allowances on the scale allowed by G. G. O. No. 1 of 1881, together with a bonus of 18 months' staff salary of their regimental appointments and free passages to England for themselves and their families.

To officers from 20 to 32 years' service, a bonus equal to 18 months' staff salary of their regimental appointments, in addition to any pension to which they might be entitled, with free passages as above.

It was not pretended that these reductions would be in any sense popular, but it would be seen that every possible care had been taken to safeguard the interests of all concerned, and that the position of that very important class, the non-commissioned officer, had been materially improved.

He had only one word more to say on this subject, and that was, that he entirely concurred in the policy of the measures now to be carried, not only because they produced economical results, but because he thought they would really increase the efficiency of the army as a fighting-machine.

His Honour the LIEUTENANT-GOVERNOR said he did not propose to take up the time of the Council with many remarks, but he could not allow this opportunity to pass by without joining with his colleagues in congratulating the Hon'ble Major Baring upon the very satisfactory account which he had been able to give of the financial condition of the country, and upon the very interesting and able statement which he had made on the subject; dealing fully, as it did, with all the most important problems of the financial policy of India. The favourable results of the year would, he was sure, surprise no one who had given real attention to the subject and watched the extraordinary growth and elasticity of the revenues of the country, though they must surprise very much those who had so energetically promulgated the theory of the bankruptcy of India. He observed with pleasure the generous terms in which credit was given by Major Baring to his predecessor in office for the flourishing condition of the finances, so far as they were attributable to financial administration. There was no doubt that there was much in the present condition of the finances which was due to Sir J. Strachey, and it was painful to observe how, because, during his tenure of office, one serious error of account had occurred, the whole of his able, zealous and wise administration of the finances had been ignored by the public. It was HIS HONOUR'S misfortune to differ from Sir J. Strachey on several of the main questions of finance, but this could not affect his appreciation and recognition of the great services which he had rendered to the financial administration of this country. One of the points regarding which he most differed from him was the abolition of the cotton-duties, and as he had always taken an active part in opposing the partial repeals of these duties, which had from time to time taken place in the last few years, he would explain in a very few words why he considered that he could, without any inconsistency, support his hon'ble friend's proposal to abolish them now. His objection until now to the abolition of the duties on cotton-goods had been founded upon one consideration only, and that was, that the country could not afford to make such a sacrifice. A great deal had been said from time to time of the necessity of repealing the cotton-duties in consequence of the Resolution of the House of Commons; but the Resolution of the

House of Commons simply declared, not that the duties should be repealed whether the country could bear the cost or not, but that they ought to be "repealed without delay, so soon as the financial condition of India will permit." What he had always denied, and what he denied still, was that at any time previous to the present date the financial condition of India did permit of such a measure. Now that it had been shown that the financial condition of the country was such that the duties could be abolished without any fresh burthen of taxation being thrown upon the people, and, indeed, that the abolition could be accompanied by a large simultaneous reduction of taxation on the Natives of this country, his objection disappeared.

His Honour deplored, as he always had done, the manner in which the partial reduction of the duties on cotton-goods had been carried out with the avowed intention of causing such a confusion in trade as to make their entire repeal a matter of necessity. He had always felt and maintained that the proper course was to wait till the country could afford it, and then repeal the duties if these goods were considered to be more deserving of relief than any other goods or than any other branch of taxation. He quite admitted, and had stated on other occasions, that the state of things produced by those partial reductions was such that it could not possibly be maintained; and now that Government could do it without substituting for the customs-duties any form of direct tax, he was glad that trade generally should receive such relief as that afforded it by the Customs Bill introduced into Council on Wednesday by his hon'ble friend. It was for many and obvious reasons better that the repeal of the cotton-duties should take place at the same time as the general repeal of all duties on imports, than that they should be picked out for special consideration.

As regarded the question of the repeal of the rice-duties, with reference to which an allusion had been made to him, he must admit that his views were entirely opposed to those who had advocated their repeal. He would remind the Council that the question came before them in 1875, and was very fully discussed. He, on that occasion, had stated very fully his reasons for thinking that there were no grounds for repealing those duties. It must be recollected that the condition of the rice-market in Bengal was just now purely exceptional; the price of rice now was lower probably than it had ever been for 30 years; it could not be relied upon to continue, and, therefore, there was no ground for hoping that the price of rice was permanently so low that it could be imported into Europe for manufacturing purposes, as the rice of Burma was. The rice of Bengal was exported for human food, a little of it to Europe, but the bulk of it to the Colonies, to feed Indian labourers working there; the Burma rice, which was a soft, cheap rice, with which Bengal rice could never compete, was exported for manufacture and distillery purposes and never for food. We knew, as a fact, that every available maund of rice was now exported from Burma in spite of the duty, and no reduction of duty would increase the export. When the late Lord Mayo visited Burma, he expected to hear strong objections to the duty, and was much surprised to find that rice-merchants were the most energetic supporters of the duty. A reduction of the duty would not enable Bengal rice at all to compete for manufacturing purposes with the soft grains of Burma, and there was no ground for believing that this would lead to a more extended use of rice as an article of food in Europe.

The reduction of salt-duties, though not, in His Honour's opinion, called for by the circumstances of the country, or by any pressure of that tax upon the public, was part of a policy determined upon by Government for equalising the duties throughout India; and he was glad to find that his hon'ble friend distinctly expressed his reliance upon this tax as a mode of meeting any future difficulties which might arise. He was quite sure that there was in Bengal certainly no form of taxation less unpopular, more productive and more easy of collection than the salt-duty. It fell very lightly upon the people, and its existence, indeed, was hardly known to them, and it fell rateably upon the rich and poor owing to the peculiar conditions of Native life. He hoped that the reserve of taxation which the Government now possessed in its power on an emergency again to increase the salt-duty now so largely reduced would render any discussion of measures of direct taxation unnecessary for the future.

There was only one further remark which he desired to make, and that was as to the charge for *Military Ordinary*. He could not help feeling some considerable disappointment that so little had actually been done, for reasons which had been just explained, to give effect to the reduction in the cost of the army proposed by the Army Commission of 1879. The Army Commission did not make any proposals for economy at the sacrifice of the efficiency of the army. He believed that they stated the case correctly and moderately when they said "that their proposals, while they undoubtedly effect a very material saving, will also render more efficient in time of war the armies of India and the great Departments of Military Administration, on which they depend for much of their efficiency," and again, when they said "in the general organisation and administration of the army we have proposed changes which substitute a simple and more powerful system for one which in the growth of years has become somewhat antiquated and cumbrous." If this was true,—and it had certainly never yet been shown to be untrue,—it could not be right to go on paying the enormous sums we did for our military organisation, when a much more efficient organisation could be secured at a considerably less cost.

He was in hopes that we should be told that, in the face of the financial prosperity of the country, the limit on the expenditure on Productive Public Works had been withdrawn. No one could now doubt that money expended on carefully selected projects for improved communications would yield a large return, and there was no question but that the present improvement in the financial and general condition of the country was mainly due to the railways already constructed. Private interprise should, he quite agreed, receive every encouragement compatible with the interests of the tax-payers of the country; but certainly private interprise would not do all that was wanted for India, and probably would do very little except on terms unfavourable to the revenues of the country. If private interprise could be induced to take up certain new projects on fair terms, thus enabling Government to expend more money on projects less attractive to the public, it would be a good thing done; but nothing, it seemed to him, was gained by making over to private companies works already completed and yielding a fair return. This really amounted to giving to private companies a portion of the revenue of the country, while it in no way hastened on the development of communication.

Major the Hon'ble E. BARING said that, in the Financial Statement which he made to the Council the other day, he expressed the firm and confident belief that the proposals of the Government would receive fair and impartial consideration from this Council and from the public. That prediction had been amply verified. But they were under this disadvantage, that, owing to the necessity for hurrying these Bills through the Council, they had not as yet had the advantage of learning the opinion of the public in other portions of India on the proposals of the Government. They had, however, had a very interesting debate in this Council, and they had also had the advantage of learning such opinions on the Government proposals as could be pronounced by the local Press after a consideration of 48 hours, which, he admitted, was not very much time to give them. He was not far from the mark in saying that the general verdict on the proposals of the Government was one of approval, but it was impossible that, in proposing such important measures of reform as those now under consideration, there should be unanimity of opinion. There must be some differences of opinion; but, on the whole, he thought he was not going too far in saying that the proposals of the Government had not been the subject of any very acute criticism.

He now turned from these general observations to deal with one or two of the more prominent points which had been raised in the course of the discussion. The first subject to which he would refer was the question of the salt-duty. The reduction proposed in the salt-duty had been criticised by one or two members of the Council, and his hon'ble friend Mr. Inglis said that he did not think that by taking off the duty they would lower the price of salt by one pice to the consumer. That opinion, and some of the other opinions which had been expressed by his hon'ble friends, constituted a class of argument which it was very difficult for MAJOR BARING to answer in a satisfactory manner; because

they spoke with a much greater and longer experience of the country than any to which he could pretend. He understood the case to be this, that, in England, there were certain laws, which he would not dignify by the name of political economy, but which were rather laws of common sense, and which regulated ordinary commercial proceedings. In England, competition brought down prices; again, it was considered unadvisable in England to tax the necessary articles of consumption used by the poorest classes. He was told that these were excellent commercial principles for the county of Middlesex, but that they did not apply to the 24-Parganas; for that the moment one passed the Isthmus of Suez, the ordinary principles of commerce and trade became inapplicable. These local arguments placed him in a very difficult situation. For, although he was quite certain that, on the banks of the Thames, two and two made four, he could not be certain that, owing to his ignorance of local customs, they did not make 5½ on the banks of the Huglí; he could not be certain that black was black, or white was white, in India. No doubt some extraordinary things did happen in India. He was reading recently in a local paper that a gentleman in Calcutta had been able, by means of some spiritualistic agency,—he thought it must have been a local spirit,—to extract a sheet of writing-paper from a table in London and deposit it in Calcutta. If he had been in London and that paper had been removed from Calcutta and produced in London, he should have received the statement with a certain amount of scepticism; but he had heard so much here of local phenomena and local peculiarities, that he was unable to say whether Calcutta sheets of note-paper obeyed the same laws of time and space as those in England. It was, no doubt, owing to some local peculiarity, which he could not explain, that the Indian consumer resolutely persisted in paying one rupee for an article which could be obtained for 14 annas. It must also be owing to some local peculiarity that the Indian merchants did not endeavour to undersell one another. But he would ask his hon'ble friends whether they did not attach somewhat too great importance to these local peculiarities. When his hon'ble friend said that it was very universally held that the reduction in the salt-duties would not benefit the poorest class, some qualification must be made. Only this morning he took up an Anglo-Vernacular paper, in which he found it stated—"This reduction of price "in so necessary an article is a very great blessing indeed to the poorest classes." He also found that, elsewhere in India, the opinion which had been expressed by his hon'ble friend was not entertained. He wished to remind the Council what took place when the customs line was abolished. The price of salt was raised in Southern India and decreased in Upper India. His hon'ble friend thought it would have been sufficient to have reduced the duty in Bengal from Rs. 2-14 to Rs. 2-8, and he also thought that the differential duty against Bengal was very unjust, and he was glad to see it disappear. They who sat here had the advantage of hearing a good deal of Bengal interests; but it should be remembered that the Legislative Council of the Government of India had to legislate for Provinces beyond Bengal, and must take into consideration the different circumstances and interests of every part of India; and in Bombay and Madras there was not that universality of opinion against the reduction of the salt-duties which, according to his hon'ble friend, existed here. He always read the *Times of India* and the *Bombay Gazette* with particular attention, because these papers discussed questions of finance with marked ability. The *Bombay Gazette*—which he received this morning—said "Salt at the present moment "is dirty and dear in India, and the tax is a hardship on the poorest inhabitants "of the land." He might quote abundance of evidence to show that public opinion in Bombay was not such as his hon'ble friend represented the public opinion of Calcutta to be. He might also adduce some evidence to show the state of public opinion in Madras. He was much struck a short time ago in reading an article in the *Madras Mail*, which must have been written wholly in ignorance of what the Government was going to do, but which really foreshadowed the policy of the Government with regard to opium and salt. It was argued, with considerable ability, that the proper use to which to apply a large opium surplus was to effect a reduction of the salt-duty. That was exactly what the Government had done. It was also argued that the duty pressed hardly on the poorest classes. If it was true that the salt-duty did not press very hardly and it made

no difference what the tax were, he should like to know what became of those three lákhs of rupees which, his hon'ble friend said, certain salt-merchants were going to lose by the reduction of the duty? Where did it go to? Did it all go into the hands of the middlemen, between the wholesale merchant and the consumer? He very much doubted it. There appeared to be some contradiction in terms. If the salt-duty did not press hardly on the consumer and a reduction of the duty had no effect, he wondered why the consumption in Madras had never yet reached the figure at which it stood in 1868-69? He wondered why cheap salt invariably pushed dear salt out of the market, and the territorial frontier between the two descriptions of salt had been shown by experience to be reached where the two rates of duty were equalized? He wondered why the consumption of salt steadily went on increasing where the duty was reduced, and also why, in Rájputána and in Central India, when the salt-duty was raised, the price of salt immediately increased very largely. He held in his hands extracts from reports of the Political Officers in Rájputána, which showed that, when the duty was increased, the price became enhanced; and it was evident, therefore, that, when the duty was lowered, the price would be decreased. He would give a few instances in which prices had thus increased. Writing from Jodhpur, the Political Officer said :—" In September, 1878, the " selling price of salt was 40 sers ; in November it was 29½ ; in December it was " 24 ; in January, 1879, it was 20 ; and now it was 16 sers." That is to say, that, on the abolition of the customs-line, the price rose from 40 sers to 16. That appeared a rather remarkable difference. In Bikanír, the effect of the change on the poorer classes had been to cause them to lessen their daily consumption so as to avoid having to buy the new salt. Then, in Meywár, the "poorer classes no " longer received *gratis* from the village *baniyá* the customary pinch of salt with " his daily meal of flour, but they had now to pay one anna a month for about one " pound of salt. Each hide cured now costs one anna more than formerly, and, " though the people have not curtailed their own consumption of salt, they had " begun to give less to their cattle." In Kota, again, " salt was now selling at " nine sers per rupee, more than double its price a short time ago. The mass of " the people are passively resigned, and look on the change as unavoidable." Now, he (MAJOR BARING) had a good deal of sympathy for people who were passively resigned and looked on a change as unavoidable, and he wished his hon'ble friends had reserved some of their sympathy for these men : when they had to pay a heavy duty, it fell hardly on them.

Perhaps hon'ble members hardly realised the effect of the remark which had been made by his friend Mr. Rivers Thompson about the poverty of India. A calculation had been made which showed what the annual income was per head of the population, and the result was arrived at that it was Rs. 27 per annum. He was not prepared to say that that estimate was absolutely correct, but he thought it was quite sufficient to show the extreme poverty of the mass of the people. In England, the average income per head of population was £33 per head ; in France, it was £23 ; in Turkey, which was the poorest country in Europe, it was £4 per head. He would ask hon'ble members to think what Rs. 27 per annum was to support a person, and then he would ask whether a few annas was nothing to such poor people.

Now, there was another point of view of this question as to which he should like to say something. Allusion had been made by his hon'ble friend Mr. Rivers Thompson, as well as by His Honour the Lieutenant-Governor of Bengal, about a reduction of the salt-duty very much strengthening the financial position of the country. Several times during the last 20 years, direct taxation had been used as the financial reserve for India. Now, that was not a very satisfactory financial reserve to fall back upon in times of emergency. Whatever might be said for or against direct taxation, his own view was, that direct taxation was singularly unsuited to be made the means of rectifying budget inequalities in India in times of financial pressure. If there was to be direct taxation, let it be a permanent tax, and not subject to constant changes ; for, if any measure of direct taxation was subjected to frequent changes, it would serve as a powerful instrument of oppression in the hands of the tax-gatherer and also keep alive political friction. If, however, a direct tax was not to be

used for that purpose, MAJOR BARING knew of no other form of taxation that was more suitable for the purpose than the salt-duty. But, in order to utilise it as a reserve, the rate of duty must be reduced to as low a point as was feasible. His only regret was that the Government had not been able to reduce it to a lower point. Not only, therefore, did the reduction of this tax relieve the poorer classes, but it strengthened the financial position very much.

There was one other point of view to which he wished to refer. His hon'ble friend said that the Government might have taken off some other tax instead of reducing the salt-duty. MAJOR BARING thought his hon'ble friend could hardly have sufficiently perceived the force of the remark in the Financial Statement as to the manner in which it was proposed to effect a reduction of the salt-duty. To explain this more fully he must refer to the question of opium. Last year an income of £6,500,000 net was estimated under this head. That estimate was a good deal criticised both in England and here. It was said that too low an estimate had been taken. He fully admitted that the taking of too low an estimate was, as a matter of technical finance, objectionable. But the real question was, to what extent could the Government, in reliance upon opium, either take off taxation or incur additional expenditure. The answer to that question depended upon the nature of the tax which was taken off. He should never have recommended that the license-tax or the import-duties, or any form of taxation which involved a permanent loss of revenue, should be taken off in reliance upon a source of revenue which was precarious. But when the Government came to deal with a duty like the salt-duty, which, when the necessity arose, could easily be put on again, and when, moreover, it was considered that the loss would be recouped in time by increased consumption, then the financial danger of relying upon the revenue from opium became very much less. He wished, therefore, to point out that a reduction to Rs. 2 a maund on salt was only possible by taking a higher estimate of the receipts from opium than last year. That was all he had to say on the subject of the salt-duties.

The next question to which he would refer was an extremely difficult one. He did not mind confessing that the criticism of his hon'ble friend Mr. Inglis, as to the export-duty on rice not being taken off, was the most formidable criticism which might be brought against the financial arrangements of the year. He need hardly say that he was no friend of export, any more than of import, duties; indeed, he should rather say that he was generally less a friend of the former than of the latter. The question, however, was not whether the export-duty was good or bad, but whether it could be taken off this year. He need hardly also say that the text-books on political economy laid down certain dicta with respect to export-duties, and this was one of the few subjects upon which the text-books were unanimous, and upon which everybody agreed. It was laid down that the export-duty was not justifiable unless the country which levied it had a monopoly of the article on which the duty was levied. His distinguished friend the Lieutenant-Governor had called to mind the fact that this subject was very carefully considered in 1875, and MAJOR BARING remembered that, in 1873, when Lord Northbrook issued his circular with reference to taxation generally, the subject received very careful consideration at the hands of Sir Ashley Eden, who was then the Chief Commissioner of British Burma. The opinion which was then adopted by the highest authorities was that, although India and British Burma had not the entire monopoly of the rice-trade, they had a practical monopoly, and that the tax could not be considered an objectionable one. The Government recently considered the subject afresh, and MAJOR BARING had talked the question over with many intelligent gentlemen in Rangoon, who were much interested in the trade, when he accompanied His Excellency the Viceroy in his recent visit to British Burma. The conclusion he came to was, that the question was not one of great urgency, and that there was no great need to take off the export-duty at the present time. He did not say that the state of things now was exactly the same as it was in 1873 or in 1875, because the production of rice had very much increased; prices had, therefore, gone down, and very probably producers received smaller profits. If the whole question of the customs-duties had been intact and no changes had been made, it might have been a fair question for argument whether it would

not have been wiser to begin with some diminution of the export-duty before touching the import-duties. But it should be remembered that the import-duties had got into such a state of confusion that it was absolutely necessary to deal with the subject. He need not repeat what he had said on this subject in his Financial Statement; his remarks under this head had not been challenged. That being the case, the Government considered it was wiser to deal comprehensively with one great branch of the customs-duties than to deal in detail with two separate branches of it, and that, for all practical purposes, the export-duty on rice might for the present be left alone. If the duty could have been taken off, he would have rejoiced to have done so.

The next question he had to allude to was the license-tax. He need say but little upon this subject. His hon'ble friend Mr. Inglis had said that the non-official community had remained perfectly silent upon this subject up to the present time, but he warned the Government that, if the tax was kept on, they could allow their voice to be heard. The question had never struck MAJOR BARING from that point of view before. MAJOR BARING had always thought that the non-official community had already allowed their voices to be heard. In fact, he did not remember any question upon which they had allowed themselves to be heard more distinctly. We often heard a good deal of India having no representative institutions, but he did not know of any body of persons in or out of India who were so well represented as these 228,000 people who paid the license-tax: the Government had always heard of their grievance both in and out of this Council. And, when his friend Mahárájá Jotíndrá Mohan Tagore talked of benefiting the suffering millions, MAJOR BARING supposed he alluded to these 228,000 people. There were, however, not millions who paid the tax, but a few hundred thousand. If the Government, in preference to taking off the import-duties and the reduction of the salt-duty, had taken off the license-tax, and therefore benefited this small but wealthy community, it might with justice have been said that they had sacrificed the interests of India and had legislated for class-interests. But that, he was glad to say, had not been done.

He thought he had now dealt with the larger questions which had been raised in the course of this discussion. He would now refer to one or two of the minor points. His hon'ble friend Mr. Reynolds, in his instructive and interesting speech, said that something should have been done to improve the position of the subordinate judicial service in the same manner as for the subordinate executive service. MAJOR BARING had omitted to say, in alluding to the subordinate executive service, that he had intended to include the judicial branch of the service, for the improvement of whose status Rs. 70,000 per annum had been allotted. Then, another point, to which his hon'ble friend Mr. Inglis referred, was the taking off of the duty on light wines. MAJOR BARING had no hesitation in saying that the subject would be considered, but it was one of considerable difficulty; because the Government was under certain treaty-obligations with respect to wines of this class. He would only add that he was convinced that the measures which the Government had proposed for the acceptance of this Council were for the best interests of India, and, on the whole, he thought the Government might congratulate itself upon the way in which their proposals had been received.

His Excellency THE PRESIDENT said,—"The discussion which has taken place in this Council to-day has been on the whole, I think I may fairly say, so satisfactory to the Government as indicating the judgment pronounced by the Members of this Council upon their financial proposals, that I might almost have dispensed myself from the necessity of occupying the time of this Council with any remarks of my own; but, considering the important nature and the large scope of the proposals contained in the Budget of my hon'ble friend Major Baring, it would not, I think, be altogether right that I should permit this discussion to be brought to a conclusion without giving briefly the reasons which have induced me to accord my cordial concurrence to the proposals which have been submitted to the Government by my hon'ble friend; and, therefore, I will ask the permission of my hon'ble colleagues to occupy their attention for a short time while I make a few observations upon the principal points with which this Budget deals.

"I will begin by speaking of the proposed repeal of the customs duties. I need not recapitulate the convincing evidence, brought before this Council in the statement of Major Baring, to show that the existing state of things in respect to our customs revenue is one which it was impossible to continue longer than was absolutely necessary. That that is the case, I think I may fairly say, is admitted on all hands, and no one appears to contest that the steps which were taken with respect to our customs tariff under the Government of my predecessor, Lord Lytton, left that tariff in a condition in which it was impossible that it could permanently remain. And, in making that statement, I am not saying anything of which my hon'ble friend, Lord Lytton, would complain; because, in a recent speech which he has made in England, he distinctly admitted,—and he took credit to himself for the fact,—that the partial measures of customs repeal adopted by his Government were intended to bring about that result which they have undoubtedly now produced, and to render the continuance of the chief customs duties in this country altogether impossible.

"It was, therefore, as it seems to me, absolutely imperative that the Government should take the earliest opportunity of dealing with this question of the customs duties, and I must say for myself that it was a strong motive with me to seize that opportunity as soon as it arrived; because, by dealing with this subject in a permanent and final manner, we may cherish the hope that we shall thus put an end to those differences of opinion upon the questions which have unhappily now for several years existed between the people of England and the people of India, and in which I must frankly say that I think neither party to the controversy has been just to the other.

"I think that, in India, men have been apt to overlook the feelings which must naturally be entertained upon this subject by those who have all their lives been the earnest and conscientious advocates of the principles of free trade. No doubt it is perfectly true that, when Manchester manufacturers ask for the repeal of the cotton duties, they are asking for something which will confer benefit upon themselves; but I venture to say that it is almost impossible for those who stood beside my friends the late Mr. Cobden and Mr. Bright in the great free trade controversies of the past, to understand how men can possibly accuse them of selfishness because they desire to confer upon the people of India those benefits from which they and the people of England had derived so many blessings. And, again, I think that in England men have not understood that strong—I had almost said that vehement—dread which exists in this country in connection with the imposition of direct taxation. Neither, I think, have they adverted to the fact of the limited extent to which economic principles are either studied or understood here, and, therefore, this controversy might have continued and might have been made the subject of more and more misunderstanding between two great branches of the subjects of our Queen-Empress who ought to feel that they form but one people under the shadow of her august throne. But I should mislead my hon'ble colleagues and the public if, in consequence of my allusion to the present condition of this question of the customs tariff and the impossibility of continuing the existing state of things, they were to suppose that I was attempting to shelter myself behind the special circumstances in which we are now placed, and was attempting to represent that, in adopting the policy of repealing the customs duties, I have been only brought to that conclusion by the mere necessities of the particular situation in which we are placed. I desire upon all occasions to be frank both with my hon'ble colleagues in this Council and with the public of India, and, therefore, I am bound to say that it has been with great satisfaction that I have seized the present opportunity of repealing these customs duties; because I earnestly believe that that repeal will be found beneficial to the general interests of India. My hon'ble friend Mahárájá Jotíndrá Mohan Tagore dropped some words about neglect of justice to India in consideration of the interests of Manchester manufacturers. I am quite sure that my hon'ble friend did not mean those remarks to apply to me, and, indeed, if my hon'ble friend has done me the honour of paying any attention to the course which I have pursued during a public life which has extended now over more than thirty years, he will know that, from

the earliest period of that public life, I have been an earnest and consistent advocate of the fiscal principles of the free trade party; and I have been so because I believed that those principles were principles of general application, calculated to confer the largest benefits upon the great mass of the community of any nation to which they might be applied. And, therefore, no man can be surprised that, holding those opinions strongly and firmly, and having advocated them throughout the whole course of my political career, I should be desirous, when a fitting opportunity occurred, of having a hand in conferring upon the people of India the benefit of the application of principles which I believe to be calculated to conduce to their permanent advantage and prosperity. And I can say that, if I did not entertain that opinion,—if I thought that the course which the Government is about to take with respect to these customs duties was a course which would benefit England at the expense of India, I would not have been induced by any consideration to be a party to such a proceeding. I desire, so long as I may hold the position which I have now the honour to fill, to govern India in the interests of India and for the benefit of her people; and I would not consent to be a party to any measures which I did not honestly believe would conduce to that great end.

"The policy of the Government in this respect is a policy which has been pursued, as we all know, at home now for a long series of years, and which can quote in its support the names of the most illustrious financial statesmen of England, from the time of Mr. Husskinson, or the days of Sir Robert Peel, down to the long and eminent financial administration of my right hon'ble friend Mr. Gladstone. That policy has been founded upon a belief—I should rather have said, an absolute conviction—that anything in the nature of protective duties is highly injurious to the country in which they exist, and also upon the belief that small customs duties, which hamper trade and produce very little revenue, are highly mischievous and objectionable; and I am bound to say, especially with respect to the last of these objections—the objection, namely, to small unproductive duties, which interfere greatly with trade and fetter its operation—that it applies more strongly to India than to other countries; because, I believe, there is scarcely anything of more importance to the future prosperity of this great peninsula than that we should do all in our power to promote and to increase commercial progress and industrial advance, and that everything which tends to check or fetter the commerce or industry of this country has an especially baneful influence upon the general interests of the population.

"It must be borne in mind that this customs revenue, speaking broadly, was not an increasing revenue. It had not those elements of growth which exist in many of the great sources of revenue in England, and from its very nature it was not calculated to possess those growing elements; whereas it may fairly be hoped that, by thus removing the trammels which press upon the springs of trade, we may stimulate enterprise and may derive direct financial benefit from increased railway receipts, which are a growing element—and which, I believe, will prove in the future to be a very growing element—in the revenue of the country. But while I say this, and while I express my strong opinion that the course which the Government is taking now is opportune and calculated to be highly beneficial to the country, I am yet bound to say that I should not have been a party to the repeal of the cotton duties, or to the repeal of the other customs duties, if it had been proposed to repeal them in the face of a deficit, or if it had been necessary, in order to repeal them, to impose other taxation upon the country. I am not at all unaware of the great examples which might be quoted in favour of carrying out an important customs reform under the shelter of the imposition of a direct tax. We have all heard of the famous Budget of Sir Robert Peel, in which he made a large reform of our complicated, antiquated and troublesome English customs system and recouped himself by means of the imposition of an income tax; but I do not think that that would have been a wise course to pursue in India. I am very well aware, as I have just said, of the strong feelings entertained in this country with respect to direct taxation. I am not going to enter now upon that thorny question; but it would have been, in my judgment, highly unwise, for the purpose even of so large a benefit as the

repeal of these customs duties, to have shown that want of consideration for a large and strongly expressed public opinion which would have been involved in such a proposition as one by which fresh taxation would have been imposed upon the people for the purpose of repealing these customs duties. It was on that very account that, in spite of all the anomalies of some portions of our present customs system—in spite of the exceeding absurdity of the results which followed from some of the arrangements made in regard to grey goods by previous alterations, the Government of India abstained from touching this question last year. We were then not completely free from the expenditure and the trammels of the Afghán War, and we determined that no consideration, even of public convenience, should induce us to deal with this question except at a time when we could take it up and could proceed to settle it on a general and permanent footing, and in a condition of the finances which, as has been recognised by my hon'ble friend the Lieutenant-Governor of Bengal, would justify the large remission of the customs duties proposed this year.

"And now I will pass on to a consideration of the arrangements proposed with respect to the salt tax. I can really add very little to what has fallen from my hon'ble friend Major Baring with respect to that matter. I confess that I am a very strong advocate of this portion of the Budget. I think that the large reduction we propose in the salt tax is very desirable, both upon general ground and upon financial grounds. My hon'ble friend Major Baring has dealt with the financial portion of the question, and I can add nothing to what he has said in that respect; but I desire to express the difficulty which I feel in adopting the view, which has been put forward by some of my hon'ble friends in the course of this discussion, that this tax upon salt, which is a tax upon a necessary of life—which is a tax of many hundred per cent. upon the natural price of the article—which is paid, as I believe I am justified in saying, for or on behalf of every person in this country—of all the many millions gathered under the sceptre of our Queen-Empress, is not a tax which is felt by those who pay it—is not a tax which it is desirable to reduce apart from the financial considerations which lead to its reduction, in order to confer a benefit upon the great mass of the population of this country. My hon'ble friend Rájá Siva Prasád has stated his opinion that this salt duty is felt by the people, that it does press upon them, and that they will obtain considerable relief by the reduction now proposed. I confess that I find it very difficult to suppose that that is not the case, and that a tax of this kind, paid by men whose annual income is as low, or nearly as low, as the figure mentioned by my hon'ble friend Major Baring, does not press heavily upon those who are least able to contribute to the necessities of the Government.

"I know that it has been sometimes argued, in favour of the reduction of this tax, that no man can consume more than a certain amount of salt, and that, therefore, the tax presses most unequally upon the poor as well as the rich. That is an argument which in India may, I admit, be pressed too far, because, as we all know from the habits and the charity of the people of this country, the wealthier classes have always a very large number of persons depending upon them, and the salt tax they pay is not a tax upon what they consume themselves only, but also upon the salt consumed by the large number of human beings dependent upon them for their existence. Nevertheless, when every allowance is made for that consideration, I am at a loss to understand how it can be argued that this tax is a peculiarly equable tax; because, however great the number of dependents a rich man may have, it is quite impossible that the amount of salt duty he pays can bear to his revenue anything like the same proportion which the amount of duty paid by one of those poor raiyats, described by my hon'ble friend, bears to his small and miserable income.

"My hon'ble friend Mr. Inglis remarked that we should not repeal the salt duty but equalise it. 'Take off,' he said, 'the differential duty in Bengal.' That would have been in many respects a good thing to do, if we had done nothing else. If, however, we had taken off the differential duty on sea-borne salt in Bengal, and left the salt duty as it was in other parts of India, there would have been plenty of people to tell us that we had taken off the duty for the

benefit of the Cheshire manufacturers. That is exactly the style of argument which would have been used, and it would undoubtedly have been true as regards the effect, of the repeal of the duty on sea-borne salt, though not as regards the intention of the Government.

"Then there is another point which presses with me very much in respect to this salt tax, and that is the effect it has on agriculture. We all know that the consumption of salt is very necessary for cattle, and in the papers to which my hon'ble friend Major Baring referred—and very remarkable papers they are—in connection with this subject, namely, the reports from Rájputána with respect to the result of the recent salt arrangements in that part of the world, particular attention is drawn to the fact that, in many cases, while the consumption of salt by the people themselves is not diminished, the amount of salt given to the cattle has diminished greatly. It is, no doubt, contrary to public policy to maintain at a high rate a tax which has a practical tendency to discourage and interfere with the progress and advancement of agriculture. Then, again, it must be borne in mind that, as my hon'ble friend Major Baring said, this tax, when lowered in other parts of India a few years ago, was raised in Bombay and Madras, and the quotation he has made from a very able newspaper on the Bombay side shows that the people of that part of the world have not forgotten that fact, and that they are of opinion that the tax raised against them has pressed upon them heavily, and that they will undoubtedly rejoice in a reduction which will bring down the tax nearly to what it was before it was raised a few years ago.

"Now, it seems to me that, with respect to this salt tax, we are in this position. If the salt tax does not press upon the people—if it is a tax which they do not feel at all and do not object to pay, then it does form, without doubt, the best possible financial resource you can have, and the lower you can bring it down the greater is the security to the people of India against other forms of taxation. If, on the other hand, the salt tax does press upon the poorer classes of the country, then surely it is only right and just that the Government should give those—the poorest classes—a share of the prosperity which the country is enjoying at the present time, even although it may at some future period of financial difficulty and disaster be necessary to re-impose the duty temporarily in order that we may recoup ourselves for the loss which such a condition of affairs would impose upon us. But, then, my hon'ble friend says that all experience shows that this reduction does not reach the people. I can really add nothing to what my hon'ble friend Major Bearing said upon that subject. I cannot say what may be the experience of this country. I can only say that the experience of all other countries is precisely the other way, and I am altogether unconvinced that large reductions of taxation will not ultimately reach the consumer, and will not be found here, as everywhere, to benefit the consumer at large. With respect to that, I may say that it is the intention of the Government to use every effort in their power to make known as widely as possible this reduction of the salt duty. We propose to address Local Governments on the subject, with a view to their taking measures to make the reduction everywhere known to the actual masses of the people themselves; and I would also ask the aid of the Vernacular Press in regard to that matter, and beg them to make the reduction as widely known as possible among their readers in every part of the land.

"I pass now from the salt duty to the question of the license tax. My hon'ble friend Major Baring has stated very distinctly and unmistakeably in his Financial Statement the policy of the Government upon that subject, and the position which we take up. He has told to this Council and to the public that we reserve to ourselves entire freedom to deal with the license tax hereafter as we may think right. It is perfectly open to us, as he explained, to repeal it, re-cast it or leave it for a time in its present position, although undoubtedly we acknowledge and admit that in its present form it is open to just and important objections. But, when the choice is put to me as a choice between getting rid of the license tax and of the salt duty, I personally must honestly say that I can have no hesitation as to the choice which I would make. I prefer the salt duty, because, in the first place, as I have said, it presses upon—at all events, it cannot be disputed that it is paid by—all the poorest

people in this country; whereas, as shown in the Budget Statement, the license tax is paid by only between 200,000 and 300,000 persons. Therefore, in respect to numbers, I cannot for a moment doubt that the course the Government is taking in this respect will afford relief from taxation to a far larger number of people in the country than would have resulted from the repeal of the license tax. And it must be recollected that there is in this Council very little representation, if any, of those poorest classes—indeed, no representation at all, except such as may be found in those who take an interest in their situation and are prompted to speak on their behalf. Those classes, as my hon'ble friend Rájá Siva Prasád remarked, are in this country practically dumb; their voices do not go to swell the chorus of public opinion; they are little heard even in the echoes of the Press; and, therefore, it is the bounden duty of the Government to guard their interests and to provide for their benefit. But there is another reason why I prefer on this occasion to deal with the salt duty rather than with the license tax, and that is because I certainly hope and believe that it will be found that, when this salt duty is reduced as largely as we propose to reduce it, the loss of revenue will be in the course of time recouped, and that that recoupment will enable us hereafter to proceed to further reductions of taxation; whereas, if we had dealt with the license tax and simply abolished it, there would have been no opening for recoupment—no prospect of a revenue growing up again from that source.

"Then it may be said—'You are going to take off something like £1,400,000 of salt duty. Why do not you take off a less amount of salt duty and repeal the license tax—or' (as my hon'ble friend Mr. Inglis suggested) 'take off the export duty on rice?' I will tell you why. Because we are convinced that, with respect to this question of the salt duty, a bold policy is the only sound policy for the Government to adopt. If you make a small reduction of the salt duty, it is very possible it will not reach the people. It is extremely possible that they will derive little or no benefit from it, and then the revenue will not be recouped. You can only hope to obtain all the benefits we desire from this reduction of the salt duty by making a large and bold reduction in it, which will afford a fair prospect—and, I venture to hope, a great deal more than a fair prospect—that the great mass of the people will benefit by it; that, benefiting by it, they will increase their consumption of salt, and that, from that increased consumption, our revenue will gradually recover from the loss first accruing to it from the partial remission of this duty. That would not have been the case if we had made a small reduction. We should never have obtained the object we had in view, and it would have practically resulted in a dead loss of revenue without the advantages which, under present circumstances, we may hope to obtain from it.

"Then, again, with respect to the license tax, my hon'ble friend Major Baring, in his Budget Statement, has set out a variety of considerations which introduce elements of uncertainty into our financial position in regard to the future. I hope and believe that they are all those elements of uncertainty which will turn out for our benefit, and which will be ultimately solved in a manner calculated to confer financial advantages upon the country. But it is very necessary that, under such circumstances, we should proceed cautiously, and that we should wait, while those grounds for uncertainty exist, until we can see our way more clearly in regard to them, before making any larger remissions of taxation than those very considerable ones which this Budget proposes. I think nothing could be more unwise than that we should propose to repeal a tax which is undoubtedly, and I may at once admit it, an unpopular tax, unless we had been perfectly certain we should not be obliged to have recourse to it again within the space of a few years. The history of direct taxation in this country, as explained by my hon'ble friend Major Baring, gives most striking proofs, as it seems to me, of the unwisdom of dealing rashly with this question—of making constant changes and proceeding without those elements of certainty which, as I say, are at the present moment in some respects wanting to us.

"With respect to opium, I have really nothing to add to the very able statement made upon that subject in the Budget speech of my hon'ble friend Major Baring. That statement has, I think I may say, been received with general sa-

tisfaction by all who have heard it. My view on the subject of opium is a very simple one. I do not deny that there are objections of various kinds to the opium revenue. I do not deny that it is not a satisfactory branch of our revenue in many ways; but I say distinctly that I will be no party to abandoning that revenue unless I can clearly see my way to replace it by some other form of taxation which would be neither oppressive to the people nor strongly repugnant to public opinion. Well, I can see nothing of the kind. I have considered the question very carefully. I have considered it with the utmost respect for the opinion of those excellent men who take a different view of this subject from that which I take, and who are moving at home in the matter; and I have been totally unable to discover the taxation by which our opium revenue could be replaced, and by which, without oppression, without incurring a great, and, I may say, a just, unpopularity, we should have the slightest chance of recouping ourselves if we were to abandon that revenue in whole or in part. As I said before, it is, in my judgment, the first duty of the Government of India to consider the interests of the people of India; and it is from that point of view that I look at this question; and, looking at it from that point of view, I can have no doubt that the course which the Government of India have determined to take, namely, that of maintaining our position with respect to the opium revenue, is a just and right one.

"But, then, I have heard it said, 'If you cannot make up for the loss of this revenue by fresh taxes, you can make up for it by reduction of expenditure.' Well, there is no one more anxious for reduction of unnecessary expenditure than I am. There is no person who desires to see every item of expenditure which is not needed in the interests of the country got rid of than I am. That is the view of the Government, and we are most anxious to reduce expenditure wherever it is possible. Some reductions of military expenditure we have already made, as has been explained to you, and we hope that yet further steps in that direction may hereafter be taken. As you know, the whole of this subject was very carefully considered a year or two ago by an Army Commission, composed of very able men, who examined this question with the greatest care and made an admirable report. That Commission was presided over by my hon'ble friend Sir Ashley Eden; and, as I have mentioned his name, I cannot help availing myself of this occasion to say how strongly I recognise that, by his services on that Commission, he has added to the many great claims he has established by his long and distinguished career in India to the gratitude alike of the Government and of the people of the country; and I cannot but express the regret which I feel, and which I know will be heartily shared by all here, that it will not now be many months before we shall lose him from amongst us. But this I have to say in respect to this matter of expenditure, that it seems to me that every rupee of that expenditure which may be saved from unnecessary or unproductive objects is urgently needed for purposes of the highest importance to the people,—public works, education, sanitary questions,—questions that I can scarcely number, but all of which make most urgent demands upon the Government for money, and I can hold out no hope that, by any reduction of aggregate expenditure, we can save, not seven or eight millions, but one or two millions, out of the necessary expenditure of this country for great objects of public importance.

"The opium estimate for the coming year has been framed, as you are aware, upon a somewhat different principle from that upon which the estimate of last year was framed, and I am bound to say that, for myself, I prefer the course taken upon this occasion. I believe that estimate to be a very cautious one. It would be extremely unwise, I entirely admit, that our opium estimate should be anything but very cautious. All estimates of revenue should be low; all estimates of expenditure should be high; and I go further in regard to opium, and say that our estimate of the opium revenue should always be, on account of the peculiar circumstances connected with that branch of the revenue, a specially cautious and low one; but I believe that we have fulfilled that condition in the present year, and, as far as I myself can judge, I am of opinion that the amount placed by my hon'ble friend in the Budget is one which, saving unforeseen accidents of the season or circumstances of trade, is likely to be realised.

"I do not know that there are any other points connected with this Budget upon which I need express my opinion now. I have touched upon the principal matters with which it deals, and I have laid before my hon'ble colleagues in this Council some, at least, of the reasons which induce me heartily to concur in the proposals of my hon'ble friend. But I cannot conclude the remarks I have made on this occasion without tendering my warm thanks to Major Baring for the great care and labour which he has bestowed upon this Budget. No one who has not had the advantage I have had of watching him at work upon this subject for the last twelve months can know how hard he has worked; what wide and varied consideration of the whole field of past and present taxation—what close and careful examination of our whole fiscal system and of the resources of the country—he has gone through in order to produce in this final form the proposals now before us. Whatever any man may think of those proposals, they are, I venture to say, so far as my hon'ble friend is concerned, the outcome of deep thought, of minute care and of honest conviction; and I must say that to me they seem well worthy of the high reputation as a financier which he had already procured for himself before he came to India.

"I must also express my best thanks to Mr. Hope. It is needless for me to speak of his ability, or of his really wonderful industry. They are known to all, but they have, I venture to say, never been more conspicuously displayed than in connection with the preparation of the present Budget.

"Allusion has been made once or twice in the course of this discussion to certain inquiries made last year by Mr. Barbour, and I should be very ungrateful if I failed to notice the great assistance the Government has received from him; the manner in which he has conducted those inquiries has been marked by much ability and skill.

"It only remains now for me, in conclusion, to say that it is my earnest hope that this present Budget, while it will unfetter trade and lighten the burden of taxation that presses upon the poorest in the land, will be found, when it has passed through the test of experience, to have dealt with our financial arrangements in a manner consistent alike with sound economical principles and calculated to confer large and increasing benefits upon all classes of the people."

The Motion was put and agreed to.

Major the Hon'ble E. BARING applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The PRESIDENT declared the Rules suspended.

Major the Hon'ble E. BARING then moved that the Bill be passed.

The Motion was put and agreed to.

SALT BILL.

Major the Hon'ble E. BARING also moved that the Bill for regulating the duty on Salt and for other purposes be taken into consideration.

The Motion was put and agreed to.

Major the Hon'ble E. BARING also applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The PRESIDENT declared the Rules suspended.

Major the Hon'ble E. BARING then moved that the Bill be passed.

The Motion was put and agreed to.

KÁNÚNGOS AND PATWÁRÍS (N.-W. P. AND OUDH) BILL.

Major the Hon'ble E. BARING also moved that the Bill to amend the law relating to Kánúngos and Patwáris in the North-Western Provinces and Oudh be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. CROSTHWAITE moved that, in section eleven, line one, for the words "section one" the words "sections one, ten" be substituted; and that, in the same section, line eight, for the word "nine" the word "ten" be substituted; and, in doing so, he asked leave to say a few words on the principle of the Bill. The object of the amendment was to secure that the intention of the Government in relieving cultivators of the soil as well as owners should be carried out as far as possible. He believed that no measure in this Budget would be productive of greater good than the measure to which this Bill referred, and, therefore, the remarks he was about to make would be directed merely to the form in which it was proposed to afford this relief. The relief was put in a form which would, perhaps, be considered to embrace other Provinces as well. The payment which the zamíndárs in the North-Western Provinces made on account of patwáris was not in the nature of a tax, but for services done to them by the village-accountant, who kept the accounts of the agricultural classes. It had always been the fundamental principle of the revenue-administration that the owners of land should render true and accurate accounts of their dealings with the agricultural classes, and that they should pay for the services of the village-accountant. He only wished to secure an expression of opinion from the hon'ble mover of the Bill, that, in putting the relief to be given to the zamíndárs in the present form, it was not the intention of the Government to abandon the principle to which he had referred, or to undertake to bear for the future the cost of providing the services of patwáris in all the Provinces. It might not embarrass the Government of the North-Western Provinces to take upon itself this burden; but, speaking for the Central Provinces, he believed the Administration had been looking forward to putting into force the measure passed into law last year, which gave the Local Government power to raise the sum now paid by zamíndárs in some districts of those Provinces for their patwáris, and to levy a cess in those districts in which it did not at present exist. He was afraid that the present Bill, if allowed to pass without an expression of opinion that it was merely a measure of relief to the zamíndárs in the North-Western Provinces and Oudh, on the ground that their taxation was heavier than it ought to be, might be taken to be an expression of the intention of Government to bear everywhere the cost of patwáris, and might tend to embarrass the Governments of other Provinces. That was the only ground on account of which he took objection to the present Bill. He gathered that the reason why relief had been given in this way, rather than by reducing the amount of the other rates paid by the zamíndárs, was the expectation that it would reach the cultivators and the actual occupiers of the soil more in this form than in any other way. That was an expectation which might be partially true, but he was afraid that over a very great part of the North-Western Provinces the hope was futile. These rates had been for a long time amalgamated with the rent, and the rent was now collected by the zamíndárs from their tenants in a way which made it impossible to separate the amount of cess payable by tenants on account of patwáris from the proper rent. In Oudh and the permanently-settled parts of the North-Western Provinces that was not the case. But it was so over the greater part of the North-Western Provinces; and, therefore, he was afraid that the expectation that the relief would reach the cultivators and actual occupants of the soil was not founded on fact. At the same time, in order to secure, as far as possible, that the intentions of the Government might be put into effect, he moved the amendment which he had just read.

Major the Hon'ble E. BARING said that, as regarded his hon'ble friend's objections to the principle of the Bill, he could answer him in a very few words. This proposal originated, not in a special desire to relieve the zamíndars who paid the patwáris, but merely because the Government of India thought the North-Western Provinces should have some remission of taxation, and it was a question for the Local Government to decide what form that remission should take. That was clearly a point as to which the Government of India must be led by the opinion of the local authorities. He must confess that his own first impression was that the best thing to do was to take off what was generally known as the famine-cess; but Sir George Couper, who was intimately acquaint-

ed with the circumstances of the North-Western Provinces and Oudh, thought that the best form of relief would be to take off the patwárí-cess; and, as regarded the amount of relief, it was certainly much larger than the amount levied under the famine-cess. He had not the figures before him, but he thought he was correct when he said that the famine-cess in the North-Western Provinces and Oudh yielded £170,000, and the relief now proposed to be given in one form or another amounted to £316,000. He had, however, no hesitation in saying that, because the patwárí-cess would not hereafter be levied in the North-Western Provinces and Oudh, that was no reason why it should not be levied in some form or other in other Provinces. He quite agreed with his hon'ble friend that it would be very difficult, by any measure of relief, to reach tenants, especially tenants-at-will, but Sir George Couper thought this was the best form the relief should take.

As regarded the amendment itself, it quite agreed with the scope of the intention and object of the original measure, and the Government would therefore accept it.

The Motion was put and agreed to.

Major the Hon'ble E. BARING applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The PRESIDENT declared the Rules suspended.

Major the Hon'ble E. BARING then moved that the Bill as amended be passed.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 16th March, 1882.

CALCUTTA;
The 10th March, 1882.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India,
Legislative Department.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 AND 25 VIC., CAP. 67.

The Council met at Government House on Thursday, the 16th March, 1882.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I., G.M.I.E., *presiding*.
His Honour the Lieutenant-Governor of Bengal, K.C.S.I.
His Excellency the Commander-in-Chief, G.C.B., C.I.E.
The Hon'ble Whitley Stokes, C.S.I., C.I.E.
The Hon'ble Rivers Thompson, C.S.I., C.I.E.
The Hon'ble J. Gibbs, C.S.I., C.I.E.
Major the Hon'ble E. Baring, R.A., C.S.I., C.I.E.
Major-General the Hon'ble T. F. Wilson, C.B., C.I.E.
The Hon'ble Mahárájá Jotíndra Mohan Tagore, C.S.I.
The Hon'ble L. Forbes.
The Hon'ble G. H. P. Evans.
The Hon'ble C. H. T. Crosthwaite.
The Hon'ble A. B. Inglis.
The Hon'ble Rájá Siva Prasád, C.S.I.
The Hon'ble W. W. Hunter, C.I.E., LL.D.
The Hon'ble Sayyad Ahmad Khán Bahádur, C.S.I.
The Hon'ble Durgá Charan Láhá.
The Hon'ble H. J. Reynolds.

PAPER CURRENCY ACT AMENDMENT BILL.

The Hon'ble MR. STOKES moved that the Bill to amend the Indian Paper Currency, Act, 1871, as amended, be passed. He said that he made this Motion as a mere matter of form, not with the expectation of the Bill being passed, but in order to give his hon'ble friend Major Baring an opportunity of making a statement with regard to the conversion of bullion into rupees.

Major the Hon'ble E. BARING said that on the last occasion when this Bill was under the consideration of the Council, his hon'ble friend Mr. Inglis raised certain objections to the measure, and the result of the objections was that the further consideration of the Bill was postponed for a fortnight. In the interval which had elapsed since the Bill came under consideration, he had been in communication with his hon'ble friend, and his friend, on his part, had been in communication with the Banks and importers of bullion, who were mainly interested in the proposed change of the law. He was now, therefore, in a position to state the course which the Government proposed to adopt on the subject,—a course which the Government could readily accept, and which, he hoped, would be acceptable to his hon'ble friend and those whom he represented. The special objection which was raised by his hon'ble friend was this, that, whereas under the existing practice importers of bullion were able to obtain coined rupees for their specie immediately after delivery of the Assay Master's certificate, under the Bill, if it was passed into law, they would have to wait for their rupees until such time as their bullion had been converted into rupees at the Mint. He would not on the present occasion enter into all the arguments for or against this amendment of the law, because he was about to propose that the further consideration of the Bill be postponed. He might, however, say that some of the arguments which he had heard raised against the amendment of the law were of a nature which he did not think it would be possible to uphold. On the other hand, he admitted that the matter required further consideration. The Government would always hesitate very much to ask the Council to pass any measure into law unless those who were interested

in the change which it was proposed to make had had a very full opportunity to express their views, and thus of having them fully considered by the Executive Government. And this observation held specially good in respect to currency matters, for currency questions were very difficult and very complicated, and it might be possible that many members of this Council had not had their attention specially directed to them. He should, therefore, hesitate very much to ask the Council to pass any amendment which affected the currency law, until those who were mainly interested in the change had had every opportunity of stating their views on the subject. He might mention that his hon'ble friend Mr Inglis had himself stated that he had not given any special attention to the subject, but he thought that the ability with which his hon'ble friend represented the views of the mercantile community clearly showed that their case did not lose anything by being placed in his hands. He was, therefore, on behalf of the Government, quite prepared to postpone the further consideration of the measure for the present. His hon'ble friend had given him to understand that the Banks and importers of bullion, who were mainly interested in the question, would like to have time to consult their friends in England. That, MAJOR BARING thought, was a reasonable request, and he was prepared, on behalf of the Government, to say that they would not consider the question executively until the 15th of June, by which time he hoped they would have the advantage of having placed before them the views of those whom his hon'ble friend represented. By that date the Government hoped to reconsider the matter, and possibly some communication with the Secretary of State might be necessary; for, as he had explained before, the amendment of the law was introduced at the instance of the late Secretary of State, Lord Cranbrook. In agreeing, however, to a postponement of the measure, he wished to make two qualifications. It had to be borne in mind that the original scope of the measure first introduced was merely to provide for a circle of issue in British Burma. In respect to that portion of the Bill, no objection whatever had been raised, and there were also one or two very minor amendments in the currency law to which no objections had been taken. There would be no practical objection to postponing the measure so far as the establishment of a circle of issue in Burma was concerned, because the Bank of England had not yet furnished the notes for Burma, and, even if the Bill were passed into law to-day, the Government would not be able to constitute a circle of issue at Rangoon for some months to come. He thought that the interests of the mercantile community of Burma would be met if they had these notes by the cold season. Although it would be objectionable to pass the Bill as it stood with the proposal to which his hon'ble friend objected at Simla, and although he was prepared, on behalf of the Government, to say that that would not be done, and that the passing of the Bill would be postponed till the Council re-united in Calcutta, he did not think there would be any objection, if necessity should arise, to passing at Simla the Bill without the provision relating to the conversion of bullion into currency; that was to say, the clauses relating to the establishment of a circle of issue in Burma and the other minor amendments to which he had alluded. He would be glad if his hon'ble friend would take the opportunity of stating his opinion upon this branch of the subject in the course of the discussion. There was one other qualification which he had to make in agreeing to a postponement, and in regard to which he would make a few observations. Under the existing Act of 1871, the Government had the power, by a notification in the Gazette, to interpose a period of time between the delivery of the Assay Master's certificate and the handing over of coined rupees to the person who held that certificate. That provision of the law had never yet been acted upon, because no occasion had hitherto arisen which necessitated its being put into practice, and he had no reason for supposing that any such occasion would arise in the course of the year. At the same time, he wished to say that, in agreeing to the postponement of the Bill, it must be clearly understood that, should occasion arise, and should it be found that the currency reserve consisted, to an undesirable extent, of bullion and to a less extent than was quite safe of coined rupees, then the Government would not hesitate to act on the power, which at present existed, and interpose a period of time between the delivery of the certificate and the handing over of coined rupees for imported bullion.

With these observations he proposed that the further consideration of this Bill be postponed.

The Hon'ble MR. INGLIS said that, on the part of the Banks and other importers of bullion, he had to thank the Government for consenting to postpone the consideration, until the Council next met in Calcutta, of that portion of the Indian Paper Currency Act which proposed to effect a change in the issue of Mint certificates. This would give the parties affected by the change ample time to present their views, and he trusted they would be able to adduce good reasons why it should not be made. There could be no possible objection to passing the other portions of the Bill at Simla if it was found to be necessary to deal, during the summer, with the question of extending the paper-currency to Burma and those other minor points to which no one objected.

Since this subject was last before the Council, he had ascertained somewhat more fully the views of the importers of bullion, and they were anxious it should be known that they had no wish to base their objections to the Government proposal on merely selfish grounds. If it could be fairly said that, by the present method, they gained at the public expense, they would have nothing to urge against the change. They urged, however, that in ordinary times it could make no difference to the Currency Department whether an importer of bullion who had obtained a Mint certificate was paid the value of that certificate immediately, or after a longer or shorter interval. The Currency Department derived no interest from the supplies of notes and coin lying idle in their hands. These were so much dead-stock, as it were; and, if importers of bullion could be accommodated by receiving its value from the Currency Department before it was coined, without any loss to the public revenues, it could not be said that any special favour was being shown them. In times of pressure, when the supplies of coin at the disposal of the Currency Department did not permit of this accommodation being given, importers of bullion could not object to Government making use of the power they now had, under section 14 of the present Act, to name an interval sufficient to admit of their bullion being coined, after which their Mint certificates would be cashed.

Another point was this, that in India importers of bullion paid a Mint charge of Rs. 2-15 per cent. for conversion of their bullion into coin. In England, no such charge was made. Any one who tendered £10,000 or upwards in gold bullion to the Mint, might have it converted into coin absolutely free of expense. MR. INGLIS was not able to say how the cost of the English Mint was met, but he believed it was from profits derived from the coinage of the silver and copper currency. At all events, the fact, he believed, was not disputed that, while here the charge for coinage paid by importers of bullion was relied upon to pay for the cost of keeping up the Mints, in England the Mint was kept up virtually at the public cost. This was a strong reason why no additional charge should in this country be thrown upon importers of bullion.

This led him to make just one other remark. Was it desirable on the part of Government to do anything which would have the effect of discouraging imports of bullion? The issue of deferred Mint certificates as the rule, and not the exception, would undoubtedly have this effect. It would probably, in the first instance, raise the price of the Secretary of State's bills relatively to silver; but, as in the long run the price of Council bills was determined by the price of silver, anything that would tend to depress that price would re-act on Council bills.

The Hon'ble MR. STOKES then asked leave to withdraw the Motion.

Leave was granted.

CIVIL PROCEDURE CODE AMENDMENT BILL.

The Hon'ble MR. STOKES also moved that the Report of the Select Committee on the Bill to amend the Code of Civil Procedure be taken into consideration. He said that the Committee approved of all the amendments which the Bill, as introduced, proposed to effect, and had made some ten further amendments, which he would shortly describe to the Council.

First, they had, at the suggestion of the High Court, North-Western Provinces, amended sections 80 and 81 of the Code so as to provide for annexing, as

well as endorsing, returns of service. Such returns were, in the North-Western Provinces and, possibly, elsewhere, prepared on printed forms and annexed to the original summons, and by this expedient much clerical labour was saved, as it was only necessary to fill up the blanks left in the forms.

Secondly, at the suggestion of the same High Court, and also of the Bombay Government, they had added to section 95 of the Code a proviso enabling the Local Government, with the previous sanction of the Government of India, to remit postage and registering fees chargeable under the Code, or to prescribe a scale of court-fees to be levied in lieu thereof.

In section 266, clause (*g*), they had, at the suggestion of the Chief Commissioner of Assam, expressly exempted from attachment gratuities to pensioners of Government, and they had altered clause (*h*) of the same section so as to exempt the salary of a public officer or railway-servant when it did not exceed Rs. 20. Whatever sums over Rs. 20 might become liable to attachment of half, at least Rs. 10 would thus be left in the hands of such officers and servants. Two at least of the Local Governments were in favour of this change.

In section 289, they had made a small verbal amendment, so as to make it clear that the copy of the proclamation of an execution-sale should not be fixed up in the court-house until after the proclamation had been made where the property to be sold was attached. Mr. Justice Prinsep had represented that this change was needed to prevent the practice of first fixing up the copy in the court-house, the consequence of which was, as the date of sale depended on the date of so fixing up the copy, that full time was not given to persons living near to the property to be sold.

To section 337 they had added some words to show how, in the case of a surety, the security furnished under that section might be realised.

In the chapter on insolvency, they had made two slight amendments: in section 347 they had, at the suggestion of the Local Government and High Court of the North-Western Provinces, enabled the Court, where the applicant was a pauper judgment-debtor, to exempt him from any payments under that section; and to section 351 they had added a clause requiring the Court, if not satisfied as to the propriety of the judgment-debtor's conduct, to make an order rejecting his application: the effect of this would be to render such orders appealable—a matter as to which there had been contradictory decisions (Indian Law Reports, 5 Calc. 719; 6 Calc. 168).

Section 368 empowered the plaintiff, in certain cases where the defendant, or one of several defendants, died, to apply to the Court and get the representative of the deceased made defendant in his stead, and declared that "when the plaintiff fails to make such application within the period prescribed therefor, the suit shall abate." This had been found to cause hardship, and the Committee had therefore added the words "unless he satisfies the Court that he had sufficient cause for not making the application within such period."

Doubts having been raised by the learned Advocate General of Bengal and the Judges of the Calcutta Court of Small Causes as to the precise position of a Commissioner under section 399, the Committee had declared that, for the purposes of that section, he should be deemed to be a Civil Court.

At the suggestion of Mr. Sayyad Mahmud, they had modified section 582 so as to render Chapter XXI completely applicable to proceedings arising out of the death, marriage or insolvency of parties to an appeal. This would preclude a doubt which had recently arisen in the High Court at Fort William, as to whether, when an appellant died, and his representative failed to apply to be substituted, and the appeal abated, the Court could award costs to the respondent as against the appellant's representatives.

In section 642, they had made a verbal change to show that judicial officers, &c., were, under the circumstances there mentioned, exempt from arrest under process issued by Revenue Courts, and they had modified section 651 so as to provide, in accordance with a decision of Mr. Justice Straight, for resisting apprehension under the warrants of such Courts.

They had also made some slight amendments in a few of the forms contained in schedule IV.

As the Code had already been amended, they thought that the convenience of the Courts, the Bar and the public required that Act X of 1877 and its

amending Act (XII of 1879) should be repealed and re-enacted with the amendments made by the Bill and those described in their report. The present order and numbering of sections and chapters would be preserved, so that no one, except perhaps the proprietors of unsold editions of the Code, would complain of the proposed re-enactment.

The Motion was put and agreed to.

The Hon'ble MR. EVANS moved that, in section thirteen, for paragraph one of the same Bill, the following be substituted, namely:—

"No Court shall try any suit or issue in which the matter directly and substantially in issue

has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court of jurisdiction competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and

has been heard and finally decided by such Court."

He said that he had to move an amendment in section 13. This section was generally known under the name of the *res judicata* section. The necessity for the amendment which he proposed arose in this way. The broad principle of *res judicata*, he believed, no one disputed; it was a most useful and necessary principle and rested upon abundant foundation. It rested upon the broad principle that, when a man had once obtained the decision of the tribunal to which the State had committed the adjudication of such questions, the other party to the suit should have no power to harass him further by a fresh suit upon the same subject-matter. It also rested upon another broad principle, that it was desirable to have finality in litigation. Otherwise there would be perpetual uncertainty of title and uncertainty of property. The want of such finality would depreciate the value of property. There was therefore no desire on MR. EVANS' part, or on the part of anybody, to diminish in any way the operation of this just principle. This principle was one of substantive law and of universal application, and did not derive its force from any Procedure Code. But it had always been thought desirable that the Procedure Code should contain a section positively barring the institution of a second suit on the same subject-matter. It had also been thought wise to have a further provision to the effect that, if in any suit any issue or point be properly raised, it should not be raised again in any other suit between the same parties, although such suit might be in regard to a different subject-matter. This broad principle was subject to the limitation that the decision sought to be used in bar of a subsequent suit or trial should be that of a competent Court. But the question was, what was the meaning in section 13 of the term "competent Court?" Did it mean a Court of jurisdiction competent to try the subsequent suit or of jurisdiction competent to try the former suit? That was to say, must the Court whose decision was used in bar be of concurrent jurisdiction with the Court which was to be barred by the decision, or might it be an inferior Court?

The case of Courts of exclusive jurisdiction was sufficiently provided for by the substantive law and the Evidence Act, and need not be mentioned in the Procedure Code.

This question had assumed a very great practical importance on this account. Rent-suits in Bengal had been transferred from the Revenue Courts, which had no power to determine questions of title, to the Munsifs' Courts,—Courts which were Courts of general jurisdiction, but limited in extent. What happened frequently in a rent-suit was this: Every zamíndár was obliged to give general authority to his local agents to bring suits for rent without special reference to him, and these men had to exercise their own discretion in the institution and conduct of such suits. There was, however, a provision of the rent law under which a claimant might dispute the right of the plaintiff to demand rent from the tenant, on the ground that he, the claimant, was the proprietor of the land and not the plaintiff. Then the Munsif had to decide, for the purposes of that suit, which might be a suit for Rs. 5 on account of rent, who was the party who was entitled to get that rent; and, on the scanty materials be-

fore him in the petty case, this badly-paid, and possibly unlearned, Munsif, with the aid of such argument as might be addressed to him by the class of vakíls practising in such Courts, gave the best decision he could.

But the question on which the right to that paltry sum depended might involve the title to vast zamíndáris with thousands of tenants.

If on a subsequent occasion the claimant, who had been successful in the Rs. 5 case, instituted a suit to eject the zamíndár from the possession of these vast zamíndáris—a suit possibly valued at 20 lakhs of rupees—was the existence of the Munsif's decree in the rent-suit to be a bar to the trial of the important question of title by the superior Courts?

Was the superior Court to refuse to hear the zamíndár and to eject him on production of the Munsif's decision, although that decision might be clearly wrong?

Was the zamíndár to lose his zamíndárí without power to bring his case before the High Court and the Privy Council? This grave question depended on the meaning of the words "competent Court" in the Act. It had been decided that the true construction of these words was one which made the Munsif's decision conclusive. This was not a satisfactory state of things.

How was a man to advance money upon the security of land under such a state of things?

How were counsel to advise on the soundness of a title when all the care might be defeated by the production of a rent-decree for Rs. 5 from some obscure local Court of the lowest grade?

This evil was felt in 1879; the question was then agitated; it was agreed by the Select Committee on Act XII of 1879, of which MR. EVANS and his learned friend the Advocate-General were members, that some amendment of this sort was necessary. The amending Bill was, however, passed at Simla, and for some reason the amendment was not introduced into the Act. His learned friend the Law Member could perhaps explain how it had happened. This was an amendment which was called for, it being necessary to define what was a Court of competent jurisdiction.

On the question of the necessity of defining the terms "competent Court," MR. EVANS referred to a case in which Mr. Justice White said that he would have interpreted the words in the sense given to them by the amendment if he had not been obliged to follow decided cases, in which the other interpretation had been given to the words.

That was followed by a more recent decision in a case involving over a lákh of rupees, which confirmed the interpretation already put by the Courts, and in which the Judges held themselves bound by a Munsif's decision in a rent-suit, though they were of opinion it was a wrong decision.

He had said enough to show the necessity for the amendment, and he believed it to be an amendment which would be approved of alike by the Bench, the Bar and the suitors. But it had been suggested to him that the section, as amended, did not cover the whole ground covered by the principle of *res judicata*. It had been pointed out that the section, as amended, did not compel a Court, which had no jurisdiction finally to decide certain questions, to follow the decision of Courts which had exclusive jurisdiction to decide such matters. But he thought it did not require any section in a Procedure Code to secure the result. The rules laid down in *Duchess of Kingston's case*, and declared by the Privy Council to be applicable to India, covered the whole ground.

The section, as amended, would be useful and salutary, if not exhaustive. He thought it better to have an useful section which was not exhaustive, than to work inconvenience and practical evil in straining to include every thing.

The Hon'ble MR. STOKES said that he cordially supported the amendment of his hon'ble and learned friend, one of the few members of their profession who had aided him in the arduous task of codification. It would render the intention of the Legislature clearer as to the issues meant in section 13 of the Code, though he was not so sanguine as to believe that it would render it impossible for the Courts in future to misconstrue the clause in question. In England, the rule was that absurdity and inconvenience were to be avoided when the language of a Statute admitted of another meaning, and in India this rule

had been followed by Mr. Justice White in construing section 13, although that learned Judge had been compelled to submit to former decisions. Here, however, it was hardly too much to say that some Judges (he was happy to say, they were but few) were inclined to decide as if the rule was exactly the reverse—as if, in other words, the presumption was that the Legislature intended an absurd and mischievous, rather than a reasonable and wholesome, enactment. This unfortunate tendency was, probably, like most other juristic phenomena, capable of an historical explanation; but however that might be, it rendered the task of the draftsman of Indian Acts so difficult as to be almost impracticable, and it furnished a complete justification for the code of rules of construction which the late Indian Law Commission had recommended, and which it was to be hoped that MR. STOKES' able and accomplished successor would frame and pass during his term of office.

The Motion was put and agreed to.

The Hon'ble MR. STOKES moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

PRESIDENCY SMALL CAUSE COURTS BILL.

The Hon'ble MR. STOKES also moved that the final Report of the Select Committee on the Bill to consolidate and amend the law relating to the Courts of Small Causes established in the Presidency-towns be taken into consideration. He said that the Select Committee had amended section 23 (extending portions of the Code of Civil Procedure) of the Bill as referred back to them, and thus made the same procedure applicable to all cases before the Small Cause Courts.

In section 31 of the Bill (prescribing the cases in which the Court might suspend execution of decree), the Committee had by a slight alteration made it clear that the Small Cause Court had power to discharge from imprisonment a judgment-debtor who was unable from poverty to pay the amount of the decree against him.

In deference to the opinion of the mercantile community and what MR. STOKES for one considered the just claims of the pleaders, the Committee had omitted section 90, which declared what persons were entitled to appear, plead or act in a suit or proceeding in the Small Cause Court, and had thus left that matter to be provided for by rules to be made under section six of the Legal Practitioners Act, 1879.

They had postponed the commencement of the Bill to the 1st of July next, and, so as to give full time for settling the new rules of procedure, they had made some minor amendments in the Bill, most of which had been suggested by Mr. MacEwen, one of the Judges of the Calcutta Court of Small Causes, to whom he (MR. STOKES) desired to express his obligations. They recommended that the Bill be passed as now amended.

The Motion was put and agreed to.

The Hon'ble MR. STOKES also moved that section twenty-four of the same Bill be omitted and the section-numbers and cross-references in the Bill be altered accordingly. The section in effect provided that certain decisions of the Small Cause Court should not operate as *res judicatæ* in the High Court. The Council having adopted the amendment of section 13 of the Code of Civil Procedure, brought forward by his hon'ble and learned friend Mr. Evans, section 24 of the Bill became unnecessary.

The Hon'ble MR. HUNTER said that he desired to allude for a moment to one section of this Bill. The pleaders of the Small Cause Court believed that section 90 of the Bill, as it was originally printed, would interfere with their practice and damage their professional prospects. He wished to acknowledge the ready courtesy with which his hon'ble friend the Law Member received the representations which he made on their behalf. The clause objected to had been removed by the Select Committee on its further consideration of the Bill; and he had much pleasure in voting for the Bill as it now stood.

The Hon'ble MR. INGLIS said that he wished to express his acknowledgments to the Select Committee for the improvements they had effected in the Bill since it was last before the Council. He was glad Government had conceded the points asked for in the memorial from merchants and others. As regarded the point raised by Mr. Evans in the Select Committee's report, he desired to express his agreement with Mr. Evans' view that it would be decidedly preferable to give defendants a carefully guarded power to apply for a transfer of their cases before trial to the High Court, rather than allow them to apply for a rehearing by the High Court after trial in the Small Cause Court. The provisions as to rehearing, embodied in sections 39 to 41 of the Bill, took away the character of finality, so much prized, which at present attached to all Small Cause Court decisions. This was, MR. INGLIS thought, very unfortunate, and he doubted very much if they would work well in practice. At the request of the hon'ble member in charge of the Bill, he consulted the Committees of the Chamber of Commerce and the Trades Association regarding these sections, and was sorry to find that the two bodies differed regarding them. The Committee of the Chamber of Commerce were of opinion that they should be omitted from the Bill. The Trades Association, on the other hand, were in favour of retaining them. In these circumstances, as the hon'ble the Law Member had decided to retain the sections in the Bill, he was not prepared to move their omission, as he would have done had the parties chiefly concerned been unanimous. His own opinion was they were a mistake, and that they would, by and by, have to be repealed.

The Hon'ble MR. EVANS said he wished to explain shortly why it was that his dissent appeared in the report of the Select Committee as regarded the rehearing sections. The question arose in this way. When it was proposed that the jurisdiction of the Small Cause Courts should be extended to Rs. 2,000, it was ascertained that the public, whose voice was the only voice of importance in a measure of this kind, desired to have a short, cheap and speedy means of recovering trade and mercantile debts up to Rs. 2,000; and it was agreed, after enquiry, that this might be granted. But the question arose whether, as regards suits between Rs. 1,000 and Rs. 2,000, there should not be some safeguard, some means by which questions of complexity and difficulty, which very often arose in cases of that amount, and which could not be very satisfactorily decided in the Small Cause Courts, should in some way be brought before the High Court for determination. There were cases in which the full machinery of the High Court, for forcing one party to discover to the other what documents he had relating to the case by allowing an inspection of books, &c., was of great advantage. This was a power which the Small Cause Courts did not possess. Two courses were proposed. One was what MR. EVANS had proposed, and what he had persistently advocated. It was allowed by section 22 that the plaintiff might elect the Court in which he wished to proceed, and might sue his defendant either in the Small Cause Court or in the High Court as he pleased, subject to this condition, that, if he brought his suit in the High Court, and if he succeeded in his suit, he should lose his costs, unless a Judge of the High Court certified that the case was a fit case to be tried in the High Court.

From this it appeared that the Act itself recognized the fact that there were some classes of cases which were fit to be brought in the High Court, and that meant that the procedure of the Small Cause Court was unfit for the adjudication of such cases. In such cases the plaintiff, notwithstanding that he sued in the High Court instead of in the Small Cause Court, would get his costs. It appeared to MR. EVANS that the complement to that section was to enact a somewhat similar provision with regard to defendants. As, however, a defendant, when sued for money, was generally anxious to obtain as much delay as he possibly could, MR. EVANS proposed to tie him down more strictly, and to enact that a defendant should be at liberty to make an application to have the case transferred from the Small Cause Court to the High Court, upon a full affidavit of the facts and particulars of his defence, which would enable the High Court to judge whether it was a fit case for removal. The other party would have the opportunity of putting in a counter-affidavit, and of being

heard in opposition; and, if the Judge to whom the application was made thought that it was a fit case, he should have the power of directing the transfer of the case from the Small Cause Court to the High Court. Further, such transfer being ordered, the Judge would be empowered to impose such terms on the defendant, as regarded the deposit of security and the like, as he thought fit. Provisions of a somewhat similar kind would be found in the distress-sections of this Act. That, MR. EVANS thought, would be sufficient to bring before the High Court all cases of real complexity, leaving the same finality to attach to the decisions of the Small Cause Court, in suits between Rs. 1,000 and Rs. 2,000, as at present existed in the case of suits under Rs. 1,000.

The other course was one which was to be found in sections 39—41, and it was a procedure of a singular character. As the law at present stood, it was possible to get the Judge of the Small Cause Court to refer a point of law to the High Court. That was a simple thing. Then, where there had been a mis-trial, or the decision was unsatisfactory to either party, there was a provision enabling either party to apply for an order for the rehearing of the case by the Small Cause Court. On such application, the Judge who originally tried the case sat with another Judge to decide whether or not there had been a miscarriage of justice; and the necessity for the presence of the Judge who tried the case arose from the fact that the evidence of witnesses was not reduced to writing in the Small Cause Courts. It was, therefore, essential that the Judge who heard the case should be sitting there, in order to correct any mistaken view of the evidence which the pleaders, through their zeal for their clients, might seek to impress upon the Court. Each pleader would most naturally think that the evidence of his witnesses ought to be believed, and he tried to impress upon the Court the nature of that evidence. But, if the Judge before whom the case was first heard was present on the application for a re-trial, he would be in a position to correct the pleaders as to the facts which were really established in evidence. The new remedy was that an application might be made *ex parte* before a Judge of the High Court, by affidavits, in which the applicant might swear to a state of facts of which the High Court Judge was perfectly ignorant, and the Judge would have nothing before him but the *ex parte* statements of the applicant; and, with the exception of allowing a margin for the overstatement of evidence, which every prudent Judge would probably do, the Judge would have no possible means of saying whether the facts stated in the affidavits were correct or not. If, on hearing these affidavits, the High Court was of opinion that there had been a miscarriage of justice, or that for any other reason it was a case fit to be re-heard, then the case would be brought before the High Court, and then tried afresh.

MR. EVANS held the same views on this subject as had been expressed by his hon'ble friend Mr. Inglis; and those views were shared by the Judges of the Small Cause Court and, he believed, by the Local Government.

But the rehearing clauses of the Bill had been drawn by his learned friend Mr. Pitt-Kennedy, and approved of by the Select Committee and the Executive Government. Under these circumstances, MR. EVANS had asked his hon'ble friend Mr. Inglis to consult his friends amongst the mercantile and trading communities, in order to ascertain their wishes in the matter, and he found that the members of those communities were split up into two sections. The Chamber of Commerce agreed with the view held by MR. EVANS, but the members of the Trades Association preferred the sections which had been introduced into the Bill.

Having regard to the present stage of the proceedings, if any motion which MR. EVANS brought forward was successful, it would, he found, have the effect of stopping the immediate passing of the Bill, and he was not disposed to take any course which might have that effect; because he understood that the members of the mercantile and trading communities considered it very desirable that the Bill should be passed without further delay. Bearing also in mind that, if experience showed that these sections in the Bill worked badly, the Act could easily be amended by their omission, or the substitution of such provisions as he had suggested, he thought it would not be his duty at this late stage of the proceedings to move any amendment.

The Hon'ble MR. STOKES said that he agreed in much that had been said by his hon'ble and learned friend Mr. Evans with regard to the provisions as to re-hearing in the High Court. Those provisions were no children of his. They were framed by his learned friend Mr. Pitt-Kennedy, on the model of certain rules enacted by the 14 & 15 Vic., c. 57, for the Irish Civil Bill Courts, and they were intended to provide, in cases of suits for more than Rs. 1,000, where there had been a failure of justice, a substitute for an appeal, without entailing the necessity of any elaborate record of evidence being kept by the Court below. They had received the approval of the Advocate General of Bengal, who was, in 1881, a member of the Select Committee. Still there was no doubt that they did away, in an important class of cases, with the finality which should characterise the decisions of a Small Cause Court, and they were probably open to other objections. If, then, his hon'ble friend Mr. Evans had moved to omit them, MR. STOKES should certainly have supported the motion. But the amendment which his hon'ble friend suggested practically amounted to giving to the High Courts a concurrent jurisdiction in suits in which the value of the subject-matter was Rs. 1,000 to Rs. 2,000; and the principal object of this Bill was to withdraw cases of this sort from the ordinary original civil jurisdiction of the High Court, and thus to relieve it from a mass of work which could (it was thought) be efficiently performed by a less expensive tribunal. Moreover, there was much force in the remark of the Calcutta Trades Association that his hon'ble friend's proposal, if adopted, "would be placing a weapon in the hands of defendants to protract proceedings merely for purposes of vexation and needless expense to plaintiffs." For these reasons, if his hon'ble friend's proposal had been put as an amendment, he should have felt bound to oppose it. He ventured to think that, under the circumstances, considering that the provisions in question were approved not only by the Calcutta Trades Association, but also—if one might argue from the absence of objection—by the mercantile community in Madras and Bombay, the Council would do well to let these provisions become law. After a year's experience, if they were found to work ill, they could be repealed without affecting in the least the rest of the measure.

His Excellency THE PRESIDENT said:—"I think that the course which it is proposed to take with regard to this Bill is the best.

"The mercantile community, being really the persons chiefly interested in the measure, appear to be divided on the subject, and, as I understand it, the majority are in favour of trying these sections. Let them, therefore, be tried. As far as my own opinion goes, I am inclined to agree with my hon'ble friend Mr. Inglis; but it would perhaps, on the whole, be wiser to let this system be tried; and, if it be found not to work well, there will be no difficulty in repealing it, as suggested by my hon'ble friend Mr. Evans."

The Motion was put and agreed to.

The Hon'ble MR. STOKES then moved that in Schedule II, opposite "Chapter X," the entry should stand as follows:—

> "Sending for records, and production, &c., of documents, sections 137 (except paragraph 2), 138, 140 (except the proviso and the last six words), 141 (except the third sentence), 142, 143 and 145."

The object was merely to correct an error in this schedule, due to an oversight of the Committee, for which he, as Chairman, was chiefly responsible.

The Motion was put and agreed to.

The Hon'ble MR. STOKES then moved that the Bill, as amended, be passed. It would replace no less than five Acts and four other less important enactments, and it was the last, but not the least important, of the series of measures of consolidation (as distinguished from codification) which he had had the honour of bringing before this Council.

The Motion was put and agreed to.

JHÁNSÍ INCUMBERED ESTATES BILL.

The Hon'ble MR. CROSTHWAITE presented the further Report of the Select Committee on the Bill to provide for the relief of Encumbered Estates in the Jhánsí Division of the North-Western Provinces.

CENTRAL PROVINCES TENANCY BILL.

The Hon'ble MR. CROSTHWAITE also presented the Report of the Select Committee on the Bill to consolidate and amend the law relating to Agricultural Tenancies in the Central Provinces.

BRITISH BURMA PILOTS BILL.

The Hon'ble MR. STOKES introduced the Bill to provide for the grant of licenses to Pilots in British Burma, and for investigating certain charges against them, and moved that it be referred to a Select Committee consisting of the Hon'ble Messrs. Thompson and Crosthwaite and the Mover. He had already sufficiently explained the object and nature of the Bill.

The Motion was put and agreed to.

The Hon'ble MR. STOKES then moved that the Bill and Statement of Objects and Reasons be published in the *British Burma Gazette* in English and in such other languages as the Local Government might think fit.

The Motion was put and agreed to.

The Council then adjourned *sine die*.

CALCUTTA;
The 16th March, 1882.

R. J. CROSTHWAITE,
Offg. Secy. to the Govt. of India,
Legislative Department.

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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART IV.—Acts of the Governor General's Council assented to by the Governor General:—

Nothing for publication.

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Nothing for publication.

SUPPLEMENT No. 14.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 6th April, 1882.

No. 3.—Major L. J. H. Grey, C.S.I., Bengal Staff Corps, has been appointed, with effect from the 31st ultimo, to officiate as Assistant Secretary to the Government of India, Legislative Department, during the absence on furlough of Major H. S. Jarrett, or until further orders.

D. FITZPATRICK,
Secy. to the Govt. of India.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Fort William, the 25th March 1882.

No. 492.—Under the provisions of Section 9 of Statute 24 & 25 Vic., Cap. 67, the Governor General in Council is pleased to direct that His Excellency's Council shall assemble at Simla in the jurisdiction of the Lieutenant-Governor of the Punjab.

Simla, the 1st April 1882.

No. 508.—The services of Major H. M. S. Magrath, Madras Staff Corps, 1st Assistant Commissioner of Coorg, are temporarily placed at the disposal of the Foreign Department, with effect from the 7th March 1882.

ESTABLISHMENTS.

The 5th April 1882.

No. 110.—The following appointments are made in the Assam Commission, with effect from the 30th January 1882, the date of the death of Major M. O. Boyd, Deputy Commissioner, 4th Grade:—

Mr. T. J. Murray, C.S., Assistant Commissioner, 1st Grade, to be Deputy Commissioner, 4th Grade.

Captain H. St. P. Maxwell, Assistant Commissioner, 2nd Grade, to be Assistant Commissioner, 1st Grade.

Mr. W. G. Place, C.S., Assistant Commissioner, 3rd Grade, to be Assistant Commissioner, 2nd Grade.

Mr. R. T. Greer, C.S., Supernumerary Assistant Commissioner, to be Assistant Commissioner, 3rd Grade.

The 6th April 1882.

No. 112.—The Hon'ble Sir Charles Umpherston Aitchison, K.C.S.I., received charge of the office of Lieutenant-Governor of the Punjab and its Dependencies from the Hon'ble Sir Robert Eyles Egerton, K.C.S.I., C.I.E., on the afternoon of the 3rd instant.

MEDICAL.

The 6th April 1882.

No. 120.—The services of Surgeon G. S. A. Ranking, M.B., 6th Bengal Cavalry, are temporarily placed at the disposal of the Government of Bengal.

No. 123.—The services of Surgeon R. Macrae, M.B., Garrison Surgeon, Chunar, are placed at the disposal of the Government of Bengal.

No. 127.—The services of Surgeon W. Beatson are placed temporarily at the disposal of the Government of Bengal.

SANITARY.

The 1st April 1882.

No. 91.—The quarantine lately maintained in Egypt against vessels coming from Bombay and the Turkish Ports of the Red Sea having been withdrawn, the Notification in the Home Department, No. 85, dated the 17th ultimo, publishing rules for the imposition of quarantine against cholera in the Port of Aden, is hereby cancelled.

JUDICIAL.

The 5th April 1882.

No. 459.—Under the provisions of Section 3, Act XXVI of 1881 (The Negotiable Instruments Act, 1881), the Governor General in Council has been pleased to appoint Mr. James Morgan, 1st Class Pleader, Mercara, Coorg, to perform the functions of a Notary Public under that Act.

The 6th April 1882.

No. 467.—The Hon'ble W. Macpherson, C.S., took his seat as an Officiating Judge of the High Court of Judicature at Fort William in Bengal on the forenoon of the 28th ultimo.

POLICE.

The 6th April 1882.

No. 97.—Mr. C. A. Fraser is confirmed in the appointment of Assistant District Superintendent of Police, Hyderabad Assigned Districts, *vice* Syed Shams-ud-din Ali, Khan Bahadur, appointed an Assistant Commissioner of the 3rd Class.

ECCLESIASTICAL.

The 3rd April 1882.

No. 50.—The services of the Reverend J. B. Brunesson, B.A., Chaplain of Morar, are placed at the disposal of the Government of the Punjab, with effect from the 10th instant.

The Reverend H. King O'Connor is appointed to be Chaplain of Morar, *vice* Mr. Brunesson.

The 6th April 1882.

No. 54.—The Reverend G. G. Gillan, M.A., Senior Chaplain of the Church of Scotland on the Bengal Establishment, has obtained six months' special leave of absence on urgent private affairs, with effect from the 15th instant, or such subsequent date as he may avail himself of it.

EDUCATION.

The 1st April 1882.

No. 217.—Under Section 12 of Act II of 1857, the Governor General in Council is pleased to authorise the affiliation of the Metropolitan Institution, Calcutta, to the Calcutta University in Law, with effect from the 1st January 1882.

PATENTS.

The 3rd April 1882.

No. 321.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying :—

No. 126 of 1881.—Percy Swinburne, of Parbatpur, Sylhet Tea Planter, for an improved apparatus for drying tea.

No. 134 of 1881.—Cornelius Curtin Sullivan, Head Master, Thomason College, Roorkee, residing at Roorkee, in the North-West Provinces of India, for a machine for dredging and excavating wells and subsoil foundations.

No. 148 of 1881.—James Nicholas Douglas, of Dulwich, in the County of Surrey, England, Civil Engineer, for improvements in burners.

No. 149 of 1881.—George Westinghouse, Junior, of Canal Road, Kings Cross, in the County of Middlesex, England, for an improved regulating valve for railway brakes worked by fluid pressure.

No. 150 of 1881.—George Westinghouse, Junior, of Canal Road, Kings Cross, in the County of Middlesex, England, for improvements in apparatus for working railway brakes by fluid pressure.

No. 155 of 1881.—Raymond Cahuc, of Vienna, in the Empire of Austria, for a new or improved explosive.

No. 14 of 1882.—Christian Louis Melosch, of Moulmein, in British Burma, Merchant, for an improved method of dressing rice and wheat and apparatus therefor.

No. 23 of 1882.—Alexander Muirhead, of 27, Regency Street, in the City of Westminster, England, and Henry Alfred Charles Saunders, of 66, Old Broad Street, in the City of London, England, for improvements in electric telegraphs.

No. 24 of 1882.—Hiram Stevens Maxim, of Brooklyn, New York, United States of America, for an improved process or method of preparing carbon and other conductors, to be used for electric lighting and other purposes.

No. 28 of 1882.—The Electric Light and Power Generator Company, Limited, of London, England, for improvements in electric lighting apparatus.

No. 29 of 1882.—Thomas Alva Edison, of Menlo Park, in the State of New Jersey, United States of America, Electrician, for improvements in carbon burners for incandescent conductors for electric lamps, and in the means and methods of manufacture and treatment thereof, partly applicable to the manufacture of other carbon articles.

No. 30 of 1882.—Thomas Alva Edison, of Menlo Park, in the State of New Jersey, United States of America, Electrician, for improvements in electric lamps and in circuits for the same.

No. 31 of 1882.—Thomas Alva Edison, of Menlo Park, in the State of New Jersey, United States of America, Electrician, for improvements in and connected with electric lamps.

No. 32 of 1882.—James Constantion Marillier, of Nice, in the Republic of France, for an improved method of, and apparatus for, manufacturing tea.

No. 33 of 1882.—The Right Honourable William Henry, Earl Poulett, of Hinton, St. George, Crewkerne, Somerset and Grenville Hall, Droxford, Hants, England, for improved construction and arrangement of frames and trays for drying and roasting fruit.

No. 34 of 1882.—Daniel Coleman Defries, of the firm of J. Defries and Sons, of No. 147, Houndsditch, in the City of London, County of Middlesex, and Kingdom of England, Merchant, for improvements in pendant lamps, lanterns, or chandeliers.

No. 35 of 1882.—Alexander James Stevenson, Builder, of No. 300, Bow Bazar, in the Town of Calcutta, for self-acting punkha-pulling machine.

No. 39 of 1882.—Alfred Charles Brown and Henry Alfred Charles Saunders, both of 66, Old Broad Street, in the City of London, England, for improvements in telephonic and telegraphic signalling apparatus.

No. 41 of 1882.—Sir James Anderson, of 66, Old Broad Street, in the City of London, and Benjamin Smith, of Princes Street, Hanover Square, in the County of Middlesex, England, for improvements in electric telegraphs.

FORESTS.

The 31st March 1882.

No. 252*F.*—Mr. A. E. Lowrie, Probationer in the Forest Department of the North-Western Provinces and Oudh, is appointed a Sub-Assistant Conservator of Forests, with effect from the 6th January 1882.

Mr. Lowrie will continue for the present to be employed in the North-Western Provinces and Oudh.

The 4th April 1882.

No. 258*F.*—The following officers, who have been appointed by Her Majesty's Secretary of State to the Forest Department of India, are appointed Assistant Conservators of Forests of the 3rd Grade, with effect from the dates specified opposite their names, and are attached to the Provinces mentioned below:—

Mr. M. H. Clifford...	North-Western Provinces and Oudh.	... 4th October 1881
Mr. J. H. Lace ...	Punjab	... 31st December 1881
„ E. S. Carr ...	„	... 30th „ „
„ F. S. Barker ...	Assam	... 31st January 1882
„ A. G. Hobart-Hampden.	North-Western Provinces and Oudh	2nd „ „
Mr. C. A. G. Lillingston.	Bengal	... 23rd February „

Mr. Clifford will be employed in Europe on special duty for one year.

A. MACKENZIE,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 31st March 1882.

No. 452 *G.G.*—The services of Surgeon W. Beatson, Medical Officer in charge of the Meywar Political Agency, are temporarily placed at the disposal of the Home Department.

The 6th April 1882.

No. 476 *G.G.*—Captain N. C. Martelli, B.S.C., Political Assistant of the 3rd Class, Officiating Political Agent of the 3rd Class, and Assistant for Banswarra and Partabgarh to the Agent to the Governor General for Rajputana, and Superintendent of the Operations for the Control of the Moghyas, is appointed temporarily to be an Additional Political Agent of the 1st Class, and is posted as Political Agent, Baghelkhand, and Superintendent of the Rewa State.

No. 479 *G.G.*—Lieutenant H. M. Temple, B.S.C., Officiating Judicial Superintendent of Railways in the Dominions of His Highness the Nizam and Assistant to the Resident at Hyderabad, is appointed to officiate as a Political Assistant of the 2nd Class, and is posted as 2nd Assistant to the Agent to the Governor General for Central India.

No. 482 *G.G.*—The services of Surgeon-Major J. Robb, M.D., Medical Officer to the Political Agency at Zanzibar, are replaced at the disposal of the Government of Bombay.

No. 483 *G.G.*—Surgeon M. L. Bartholemeusz, M.B., is appointed Medical Officer to the Political Agency at Zanzibar.

No. 486 *G.G.*—Lieutenant J. H. Sadler, B.S.C., Assistant to the Agent to the Governor General at Baroda, is granted special leave of absence to Europe for six months, under Section 60 of the Civil Leave Code, from the 7th April 1882, or such subsequent date as he may avail himself of it.

No. 212 *E.G.*—With reference to Foreign Department Notification No. 137 E.G. of the 3rd March 1882, Mr. J. T. Christie, C.I.E., District Superintendent of Police in the Punjab, on Special Duty, is granted special leave for one month from the 24th March.

No. 488 *G.G.*—Misr Rama Charan, Attaché to the Agent to the Governor General for Rajputana, is granted two years' leave, without allowances, with effect from the 15th March 1882, or such subsequent date as he may avail himself of it.

No. 490 *G.G.*—Surgeon J. Duke having returned to duty on the 9th November 1881 from the privilege leave granted to him in Foreign Department Notification No. 1573 G.G. of the 18th August 1881, the unexpired portion of the leave from the 9th to the 23rd November 1881 is hereby cancelled.

MILITARY.

The 31st March 1882.

No. 51 *G.M.*—Lieutenant R. A. Cole, Adjutant, Meywar Bheel Corps, is appointed to be Adjutant of the Erinpura Irregular Force, *vice* Lieutenant R. Seton Burn, deceased.

The 6th April 1882.

No. 59 *G.M.*—The services of Lieutenant C. Herbert, B.S.C., Adjutant, Deoli Irregular Force, are temporarily placed at the disposal of the Military Department.

No. 62 *G.M.*—Lieutenant J. A. Bell, B.S.C., Adjutant, Mhairwarra Battalion, is appointed to officiate as Adjutant of the Deoli Irregular Force, *vice* Lieutenant C. Herbert, or until further orders.

No. 64 *G.M.*—The following promotions in the Meywar Bheel Corps will take effect from the dates specified :—

From the 1st December 1881.

Jemadar Roopjee to be Subadar, *vice* Subadar Dowlut Mir Khan, pensioned.

Jemadar Gobinda to be Subadar, *vice* Subadar Hurjee, pensioned.

Havildar Hubla to be Jemadar, *vice* Jemadar Roopjee, promoted.

Havildar Bajjeea to be Jemadar, *vice* Jemadar Gobinda, promoted.

From the 29th December 1881.

Jemadar Sri Kissen to be Subadar, *vice* Subadar Bhugwandin, deceased.

Havildar Seo Narain to be Jemadar, *vice* Jemadar Sri Kissen, promoted.

POLITICAL.

The 31st March 1882.

No. 87 *G.P.*—His Excellency the Viceroy and Governor General in Council is pleased to recognise the appointment of Mr. F. C. F. de Menezes as Chancellor in Charge of the Portuguese Consulate at Bombay.

No. 90 *G.P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognise the appointment of Mr. L. Biedermann as Acting Consular Agent for France at Rangoon.

No. 93 *G.P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognise the appointment of Mr. L. Biedermann as Acting Consul for Belgium at Rangoon.

The 6th April 1882.

No. 97 *G.P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognise the appointment of Mr. Albert Gerdes as Acting Consul for the German Empire at Madras.

No. 100 *G.P.*—With reference to Foreign Department Notification No. 236 G.P. of the 17th August 1881, Mr. L. Strange has resumed charge of his duties as Consular Agent for the United States of America at Madras from Mr. J. R. Hunter.

No. 103 *G.P.*—His Excellency the Viceroy and Governor General is pleased to confer upon Assistant Surgeon Abd-ur Rahim, in Medical Charge of Bassidore, the title of "Khan Bahadur" as a personal distinction.

JUDICIAL.

The 6th April 1882.

No. 28 *I.J.*—Under the provisions of Section 3, Act II of 1869, the Governor General in Council is pleased to appoint Mr. W. R. Lawrence, C.S., Assistant Commissioner, Merwara, to be a Justice of the Peace for the whole of British India.

C. GRANT,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 1st April 1882.

No. 21.—Mr. W. S. Halsey is confirmed in the appointment of Commissioner of Inland Customs, with effect from the 12th February 1882.

The 5th April 1882.

No. 90.—Privilege leave for two months and seventeen days is granted to Surgeon-Major H. W. Graham, Assay Master, Bombay Mint, with effect from the 1st April 1882.

Surgeon-Major P. F. Bellew is appointed to officiate as Assay Master, Bombay Mint, during the absence of Surgeon-Major H. W. Graham, or until further orders.

The 7th April 1882.

No. 70.—Mr. E. F. T. Atkinson, B.C.S., appointed to officiate as Comptroller General and Head Commissioner of the Department of Issue of State Paper Currency, received charge of those offices after noon on the 28th March 1882.

No. 84.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read again—

Resolution No. 724, dated 6th February 1882, regarding the supply of black writing inks of local manufacture.

Read also—

The undermentioned correspondence regarding the black writing ink manufactured by Babu Amrita Lal Roy, of No. 54, Machooabazar Street, Calcutta:—

Letter to the Superintendent of Stationery, Calcutta, No. 2143, dated 23rd December 1881.
from " " " No. 5895, dated 10th March 1882, in reply to the above.

ORDERED, that the letter from the Superintendent of Stationery read above be communicated to all Local Governments and Administrations for information in continuation of Resolution No. 724, dated 6th February 1882.

Ordered also, that it be published in the *Gazette of India* for general information.

No. 5895, dated 10th March 1882.

From—W. H. RYLAND, Esq., Officiating Superintendent of Stationery, Calcutta,

To—The Assistant Secretary to Govt. of India, Dept. of Finance and Commerce.

I beg to forward herewith copy of the Chemical Examiner's report on the sample of black writing ink submitted by Amrita Lal Roy, and to state, as requested in your letter No. 2143, dated 23rd December last, that the ink is, no doubt, manufactured in India, and is of good quality, having fairly withstood the tests of the Chemical Examiner. The price is Rs. 2 per dozen quarts, and is cheaper than Dr. Waldie's ink (the cheapest of the samples formerly reported on) by 4 annas per dozen. In deciding upon the contract to be entered into for the ensuing year, full consideration will be given to the merits of Amrita Lal Roy's ink as compared with other samples tendered, from every point of view, mere cheapness not being the only desideratum.

2. This report has been kept back by me in the hope of being able also to report on Mr. George Law's sample of ink, which was not received till last month, after I had applied to him. The Chemical Examiner has not yet furnished his report, but I may mention that Mr. Law proposes to charge Rs. 12 per dozen quarts delivered at any station in the upper Provinces. Supposing the ink to be not superior to either Dr. Waldie's or Amrita Lal Roy's samples, the relative prices of the several inks delivered at the principal stations in the North-Western Provinces and the Punjab would be as shown in the annexed statement. I am not yet in a position to state whether the ink is equal to Stephen's ink, and could be issued in the place of it to the officers who use the latter. The comparison, so far as it goes, including Stephen's ink, shows that Mr. Law's ink is much dearer as respects the other country-made inks, but cheaper as respects Stephen's ink.

No. 228A., dated 14th February 1882.

From—C. J. H. WARDEN, Esq., Chemical Examiner to Government,

To—The Officiating Superintendent of Stationery, Calcutta.

I have the honour to acknowledge receipt of your letter No. 5048, dated 30th January 1882, forwarding one bottle of ink with the following printed label:—

"Youngman's steel jet black, writing ink, &c."

The bottle contained 15 ounces of black ink of acid re-action, and with a tar-like odour. The ink was of a good colour and flowed well.

On analysis it yielded 12·76 per cent. of solid residue by weight dried at 100° C.

The ash was equal to 1·7 per cent. by weight calculated on the ink and consisted of oxide of iron.

The action of re-agents on the ink is shown in the accompanying table.

The ink appears to be essentially a gall-ink of good quality.

Statement showing the comparative price of liquid ink delivered at the following stations.

Names of stations.	Price of Dr. Waldie's ink per dozen quarts.	Price of Amrita Lal Roy's ink per dozen quarts.	Price of G. Law's ink per dozen quarts.	Stephen's English ink per dozen quarts.	Remarks.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Allahabad	4 5 0	4 1 0	12 0 0	19 1 0	
Lucknow	4 9 0	4 5 0	12 0 0	19 5 0	
Agra	5 5 0	5 1 0	12 0 0	20 1 0	
Delhi	5 11 0	5 7 0	12 0 0	20 7 0	
Lahore	6 13 0	6 9 0	12 0 0	21 9 0	
Simla	8 4 0	8 [illegible] 0	12 0 0	23 0 0	

CALCUTTA;
10th March 1882.

W. H. RYLAND,
Offg. Superintendent of Stationery.

No. 109.—In exercise of the powers conferred by Section 35 of the Court Fees Act (VII of 1870), His Excellency the Governor General in Council is pleased to remit the whole of the fees payable under Section 6 of the said Act on applications for Takavi advances in the distressed talukás of the Ahmednagar Collectorate, Bombay.

This Notification will remain in force till the thirty-first day of December 1882.

No. 158.—Whereas the Municipal Commissioners of the Town of Calcutta contracted previous to the year 1869 Debenture Loans amounting in all to Rs. 46,99,600, and in the year 1878 Debenture Loans to the amount of Rs. 6,50,000, and paid the stamp duty chargeable on the bonds under the law in force at the time of their issue; and whereas the Commissioners have now paid to the Collector of Calcutta the sum of Rs. 1,137, being the difference between the stamp duty which was originally paid on the Debenture Bonds and that which would be payable at ½ per cent. as required by the rules promulgated in the Notification of the 13th November 1880, No. 3646, for the composition of stamp duty on debenture bonds issued by Corporate Bodies:

In exercise of the powers conferred by Section 8 of the Indian Stamp Act (I of 1879), the Governor General in Council is pleased to remit the stamp duty on the renewal or sub-division of the Debentures referred to.

T. C. HOPE,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 6th April, 1882.

APPOINTMENTS.

No. 166.—STAFF CORPS—

The undermentioned Officers, appointed by the Secretary of State probationers for the Indian Staff Corps, are placed at the disposal of the Government of Bombay, in view to their appointment to the Staff Corps of that Presidency, with effect from the date of their arrival in India:—

Lieutenant H. Swire, Royal Dublin Fusiliers.
" W. W. Battiscombe, Leinster Regiment.
" E. O. Owen, Royal Highlanders.
" F. J. S. Lowry, West Yorkshire Regiment.
" G. W. Mitchell, ditto.
" J. C. Holloway, Lincolnshire Regiment.

No. 167.—PERSONAL STAFF—

The following appointment has been made on the Personal Staff of His Excellency the Commander-in-Chief in India:—

Captain C. H. H. Mayne, R.A., to be Aide-de-Camp, *vice* Captain F. J. W. Eustace, who reverts to regimental duty, with effect from the 28th March, 1882.

No. 168.—ADJUTANT GENERAL'S DEPARTMENT—

Major A. B. Morgan, Norfolk Regiment, to be an Assistant-Adjutant General on the establishment, *vice* Lieutenant-Colonel G. Hatchell, transferred to the Home Establishment. Dated 21st March, 1882.

No. 169.—BRIGADE STAFF—

Major W. V. Ellis, Bengal S. C., Wing Commander, 25th Native Infantry, to be a Brigade Major on the establishment, *vice* Major H. O. Cumberlege, 39th Native Infantry, ordered to rejoin his regiment. Dated 8th March, 1882.

No. 170.—MEDICAL DEPARTMENT—

The following extract paragraphs 1 and 2 of a letter from the Right Hon'ble the Secretary of State for India are published for general information:—

MILITARY, INDIA OFFICE;
No. 78. *London, 2nd March, 1882.*

Para. 1. The undermentioned probationers for the Indian Medical Service, having completed a course of instruction at the Army Medical School, and being reported qualified, have been appointed Surgeons on the Bengal Establishment, their commissions as such bearing date the 1st October, 1881:—

Louis Tarleton Young.
James Barry Gibbons.
George Jolly Shand, M.D.
Donald St. John Dundas Grant.
Dirom Grey Crawford.

2. They will be allowed to count as service for full pay pension the period of their residence at the Army Medical School, from the 1st October, 1881, to the 6th February, 1882, inclusive.

LONDON GAZETTE.

No. 171.—The following extracts are published for general information:—

London Gazette, dated the 24th February, 1882, pages 771 to 773.

India Office, 24th February, 1882.

The Queen has approved the following promotions amongst the Officers of the Staff Corps and Indian Military Forces made by the Governments in India:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major John Liston. Dated 7th December, 1881.
Major and Brevet Lieutenant-Colonel Alfred Fitzhugh, C.B. Dated 7th December, 1881.
Major Russell Morland Skinner. Dated 7th December, 1881.
Major Frederick Peere Williams Freeman. Dated 7th December, 1881.
Major Francis David Millett Brown, V.C. Dated 8th December, 1881.
Major William Vesey Fitzgerald Jacob. Dated 8th December, 1881.
Major Robert Wheeler. Dated 8th December, 1881.
Major Henry Morton. Dated 20th December, 1881.

To be Majors.

Captain and Brevet Major Robert Warburton. Dated 18th December, 1881.
Captain Robert Henry Francis Rennick. Dated 18th December, 1881.
Captain Alexander Innes Shepherd. Dated 20th December, 1881.

To be Captains.

Lieutenant St. John Fancourt Michell. Dated 1st December, 1881.
Lieutenant Aubrey de Vere Alexander. Dated 8th December, 1881.
Lieutenant Robert Francis Trotter. Dated 8th December, 1881.
Lieutenant Edward Archibald Young. Dated 15th December, 1881.

BENGAL ARMY.

Infantry.

To be Colonel.

Lieutenant-Colonel George Battye Fisher. Dated 27th November, 1881.

To be Major.

Captain William Hope Meiklejohn. Dated 4th December, 1881.

BREVET.

To be Colonels.

Lieutenant-Colonel Thomas Martin Shelley, Bengal Infantry. Dated 1st July, 1881.

Lieutenant-Colonel Frederick Augustus Buckley, Bengal Infantry. Dated 1st July, 1881, and not 17th July, as stated in the *London Gazette* of the 30th September, 1881.

Lieutenant-Colonel Cunliffe Martin, Bengal Cavalry. Dated 20th November, 1881.

The Queen has approved the transfer to the Half-pay List of the Indian Medical Service of the undermentioned Officer:—

BENGAL MEDICAL ESTABLISHMENT.

Surgeon Alfred John Wall. Dated 26th February, 1882.

The Queen has approved of the retirement from the Service of the undermentioned Officers of Her Majesty's Indian Military Forces:—

Lieutenant-Colonel and Brevet Colonel Horatio Nelson Davies, of the Bengal Staff Corps. Dated 10th December, 1881.

Lieutenant-Colonel and Brevet Colonel Newton Barton, of the Bengal Staff Corps. Dated 12th December, 1881.

Lieutenant-Colonel and Brevet Colonel John William Hoggan, C.B., of the Bengal Staff Corps. Dated 27th December, 1881.

Lieutenant-Colonel and Brevet Colonel Sir Charles Henry Palliser, K.C.B., of the Bengal Staff Corps. Dated 31st December, 1881.

Lieutenant-Colonel and Brevet Colonel John Perkins, of the Bengal Staff Corps. Dated 31st December, 1881.

Lieutenant-Colonel and Brevet Colonel Richard Henry Beddome, of the Madras Staff Corps. Dated 15th December, 1881.

Lieutenant-Colonel and Brevet Colonel Charles Shuckburgh Hearn, C.I.E., of the Madras Staff Corps. Dated 20th December, 1881.

Lieutenant-Colonel and Brevet Colonel Charles Harry Wilson, of the Madras Staff Corps. Dated 29th December, 1881.

Major and Brevet Colonel Septimus Hodgson, of the Madras Army. Dated 5th November, 1881.

Lieutenant-Colonel Hugh Arthur Lewes, of the Bengal Staff Corps. Dated 1st December, 1881.

Lieutenant-Colonel James Lidderdale, of the Madras Staff Corps. Dated 15th December, 1881.

Surgeon-Major John Law, M.D., of the Bengal Army. Dated 1st February, 1882.

The Queen has approved of the transfer to the Retired List of the undermentioned Officer of Her Majesty's Indian Army:—

Major Edwin Clarence O'Bryen Horsford, of the Bengal Army. Dated 16th December, 1881.

The undermentioned Officers are granted a step of honorary rank on retirement:—

To be Major-Generals.

Lieutenant-Colonel and Brevet Colonel Horatio Nelson Davies, of the Bengal Staff Corps. Dated 10th December, 1881.

Lieutenant-Colonel and Brevet Colonel Newton Barton, of the Bengal Staff Corps. Dated 12th December, 1881.

Lieutenant-Colonel and Brevet Colonel John William Hoggan, C.B., of the Bengal Staff Corps. Dated 27th December, 1881.

Lieutenant-Colonel and Brevet Colonel Sir Charles Henry Palliser, K.C.B., of the Bengal Staff Corps. Dated 31st December, 1881.

Lieutenant-Colonel and Brevet Colonel John Perkins, of the Bengal Staff Corps. Dated 31st December, 1881.

Lieutenant-Colonel and Brevet Colonel Charles Shuckburgh Hearn, C.I.E., of the Madras Staff Corps. Dated 20th December, 1881.

Lieutenant-Colonel and Brevet Colonel Charles Harry Wilson, of the Madras Staff Corps. Dated 29th December, 1881.

Major and Brevet Colonel Septimus Hodgson, of the Madras Army. Dated 5th November, 1881.

To be Colonels.

Lieutenant-Colonel Hugh Arthur Lewes, of the Bengal Staff Corps. Dated 1st December, 1881.

Lieutenant-Colonel James Lidderdale, of the Madras Staff Corps. Dated 15th December, 1881.

To be Brigade Surgeon.

Surgeon-Major John Murray, M.D., of the Madras Army. Dated 1st December, 1881.

NOTE.—Lieutenant-Colonel and Brevet Colonel Richard Henry Beddome, of the Madras Staff Corps, is, at his own request, not granted a step of honorary rank on retirement.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 31st March 1882.

No. 88.—*Corrigendum.*—In Public Works Department Notification No. 338 of the 19th October 1880, promoting Mr. F. H. Collett to the rank of Assistant Engineer, 2nd Grade, *for* "from 1st October 1880" *read* "from 23rd September 1880."

The 1st April 1882.

No. 89.—Mr. G. Brown, Deputy Examiner, 1st Grade, is granted six months' leave on medical certificate under Section 127 of the Civil Leave Code, with effect from such date as he may avail himself of it.

The 3rd April 1882.

No. 90.—Mr. F. M. Woodroffe, Assistant Examiner, Oudh and Rohilkhand Railway, is granted leave for three months on medical certificate, under Section 127 of the Civil Leave Code, from such date as he may be permitted to avail himself of it.

The 4th April 1882.

No. 91.—Major G. F. E. S. Neill, M.S.C., Executive Engineer, 1st Grade, and Assistant Secretary to the Government of Bengal, Public Works Department, is appointed to officiate as Superintending Engineer, in addition to his own duties, during the absence on furlough of Major-General C. T. Stewart, R.E., or until further orders.

No. 92.—Colonel J. Bonus, R.E., Superintending Engineer, Class I, is, on return from special leave, posted to Bombay.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 8, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 11th March 1882.

From the 8th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 1st April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

Parts II and III and the Supplement will continue to be published in Calcutta.

From the 1st January 1882, Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts will be Rs. 5 per annum, payable in advance. When sent by post, Rs. 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

	Rs.	A.	P.
Subscription for *Gazette* and Supplement per annum	15	0	0
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For a single copy of the Supplement	0	8	0

Postage on single copies varies according to weight.

E. J. DEAN,

Publisher, Gazette of India.

NOTICE.

The Office of Superintendent of Government Printing having been removed to No. 166, Dhurrumtollah Street, all communications intended for that Office should be sent to that address.

E. J. DEAN,

Supdt. of Govt. Printing, India.

NOTICE TO MARINERS.

No. 12 of 1882.

ENGLISH CHANNEL.

New Eddystone Lighthouse.

The Trinity House, London, has issued the following:—

"Notice is hereby given, that at the latter end of March, 1882, the character of this Light will be altered, as advertized on the 12th February, 1881, becoming thenceforward a White Double-flashing Half-minute Light, showing two successive flashes of about 2½ seconds duration, divided by an eclipse of about 4 seconds, the second flash being followed by an eclipse of about 21 seconds. The Light will be visible all round the horizon, and in clear weather at a distance of 17½ miles.

"A White Fixed Subsidiary Light will also be shown from a window in the Lighthouse below the flashing light, to mark the Hand Deeps. This will extend over a sector of 16° from N. 32° W. to N. 48° W. (Magnetic, from the Lighthouse).

Also,

"A large Bell will be sounded during foggy weather twice in quick succession every half

minute; thus assimilating the character of the Sound Signal to that of the Light.

"*Note.*—Mariners will observe that the Light on the Casket Rocks, 78 miles S.S.E. from the Eddystone, is similar in character, but shows three flashes in quick succession, instead of two.

"Further notice will be published when the changes are effected."

By direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr.* (*late I.N.*),

Superintendent, Marine Survey of India.

Marine Survey Department,

Calcutta,

The 28th March 1882.

BANK OF BENGAL.

NOTICE.

Calcutta, the 1st April 1882.

The Directors have made the following changes in the Bank's Establishment:—

Mr. D. E. Burne, Accountant at Cawnpore, has been appointed to act as Agent at Agra temporarily, *vice* Mr. W. Craw, who has obtained leave to Europe.

Mr. F. D. C. Strettell, Accountant at Dacca, has been appointed to act as Agent at that Branch, *vice* Mr. David Fraser, who has gone on short leave.

W. D. CRUICKSHANK,

Offg. Secretary & Treasurer.

ARMY CLOTHING DEPARTMENT.

NOTICE.

Alipur, the 22nd March 1882.

The services of a fully qualified master shoemaker are required at the Army Clothing Agency, Alipur. Applications accompanied by attested copies of testimonials (which will not be returned) and stating salary expected should be addressed to the Officiating Superintendent of Army Clothing, Alipur.

W. H. MACKESY, *Lieut.-Col.*,

Offg. Supdt. and Agent for Army Clothing.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATION.

Mount Abu, the 28th March 1882.

No. 740 *G.*—Major G. L. K. Hewett, Commandant, Erinpura Irregular Force, is granted three months' privilege leave from the 25th April 1882.

By Order,

F. T. HEWSON,

for *1st Asst. Agent to the Govr. Genl.*

AGENT, GOVERNOR GENERAL, AND CHIEF COMMISSIONER, RAJPUTANA, P. W. D.

NOTIFICATION.

Mount Aboo, the 3rd April 1882.

No. 687 *S.*—Whereas land is required in the Ajmere District for public purpose, *viz.*, for making a diversion in Nasirabad Branch of Rajputana-Malwa Railway, this declaration is made in accordance with the provision of Section 6 of Act X of 1870.

District.	Pargana.	Village.	Amount required for occupation.		Total.	Purpose for which required.	Remarks.
			Permanently.	Temporarily.			
			A. R. P.	A. R. P.	A. R. P.		
Ajmere .	Ajmere .	Ajmere .	3 3 10	5 0 27	8 3 37	For making a diversion in the Nasirabad Branch.	The plan of the land may be seen at the Office of the Assistant Commissioner, Ajmere.

J. P. STEEL, *Major, R.E.*,

Secy. to Agent, Govr. Genl., & Chief Commr., P. W. D., Rajputana.

MILITARY DEPARTMENT—
Military Works.

NOTIFICATION.

Simla, the 27th March 1882.

No. 8.—With reference to Military Department Notification No. 131, dated 17th March 1882, Lieutenant-Colonel G. Newmarch, R.E., Executive Engineer, 1st Grade, is posted to the Rawalpindi Command, Military Works.

J. J. McLEOD INNES, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 27th March 1882.

No. 25.—The undernoted officers passed the professional examination prescribed in Public Works Department Code, Chapter II, Section i, paragraphs 16 to 18, on the 27th February 1882:—

Mr. P. H. Cresswell, Assistant Engineer, 2nd Grade.

Mr. R. I. Woods, Assistant Engineer, 2nd Grade.

The 30th March 1882.

No. 26.—Mr. J. P. Hogan, Assistant Engineer, 1st Grade, is transferred from the Punjab Northern State Railway, Construction Section, to the Indus Valley State Railway.

No. 27.—Mr. C. W. Hodson, Executive Engineer, 4th Grade (temporary rank), is granted furlough for nineteen months, with the usual subsidiary leave, with effect from 15th April 1882.

No. 28.—Mr. F. D. Fowler, Assistant Engineer, 2nd Grade, has passed the examination laid down in Public Works Code, Chapter II, paragraph 17.

The 1st April 1882.

No. 29.—Mr. W. P. Johnson, Probationary Assistant Locomotive Superintendent, Punjab Northern State Railway, is attached temporarily to the Office of the Port Store-keeper, State Railway Department, Karachi.

F. S. STANTON, *Col., R.E.,*
Director General of Railways.

PUNJAB NORTHERN STATE RAILWAY,
Northern Section.

NOTIFICATIONS.

Rawalpindi, the 1st April 1882.

No. 12.—Mr. H. B. Molesworth, Executive Engineer, 4th Grade (temporary rank), Attock Bridge Division, availed himself of three months' special leave on the afternoon of 19th December 1881.

No. 13.—Mr. H. J. Oddie, Assistant Engineer, 1st Grade, is transferred from Office of Engineer-in-Chief, Northern Section, which he left on the afternoon of 16th December 1881, to the Attock Bridge Division, which he joined on the forenoon of the 17th December 1881.

No. 14.—Mr. R. W. Egerton, Assistant Engineer, 2nd Grade, is transferred from the Office of Engineer-in-Chief, Northern Section, which he left on the afternoon of 31st December 1881, to the Attock Bridge Division, which he joined on the forenoon of 1st January 1882.

No. 15.—Mr. J. Hogan, Assistant Engineer, 1st Grade, is transferred from the Pindi-Peshawar Division, which he left on the afternoon of the 31st December 1881, to the Office of the Engineer-in-Chief, Northern Section, which he joined on the forenoon of 1st January 1882.

F. L. O'CALLAGHAN,
Engineer-in-Chief.

Statement of the Affairs of the Bank of Bengal for the week ending 4th April 1882.

LIABILITIES.		Rs.	A.	P.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		30,11,966	4	4
Public Deposits at Head Office	Rs. 81,40,101 15 2	1,87,20,971	4	0
Public Deposits at Branches	1,05,80,869 4 10			
Other Deposits at Head Office and Branches		2,52,22,346	12	6
Bank Post Bills, &c.		9,02,700	9	9
Sundries		12,43,625	10	1
RUPEES		6,91,01,610	8	8

ASSETS.		Rs.	A.	P.
Government Securities		58,42,148	2	0
Other authorized Investments		43,82,040	0	0
Loans on Government and other authorized Securities		70,26,328	8	3
Accounts of Credit on Government and other authorized Securities		77,58,541	0	10
Bills discounted and purchased		2,32,73,480	5	10
Balances with other Banks		7,58,403	13	5
Bullion		10,08,767	2	2
Dead Stock		11,93,205	3	2
Stamps		7,441	10	0
Sundries		3,51,184	3	10
		5,16,01,540	3	6
Cash and Currency Notes at Head Office	Rs. 75,49,925 13 7	1,75,00,070	5	2
Cash and Currency Notes at Branches	99,50,144 7 7			
RUPEES		6,91,01,610	8	8

By order of the Directors,

BANK OF BENGAL,
Calcutta, 6th April 1882.

J. GORDON,
Chief Accnt. & Depy. Secretary.

W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st March 1882.

PARTICULARS.	3½ per cent. Transfer Loan of 1853-54.	4 per cent. Loans										4½ per cent. Loans				Transfer Loan of 1879, seven shillings per cent. Portion.	5 per cent. Debenture Loan of 1867-68.	5 per cent. Loan of 1856-57.	GRAND TOTAL.
		Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1855.	Reduced 4 per cent. Loan of 1879.	Reduced 4 per cent. Loan of 1881.	TOTAL.	Of 1870.	Of 1876.	Transfer Loan of 1879, 4½ per cent. Portion.	TOTAL.				
Balance of 15th March 1882 . . .	54,100	38,506	3,413	13,80,693	31,57,600	2,33,18,400	1,03,57,800	2,93,03,437	2,90,67,900	73,500	9,67,01,249	48,04,500	1,02,26,900	9,99,55,300	11,49,88,700	1,10,500	32,98,000	61,200	21,52,13,749
Add—																			
Amount enfaced at Madras between 16th and 31st March 1882 . .	...	...	...	...	22,000	1,06,900	29,500	2,73,000	1,01,900	...	5,32,200	...	10,000	72,000	82,000	1,000	...	...	6,15,200
Amount enfaced at Bombay between 16th and 31st March 1882 . .	...	...	...	...	...	20,000	8,000	10,500	2,500	...	41,000	...	34,300	59,200	93,500	...	...	...	1,34,500
Amount enfaced at Calcutta between 16th and 31st March 1882 . .	...	...	...	...	...	64,900	10,700	1,32,100	1,37,800	...	3,45,400	...	3,200	1,27,000	1,30,200	...	...	...	4,75,600
	54,100	38,506	3,413	13,80,693	31,79,600	2,35,09,100	1,04,06,000	2,97,19,037	2,93,10,000	73,500	9,76,19,849	48,04,500	1,02,76,400	10,02,13,500	11,52,94,400	1,11,500	32,98,000	61,200	21,64,39,049
Deduct—																			
Amount written off in the London Registers	...	19,840	...	5,120	1,500	2,50,100	2,000	3,20,000	2,19,000	31,000	8,48,560	5,000	2,25,000	7,87,500	10,17,500	...	...	1,000	18,67,060
Balance on 31st March 1882 . . .	54,100	18,666	3,413	13,75,573	31,78,100	2,32,59,000	1,04,04,000	2,93,99,037	2,90,91,000	42,500	9,67,71,289	47,99,500	1,00,51,400	9,94,26,000	11,42,76,900	1,11,500	32,98,000	60,200	21,45,71,989

NOTE.—From 9th June 1867 to 31st Jan. 1882, enfaced from India 4,490 lakhs; re-transferred from London, 3,716 lakhs.

„ 1st Feb. 1882 to 15th Feb.	„	„	„	11	„	„	„ 3 „
„ 16th „ „ to 28th „	„	„	„	25	„	„	„ 5 „
„ 1st Mar. „ to 15th Mar.	„	„	„	12	„	„	„ 12 „
„ 16th „ „ to 31st „	„	„	„	11	„	„	„ 18 „
				4,549 lakhs.			3,754 lakhs.
				3,754 „			
Balance against India				795 lakhs.			

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 1st April 1882.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, estimated value.	Certificates issued on		Balance of Bullion		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1882.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Mar. 27	...	1,33,694	...	386	51,97,740	12,17,505
„ 28	1,198	1,60,430	205	1,301	50,10,875	10,66,850
„ 29	...	1,26,481	109	1,198	50,05,867	9,48,207
„ 30	...	1,24,112	...	1,198	49,14,898	8,30,697
„ 31	...	47,905	...	1,198	47,16,532	7,85,753
April 1	...	...	1,157	13	47,17,568	7,86,936

CALCUTTA MINT,
The 3rd April 1882.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
1	... O 97—95613 ...	100	Kramchand Laljee.
	„ —95614 ...	100	
2	... O 97—87875 ...	100	Kali Kristo Dhur.

CALCUTTA,
The 6th April 1882.

R. A. STERNDALE,
Asst. Comptlr. Genl., Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
G 13—48956 *	5	Surgeon S. Hassan, I. M. D., Quetta.
„ —49213 *		

* Mismatched.

KURRACHEE,
The 1st April 1882.

W. PATTON,
Asst. Depy. Commr., P. C., S. C.

Lahore Circle.

NOTE PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		Rs.	
100	... E 15—48948 ...	50	Baboo Deno Nath Dey, Calcutta.

LAHORE,
The 1st April 1882.

H. J. BRERETON,
for Depy. Commr. of Paper Currency.

Madras Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
149	... B 47—24711 ...	5	Meer Ghulam Allee Kirmanee, Taramandalpett, Bangalore.
150	... B 64—79114 ...	20	Jalal Ghulam Mohidin Sahib, Bangalore.
	B 68—93943 ...	100	
151	... B 68—67130 ...	100	M. Shrinivas Prabhu, South Canara.
152	... B 53—43856 ...	10	Mrs. Mary Daly, Yercaud, Shevaroy Hills.
27	... B 68—98609 *	100	Hajee Abdoola Hajee Aboobucker & Co., Armenian Street, Madras.
	„ —98606 *		

* Wrongly joined.

FORT SAINT GEORGE,
The 27th March 1882.

H. S. GROVES,
Assistant Accountant General,
in charge of Paper Currency Dept.,
for Commissioner.

Report of a Deserter from the 1st Battalion, Manchester Regiment of Foot, dated at Sialkot, this 2nd day of April 1882.

Number, Rank, and Name,—No. 16Bde.—469, Private Robert John Godby.
Age,—25 years.
Size,—5 feet 6 inches.
Colour of—
Complexion, dark ; Hair, black ; Eyes, dark brown.
Date of Desertion,—31st March 1882.
Place of Desertion,—Sialkot.
Date of Enlistment,—23rd June 1875.
At what Place Enlisted,—Jhansi, N. W. P.
Parish and County in which Born,—Allahabad.
Marks,—Crossed flags tattooed on right arm, ring round wrist.
Trade,—None.
Coat or Jacket,— } supposed to be wearing part of his regimental clothing (shirt, socks, or boots).
Waistcoat,— ...
Breeches or Trowsers,— ...
REMARKS,—Speaks Hindustani fluently.
Under 7 years' service.

N. X. GWYNNE, *Lieut.-Colonel,*
Comdg. 1st Battalion, Manchester Regiment.

TREASURE TROVE.

Under the provisions of India Act VI of 1878 (Treasure Trove), Section 5, Clause (*a*), it is hereby notified that about the 21st of October 1881, treasure consisting of 26 old silver uncurrent coins weighing about 2 ½ tolas and valued at about Rs. 26-8, were found in the waste land belonging to the Deshmukhs, in the village of Singwe Bahula, Taluka Nasik.

All persons claiming the treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamledar of Nasik, on Wednesday, the 2nd of August 1882, at 11 A.M., and there to prove their claim.

W. RAMSAY,
Collector of Nasik.

NASIK,
The 29th March 1882.

TREASURE TROVE.

Under the provisions of India Act VI of 1878 (Treasure Trove), Section 5, Clause (*a*), it is hereby notified that on the 3rd of September 1881, treasure consisting of Rs. 75-6-3 in cash and two gold rings, one weighing about a tola and valued at about Rs. 20, and the other weighing about 1½ tolas, and valued at about Rs. 30, was found in the Jangams Math, Kumbhar Alli, in the town of Trimbak, Taluka Nasik.

All persons claiming the treasure, or any part thereof, are hereby required to appear personally or by agent before the Mamledar of Nasik, at 11 A.M., on Wednesday, the 2nd of August 1882, and there to prove their claims.

W. RAMSAY,
Collector of Nasik.

NASIK,
The 29th March 1882.

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on or about the 1st December 1881, treasure consisting of 17 Dosari Kaltu rupees (old rupees), were found hidden underneath the ground in front of the house of Vasathi Yelli, in the village of Pusapati Rega, Vizianagram Taluk, Vizagapatam District, in the Presidency of Fort St. George.

All persons claiming the treasure, or any part thereof, are required to appear personally, or by agent, before the Collector of Vizagapatam, on the 15th August 1882, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

O. WOLFE MURRAY,
Acting Senior Assistant,
for *Collector.*

VIZAGAPATAM, COLLECTOR'S OFFICE,
The 9th March 1882.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 31st March 1882.

No. 14026.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, BOMBAY.

Mr. A. F. Ingle is appointed to officiate as Deputy Post Master, Bombay.

Mr. H. P. Todd is appointed to officiate as 1st Class Mail Officer.

Mr. H. J. Hewett is appointed to officiate as 2nd Class Mail Officer.

Mr. G. A. P. Bennett is appointed to officiate as 3rd Class Mail Officer.

E. R. DOUGLAS,
Depy. Dir. Genl. of the Post Office of India.

The 7th April 1882.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1882.	
Persian Gulf	7 P. M.	15th April	From Bombay.
Madras, Ceylon and the Intermediate Ports	7 "	14th "	Str. *Malda.*
Madras and Ceylon	7 "	9th "	P. & O. Str. *Australia.*
Foreign Mails *viâ* Bombay	7 "	11th "	From Bombay.*
Do. Book Post and Pattern Packets	7 "	10th "	From Bombay.
Rangoon, Moulmein, and Straits	7 "	13th "	Str. *Chinsura.*
Persian Gulf	7 "	8th "	From Bombay.
Chittagong, Akyab, Kyauk Phyoo, Sandoway, and Rangoon	7 "	13th "	Str. *Arabia.*
Port Blair and Camorta	7 "	13th "	Str. *Satara.*

* Also for Cape Town and Natal *viâ* England can be forwarded.

N.B.—The Letter Box will close at 7 P. M. precisely; after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 2nd April 1882.

Alli, J.
Arbuthnot, E. S.
Atkins & Co., P.
Ausaldi, G. B.
Barron, T.
Butler, H.
Christian, A. D.
Collyo, Dr. R. H.
Daud Shah, General.
David, Mrs. E.
Driver, H.
Eastwood, P.
Faulkner, G. H.
Framjee & Co.
Gadgil, S. K.
Gaitley, Mrs.
Graham, Mrs. H.
Griffith, F.
Grose, Miss O.
Guichet, C.
Hackle, Mrs. C.
Hamilton, J.
Harden, Major A.
Harvey, Mr.
Hawkes, G. W.
Haxeli, N.
Hayter, Colonel Charles.
Hobson, W. M.
Hough, Mrs. T. F.
Jackson, Stuart.
Jones & Co., Messrs.
J. W.
Jones, F. R.
Jones, T.
Jones, Mrs. E.
King, James.
Lelbenbal, J. D.
Lepper, C. H.
Lingham, A. F.
Mackay, E. D.
Manager, *Overland Military Gazette.*
Maxwell & Co.
McGill, W.
McNair, J.
Nunn, J. H.
O'Neil, Miss R.
O'Sullivan, Mrs. E.
Pilcher, R. Hope.
Pickett, Mrs.
Ralpa, J.
Ricketts, Mrs. E.
Russel, D. K. C.
Russell, R.
Thomas, Mrs. E.
Todd, Mrs. M.
Trafield, J.
Wallace, Mrs.
Watkins, O. R.
White, G. W.

Letters marked "Care of Post Office, to be kept till called for."

Archer, R.
Atkinson, J.
Beauki, Sijnore G. P.
Bennett, Henry.
Berrill, G. F.
Boswell, W. A.
Briscoe, J. D.
Brown, John.
Buchanan, J. E.
Burne, N.
C. B. A.
C. B.
Cahill, James.
Carter, R. G.
Chamlery, J.
Constantine, George.
Cumine, Miss.
Curlander, Solomon.
Curle, R. B.
Dawson, Frank.
"Diamond."
Dicken, Major P. L.
Duff, J. C.
Durant, Surgeon-Major.
Eastwood, E. P.
E. D. P. O.
Edmonds, Mrs.
Forest, William Dene.
Fowler, Captain W. J.
Greenburge, M. M.
Graham, Geo., Captain.
Gunther, J.
Hansen, W. T.
Hare, Mrs.
Harry, Thomas.
Healy, Captain F.
Hearne, T.
Hiss, H.
Hudson, William.
Jacky, Monsieur R.
Jex, Henry.
Johnston, R. T.
Jones, E.
Jones, Thos.
Kennedy, R. H.
Khambatta, P. A.
Lambert, Dr. E.
Leicester, A. B.
Lord, S.
Lynam, J.
Macdonald, Alexander.
Macnab, Henry.
Macpherson, W. G.
Maitland, T.
Mason, —.
McCormack, T.
McNeil, P.
McVey, Hugh.
Mercer, C. G.
Michie, A.
Montressor, C. E. C.
Morgan, William.
Morrison, W.
Munro, W.
Orlustein, Signiori Scaprin.
Pingley, A. B.
Pollock, W. N.
Radcliffe, Vernon B.
Robinson, William.
Saunders, Geo.
Searth, M.
Schaun, R.
Sevastopulo, N. E.
Sheels, H. J.
Sheldrake, Miss.
Smith, Chas. C. D.
Smith, H. Gordon.
Smith, J.
Spencer, Mrs.
Stephens, Arthur.
Stoble, J. C.
Stuart, William.
Thomas W. H.
Vande, Polls Jenkhur W. G.
Wall, W. M.
Williams, W.
W. J. H.
Wollen, Mr.
X. Y. Z.

Registered Letters.

Curry, Mons. C. K.
"E. D."
Finch, Mr.
Jameson, W. H.
McEwan, R.
Moffat, J. H.
Morris, Mr. T. A.
Newton, Mrs.
O'Brien, Captain M.
Weben, Martha.

E. HUTTON.
Presidency Post Master.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates :—per four ounce tin, *Rs. 4-8*; per eight ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates :—per four ounce tin *Rs. 5-8*; per eight ounce tin *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه دوا كوئيناكين كا خوب قائم مقام هى اور كلكته ے بوٹانكل گارڈن يعنے كمپني باغ ے سپرينٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات ے اور سيواے اوىكے جو كوئي ايك مشت بيس پونڈ خريد ليے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس ے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس ے ٹين كا آٹهه روپيه چه آنه ; ايك پونڈ ے ٹين كا سوله روپيه آٹهه آنه

اور عوام الناس بوٹانکل گارڈن یعنے کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنے نرخ چار اونس ٹین کا پانچ روپیہ آٹھ آنہ ; آٹھ اونس کے ٹین کا دس روپیہ آٹھ آنہ ; ایک پونڈ کے ٹین کا بیس روپیہ

یہہ دوا کلکتہ کے بڑے بڑے ولایتی اور دیسی دواخانوںمیں بکتی ہی ماسیواے قیمت مذکورۂ بالا کے محصول ڈاک چار اور آٹھہ اونس کے ٹین کا آٹھہ آنہ ; اور ایک پونڈ کے ٹین کا بارہ آنہ

Meteorological Publications for Sale.

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„ 5. (1) Fixed Light at Vizagapatam.
(2) Coral Shoal of Caltura, Ceylon.
(3) Rock off Barberyn Island.
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„ 4. (1) Pulo Brasse auxiliary Light, Malacca Strait.
(2) Island between Pulo Nias and Sumatra.
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(2) Sunken reef in Siberoet Strait, Sumatra, West Coast.
„ 14. Deposit of stone mound at the end of the breakwater Colombo, Ceylon.
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„ 16. Rock near west end of Pulo Brasse.
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„ 9. Rock off Pegu Coast.
„ 10. Coral Patch near Sultan Shoal, Singapore Strait.
„ 11. "Intermediate" Light-ship, entrance to River Hooghly.
„ 12. Position of Cochin Light-house.
„ 13. Position of Raleigh Rock, and additional beacons Bombay.
„ 14. Buoy, marking Gindurah Rock, Galle.
„ 15. Alteration in Manora Point Light, Kurrachee; and discovery of a bank near Towak Island, Red Sea.
„ 16. Dangerous rocks in Forrest Strait, Mergui Archipelago, and Richelieu Rock off Kopah Inlet.
„ 17. Alteration in position of "Intermediate" Light-ship, entrance to River Hooghly.
„ 18. Destruction of the Krishna Shoal Light-house.
„ 19. Correct position of Santipilly Light-house.
„ 20. Anchorage Buoys in Madras Roadstead.
„ 21. Light-vessel near Krishna Shoal, Burma.
„ 22. Additional information, Krishna Shoal Light-vessel and Light at Pooree.
„ 23. Alteration of position of Chittagong Lights.
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„ 5. Alteration of colour of Chittagong beacons, and intended alteration in Dolphin Rock Light, Bombay.
„ 6. Alteration of Malwan Light.
„ 7. Kintoan Light-vessel, Yang-tse-Kiang.
„ 8. Burgess Rock off Hingie Island, Bassein River, Burma.
„ 9. Fairway Buoy at False Point, Orissa.
„ 10. (1) Intended Light and Fog Signal on Little Basses Rocks, Ceylon.
(2) Intended alteration in Great Basses Rocks Fog Signal.
„ 11. Corrected positions of Zebayir Islands, Jebel Zukur and the Hánish Islands, Red Sea.
„ 12. Fog Signals and distinguishing marks for Light-vessels, River Hooghly.
„ 13. Exhibition of Light on Little Basses Rocks, Ceylon.
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„ 15. Shoal near Tumb Island (Jazirat Tanb), Persian Gulf.
„ 16. Light at Batticaloa, Ceylon.
„ 17. Upper Gasper Light-vessel, entrance to river Hooghly.
„ 18. Red Lights on North Groyne of Harbour Works, Madras.
„ 19. Reported shoal, N. N. E. of Bahrein, Persian Gulf.
„ 20. Alteration of colour of Light at Klang Strait, Strait of Malacca.
„ 21. Additional information concerning the reported shoal, N. N. E. of Bahrein.
„ 22. Deposit of stone, eastward of Harbour Works, Madras.
„ 23. Reported Shoal, North-West of Cheduba Island.
„ 24. Exhibition of blue Lights and Maroons at Krishna Shoal Light-vessel.
No. 25. Deposit of stone, eastward of Harbour Works, Madras (additional information).
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„ 27. Intended exhibition of a revolving Light at Vakalapudi, in the Godavery District.

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(3) Revolving Light on Low Isles—Trinity Bay.
(4) Leading Lights at Cook Town—Endeavour River Entrance—Cook Harbour.
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„ 15. Flashing white Light on Puysegur Point—New Zealand.
„ 16. Dangerous rocks, N. N. W. and S. E. of the southernmost of the Brothers Islands—Andaman Islands.
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(3) Fixed and Flashing Light on North Reef.
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„ 22. (1) Alterations in Lights at St. Paul and St. Denis, Réunion Island.
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„ 24. Buoys and Beacons, Zanzibar Harbour.
„ 25. Alteration of False Point Light—Coast of Orissa.
„ 26. Red Buoy marking smooth-water anchorage off Porcaud, Alleppey.
„ 27. Change in the Anchorge Limits of the Port of Madras.
„ 28. Intended discontinuance of Light at El-weg (Sherm Wej-h), Red Sea.
„ 29. Interval of intended exhibition of blue Lights and Rockets at False Point Light-house.
„ 30. Replacing of the buoys at the entrance to Cochin Harbour and extinguishing of Narrakel Light.
„ 31. Range of visibility of the Light exhibited from Krishna Shoal Light-vessel.
„ 32. Light at Batticaloa.
„ 33. Black buoys laid down in Calicut Roadstead to mark the limits of foul ground.
„ 34. Light at Batticaloa.
„ 35. Replacing of the buoys off Karwar Harbour (Sadashigar)
„ 36. Telegraph buoy, south of Aden.
„ 37. Black buoy off Point Gordeware (Godavery).
„ 38. Light at Batticaloa.
„ 39. Exhibition of a leading Light in Suez Bay.
„ 40. Madras Semaphore.
„ 41. Black buoy off Point Gordeware (Godavery).
„ 42. Madras Semaphore.
„ 43. Buoys at Calicut.

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No. 1. Prohibited anchorage near the telegraph cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light-vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "Intermediate" Light at the entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Port Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of Maroons from the Light-vessels of the Hooghly River
„ 8. Fixed Light at Tolkeshwar, Dadhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.
„ 11. Intended alteration of Kenery (Kundari) Island Light.
„ 12. Flashing Light on Flat Cape, Sunda Strait.
„ 13. Destruction of First Point Light house, Java.
„ 14. Harbour Light at Beliling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands, Red Sea.
„ 17. Shoal south-west of Barren Islands, west coast of Madagascar.
„ 18. Intended alteration in Light apparatus at Calicut.
„ 19. Lights at Port Ibrahim, Suez (additional information).
„ 20. Intermittent flashing Light on Pulo Undan, Malacca Strait.

Notices to Mariners issued during the year 1881—

No. 1. Light regulations for Pilot Brigs, River Hooghly.
„ 2. Rules for regulating the entry and departure of vessels using Madras Harbour.
„ 3. Re-exhibition of Light on First Point, Java.
„ 4. Light at Tagal, Java.
„ 5. Beacon on Borongo Island, Akyab.
„ 6. Discontinuance of Armeghon light and intended change of colour of Pulicat Light.
„ 7. Tidal semaphore at entrance to Chittagong River.
„ 8. Alteration of colour of Light at Ratnagiri.
„ 9. Red Light on Colombo breakwater.
„ 10. Red buoy off Godavery Point, Cocanada.
„ 11. Alterations to Lights at Paumben and Tellicherry.
„ 12. Particulars of Light at First Point, Java.
„ 13. Alteration in character of Light at Flat Cape, Sumatra.
„ 14. Removal of north buoy, Madras Harbour.
„ 15. Range of visibility of the light at Paumben.
„ 16. Beacons for clearing the south-west Prong, Bombay Harbour.
„ 17. Lights at Zanzibar.
„ 18. Gas buoy at entrance to Port Said, Suez Canal.
„ 19. Revolving light at Armeghon.
„ 20. Beacon on Tucker's patch, Bombay Harbour.
„ 21. Fixed Light at Pulicat.
„ 22. Fixed Light at Ratnagiri.
„ 23. Occasional observation of light at False Point.
„ 24. Breaking adrift of Kârwar rock buoy, Kârwar or Sadashivgad.
„ 25. Date of exhibition of permanent white Light at Calicut.
„ 26. Alteration of colour of Katubdea Light-house, Chittagong coast.
„ 27. Exhibition of red and green Lights at Pondicherry.
„ 28. New beacon on Kal-ah-kebirah Shoal, Gulf of Suez.
„ 29. Reported coral reef off Batticalon.
„ 30. Revised rules for vessels using Madras Harbour.
„ 31. Wreck buoy to mark wreck of Mariana, Madras Coast.
„ 32. Removal of the Red Buoy off the head of the South Harbour Pier, Madras.
„ 33. Temporary exhibition of a small dioptric Light at the Eastern Grove Light-house, at the entrance to the Rangoon River.
„ 34. Reported incorrect position of Crocodile Rock, Cadiapatam or Muttum Point.
„ 35. Replacing of Kârwar Rock buoy, Kârwar or Sadashivgad.
„ 36. Date of re-exhibition of the permanent Light at Eastern Grove, at the entrance to the Rangoon River.
„ 37. Position of the anchorage buoy at Beypore.
„ 38 Buoys laid down to mark the entrance to the Madras Harbour.
„ 39. Wreck in Negapatam Roadstead.
„ 40 Revolving Light to be exhibited from a Light-vessel to be anchored off the Formosa Bank, Malacca Strait.

Notices to Mariners issued during the year 1882—

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„ 2. System of Buoyage in Indian Waters.
„ 3. Mark for clearing the southern end of Point Pedro Shoals, north-east coast of Ceylon.
No. 4. Position of Wreck in Negapatam Roadstead.
„ 5. Light-house building on sunk rock, Bombay Harbour.
„ 6. Dangerous rock off Modeshwur Cape, Canara Coast.
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 8, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost

The Government Promissory Notes, No. 269, of 3½ per cent. of 1853-54, for Rs. 1,000; No. $\frac{12641}{19064}$, of 4 per cent. of 1842-43, for Rs. 500; No. $\frac{6109}{14056}$, of 4 per cent. of 1854-55, for Rs. 500; and No. 4065, of 4 per cent. of 1842-43, for Rs. 500; originally standing in the name of and last endorsed to Lala Girdhari Lal, Rais of Sakit, late an employee of the Commissariat Department, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

LALA NARAIN LAL,
Son of late Lala Girdhari Lal, of Sakit.

SUPPLEMENT TO

The Gazette of India.

№ 14.} CALCUTTA, SATURDAY, APRIL 8, 1882.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT OF FOOD-GRAINS FOR THE 2nd HALF OF JANUARY AND 1st AND 2nd HALVES OF FEBRUARY 1882, PUBLISHED IN PAGES 160, 161, 466, 467, 526, 527, 528 AND 529 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 25th FEBRUARY, AND 18th AND 25th MARCH 1882.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of last year.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of last year.	Rice. Best sort. Present fortnight.	Rice. Best sort. Past fortnight.	Rice. Best sort. Corresponding fortnight of last year.	Rice. Common. Present fortnight.	Rice. Common. Past fortnight.	Rice. Common. Corresponding fortnight of last year.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of last year.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of last year.	Lesser Millets, Ragi, &c. (Kavaru, Veragoo, Sawee, Cheena, Coraloo, Murhwa, Nuglee, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c. Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of last year.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of last year.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of last year.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of last year.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of last year.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
	2nd half of January 1882.																																
Rajpootana.	Deoli Cantonment	19 14	20 2½	18 10	23 4½	22 9	31 5	...	...	...	10 0	10 0	10 0	23 8	23 9	31 6	21 0	21 0	26 4	...	...	...	23 3	22 9	28 3	240 0	240 0	240 0	...	...	...	12 0	12 0	12 2
	1st half of February 1882.																																
Rajpootana.	Deoli Cantonment	19 13	19 14	18 3	23 12	23 4½	30 1	...	...	...	10 0	10 0	10 0	24 0	23 8	29 7	21 0	21 0	26 4	...	...	...	24 13	23 3	27 4	240 0	240 0	240 0	...	...	...	12 0	12 0	12 0
	2nd half of February 1882.																																
H. A. Districts.	Secunderabad	18 13	18 13	15 8	...	...	...	6 13	6 13	7 11	9 13	9 13	10 11	20 11	23 14	24 14	29 9	29 9	27 0	27 0	27 0	25 14	22 3	22 3	23 0	130 0	130 0	125 0	9 11	9 10	9 10	9 4	9 8	9 3
H. A. Districts.	Bolarum	21 9	19 7	17 1	...	...	...	7 6	7 6	8 1	9 13	9 13	9 10	30 3	30 3	23 12	...	...	...	...	...	...	27 0	25 1	23 2	116 14	116 14	116 14	...	...	...	9 10	9 10	9 10
H. A. Districts.	Chudderghat	13 0	11 0	9 0	...	...	...	6 8	6 8	6 0	8 8	8 8	9 0	23 0	25 0	21 0	33 0	33 0	30 0	...	...	...	23 0	23 0	24 0	80 0	80 0	80 0	...	...	...	8 12	8 12	8 12
Raj-pootana.	Deoli Cantonment	19 13	19 13	18 7	23 12	23 12	31 0	...	...	...	10 0	10 0	10 8	24 0	24 0	31 3	21 0	21 0	26 4	...	...	...	24 13	24 13	26 10	240 0	240 0	240 0	...	...	...	12 0	12 0	12 0
Raj-pootana.	Bikaneer	12 0	13 0	10 0	...	...	...	3 1	3 0	2 14	7 0	7 4	6 8	...	...	...	21 4	20 4	14 0	...	...	...	17 0	17 0	15 8	...	...	...	...	...	...	11 8	11 8	11 8
Raj-pootana.	Boondee	23 4	24 0	22 0	30 0	31 8	37 4	10 0	10 8	7 8	11 0	11 8	10 8	28 0	28 0	37 12	...	...	25 0	...	...	...	31 0	31 0	29 0	160 0	170 0	160 0	...	...	...	11 0	11 0	10 8
Raj-pootana.	Tonk	17 13	17 8	18 14	21 7	21 0	28 2	7 8	7 8	7 0	10 1	11 0	9 0	24 14	24 4	31 6	22 12	22 8	30 8	...	...	...	21 2	20 8	27 2	110 0	110 0	100 0	...	...	...	11 8	11 8	9 10
Raj-pootana.	Shahpoora	21 1	21 0	17 8	24 4	24 0	28 0	10 1	10 4	9 12	12 8	13 0	13 12	23 8	24 0	32 0	18 12	19 4	22 8	...	...	...	22 4	22 8	21 4	160 0	160 0	160 0	...	...	...	11 15	12 0	10 12

T. C. HOPE,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 4th APRIL 1882.

GENERAL REMARKS.—There has been some rain of a more or less local nature in the Madras and Bombay Presidencies, in the Mysore State, in the Punjab, in the North-Western Provinces and Oudh, and in Bengal, while in Assam the rainfall has been heavy.

Harvest operations are still in progress in some districts of the Madras Presidency, with an outturn below the average. In the Bombay Presidency the *rabi* harvest, including cotton picking, continues in some districts. In the Punjab crops are ripening and harvest prospects are good, except in Hissar. In the North-Western Provinces and Oudh the harvest has been completed in the eastern districts and elsewhere is progressing, and prospects are generally fair. In the Central Provinces threshing and winnowing continue. In Bengal the *rabi* harvest is nearly over, but the outturn is not considered very good. In Berar and the Nizam's territories harvest operations are practically over.

General prospects are on the whole good or fair in Southern India, save in the districts of Bellary, Coimbatore, and Madura, where the dry crops are reported to be suffering from want of rain, and in parts of the Mysore State and of the Nizam's territories, where the crops are deficient and water and pasturage are scarce. In the Dharwar district of the Bombay Presidency scarcity of drinking water is still felt. In Northern India prospects are everywhere satisfactory, except in one or two districts of the North-Western Provinces, one district of the Punjab, and parts of Bengal, where rain is now wanted.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—		
Bellary ...	.....	Standing crops good, dry withering in parts; harvest wet and dry grains, sugarcane and cotton, yield below average; fever and small-pox in parts.
Kurnool ...	.....	Standing crops, dry generally good; harvest paddy and *ragi*, outturn below average; cattle-disease in one taluk.
Ganjam ...	.....	Standing crops (second crops), paddy, gingelly, and cotton, thriving; small-pox and fever prevalent; cattle-disease exists.
Kistna ...	.....	Standing crops good; fever and small-pox in parts; cattle-disease continues.
Chingleput (Madras) ...	.....	Standing crops under larger tanks and river channels in good condition, elsewhere backward; harvest paddy and *ragi*, outturn below average; agricultural operations progressing.
Coimbatore ...	·33 (average of ten stations).	Standing crops, wet generally good, dry suffering from want of rain and from disease in parts; harvest wet and dry grains, outturn—wet about average, dry poor; fever exists.
Tanjore ...	.....	Standing crops good; harvest wet and dry grains, outturn below average; a few cases of cholera.
Madura ...	.....	Standing crops, wet suffering from blight and deficient water-supply in parts; fever and cholera in parts.
Malabar ...	·47 (average of six stations).	Fever and cattle-disease in parts; small-pox more generally prevalent.
Travancore ...	·21	Fever and measles continue.
		General Remarks.—No rain except at Coimbatore, Malabar, and Travancore; general prospects good.
Bombay—(April 5th)		
Kurrachee ...	.....	Strong westerly breezes prevalent; fever in six talukas; cattle-disease in twenty-one talukas; small-pox in Dadu and Tatta, 3 cases fatal in latter; river at Kotri on 3rd, 4½ feet against 3 feet 2 inches on corresponding date last year; prices—wheat, red rice, and *bajri* in Kurrachee 22, 40 and 37, in Dadu 28 and 48, in Tatta 23, 44 and 54, and in Mirpur Botoro 20, 56 and 48 lbs. respectively.
Hyderabad ...	.....	*Rabi* crops being harvested; fever in three talukas, small-pox in taluka Naushahro; wheat 26, *juari* 48, *bajri* 44, red rice 33, and white rice 22 lbs. per rupee.
Ahmedabad ...	·05 in Dholka	*Rabi* harvest progressing; health good; wheat 31 and *bajri* 33 lbs. per rupee.
Baroda ...	.....	Cotton picking and harvesting of *rabi* continue; public health good; prices—*bajri* 31 and common rice 24 lbs. per rupee.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bombay—*contd.*		
Surat ...	.....	Cotton picking continues; *juari* 37¼ and *nagli* 55 lbs. per rupee.
Násik ...	.....	Reaping of *rabi* crops almost completed; cattle-disease in Igatpuri; *bajri* 24, wheat 31, and *juari* 67 lbs. per rupee.
Colaba (Bombay) ...	Thunderstorm and ·08 rain on night of 1st instant.	Average abnormal temperature 3° warm; abnormal wind northerly, except on 1st and 2nd, when it was southerly and moist.
Poona ...	Rain in Poona and four talukas—maximum 2·15 at Poona, minimum ·09.	Average prices—*bajri* 48 and *juari* 61 lbs. per rupee, in Poona *bajri* 41 and *juari* 52 lbs. per rupee.
Ahmednagar ...	Nagar, ·18; Shrigonda, 1·05; Rahuri, ·30.	Land being prepared for next season in Akola; *juari*—maximum 90 lbs. in Parner, and minimum 66 in Kopergaon; *bajri*—maximum 60 lbs. in Parner, and minimum 51 in Kopergaon.
Sholapur ...	Sholapur, ·08; Karmala, ·11; Barsi, ·14.	*Rabi* harvest nearly completed; *juari* 77 lbs. 36 tolas, *bajri* 60 lbs. 12 tolas.
Dharwar ...	.....	Slight rain in Dharwar and Gadag talukas; wheat and grain crops harvest completed; cotton picking in progress; scarcity of drinking-water in six talukas; public health generally good; rice 23 and *juari* 61 lbs. per rupee.
Kanara ...	Halliab, ·21	Harvesting second crop continues on coast; crops healthy above ghât; cattle-disease in two talukas; fever subsiding; common rice in Dharwar 16 seers, in district average 15¾ seers per rupee; weather hot and cloudy.
Rajkot ...	.....	Weather hot; health generally good; *bajri* 28 and *juari* 33 lbs. per rupee.
		General Remarks.—*Rabi* harvest still in progress in some districts; heavy showers in Satara and light ones in several other districts; scarcity of drinking-water in part of Dharwar continues; slight fever and cattle-disease in a few districts; cholera in Tanna—47 cases, 46 deaths; prices generally steady.
Bengal—(April 5th)		
Chittagong ...	1·68	Rain general and beneficial to spring crops and tea; prices somewhat higher; small-pox and cholera still prevail; general health fair.
Dacca ...	*Nil*	Nearly all winter crops gathered, yield average; cultivation for *aus* (early rice) crop going on; health generally good.
24-Pergunnahs (Calcutta)	·49	No crops on the ground; land being prepared for early and *amun* (late) crops; prices of common rice stationary; public health generally good; isolated cases of cholera reported from Barrackpore and Diamond Harbour.
Moorshedabad ...	*Nil*	Harvesting of *rabi* still going on; lands being prepared for rice; cholera still very severe in town of Jangipur, there are also cases here and there elsewhere.
Rajshahye ...	*Nil*	Heat excessive; land being prepared for rice; rain urgently wanted; cholera and fever in many parts of the district.
Burdwan ...	*Nil*	Weather hot; rain required; cholera still reported.
Rungpore ...	*Nil*	Weather warmer; prospects of standing crops favourable; ploughing and sowing continue; public health good.
Bhagálpur ...	*Nil*	Rain wanted for preparing ground; *rabi* crops being harvested; several cases of cholera and small-pox reported.
Purneah ...	*Nil*	*Rabi* harvest poor; lands being prepared for *bhadoi* (autumn) crops; much cholera prevalent everywhere.
Patna ...	*Nil*	Strong west wind; *rabi* harvest going on, outturn not expected to be very good; small-pox reported from one outpost in the Behar sub-division.
Durbhunga ...	*Nil*	Strong west wind; *rabi* below the average; some indigo injured by insects; prices slightly rising; a little cholera in the south and east.
Hazaribagh ...	*Nil*	Weather hot; *rabi* crops nearly harvested; *mahua* and mango crops slightly damaged; small-pox about; public health fair; a few cases of cattle-disease reported from some thanas.
Cuttack ...	*Nil*	Rain very much wanted for cultivation; *dalua* rice ripening and in some places being harvested; cholera still reported.
		General Remarks.—The late rain has been very beneficial where it fell, but in some places rain is still much wanted to facilitate ploughing and for the crops still on the ground; the *rabi* harvest is nearly over and the outturn is not expected to be very good, owing to want of rain during the cold weather; cases of cholera and small-pox continue to be reported from several places.
N. W. Provinces and Oudh—		
Benares (April 4th)	*Nil*	Weather is seasonable; harvest operations are finished and the crops are now being threshed and winnowed; sugarcane is being planted; health of men and cattle good; bazars well supplied with food-grains at moderate prices; the rates for last week are almost identical with those of the corresponding week of last year; prices this week are slightly higher.
Allahabad („ 5th)	*Nil*	Prices slightly falling; nearly whole *rabi* harvested; slight small-pox in city and district; cholera decreasing.
Cawnpore („ 4th)	*Nil*	Weather clear; *rabi* crops being cut; extra crops being sown; outturn of irrigated land fair; health good; slight variations in prices.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
N. W. Provinces and Oudh—*contd.*		
Gorakhpur (April 4th)	*Nil*	Weather fine, westerly winds; harvest up to expectation; cholera in south, west, and centre of district; prices easy.
Jhánsi („ „)	.....	Harvest nearly over, outturn on irrigated land is estimated at 14 annas and that on unirrigated land at 12 annas; prices stationary; cattle-disease on the decrease; small-pox prevalent in pargana Mau.
Agra („ „)	*Nil*	Weather cloudy; sugarcane and indigo being irrigated; harvesting in progress; health as before; prices stationary.
Farukhabad („ „)	*Nil*	Wind westerly; harvest in progress; health good; prices steady.
Bareilly („ „)	*Nil*	Harvesting going on steadily; new grain has come into the market and prices have fallen; cattle and people in good condition.
Meerut („ „)	.....	Heavy rain evening 2nd, hail morning 3rd, no damage; weather cooler; health good; harvest in progress; prices stationary.
Kumaun („ „)	.....	Slight partial showers insufficient; crops suffering; cattle-disease, some measles, and fever.
Lucknow („ „)	*Nil*	Weather seasonable; harvest operations in progress; a few cases of cholera are reported in district; prices stationary.
Partabgarh („ „)	*Nil*	The *rabi* has been harvested; threshing is now in full swing; *sawan* being irrigated; cholera reported in tahsils Patti and Partabgarh.
Rae Bareli („ 3rd)	*Nil*	Weather seasonable, somewhat cloudy towards evening yesterday; harvest in progress; prospects good.
Sitapur („ 4th)	*Nil*	Yield indifferent; prices stationary; health fair.
Fyzabad („ „)	*Nil*	Harvest all in, and is excellent; cholera in many parts of district.
		General Remarks.—Heavy rain fell in Meerut and slight showers in Saharanpur and Kumaun, elsewhere weather seasonable; harvest progressing and prospects fair, except in Sitapur and Kumaun; prices generally steady, but have risen in Benares and Moradabad and fallen in Allahabad and Bareilly; cholera continues in Gorakhpur and Partabgarh and has spread to Lucknow and Fyzabad, but has decreased in Allahabad; small-pox continues in Kumaun and Jhánsi, and measles and fever in Kumaun; some cattle-disease in Kumaun and Jhánsi.
Punjab—(April 5th)		
Delhi ...	No rain	Prospects good; small-pox in city; prices steady.
Hissar ...	No rain	Health good; prices stationary; frost in February and high winds in March have injured crops and reduced expected outturn.
Umballa ...	·5	Crops and health good; prices steady.
Jullundur ...	No rain	Crops ripening; health good; prices rising.
Lahore ...	·3	Crops and health good; prices stationary.
Amritsar ...	No rain	Health good; prices fluctuating.
Ferozepore ...	No rain	Crops and health good; prices fluctuating.
Sialkot ...	·1	Crops and health good; prices falling.
Ráwalpindi ...	1·50	Crops and health good; prices fluctuating.
Peshawar ...	·5	Crops and health good; prices fluctuating.
Mooltan ...	No rain	Crops and health good; prices fluctuating.
Dera Ismail Khan ...	·06	Health good; crops suffering from want of rain; prices steady.
		General Remarks.—Harvest prospects good, except in Hissar district; health generally good; prices mostly fluctuating.
Central Provinces—		
Nagpur (April 5th)	.....	Sultry; outturn of *rabi* fair; public health good; cattle-disease prevalent; prices stationary.
Jubbulpore ...	.....	Hot and cloudy; reaping and threshing progressing; isolated cases of cholera and small-pox in interior; rice 13 and wheat 28.
Saugor ...	.....	Seasonable; *rabi* harvest almost finished; ploughing land for *kharif*; small-pox increasing; prices steady.
Seoni (April 4th)	.....	Hot and cloudy; threshing and winnowing in progress; cholera declining; small-pox prevalent; prices stationary.
Hoshangabad ...	.....	Hot and cloudy, with occasional hot winds; threshing in progress; small-pox prevalent in western tahsils; wheat 18, rice 9, and *jowari* 24.
Raipur (April 1st)	.....	Cloudy and hot; wheat and grain being winnowed; cattle-disease prevalent.
Sambalpur (March 30th)	.....	Warm; health good; prices easy.
Khandwa ...	.....	Slight rain, warm; *kharif* preparation continues; small-pox prevalent; rice 13¼, wheat 18, and *jowari* 34.
	.....	*General Remarks.*—Weather generally warm and cloudy; threshing and winnowing of *rabi* in progress; small-pox and cholera reported from some districts; prices easy.
British Burma—(April 1st)		
Akyab ...	*Nil*	Four cases of small-pox in Akyab town; disease continues to prevail in three townships, otherwise public health good; slight cattle-disease; total rainfall ·40 inches.
Rangoon ...	·07	One fatal case of cholera and one of small-pox, otherwise public health good; total rainfall ·41 inches.
Bassein ...	*Nil*	Four deaths from cholera and one from small-pox in Bassein town, slight cholera also in one township, otherwise public health good; slight cattle-disease in one township; total rainfall ·62 inches.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Central Provinces— *contd.*		
Prome ...	.....	Twenty-seven deaths from cholera in Prome town, total 57 in town and district, otherwise public health good; slight cattle-disease in two circles of one township.
Amherst (Moulmein) ...	.....	Two deaths from cholera, otherwise public health in Moulmein and district good; slight cattle-disease in one township; crops good.
Toungoo ...	*Nil*	Sixty cases of small-pox in Toungoo town, 10 of which fatal and 3 deaths in one township, otherwise public health good; health of cattle good; total rainfall ·3 inches.
		General Remarks.—Small-pox continues in Akyab but has apparently abated, still prevalent in Toungoo; cholera prevalent in Prome, a little in a few other places; public health otherwise good; cattle-disease in Henzada, slight in some other districts.
Assam—(April 5th)		
Gauhati ...	4·71 (during week)	Weather getting hot; cholera at Barpotta and other places north of Brahmaputra; some small-pox at Gauhati.
Sylhet ...	16·06	Ploughing for *aman* paddy going on; *boro* paddy in some danger from floods; excessive rain has rendered cultivation of low lands impossible at present.
Cachar ...	7·43	Weather rainy and stormy; cultivation of *dumahi* and *murali* crops commenced in some parts of the district; public health good; common rice $29\frac{1}{16}$ seers per rupee.
Dibrugarh ...	7·62	Weather showery; sowing *aus dhan;* cattle-disease and small-pox still reported.
Mysore and Coorg—(April 4th)		
Bangalore ...	...	Wet crops continue in bad condition; want of drinking water and pasturage felt in many places; prices of rice and *ragi* slightly fallen; prospects favourable; public health fairly good.
Mysore ...	...	Sugarcane crop in two taluks withering; slight showers of rain in four taluks, none at Mysore; prices of rice $12\frac{1}{2}$, *ragi* 19, horse gram $30\frac{3}{4}$ seers per rupee.
Mercara ...	·27	Rainfall in South Coorg sufficient for coffee blossom, little or none in North Coorg, where it is greatly wanted; price of foodgrains stationary, of coffee and cardamoms still falling; small-pox prevalent, with two or three sporadic cases of cholera.
		General Remarks.—Rain has fallen at Kolar, Tumkur, Hassan, and Shimoga; wet crops in bad condition, dry crops satisfactory; water and pasturage becoming scanty; prospects fairly good; no material change in prices; small-pox prevalent in six districts and fever in five.
Berar & Hyderabad—(April 5th)		
Amraoti ...	.....	Weather hot; threshing of wheat continues; price of wheat 18 and *juari* 36 seers per rupee.
Akola ...	.....	*Rabi* harvest completed; land under preparation for next season.
Hyderabad ...	.....	Reaping of *rabi* crops continues; scarcity of water and pasturage is felt in some taluks; *rabi* crops are drying up in places for want of water in tanks and wells; small-pox prevails in one taluk; price of wheat 17, rice 10, white *juari* 27, yellow *juari* 29, and *tur* 31 seers per current sicca rupee.
Rajputana—		
Abu (April 5th)	Few drops of rain	Weather windy, cloudy and cooler.
Sirohi („ 2nd)	.....	Tanks nearly dry, wells good; health very good; crops being cut; very hot.
Marwar (March 31st)	.....	Abundant water in tanks and wells; health and prospects good; partially cloudy; days hot, nights cool; prices stationary; crops being gathered.
Meywar (April 1st)	.....	Tanks and wells good; cholera in city, 42 deaths reported; harvest general, outturn good; prices stationary.
Harowti („ „)	.....	Harvest, outturn below average, 12 to 15 annas in the rupee; markets well supplied with foodgrains; prices steady; weather hotter; small-pox in parts, otherwise health good.
Jhallawar (Mar. 29th)	.....	Seasonable; health good.
Ajmere (April 4th)	.....	High winds; weather seasonable; small-pox prevalent.
Jeypore („ „)	.....	Drops, cloudy; harvest, average outturn; health good.
Bhurtpore ...	.....	No report received.
Ulwur (April 4th)	.....	Harvesting continues; health good; small-pox and cattle-disease in places.
Central India States (April 5th)		
Indore ...	.....	Weather seasonable; health good; prices stationary.
Morar (Gwalior) ...	.....	No rain; weather warm.
Sutna ...	.....	No rain; weather cloudy.
Rutlam ...	.....	No report received.
Neemuch ...	.....	Small-pox still lingers in cantonment and in district.
Goona ...	.....	No rain; health and prospects good.
Bhopal ...	.....	No rain; weather unusually cool; crops good; small-pox prevailing in Bhopal.
Agar ...	.....	No report received.
Nowgong ...	.....	*Rabi* crops reaped; weather hot; cholera prevalent in the Beywar State.
Manpur ...	.....	Weather cloudy and warm; *rabi* harvesting progressing; prices stationary.
Nepal—(March 30th)		
Katmandu ...	·12	Weather seasonable.

ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF CALCUTTA DURING THE MONTH OF JANUARY 1882.

No. 1.—As to age and sex.

	Demerara.				Trinidad.				French W. I. Colonies.				Total.			
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Grand total.	Remarks.
Under 2 years ...	4	2	6	40·18 women to every 100 men.	7	5	12	33·33 women to every 100 men.	4	4	8	40·06 women to every 100 men.	15	11	26	
From 2 to 10 years	19	8	27		25	13	38		16	5	21		60	26	86	
,, 10 to 20 ,,	82	37	119		148	41	189		75	31	106		305	109	414	
,, 20 to 30 ,,	222	85	307		251	86	337		230	94	324		703	265	968	
,, 30 to 40 ,,	12	5	17		3	5	8		7	...	7		22	10	32	
,, 40 to 50 ,,	...	...	...		...	1	1		...	...	..		...	1	1	
Above 50 years ...	...	...	...		...	1	1		...	...	..		..	1	1	
Grand Total ...	339	137	476		434	152	586		332	134	466		1,105	423	1,528	

No. 2.—As to places whence emigrants come to Calcutta for embarkation.

	Demerara.			Trinidad.			French W. I. Colonies.			Total.			
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Grand total.	Remarks.
Orissa	3	...	3	2	...	2	...	...	...	5	...	5	
Western Bengal	1	1	2	...	...	...	...	...	...	1	1	2	
Central ,, ...	...	...	...	...	...	...	...	...	...	..	...	...	
Eastern ,, ...	2	1	3	...	...	...	...	...	..	2	1	3	
Behar	24	21	45	8	7	15	27	17	44	59	45	104	
North-Western Provinces	168	76	244	192	81	273	226	100	326	586	257	843	
Oudh	48	25	73	118	46	164	50	7	57	216	78	294	
Central India	18	3	21	7	...	7	4	3	7	29	6	35	
Punjab	60	8	68	106	16	122	21	7	28	187	31	218	
Nepal	13	1	14	...	1	1	3	...	3	16	2	18	
Mixed, Madras and Bombay, &c. ...	2	1	3	1	1	2	1	...	1	4	2	6	
Grand Total ...	339	137	476	434	152	586	332	134	466	1,105	423	1,528	

No. 3.—As to caste and religion.

	Demerara.			Trinidad.			French W. I. Colonies.			Total.			
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Grand total.	Remarks.
Brahmins, high caste	64	18	82	89	24	113	65	18	83	218	60	278	
Agriculturists ... } Hindoos ...	101	38	139	101	26	127	95	39	134	297	103	400	
Artisans ... } Hindoos ...	23	9	32	20	6	26	11	7	18	54	22	76	
Low castes ... } Hindoos ...	87	36	123	124	42	166	106	40	146	317	118	435	
Musulmans	64	36	100	100	54	154	55	30	85	219	120	339	
Christians	...	...	...	...	...	...	...	..	...	...	...	...	
Grand Total ...	339	137	476	434	152	586	332	134	466	1,105	423	1,528	

Memo.

	Male.	Female.	Total.
1. Hindoos	886	303	1,189
2. Musulmans...	219	120	339
3. Christians	...	...	...
Total ...	1,105	423	1,528

E. C. BUCK,
Offg. Secy. to the Govt. of India.

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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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Nothing for publication.

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Nothing for publication.

SUPPLEMENT No. 15.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Simla, the 11th April 1882.

No. 120.—Consequent upon the appointment of Sir C. U. Aitchison, K.C.S.I., to be Lieutenant-Governor of the Punjab and its Dependencies, Mr. C. E. Bernard, C.S., C.S.I., Secretary to the Government of India in the Revenue and Agricultural Department and Officiating Chief Commissioner of British Burma, is confirmed in the latter appointment, with effect from the 4th instant.

No. 123.—The following promotions are made among Extra Assistant Commissioners in Assam, with effect from the 6th August 1881, consequent upon the appointment of Mr. H. M. Hinde, to be an Assistant Commissioner:—

Babu Ráj Mohan De, B.L., Extra Assistant Commissioner, 4th Grade, to be Extra Assistant Commissioner, 3rd Grade.

Babu Chandra Náth Nandi, Extra Assistant Commissioner, 5th Grade, to be Extra Assistant Commissioner, 4th Grade.

Mr. C. G. M. Kennedy, Extra Assistant Commissioner, 6th Grade, to be Extra Assistant Commissioner, 5th Grade.

Maulavi Najmul Husain Ahmad, Officiating Extra Assistant Commissioner, to be Extra Assistant Commissioner, 6th Grade.

No. 124.—The following promotions are made among Extra Assistant Commissioners in Assam, with effect from the 13th January 1882, consequent upon the resignation of Mr. Kásinát Barua:—

Babu Jíban Ráy, Extra Assistant Commissioner, 6th Grade, to be Extra Assistant Commissioner, 5th Grade.

Babu Mádhab Chandra Bardalai, L.L., Officiating Extra Assistant Commissioner, 6th Grade, to be confirmed in that grade.

No. 125.—The following officiating appointments are made among Extra Assistant Commissioners in Assam, *vice* Babu Fatik Chandra Barua and Babu Shambhu Náráyan Singh, detached on settlement duty:—

Babu Kánti Chandra Mukharji and Babu Nritya Gopál Cháturji to officiate as Extra Assistant Commissioners, 6th Grade.

No. 126.—The following temporary appointment made by the Chief Commissioner of Assam is approved by the Governor General in Council:—

Munshi Bashíruddin Ahmad to officiate as Extra Assistant Commissioner, 6th Grade.

The 12th April 1882.

No. 128.—Mr. W. S. Wells is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 25th March 1882.

The 13th April 1882.

No. 133.—Mr. A. Brandreth is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 4th January 1882.

No. 139.—Subject to the approbation of Her Majesty the Queen, Empress of India, the Governor General of India has been pleased to appoint the Hon'ble Augustus Rivers Thompson, C.S.I., C.I.E., of the Bengal Civil Service, to be Lieutenant-Governor of the Bengal Division of the Presidency of Fort William.

The 14th April 1882.

No. 140.—The following promotions are made in the British Burma Commission, with effect from the 7th February 1882, the date of the retirement from the service of Mr. R. F. St. A. St. John, Deputy Commissioner, 4th Grade:—

Major G. Alexander, Assistant Commissioner, 1st Grade, to be Deputy Commissioner, 4th Grade.

Mr. A. R. Birks, B.A., Assistant Commissioner, 2nd Grade, to be Assistant Commissioner, 1st Grade.

Captain F. D. Raikes, Assistant Commissioner, 3rd Grade, to be Assistant Commissioner, 2nd Grade.

Mr. R. Phayre, Assistant Commissioner, 4th Grade, to be Assistant Commissioner, 3rd Grade.

No. 141.—The following promotions are made in the British Burma Commission, with effect from the 9th March 1882, consequent on the decease of Major C. H. A. Gower, Deputy Commissioner, 3rd Grade:—

Major M. Furlong, Deputy Commissioner, 4th Grade, to be Deputy Commissioner, 3rd Grade.

Mr. C. J. A. Duke, Assistant Commissioner, 1st Grade, to be Deputy Commissioner, 4th Grade.

Mr. A. H. Hildebrand, Assistant Commissioner, 2nd Grade, to be Assistant Commissioner, 1st Grade.

Mr. F. S. Copleston, Assistant Commissioner, 3rd Grade, to be Assistant Commissioner, 2nd Grade.

No. 142.—The following temporary promotions are made in the British Burma Commission, with effect from the 10th March 1882, consequent on the departure on leave of Major W. G. Hughes, Deputy Commissioner, 2nd Grade:—

Mr. A. Hough, Deputy Commissioner, 3rd Grade, to officiate as Deputy Commissioner, 2nd Grade.

Captain J. Butler, Deputy Commissioner, 4th Grade, to officiate as Deputy Commissioner, 3rd Grade.

Captain T. M. Jenkins, Assistant Commissioner, 3rd (Officiating 2nd) Grade, to officiate as Assistant Commissioner, 1st Grade.

Mr. H. G. Batten, Assistant Commissioner, 4th (Officiating 3rd) Grade, to officiate as Assistant Commissioner, 2nd Grade.

MEDICAL.

The 10th April 1882.

No. 138.—The services of Surgeons F. F. Perry and G. W. P. Dennys are temporarily placed at the disposal of the Government of the Punjab.

The 13th April 1882.

No. 150.—Deputy Surgeon-General B. Simpson, M.D., is appointed Deputy Surgeon-General, Central Provinces, in succession to Deputy Surgeon-General J. A. C. Hutchinson, M.D., with effect from the 3rd instant.

The 14th April 1882.

No. 154.—The services of Surgeon J. W. W. Macnamara are placed temporarily at the disposal of the Chief Commissioner of Assam, with effect from the 20th instant.

JUDICIAL.

The 13th April 1882.

No. 511.—Consequent on, and with effect from the date of, the retirement of Mr. A. Brandreth, a Judge of the Chief Court of the Punjab, the Governor General in Council is pleased to confirm Mr. G. R. Elsmie in the office of a Judge of that Court.

A. MACKENZIE,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 14th April 1882.

No. 530 *G.G.*—Captain W. P. Kennedy, Bombay Staff Corps, Assistant Political Agent in Mahi Kantha, is appointed to officiate as Assistant to the Agent to the Governor General at Baroda, during the absence on leave of Lieutenant J. H. Sadler, B.S.C., or until further orders.

No. 533 *G.G.*—Surgeon-Major J. Robb, M.D., Medical Officer of the Political Agency at Zanzibar, is appointed to officiate as 1st Assistant to the Political Agent at Zanzibar in addition to his other duties, *vice* Mr. F. Holmwood, proceeded on privilege leave.

No. 535 *G.G.*—Surgeon D. Mullen, M.D., Officer in medical charge of the Meywar Bheel Corps, is appointed to officiate as Medical Officer in charge of the Meywar Political Agency.

No. 536 *G.G.*—Surgeon G. A. Cones, Officiating Medical Officer of the Corps of Guides, is appointed to officiate as Medical Officer of the Meywar Bheel Corps.

No. 538 *G.G.*—The following officers have been appointed to be Native Assistants to the Governor General's Agent in Biluchistan, with effect from the dates on which they assumed charge of their respective appointments:—

Rai Bahadur Hittu Ram, C.I.E.
Hak Nawaz Khan.
Dewan Ganpat Rai.

No. 540 *G.G.*—*Erratum.*—In Foreign Department Notification No. 396 G.G. of the 16th March 1882, for the words "one year and four months" read "twenty months."

MILITARY.

The 14th April 1882.

No. 71 *G.M.*—Lieutenant G. A. Collins, B.S.C., Wing Officer, 12th Native Infantry, is appointed to be Adjutant of the Meywar Bheel Corps, *vice* Lieutenant R. A. Cole.

No. 74 *G.M.*—The following extract from Station Orders issued by the Officer Commanding at Deoli, dated the 6th March 1882, is confirmed :—

Major J. H. L. Greenfield, Bo. S. C., Deoli Irregular Force, is appointed to officiate as Station Staff Officer from this date.

No. 76 *G.M.*—The following Regimental order by the Commandant of the Bhopal Battalion, dated the 23rd January 1882, is confirmed :—

Lieutenant W. A. B. Dennys, Officiating Wing Officer, is appointed to officiate as Adjutant, Bhopal Battalion, in addition to his own duties, from the above date, during the absence of Lieutenant E. S. Masters, on special duty in the district, or until further orders.

POLITICAL.

The 14th April 1882.

No. 111 *G.P.*—With reference to Notification No. 373 G.P. of the 23rd December 1881, the recognition by the Government of India of the appointment of Mr. W. Loening as Acting Vice-Consul for Sweden and Norway at Bassein has been confirmed by Her Majesty's Government.

No. 114 *G.P.*—His Excellency the Viceroy and Governor General is pleased to confer upon Saiyad Vilayat Ali Khan, C.I.E., of Patna, the title of "Nawab," as a personal distinction.

No. 116 *G.P.*—*Erratum.*—In Foreign Department Notification No. 61 G.P., dated the 24th February 1882, for "Khawaja Badr-ud-Din" read "*Khwaja Badr-ud-Din.*"

JUDICIAL.

The 14th April 1882.

No. 31 *I.J.*—Under Section 8 of Act XV of 1872 (The Indian Christian Marriage Act, 1872) the Governor General in Council is pleased to appoint the Revd. R. E. Carter to be a Marriage Registrar in respect of all places within the territories of His Highness the Nizam of Hyderabad, and to grant him a license under Section 9 of the said Act, authorising him to grant certificates of marriage between Native Christians.

C. GRANT,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 14th April 1882.

No. 177.—Surgeon-Major H. W. Graham made over charge of the office of Assay Master, Bombay Mint, to Captain Gerald Martin after noon on the 31st March 1882.

Surgeon-Major P. F. Bellew, on return from furlough, received charge of the office of Assay Master, Bombay Mint, from Captain Gerald Martin before noon on the 4th April 1882.

No. 279.—In exercise of the powers conferred by Section 8 of the Indian Stamp Act I of 1879, His Excellency the Governor General in Council is pleased to remit, with retrospective effect, the stamp duty payable on bills of exchange drawn quarterly by the Government of Portuguese India for the money payable to that Government under Article XV of the Anglo-Portuguese Treaty.

No. 329.—In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to remit in the whole of British India the duty payable under the said Act on all agreement papers passed by Commissariat contractors when their security deposits are transferred to a Savings Bank.

T. C. HOPE,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 14th April, 1882.

APPOINTMENTS.

No. 172.—STAFF CORPS—

The undermentioned officers, appointed by the Secretary of State probationers for the Indian Staff Corps from regiments out of India, are placed at the disposal of His Excellency the Commander-in-Chief, in view to their appointment to the Bengal Staff Corps, with effect from the date of their arrival in India :—

Lieutenant H. R. Brander, Leinster Regiment.

Lieutenant H. R. Browne, Shropshire Regiment.

Lieutenant H. B. Vaughan, Leinster Regiment.

No. 173.—The undermentioned officers, appointed by the Secretary of State probationers for the Indian Staff Corps from regiments out of India, are placed at the disposal of the Government of Bombay, in view to their appointment to the Staff Corps of that Presidency, with effect from the date of their arrival in India :—

Lieutenant W. G. B. Western, Royal West Kent Regiment.

Lieutenant H. Parkin, York and Lancaster Regiment.

No. 174.—ADJUTANT GENERAL'S DEPARTMENT—

Lieutenant-Colonel W. W. Biscoe, General List, Cavalry, Squadron Commander and 2nd in Command, 19th Bengal Lancers, to be an Assistant Adjutant General on the establishment, *vice* Lieutenant-Colonel H. Thompson, whose tour of staff service has expired. Dated 11th March, 1882.

No. 175.—Major H. I. E. Ford, R.A., Officiating Assistant Adjutant General, to be an Assistant Adjutant General on the establishment, *vice* Lieutenant-Colonel J. Goldie, ordered to assume command of the 6th Dragoon Guards. Dated 11th March 1882.

No. 176.—Captain J. Keith, R.A., to be Deputy Assistant Adjutant General, Royal Artillery in India, *vice* Major M. H. Saward, transferred to the Home establishment. Dated 28th March, 1882.

No. 177.—QUARTERMASTER GENERAL'S DEPARTMENT—

Lieutenant-Colonel G. E. L. S. Sanford, R.E., Deputy Quartermaster General, to officiate as Quartermaster General in India, *vice* Major-General Sir C. M. MacGregor, K.C.B., C.S.I., C.I.E., proceeded on furlough.

Major R. McG. Stewart, R.A., Assistant Quartermaster General, to officiate as Deputy Quartermaster General, *vice* Lieutenant-Colonel Sanford.

No. 178.—MILITARY ACCOUNTS DEPARTMENT—

Mr. H. G. Whelan, to officiate as Assistant to the Controller of Military Accounts, Bengal, during the absence on furlough of Mr. A. J. Whitten, or until further orders.

FURLOUGH AND LEAVE.

No. 179.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel (Brevet Colonel) A. C. Bunbury, Bengal S. C., (p. a.) for 2 years, under rule IX of the regulations of 1868.

Lieutenant-Colonel C. R. Matthews, Bengal S. C., Deputy Judge Advocate on the establishment, (m. c.) for one year, under rules IX and XV of the regulations of 1868.

Major R. P. Nisbet, Bengal S. C., Deputy Commissioner, 2nd Class, Punjab, (p. a.) for one year and 173 days, under rule IX of the regulations of 1868.

Major H. G. Pritchard, Madras S. C., Military Accountant, 1st Class, 1st Grade, Examiner, Commissariat and Army Remount Accounts, Bengal, (m. c.) for one year, under rules IX and XV of the regulations of 1868.

Captain (Brevet Lieutenant-Colonel) E. P. Leach, V.C., R.E., Assistant Superintendent, 2nd Grade, Officiating 1st Grade, Survey of India, (n. p. a.) for 182 days, under rule XI of the regulations of 1868.

Captain W. B. Wilson, Bengal S. C., Squadron Officer, 12th Bengal Cavalry, (p. a.) for two years, under rule IX of the regulations of 1868.

Captain E. C. Elliston, Bengal S. C., (p a.) for 152 days, under rule IX of the regulations of 1868.

Captain J. F. D. Fordyce, Bengal S. C., Military Accountant, 3rd Class, (m. c.) for one year, under rule VIII, clause 2, and rules IX and XV of the regulations of 1868.

Lieutenant J. W. Hogge, Bengal S. C., Wing Officer and Adjutant, 14th Native Infantry, (m. c.) for one year—149 days under rule I, and the remaining period under rule VI, of the regulations of 1875.

Lieutenant H. M. Prior, Bombay S. C., Military Accountant, 3rd Class, 2nd Pay Examiner, Calcutta, (m. c.) for one year, under rule I of the regulations of 1875.

Surgeon-Major J. Bennett, M.D., Deputy Sanitary Commissioner, Punjab, (p. a.) for 243 days, under rule IX of the regulations of 1868.

Surgeon G. Price, M.D., (p. a.) for one year, under rule IX of the regulations of 1868.

No. 180.—Lieutenant-Colonel C. A. deKantzow, Bengal S. C., is permitted to reside in India from the 15th February 1882, under the provisions of G. G. O. No. 797 of 1872.

No. 181.—Major H. O. Cumberlege, General List, Infantry, Wing Commander, 33rd Native Infantry, is granted furlough in and out of India (p. a.) for one year and 220 days, under rule IX of the regulations of 1868.

No. 182.—Conductor P. Wyer, Ordnance Department, is granted leave in India (p. a.) for 182 days, under rule X of the regulations of 1875. The first two months will be on full staff pay, under subsidiary rule III of G. G. O. No. 1316 of 1875.

No. 183.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India :—

Lieutenant-Colonel J. Upperton, Bengal S. C., (m. c.) for six months, with effect from the 21st February 1882. (The unexpired portion of his previous extension on urgent private affairs is cancelled.)

Captain J. F. Garwood, R.E., (p. a.) for 62 days.

Lieutenant J. F. Worlledge, Bengal S. C., (p. a.) for 183 days.

Sub-Conductor A. Lyttle, Commissariat Department, (m. c.) for six months.

PENSIONS.

No. 184.—Conductor Edward Browne, Commissariat Department, is transferred to the Pension establishment.

PROMOTIONS.

No. 185.—MEDICAL DEPARTMENT—

The following promotion is made, subject to Her Majesty's approval :—

To be Brigade Surgeon.

Surgeon-Major James Howard Thornton, M.B., *vice* Brigade Surgeon D. B. Smith, M.D., retired. Dated 1st March, 1882.

No. 186.—NATIVE ARMY—

3rd Bengal Cavalry.

Jemadar Maharam Singh, to be Ressaidar, *vice* Jehan Beg, invalided; Duffadar Mahomed Ismael, to be Jemadar, *vice* Sheikh Shahamut, invalided; Duffadar Goolam Ubas, to be Jemadar, *vice* Maharam Singh, promoted,—8th January, 1882.

7th Bengal Cavalry.

Jemadar, now Ressaidar, Shadul Khan, to be Woordie-Major, *vice* Mahomed Noor Khan, resigned,—28th May, 1880.

No. 187.—PUNJAB FRONTIER FORCE—

1st Punjab Infantry.

Jemadar Gopal Singh, appointed on probation in G. G. O. No. 614 of 1880, is permitted to resign his appointment.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 10th April, 1882.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned Officers, on the dates specified, were received in the Military Department from the 25th March to the 10th April, 1882:—

Corps.	Rank and Names.	Date of decease.	Place of decease.	Testate or Intestate.	Remarks.
1st Battalion, The Border Regiment ...	Colonel A. T. L. Chapman ...	27th March, 1882	Dum-Dum...	.....	.....
2nd Battalion, Warwickshire Regiment ...	Lieutenant J. W. Stevenson ...	24th March, 1882	Do. ...	.....	.....

W. M. LEES, *Colonel,*
Offg. Secretary to the Government of India.

MILITARY (MARINE) DEPARTMENT.

Simla, the 14th April, 1882.

APPOINTMENTS.

No. 16.—Mr. A. H. E. M. McCausland, to be a 4th Grade Officer in Her Majesty's Indian Marine, on probation, with effect from date of joining.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 5th April 1882.

No. 93.—Mr. F. H. Kirby, Executive Engineer, 1st Grade, in the Punjab, is permitted, at his own request, to resign his appointment in the Public Works Department.

The 11th April 1882.

No. 94.—The services of Mr. W. Sandford, Assistant Traffic Superintendent, His Highness the Nizam's State Railway, are placed at the disposal of the Director General of Railways.

The 12th April 1882.

No. 95.—The transfer from the Railway Branch of the Public Works Department to the Establishment of the Punjab of Mr. T. J. Dumayne, Executive Engineer, 4th Grade, temporary rank; Mr. F. B. Hebbert, Assistant Engineer, 1st Grade; Mr. J. S. Brown, Assistant Engineer, 1st Grade; Sirdar Dharm Sing Soin, Assistant Engineer, 2nd Grade, notified in Government of India, Public Works Department, Notification No. 304, dated 16th September 1881, is hereby cancelled.

The 13th April 1882.

No. 96.—The services of Mr. A. Morton, Assistant Locomotive Superintendent, at present attached to the Rajputana-Malwa State Railway, are placed at the disposal of the Resident at Hyderabad.

No. 97.—Mr. C. J. Keene, Traffic Superintendent of the Cawnpore-Farakhabad and Muttra-Hattras Railways, is promoted from Class III to Class II of the Revenue scale of Establishment, with effect from the 1st January 1882.

No. 98.—Mr. G. J. H. M. Sherman, Storekeeper, officiating in Class III of the Revenue Establishment of State Railways, is transferred from the Establishment under the Director General of Railways to that under the Government of Bengal.

No. 99.—Mr. F. K. Cunliffe, Storekeeper in Class III of the Revenue scale, is appointed to officiate as Stock-Verifier for State Railways, *vice* Mr. T. Wood, acting as Port Storekeeper, Calcutta.

The services of Mr. Cunliffe are placed at the disposal of the Chief Commissioner, Central Provinces.

The 14th April 1882.

No. 100.—Mr. W. M. Johnston, Traffic Superintendent in Class III of the State Railway Revenue Establishment, has been permitted to retire from the public service, under Section 102 of the Civil Pension Code.

No. 101.—Major W. G. Cumming, R.E., Executive Engineer, 1st Grade, officiating as Assistant Secretary in the Military Department, Military Works Branch, is promoted to the rank of Temporary Superintending Engineer, Class III.

Mr. H. F. White, Executive Engineer, 1st Grade, Central India, is appointed to officiate as Superintending Engineer, British Burma, with temporary rank in Class III.

No. 102.—The services of Mr. C. C. Harold, Officiating Assistant Accountant General, Public Works Department, are temporarily placed at the disposal of the Director General of Railways.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 15, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 11th March 1882.

From the 8th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 1st April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

Parts II and III and the Supplement will continue to be published in Calcutta.

From the 1st January 1882, Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts will be Rs. 5 per annum, payable in advance. When sent by post, Rs. 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

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For a single copy of the Supplement	0	8	0

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E. J. DEAN,
Publisher, Gazette of India.

NOTICE.

The Office of Superintendent of Government Printing having been removed to No. 166, Dhurrumtollah Street, all communications intended for that Office should be sent to that address.

E. J. DEAN,
Supdt. of Govt. Printing, India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D., Central India Administration. Establishment.

NOTIFICATION.

Indore, the 5th April 1882.

No. 8.—Mr. F. M. Scott, Assistant Engineer, 2nd Grade, has passed the colloquial examination prescribed in Public Works Code, Chapter II, paragraph 20.

By Order,
C. S. THOMASON, *Colonel, R.E.,*
Secy. to Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 9th April 1882.

No. 834 *G.*—Major H. B. Abbott, Political Superintendent, Jhallawar, is granted two months and ten days' privilege leave from the 1st May 1882, or such subsequent date as he may avail himself of the same.

The 11th April 1882.

No. 852 *G.*—Colonel C. H. Clay, Commandant, Deolée Irregular Force, is granted privilege leave of absence from the 1st May to the 29th July 1882.

By Order,
E. A. FRASER,
1st Asst. Agent to the Govr. Genl.

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 3rd April 1882.

Under the provisions of Section 6 of the Indian Christian Marriage Act, 1872, the Resident in Mysore is pleased to grant to the Revd. W. H. J. Picken and the Revd. Amos Burnet, of the Wesleyan Mission, Bangalore, licenses to solemnize marriages, in the Civil and Military Station of Bangalore, between persons one of whom is a Native Christian subject of Mysore and neither of whom is a Christian British subject.

By Order,
H. WYLIE,
Asst. to the Resident.

MILITARY DEPARTMENT—
Military Works.

NOTIFICATIONS.

Simla, the 3rd April 1882.

No. 9.—Lieutenant F. B. G. D'Aguilar, R.E., Executive Engineer, 4th Grade, passed the Departmental Standard Examination on the 17th March 1882.

The 5th April 1882.

No. 10.—Major A. Hill, R.E., Executive Engineer, 2nd Grade, on return from furlough, is posted to the Sirhind and Lahore Command, Military Works.

The 6th April 1882.

No. 11.—Major T. C. Manderson, R.E., Superintending Engineer, Meerut Command, Military Works, is transferred to the Sirhind and Lahore Command, Military Works.

No. 12.—Lieutenant-Colonel W. B. Holmes, R.E., Superintending Engineer, Sirhind and Lahore Command, Military Works, is transferred to the Meerut Command, Military Works.

No. 13.—Lieutenant W. A. Gale, R.E., Assistant Engineer, is transferred from the Sirhind and Lahore Command, Military Works, to the Head-Quarters Staff of the Inspector General, Military Works.

J. J. McLEOD INNES, *Colonel, R.E.*,
Inspr. Genl. of Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 6th April 1882.

No. 30.—Mr. W. H. P. Sherman, Executive Engineer, 2nd Grade, is granted furlough for sixteen months and twenty days, under Section 49, Chapter V, of the Civil Leave Code and the usual subsidiary leave from 15th May 1882, or such subsequent date as he may avail himself of it.

F. S. STANTON, *Col., R.E.*,
Director General of Railways.

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, previous to the 6th November 1881, treasure consisting of 993 copper coins "Mudda Dabbulu," valued at Rs. 31, was found by Tadapalli Viraswami Gadu while digging the foundation for a wall in a site which formerly belonged to Devapu Ramaswami Gadu and at present belongs to the said Veraswami Gadu at Mugullu, in the Rajahmundry Taluk, Godaveri District, in the Madras Presidency.

All persons claiming the treasure, or any part thereof, are required to appear either personally or by agent before the Collector of Godaveri, at Coconada, on 4th August 1882, in view to the matter being enquired into according to law.

W. S. FOSTER,
Collector.

GODAVERI DISTRICT, COLLECTOR'S OFFICE,
COCONADA,
The 16th March 1882.

Report of a Deserter from the 1-2nd Battalion, 1st South Lancashire Regiment of Foot, dated at Shahjahanpore, this 9th day of April 1882.

Number, Rank, and Name,—No. 14B.—335, Drummer William Gliddon.	At what Place Enlisted,—Tavistock.
Age,—37 years 5 months.	Parish and County in which Born,—Tavistock, Devon.
Size,—5 feet 9¾ inches.	Marks,—None.
Colour of—Complexion, fresh; Hair, brown; Eyes, grey.	Trade,—Laborer.
Date of Desertion,—7th April 1882.	Coat or Jacket,— } Regimentals.
Place of Desertion,—Shahjahanpore.	Waistcoat,— ... } Regimentals.
Date of Enlistment,—29th April 1863.	Breeches or Trowsers,— ... } Regimentals.
	REMARKS,—
	Under 20 years' service.

W. H. MOBERLY, *Major*,
Comdg. 1-2nd Battn., 1st S. L. Regt. of Foot.

Report of a Deserter from the 1-2nd Battalion, 1st South Lancashire Regiment of Foot, dated at Shahjahanpore, this 9th day of April 1882.

Number, Rank, and Name,—No. 14B.—1003, Drummer Richard Smithson.	At what Place Enlisted,—Warrington.
Age,—19 years 1 month.	Parish and County in which Born,—Lancashire.
Size,—5 feet 2½ inches.	Marks,—None
Colour of—Complexion, dark; Hair, dark brown; Eyes, grey.	Trade,—*Nil.*
Date of Desertion,—7th April 1882.	Coat or Jacket,— } Regimentals.
Place of Desertion,—Shahjahanpore.	Waistcoat,— ... } Regimentals.
Date of Enlistment,—27th March 1878.	Breeches or Trowsers,— ... } Regimentals.
	REMARKS,—
	Under 5 years' service.

W. H. MOBERLY, *Major*,
Comdg. 1-2nd Battn., 1st S. L. Regt. of Foot.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1882.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
April 3	2,015	45,239	...	8,028	45,71,381	7,54,535
" 4	23,45,863	44,988	...	23,45,891	44,75,173	7,02,375
" 5	...	9,736	...	23,45,891	43,75,926	6,93,258
" 6	...	13,096	14	23,45,878	43,76,803	6,80,798
" 7	Holidays.					
" 8	Holidays.					

CALCUTTA MINT,
The 10th April 1882.

J. F. TENNANT, *Col., R.E.*,
Mint Master.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 5th April 1882.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Punjab	Jan. 1882	Mar. 13, 1882
2	Coorg	Do. „	Do. 15, „
	Mysore (Imperial) ...		
4	Simla Imperial Circle ...	Do. „	Do. 16, „
5	Assam	Do. „	Do. 17, „
	Quetta Agency ...		
7	Port Blair ...	Do. „	Do. 20, „
8	Military Works ...	Do. „	Do. 21, „
9	Hyderabad (Imperial) ...	Do. „	Do. 22, „
10	Rajputana	Do. „	Do. 24, „
	Hyderabad (Assigned Districts).		
12	Madras	Do. „	Do. 27, „
	Bombay		
	North-Western Provinces and Oudh.		
	Central India... ...		
16	Bengal	Do. „	Do. 28, „
17	Central Provinces ...	Do. „	Do. 30, „
18	British Burmah ...	Do. „	Apl. 3, „

TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Indo-European Telegraph	Jan. 1882	Mar. 27, 1882
2	Indian ditto	Do. „	Do. 28, „

IRRIGATION.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Assam	Jan. 1882	Mar. 16, 1882
2	Punjab	Do. „	Do. 17, „
3	Rajputana	Do. „	Do. 22, „
4	Madras	Do. „	Do. 27, „
	Bombay		
	Bengal		
	North-Western Provinces and Oudh.		
8	British Burmah ...	Do. „	Apl. 3, „

GUARANTEED RAILWAYS.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Punjab	Jan. 1882	Mar. 13, 1882
2	Madras	Do. „	Do. 27, „
	Bombay		
	North-Western Provinces and Oudh.		
5	Bengal	Do. „	Do. 28, „

STATE RAILWAYS (CAPITAL).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Umritsar and Pathancote	Feb. 1882	Mar. 31, 1882
2	Umballa & Kalka ...	Do. „	Apl. 3, „
3	State Railway Stores Branch.	Jan. „	Mar. 17, „
4	Nalhati	Do. „	Do. 20, „
	Wardah Coal		
6	Bhopal	Do. „	Do. 22, „
7	Sindia	Do. „	Do. 24, „
	Nagpur-Chhattisgarh ...		
	Delhi-Ferozepore ...		
10	Calcutta & South-Eastern	Do. „	Do. 27, „
	Northern Bengal ...		
	Tirhoot		
	Patna & Gya ...		
	Holkar		
	Indore-Nasirabad ...		
	Indus Valley		
	Dhond & Manmad ...		
	Kandahar (Upper Sec.) ...		
	Kandahar (Lower Sec.) ...		
	Central Bengal ...		
	Southern Maharatha ...		
22	Calcutta & South-Eastern Extension.	Do. „	Do. 31, „
23	Rangoon and Irrawaddy Valley.	Do. „	Apl. 3, „
	Punjab Northern ...		
25	Rajputana	Do. „	Do. 5, „
26	Bhopal Extension Survey...	Dec. 1881	Feb. 22, „
27	Lalla Moosa to Chuck Nizam.	Do. „	Do. 23, „
28	Rangoon & Sittang Valley	Do. „	Mar. 2, „
29	Cawnpore-Farukhabad Extension.	Do. „	Do. 13, „
	Achneyra-Muttra ...		
	Bareilly-Pilibhit ...		
	Bhowpore-Kalpi ...		
	Patna-Bahraich ...		
34	Muttra-Hathras ...	Do. „	Do. 18, „
35	Cawnpore-Farukhabad ...	Do. „	Do. 20, „
36	Ghazipore-Dildernugger...	Do. „	Do. 24, „
37	East Indian	Nov. „	Feb. 20, „

NATIVE STATES.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Bhavnagar & Gondal ...	Jan. 1882	Mar. 28, 1882
2	Nizam's	Do. „	Do. 31, „

STATE RAILWAYS (REVENUE).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Nagpur-Chhattisgarh ...	Jan. 1882	Mar. 20, 1882
2	Wardah Coal	Do. „	Do. 24, „
3	Dhond and Manmad ...	Do. „	Do. 27, „
	Calcutta & South-Eastern		
	Nalhati		
	Northern Bengal ...		
	Patna & Gya ...		
8	Tirhoot	Do. „	Do. 28, „
9	Rangoon and Irrawaddy Valley.	Do. „	Apl. 3, „
10	Indus Valley	Do. „	Do. 5, „
11	Rajputana	Dec. 1881	Feb. 27, „
12	Sindia	Do. „	Mar. 2, „
	Punjab Northern ...		
14	Cawnpore-Farukhabad ...	Do. „	Do. 10, „
15	Achneyra-Muttra ...	Do. „	Do. 11, „
16	Muttra-Hathras ...	Do. „	Do. 18, „
17	Ghazipore-Dildernugger...	Do. „	Do. 23, „
18	Indore-Nasirabad ...	Do. „	Do. 27, „
19	Indus Valley	Do. „	Do. 30, „
20	East Indian	Nov. „	Feb. 20, „

NATIVE STATES.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Bhavnagar and Gondal ...	Jan. 1882	Mar. 28, 1882
2	Nizam's	Do. „	Apl. 5, „

Simla, the 10th April 1882.

A. FILGATE, *Major, R.E.,*
Accountant General, P. W. Dept.

ORDERS BY THE VICE-CHANCELLOR AND SYDICATE OF THE CALCUTTA UNIVERSITY.

The undermentioned students have passed the First M. B. Examination :—

FIRST DIVISION.

In Order of Merit.

1	Ashe, R. S.	... Medical College.
2	Mitra, Ashutosh	... Ditto.
3	Chattopadhyay, Girindranarayan	... Ditto.

SECOND DIVISION.

In Alphabetical Order.

1	Bandyopadhyay, Abinaschandra	... Medical College.
2	Chandhuri, Satyendrakumar	... Ditto.
3	Datta, Kedarnath	... Ditto.
4	Gupta, Bamacharan	... Ditto.
5	Mitra, Kedarnath	... Ditto.
6	Ray, Guruprasanna	... Ditto.
7	„ Upendranarayan	... Ditto.
8	Sanyal, Dinanath	... Ditto.
9	Sirkar, Srischandra	... Ditto.

SENATE HOUSE,
The 11th April 1882.

G. BELLETT,
Offg. Registrar.

Statement of the Affairs of the Bank of Bengal for the week ending 11th April 1882.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	30,11,966	4	4
Public Deposits at Head Office (Rs. 62,35,325 0 1)	2,10,34,551	9	0
Public Deposits at Branches (Rs. 1,47,99,226 8 11)			
Other Deposits at Head Office and Branches	2,56,85,045	7	5
Bank Post Bills, &c.	6,39,807	7	2
Sundries	12,63,652	11	8
RUPEES	7,16,35,023	7	7

ASSETS.	Rs.	A.	P.
Government Securities	58,85,351	12	0
Other authorized Investments	43,83,140	0	0
Loans on Government and other authorized Securities	70,45,905	9	4
Accounts of Credit on Government and other authorized Securities	64,63,722	12	10
Bills discounted and purchased	2,30,26,344	4	1
Balances with other Banks	8,86,598	5	1
Bullion	8,38,155	9	7
Dead Stock	11,91,424	7	10
Stamps	8,398	9	0
Sundries	3,55,816	1	3
	5,01,14,857	7	0
Cash and Currency Notes at Head Office (Rs. 74,19,444 6 2)	2,15,20,166	0	7
Cash and Currency Notes at Branches (Rs. 1,41,00,721 10 5)			
RUPEES	7,16,35,023	7	7

BANK OF BENGAL,
Calcutta, 13th April 1882.

J. GORDON,
Chief Acctt. & Depy. Secretary.

By order of the Directors.
W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
3	O 97—98548	100	Hajee Tar Mohamed Sallay Mohamed.
4	O 33—54468	100	Kartic Chunder Pasi.
7	O 96—84377	100	The Assistant Conservator of Forests, in charge of the Kurseong Division.
	O 65—07060	50	
	N 3—04160	20	
	„ —04161	20	
	„ —04162	20	
	O 64—20406	20	
	„ —85359	20	
	P 8—05503	10	
	„ —05504	10	
	P 5—27802	10	

CALCUTTA,
The 14th April 1882.

R. A. STERNDALE,
Asst. Comptlr. Genl., Paper Currency.

Calicut Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
J 8—14853	5	Mahomed Tippu Saib, Vellore.
J 8—27147	5	Karial Unni Chorji, Calicut.
J 9—41359	10	Mr. H. R. East, Mercara.
J 5—81432 * „ —81435	20	Mr. A. C. Griffin, Vythery.

* Mismatched.

CALICUT,
The 4th April 1882.

Depy. Collr., in charge of Paper Currency.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
64	B 61—96249	50	Kanche Lutchmeammall, *alias* Maragathammall, No. 5, Shoolay, Madras.
	B 59—18604	100	

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
153	I 11—52268	20	Syed Mohamed Jan, at Syed Emaum's Stables, Mount Road, Madras.
	„ —52266	20	
	„ —52267	20	
	B 71—04438	100	
	„ —04439	100	
154	B 65—12828	50	Arounachala Chetti, son of Budda Lutchmana Chetti, Vaniyambadi.

FORT SAINT GEORGE,
The 3rd April 1882.

H. S. GROVES,
Assistant Accountant General, in charge of Paper Currency Dept., for Commissioner.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 14th April 1882.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1882.	
Persian Gulf	7 P. M.	22nd April	From Bombay.
Madras, Ceylon and the Intermediate Ports . . .	7 "	21st "	Str. *Ethiopia.*
Madras and Ceylon . . .	7 "	23rd "	P. & O. Str. *Pekin.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies . .	7 "	18th "	From Bombay.
Foreign Mails *via* Bombay .	7 "	18th "	From Bombay.*
Do. Book Post and Pattern Packets	7 "	17th "	From Bombay.
Rangoon, Moulmein, and Straits.	7 "	20th "	Str. *Africa.*†
Persian Gulf	7 "	15th "	From Bombay.
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon . .	7 "	20th "	Str. *Comilla.*
Straits and Hong-Kong . .	7 "	19th "	Strs. *Moray* and *A. Apear.*
Port Blair	7 "	15th "	I. G. Str. *Quangtung.*

* Also for Cape Town and Natal *viâ* England can be forwarded.
† Mail for Port Blair can be forwarded by this opportunity.

N.B.—The Letter Box will close at 7 P. M. precisely; after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 9th April 1882.

Alli, J.	Hamilton, J.	Mitchel, A. R.
Arbuthnot, E. S.	Haxell, N.	Newton, D.
Archer, Captain G. B.	Hayter, Colonel Charles.	Nunn, J. H.
Atkins & Co., P.	Hervey, C.	O'Neil, Miss R.
Berman, Miss H. C.	Hill, Mrs. A.	Phillips, J. H.
Broderick, J.	Hobson, W. M.	Pratt, J.
Browne, Mrs. J.	Johns, Mrs. M.	Rapa, J.
Butler, H	King, James.	Secretary to the Hindu Academy
Campbell, F.	Kirkbridge, J. A.	Shaupe, Col. C. F.
Daud Shah, General.	Lantwar, Mrs. L. A.	Stowell, J. W.
Downie, R. M.	Leibenual, J. D.	Taylor, Mrs. A. F.
Driver, H.	Leonard, C. B.	Thomas, Mrs. E.
Fitzgerald, W.	Lepper, C H	Thompson, F. A.
Foster, G.	Lelloy, G.	Ussher, E. P.
Framjee & Co.	Langham, A. F.	Waugh, J. D.
Gaitley, Mrs.	Love, J. C.	White, G. W.
Graham, Mrs. H.	Mackay, E. D.	Williams, R.
Gridith, T	Mackay, Miss S.	Wilson, H. T.
Guichet, C.	Maxwell & Co.	

Letters marked "Care of Post Office, to be kept till called for."

Antonio, D.	Hanson, W. T.	Munro, W.
Archer, R.	Hare, Mrs.	Nazir, C T.
Beauki, Signore G. P.	Harry, Thomas.	Orinstein, Signiori Scapria.
Bennett, Henry.	Healy, Captain F.	Orphie, John.
Berrill, G. F.	Hearne, T.	Pinglay, A. B.
Briscoe, J. D.	Hudson, William.	Pollock, W. N.
Buchanan, J. E.	J. M. C.	Radcliffe, Vernon B.
Burke, N.	Jacky, Monsieur R.	Rivers, Miss Emily.
Burrup, J. A. G.	James, E.	Robinson, William.
C B.	Jex, Henry.	Russell, V. E.
C. B. A.	Johnston, R. T.	Saunders, Geo.
Cahill, James.	Jones, Thos.	Searth, M.
Carter, R. G.	K. T X.	Schaun, R.
Constantine, George.	Khambatta, P. A.	Scott, A.
Creswell, H J.	Lambert, Dr. E.	Sevastopulo, N. E.
Cumine, Miss.	Leicester, A. B.	Sheels, H. J.
Curlander, Solomon.	Lord, S.	Sheldrake, Miss.
Curle, R. B.	Lynam, J.	Smith, Chas. C. D.
Davenhill, W. B.	Macnab, Henry.	Smith, H. Gordon.
Dawson, Frank.	Macpherson, W. G.	Spencer, Mrs.
"Diamond."	Maitland, T.	Stephens, Arthur.
Dicken, Major P. L.	Mason, —.	Stobie, J. C
Downes, H.	Mavor, H.	Stuart, William.
D'Rozario, Mrs. F. A.	McCormack, T.	Thomas, W. H.
Duff, J C.	McCullock, R. W.	Wall, W. M.
Eastwood, E. P.	McNeil, P.	Watts, G.
E. D. P. O.	McVey, Hugh.	West, D. K.
Edmonds, Mrs.	Mercer, C. G.	Williams, W.
Fitch, E. A.	Michie, A	Wilson, Miss.
Forest, William Dene.	Moffat, J. H.	W. J. H.
Fowler, Captain W. J.	Montressor, C. E. C.	Wollen, Mr.
Gheenburge, M. M.	Morgan, William.	X. Y. Z.
Graham, Geo., Captain.	Morrison, W.	
Gunther, J.		

Registered Letters.

Dashwood, Profr. R. B.	McEwan, R.	Stevens, Mrs.
"E. D."	Moffat, J. H.	Weben, Martha.
Isaac, Mrs. E.	O'Brien, Captain M.	Young & Greghusband, Messrs.
Jameson, W. H.		

E. HUTTON,
Presidency Post Master.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8*; per eight ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin *Rs. 5-8*; per eight ounce tin *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

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„ 5. (1) Fixed Light at Vizagapatam.
(2) Coral Shoal of Caltura, Ceylon.
(3) Rock off Barberyn Island.
„ 6. Foundering of the Buoy Vessel *Mata Mata*, Rangoon.
„ 7. (1) Revolving Light near Acheen Head, Malacca Strait.
(2) Auxiliary Light to above.

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„ 2. Exhibition of Hope Island Light, Coromandel Coast.
„ 3. Prohibited anchorage near the British Indian Submarine Telegraph Cable, Madras.
„ 4. (1) Pulo Brasse auxiliary Light, Malacca Strait.
(2) Island between Pulo Nias and Sumatra.
„ 5. Vessels trading to Réunion, Indian Ocean.
„ 6. Replacement of the Buoy on the western edge of Dolphin Shoal, Chittagong Coast.
„ 7. China Bakeer Light, Martaban Gulf.
(2) Intended exhibition of Light on the Oyster Reef, Akyab.
„ 8. Fixed white Light at Verawal.
„ 9. Buoyage of Kyouk Phyou, British Burma.
„ 10. Fixed white Light at Bet or Beyt (Gulf of Cutch) Kattywar.
„ 11. Fixed white Light at Porbandar, Kattywar.
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(2) Buoy marking the Smooth-water anchorage to the southward of Alipee (Aulapolay), Travancore.
„ 13. (1) Intended Light on Pulo Pisang, Malacca Strait.
(2) Sunken reef in Siberoet Strait, Sumatra, West Coast.
„ 14. Deposit of stone mound at the end of the breakwater Colombo, Ceylon.
„ 15. Period of exhibition of the *blue* Light during the South-west monsoon, from the Eastern Channel Light-vessel at the entrance to River Hooghly.
„ 16. Rock near west end of Pulo Brasse.
„ 17. (1) Beacon on two fathom patch off Batticaloa Road, Ceylon.
(2) Suspension of Light at Vizagapatam.
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„ 5. Extension of the Hajamri Mouth of the River Indus.
„ 6. Red Lights at Port Victoria, Mahé, Seychelles.
„ 7. Light at Port Berberch. Gulf of Aden.
„ 8. Rock off Hingie Island, Bassein River.
„ 9. Rock off Pegu Coast.
„ 10. Coral Patch near Sultan Shoal, Singapore Strait.
„ 11. "Intermediate" Light-ship, entrance to River Hooghly.
„ 12. Position of Cochin Light-house.
„ 13. Position of Raleigh Rock, and additional beacons Bombay.
„ 14. Buoy, marking Gindurah Rock, Galle.
„ 15. Alteration in Manora Point Light, Kurrachee; and discovery of a bank near Towak Island, Red Sea.
„ 16. Dangerous rocks in Forrest Strait, Mergui Archipelago, and Richelieu Rock off Kopah Inlet.
„ 17. Alteration in position of "Intermediate" Light-ship, entrance to River Hooghly.
„ 18. Destruction of the Krishna Shoal Light-house.
„ 19. Correct position of Santipilly Light house.
„ 20. Anchorage Buoys in Madras Roadstead.
„ 21. Light-vessel near Krishna Shoal, Burma.

No. 22. Additional information, Krishna Shoal Light-vessel and Light at Pooree.
„ 23. Alteration of position of Chittagong Lights.
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„ 2. Error in position of Krishna Shoal Light-vessel.
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„ 5. Alteration of colour of Chittagong beacons, and intended alteration in Dolphin Rock Light, Bombay.
„ 6. Alteration of Malwan Light.
„ 7. Kintoan Light-vessel, Yang-tse-Kiang.
„ 8. Burgess Rock off Hingie Island, Bassein River, Burma.
„ 9. Fairway Buoy at False Point, Orissa.
„ 10. (1) Intended Light and Fog Signal on Little Basses Rocks, Ceylon.
(2) Intended alteration in Great Basses Rocks Fog Signal.
„ 11. Corrected positions of Zebayir Islands, Jebel Zukur and the Hánish Islands, Red Sea.
„ 12. Fog Signals and distinguishing marks for Light-vessels, River Hooghly.
„ 13. Exhibition of Light on Little Basses Rocks, Ceylon.
„ 14. Beacon on Chaul Kada Rock, Bombay.
„ 15. Shoal near Tumb Island (Jazirat Tanb), Persian Gulf.
„ 16. Light at Bat icalon, Ceylon.
„ 17. Upper Gasper Light-vessel, entrance to river Hooghly.
„ 18. Red Lights on North Groyne of Harbour Works, Madras.
„ 19. Reported shoal, N. N. E. of Bahrein, Persian Gulf.
„ 20. Alteration of colour of Light at Klang Strait, Strait of Malacca
„ 21. Additional information concerning the reported shoal, N. N. E. of Bahrein.
„ 22. Deposit of stone, eastward of Harbour Works, Madras.
„ 23. Reported Shoal, North-West of Cheduba Island.
„ 24. Exhibition of blue Lights and Maroons at Krishna Shoal Light-vessel.
„ 25. Deposit of stone, eastward of Harbour Works, Madras (additional information).
„ 26. Vessels prohibited from anchoring near the Sub-marine Telegraph Cable between Diamond Island and the mainland.
„ 27. Intended exhibition of a revolving Light at Vakalapudi, in the Godavery District.

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„ 4. Intended alteration in False Point Light.
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(4) Leading Lights at Cook Town—Endeavour River Entrance—Cook Harbour.
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(3) Fixed and Flashing Light on North Reef.
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(3) Distinguishing entrance to Umhloti River.
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„ 22. (1) Alterations in Lights at St. Paul and St. Denis, Réunion Island.
(2) Harbour Light at St. Pierre.
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„ 24. Buoys and Beacons, Zanzibar Harbour.
„ 25. Alteration of False Point Light—Coast of Orissa.
„ 26. Red Buoy marking smooth-water anchorage off Porcaud, Alleppey.
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„ 29. Interval of intended exhibition of blue Lights and Rockets at False Point Light-house.
„ 30. Replacing of the buoys at the entrance to Cochin Harbour and extinguishing of Narrakel Light.
„ 31. Range of visibility of the Light exhibited from Krishna Shoal Light-vessel.
„ 32. Light at Batticalon.
„ 33. Black buoys laid down in Calicut Roadstead to mark the limits of foul ground.
„ 34. Light at Batticalon.
„ 35. Replacing of the buoys off Karwar Harbour (Sadashigar)
„ 36 Telegraph buoy, south of Aden.
„ 37. Black buoy off Point Gordeware (Godavery).
„ 38. Light at Batticalon.
„ 39. Exhibition of a leading Light in Suez Bay.
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„ 41. Black buoy off Point Gordeware (Godavery).
„ 42. Madras Semaphore.
„ 43. Buoys at Calicut.

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„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "Intermediate" Light at the entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Port Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of Maroons from the Light-vessels of the Hooghly River
„ 8. Fixed Light at Tolkeshwar, Dadhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.
„ 11. Intended alteration of Kenery (Kundari) Island Light.
„ 12. Flashing Light on Flat Cape, Sunda Strait.
„ 13. Destruction of First Point Light house, Java.
„ 14. Harbour Light at Belilling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands, Red Sea.
„ 17. Shoal south-west of Barren Islands, west coast of Madagascar.
„ 18. Intended alteration in Light apparatus at Calicut.
„ 19. Lights at Port Ibrahim, Suez (additional information).
„ 20. Intermittent flashing Light on Pulo Undan, Malacca Strait.

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„ 6. Discontinuance of Armeghon light and intended change of colour of Pulicat Light.
„ 7. Tidal semaphore at entrance to Chittagong River.
„ 8. Alteration of colour of Light at Ratnagiri.
„ 9. Red Light on Colombo breakwater.
„ 10. Red buoy off Godavery Point, Cocanada.
„ 11. Alterations to Lights at Paumben and Tellicherry.
„ 12. Particulars of Light at First Point, Java.
„ 13. Alteration in character of Light at Flat Cape, Sumatra.
„ 14. Removal of north buoy, Madras Harbour.
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„ 16. Beacons for clearing the south-west Prong, Bombay Harbour.
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„ 19. Revolving light at Armeghon.
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No. 21. Fixed Light at Pulicat.
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„ 24. Breaking adrift of Kârwar rock buoy, Kârwar or Sadashivgad.
„ 25. Date of exhibition of permanent white Light at Calicut.
„ 26. Alteration of colour of Katubdea Light-house, Chittagong coast
„ 27. Exhibition of red and green Lights at Pondicherry.
„ 28. New beacon on Kal ah-kebirah Shoal, Gulf of Suez.
„ 29. Reported coral reef off Batticaloa.
„ 30. Revised rules for vessels using Madras Harbour.
„ 31. Wreck buoy to mark wreck of Mariana, Madras Coast.
„ 32. Removal of the Red Buoy off the head of the South Harbour Pier, Madras.
„ 33. Temporary exhibition of a small dioptric Light at the Eastern Grove Light-house, at the entrance to the Rangoon River.
„ 34. Reported incorrect position of Crocodile Rock, Cadiapatam or Muttum Point.
„ 35. Replacing of Kârwar Rock buoy, Kârwar or Sadashivgad.
„ 36. Date of re-exhibition of the permanent Light at Eastern Grove, at the entrance to the Rangoon River.
„ 37. Position of the anchorage buoy at Beypore.
„ 38 Buoys laid down to mark the entrance to the Madras Harbour.
„ 39. Wreck in Negapatam Roadstead.
„ 40. Revolving Light to be exhibited from a Light-vessel to be anchored off the Formosa Bank, Malacca Strait.

Notices to Mariners issued during the year 1882—

No. 1. Fixed Red Light exhibited from Fort Point, Georgetown, Penang, or Prince of Wales' Island.
„ 2. System of Buoyage in Indian Waters.
„ 3. Mark for clearing the southern end of Point Pedro Shoals, north-east coast of Ceylon.
„ 4. Position of Wreck in Negapatam Roadstead.
„ 5. Light-house building on sunk rock, Bombay Harbour.
„ 6. Dangerous rock off Modeshwur Cape, Canara Coast.
„ 7. Fishing stakes in the approaches to Bombay Harbour.
„ 8. Erection of a pillar to mark the southern boundary of the port of Beypore.
„ 9. Changes in the bar at the entrance to the Chittagong River.
„ 10. Position of the Pilot's Ridge Light-vessel in the approaches to the Hooghly River.
„ 11. Exhibition of a fixed light on Dennis island, Seychelle islands.
„ 12. New Eddystone Lighthouse.

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CALCUTTA, SATURDAY, APRIL 15, 1882.

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LALA NARAIN LAL,
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EXTRAORDINARY.

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SIMLA, SATURDAY, APRIL 15, 1882.

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NOTIFICATIONS.

ESTABLISHMENTS.

No. 146.

Simla, the 15th April 1882.

The Governor General in Council has been pleased, under the provisions of the Act 24 & 25 Vic., Cap. 67, Section 27, to appoint Mr. Theodore Cracraft Hope, C.S.I., Secretary to the Government of India in the Department of Finance and Commerce, to act temporarily as an Ordinary Member of the Council of the Governor General, in the place of Major the Hon'ble E. Baring, R.A., C.S.I., incapacitated by illness. Mr. Hope has this afternoon taken his seat in the said Council.

No. 147.

The Governor General in Council has been pleased, under the provisions of the Act 24 & 25 Vic., Cap. 67, Section 27, to appoint the Hon'ble Whitley Stokes, C.S.I., C.I.E., to act temporarily as an Ordinary Member of the Council of the Governor General, with effect from the 19th instant.

By order of the Governor General in Council,

A. MACKENZIE,

Offg. Secretary to the Government of India.

Printed and Published for the GOVERNMENT OF INDIA *at the Govt. C. B. Press, Simla.*

SUPPLEMENT TO

The Gazette of India.

№ 15.} CALCUTTA, SATURDAY, APRIL 15, 1882.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

GOVERNMEN

DEPARTMENT OF FIN

PRICES CURRENT OF FOOD-GRAINS THROUGHOU

QUANTITIES PER RUPE

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Madras	Ganjam	13 5	13 5	11 13	...	...	...	16 3	17 13	18 10	21 3	19 10	19 10	...	...	...	...	...	...
	Vizagapatam	16 0	15 0	15 0	...	...	...	9 0	9 13	14 10	11 14	12 6	15 13	25 14	25 14	30 3	25 11	25 11	31 11
	Godavery	16 3	16 3	11 11	...	...	...	13 14	14 13	11 14	18 0	19 0	17 0	...	28 13	23 0	...	...	...
	Kistna	13 3	13 11	12 8	...	...	...	19 6	20 8	19 0	21 3	21 11	20 6	32 13	32 3	27 5	...	...	...
	Nellore	10 13	9 0	9 0	...	...	...	15 13	15 13	14 13	...	17 0	16 0	38 6	38 6	27 13	...	...	29 10
	Cuddapah	16 14	15 6	13 10	...	...	...	12 0	12 6	11 8	14 2	14 2	12 14	31 10	31 10	30 13	36 3	37 11	29 6
	Bellary	18 3	19 3	16 5	...	...	...	12 5	11 13	12 13	13 8	13 0	14 0	35 0	35 0	37 2	26 5	30 2	32 0
	Kurnool	14 10	15 3	13 5	...	...	...	11 6	11 6	11 0	12 2	11 13	11 6	35 10	34 3	35 10	30 0	30 0	33 13
	Madras	10 13	11 2	8 13	...	...	...	14 3	14 3	13 13	15 13	15 13	14 14	24 8	23 0	23 0	26 6	29 11	23 6
	Chingleput	...	...	9 6	...	...	...	15 0	15 0	13 14	16 10	16 10	15 2	...	...	...	...	...	...
	North Arcot	11 14	11 0	11 0	...	...	...	15 14	15 14	16 5	16 14	16 14	17 5	31 13	31 13	22 11	33 0	33 0	31 5
	South Arcot	8 10	9 6	8 10	...	...	...	17 0	14 13	15 3	17 14	18 13	16 10	30 3	...	23 8	32 5	33 2	28 8
	Tanjore	10 5	9 8	8 2	...	...	...	21 10	21 3	17 6	...	22 8	...	42 14	44 8	31 13	37 11	39 2	31 14
	Trichinopoly	9 3	9 3	9 14	...	...	...	18 0	18 0	16 10	18 13	18 13	17 0	...	30 13	22 6	29 3	33 0	25 6
	Madura	10 2	10 2	10 14	...	...	...	16 13	16 13	14 11	18 3	17 11	16 0	29 3	30 0	27 8	30 14	32 5	29 6
	Tinnevelly	9 3	9 3	8 3	...	...	...	15 8	15 8	13 14	16 0	16 0	14 6	...	...	...	...	...	...
	Coimbatore	10 10	10 11	13 14	...	...	...	14 6	14 6	15 11	15 6	15 6	16 5	25 3	27 13	32 3	35 0	38 2	38 3
	Nilgiris	9 14	10 10	9 14	...	...	...	11 3	9 10	11 3	12 13	12 13	12 0	21 10	22 5	21 10	21 0	22 6	20 5
	Salem	11 14	11 0	10 3	...	...	...	13 2	15 0	13 2	15 0	17 8	15 0	25 8	27 5	21 13	22 2	23 0	22 14
	South Canara	9 8	9 0	10 5	...	...	...	10 11	10 11	8 11	15 11	15 11	14 11	...	...	...	...	...	...
	Malabar	9 6	9 0	10 2	...	...	...	16 10	16 10	16 3	17 3	17 3	18 3	...	...	...	...	...	...
Bombay	Bombay	11 14	13 7	11 4	18 7	20 13	20 6	7 12	7 15	7 11	13 13	13 13	11 7	21 4	20 0	22 10	17 6	16 14	19 8
	Ahmedabad	15 8	15 0	18 0	19 0	...	42 0	7 0	7 0	7 8	10 8	10 0	13 4	21 0	20 0	32 0	15 8	16 0	28 0
	Kaira	13 5	13 5	14 9	24 9	24 9	40 0	9 2	9 2	9 6	15 4	15 4	14 9	20 0	20 0	32 0	15 4	15 4	24 10
	Surat	13 6	13 6	12 9	6 3	6 3	15 4	7 7	7 7	6 15	8 5	8 5	8 6	15 9	16 14	20 0	11 13	11 3	17 4
	Broach	12 13	15 3¼	16 0	...	...	...	9 11	9 9¼	8 14¾	12 13	12 5	11 6¾	18 13	17 12	21 5¼	13 14½	16 0	17 12½
	Tanna (Salsette)	10 5	10 5	10 5	...	...	...	8 2	8 2	7 0	11 4	11 4	10 0	18 10	18 10	12 0	18 0	17 11	17 11
	Colába (Alibág)	9 0	8 15	10 8	...	...	...	9 8	9 4	8 8	15 0	15 0	12 0	...	...	16 0	14 0	15 0	14 8
	Khandesh (Dhulia)	19 7	19 7	20 4¼	...	...	...	7 4	7 4	7 4	10 15	10 15	12 12	27 3	27 3	29 10	23 6½	23 6½	23 6½
	Násik	17 2	17 2	17 2	...	...	...	7 0	7 0	5 15	12 10	12 10	11 15	...	...	26 9	22 9	22 9	19 13
	Ahmednagar	14 6	15 0	17 2	...	...	...	10 5	11 1	8 2	12 0	11 12	10 6	32 12	29 12	31 4	25 0	24 12	26 5
	Poona	13 13	12 10	12 10	...	...	...	11 0	11 0	9 13	12 4	12 4	12 4	26 2	26 2	21 12	20 11	20 11	18 6
	Sholapur	14 15	16 5	18 2	...	...	...	10 7	11 7	11 7	11 5	12 0	11 7	34 1	34 8	33 10	28 0	28 8	31 11
	Kaládgi (Bagalkot)	21 0	22 0	18 7	15 0	14 8	...	7 0	6 8	7 0	9 0	9 0	10 8	35 0	35 0	35 10	32 0	31 8	35 10
	Satara	12 1	12 1	12 0	...	...	...	9 11	9 11	8 3	11 7	11 7	9 10	28 0	27 9	21 9	24 0	24 9	19 12
	Belgaum	20 8	20 0	16 8	11 8	11 0	12 0	10 8	10 8	11 8	11 0	11 0	12 0	28 6	28 0	26 8	27 0	27 0	29 0
	Dharwar (Hubli)	24 0	23 0	24 0	...	...	...	11 0	11 0	14 0	12 0	12 0	17 0	26 1	27 0	43 0	26 0	26 0	42 0
	Ratnagiri	11 14	11 13	10 9	...	...	...	11 6	11 6	10 0	16 15	16 15	14 2	20 13	20 13	18 3	19 10	19 10	14 11
	Kanara (Karwar)	16 0	16 0	11 14	...	...	...	8 0	8 0	6 4	16 0	17 0	15 14	20 13	22 0	24 0	16 0	16 0	16 0
	Panch Mahals (Godhra)	11 6	11 6	11 6	...	...	...	11 6	11 6	11 6	15 0	15 0	16 0	32 0	32 0	50 0	17 12	17 12	32 0
	Aden	8 0	8 0	8 0	...	...	...	6 3	6 3	6 3	7 0	7 0	7 0	11 3	11 3	9 5	9 5	9 5	8 0
	Asirgarh	16 7	16 4	16 0	...	...	...	10 15	12 0	9 8	12 6	14 0	12 0	30 0	35 0	34 0	27 7	28 0	30 0
	Baroda	12 0	12 0	12 5	14 9	14 5	18 5	8 0	8 0	8 0	12 0	12 0	13 11	16 0	16 0	24 0	14 9	14 14	23 11
	Diss	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Nimach																		
	Nasirabad	18 4¾	18 8	17 0	25 0	25 0	26 0	6 0	6 0	6 0	7 0	7 0	7 0	28 0	28 0	26 0	19 4½	19 5	30 0
	Rajkot	14 4	14 0	19 8	...	...	...	6 0	6 0	5 8	11 0	11 0	12 0	18 8	19 0	27 0	16 0	16 4	22 8
	Upper Sindh Frontier	15 0	14 8	10 10½	29 0	26 8	16 0	12 4	11 4	8 0	22 8	21 5	10 0	35 8	35 8	17 12½	32 0	29 0	17 4½
	Karachi	12 0	12 0	11 5	20 0	20 0	19 0	10 0	10 0	8 0	17 0	17 0	12 0	23 0	23 0	19 0	19 0	20 0	16 8
	Hyderabad (Nakur)	13 0	14 0	11 0	20 0	20 0	20 0	12 0	13 0	9 0	20 0	20 0	13 0	27 0	27 0	18 0	25 0	26 8	18 0
	Shikarpur	13 12	13 5	10 13	24 10	24 0	18 0	12 1½	12 12½	9 0	20 0	20 0	13 5	23 0	23 4	14 10	31 14	32 0	16 3
	Thar and Parkar (Umarkot)	13 0	13 0	12 0	...	...	...	...	...	...	11 14	11 0	12 0	...	...	...	21 6	21 0	16 8
	Western Districts.																		
Bengal	Burdwan	14 0	12 0	15 8	70 0	60 0	40 0	30 12	29 0	25 8	33 0	32 8	30 0	...	...	...	...	...	...
	Bankoorah	16 0	13 0	18 0	20 0	18 0	20 0	25 0	25 0	25 0	37 0	38 0	32 8	...	...	...	...	...	...
	Beerbhoom	15 0	12 0	16 0	...	...	24 0	24 0	24 0	24 0	30 0	30 0	30 0	...	...	...	...	...	...
	Midnapore	14 8	14 8	16 0	...	...	...	20 0	20 0	27 0	28 0	28 0	32 0	...	...	...	...	...	...
	Hooghly	15 0	15 0	20 0 to 22 0	...	...	...	10 0	10 0	10 0	20 0	20 0	21 0	...	...	...	...	...	...
	Howrah	13 0	13 8	15 8	...	...	...	18 0	18 0	18 0	25 0	25 0	22 0	...	...	...	...	...	...

* The interior prices range as follow:—Wheat 15 to 17 seers, barley 36 to 40 seers, best rice 22-8 to 25 seers, common rice 29 to 30-8 seers, gram 21 to 27 seers, firewood 120 seers, and salt 10 to 11-8 seers.

† The interior prices range as follow:—Wheat 12 to 18 seers, barley 22 to 35 seers, best rice 22 to 32 seers, common rice 35 to 40 seers, maize or Indian-corn 18 to 52 seers, gram 12 to 23 seers, firewood 100 to 440 seers, and salt 9 to 12 seers.

)F INDIA.

ANCE AND COMMERCE.

INDIA FOR THE 1st HALF OF MARCH 1882.

IN SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Coralou, Murunwa, Nuglee), *Panicum Miliaceum*, &c.			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			Districts.	Provinces.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		
												12 0	12 0	12 0	Ganjam	Madras.
35 3	35 3	35 3	26 10	26 10	40 6	215 13	215 13	215 13	...	...	...	11 2	11 2	10 8	Vizagapatam	
26 5	27 5	32 5	35 2	33 14	40 14	90 6	89 14	87 8	11 11	11 11	11 11	12 8	12 8	12 8	Godavery	
36 6	36 6	36 6	33 10	33 10	42 0	194 6	194 6	160 6	12 8	12 8	12 8	14 10	12 13	12 13	Kistna	
39 3	39 3	41 3	33 10	34 3	31 10	145 13	145 13	145 13	14 14	12 14	13 6	12 11	11 11	12 11	Nellore	
36 6	36 6	30 0	29 6	19 14	21 0	93 5	93 5	93 5	12 11	11 11	13 3	13 14	13 14	13 8	Cuddapah	
33 11	34 8	33 0	38 11	39 10	32 11	194 6	194 6	194 6	14 6	14 6	13 14	12 8	12 8	12 8	Bellary	
31 0	31 0	31 0	31 6	33 10	38 2	97 3	97 3	97 3	12 13	12 13	12 13	12 8	12 8	12 2	Kurnool	
...	...	...	30 0	31 8	31 8	198 5	202 3	...	12 14	12 14	12 8	14 6	13 11	13 14	Madras	
30 2	30 2	26 11	28 2	28 8	29 10	81 6	81 6	82 10	15 6	14 3	14 6	13 14	13 14	13 14	Chingleput	
28 13	28 13	26 0	26 8	26 8	28 2	77 13	77 13	77 13	14 5	14 5	14 5	12 5	12 5	12 5	North Arcot	
34 3	34 3	30 13	36 6	36 6	32 8	140 0	140 0	140 0	12 11	12 11	12 11	15 5	15 5	14 13	South Arcot	
32 10	32 10	29 6	32 0	24 11	27 14	201 11	201 11	201 11	15 11	15 11	15 5	12 14	12 14	12 14	Tanjore	
42 5	45 5	33 3	35 0	33 3	29 11	194 6	194 6	194 6	12 14	12 14	13 2	13 13	13 13	13 0	Trichinopoly	
32 11	36 11	31 6	35 6	32 5	30 13	97 3	97 3	97 3	14 10	14 10	13 13	13 8	14 0	14 0	Madura	
34 2	34 2	30 3	42 11	40 14	36 8	121 8	121 8	145 13	13 13	14 3	14 8	14 13	14 13	14 5	Tinnevelly	
...	...	...	27 13	27 13	27 2	81 10	81 10	76 13	15 3	15 3	14 13	12 3	12 3	12 11	Coimbatore	
29 8	32 13	36 2	38 0	36 2	43 11	131 3	131 3	131 3	12 11	12 11	13 3	9 3	9 3	9 3	Nilgiris	
22 5	21 10	19 6	24 14	23 3	24 14	121 8	121 8	121 8	9 3	9 3	9 3	13 5	12 5	12 14	Salem	
30 13	31 10	27 6	39 6	41 6	37 6	151 10	151 10	151 10	14 5	13 5	13 5	12 2	12 2	12 3	South Canara	
22 0	22 0	19 6	20 3	22 3	24 3	116 10	109 5	109 5	13 2	13 2	13 2	12 10	10 13	11 3	Malabar	
23 6	23 6	23 6	26 14	27 11	29 6	121 8	121 8	121 8	13 8	11 11	12 2					
												11 2	11 2	12 9	Bombay	Bombay.
17 3	13 9	12 0	19 2	20 9	21 5	61 7	61 7	68 4	12 9	13 9	12 9	15 0	13 0	13 0	Ahmedabad	
...	...	...	25 0	26 0	26 0	80 0	80 0	80 0	15 8	13 4	13 4	16 0	12 13	10 0	Kaira	
...	...	...	20 0	20 0	26 0	80 0	80 0	80 0	...	...	...	11 6	11 6	11 13	Surat	
...	...	...	15 9	15 9	18 13	80 0	80 0	80 0	11 6	11 6	13 5	12 12¾	12 12¾	12 12¾	Broach	
...	...	...	16 13¼	19 0	20 0	106 0	106 0	106 0	12 12¾	12 12¾	12 12¾	10 2	10 2	9 7	Tanna (Salsette)	
25 11	25 11	20 0	17 3	15 10	14 5	71 1	71 0	71 1	11 7	11 7	10 1	12 8	12 8	12 0	Colába (Alibag)	
...	...	...	15 0	14 8	13 0	110 0	110 0	100 0	13 0	13 0	12 8	13 0	13 0	12 8	Khandesh (Dhulia)	
...	...	...	21 9	25 2¼	26 15¼	140 0	140 0	140 0	13 2	13 2	12 10	12 0	12 0	12 12	Násik	
34 8	34 8	27 9	23 8	23 8	24 2	114 0	114 0	128 0	12 4	12 4	12 14	12 1	14 3	11 12	Ahmednagar	
...	...	...	23 11	23 4	26 6	91 5	98 4	106 4	12 3	14 5	12 2	12 4	11 11	12 4	Poona	
...	...	...	20 11	23 0	20 11	68 0	68 0	76 0	12 8	11 15	12 8	11 12	11 12	11 4	Sholápur	
...	...	...	25 9	25 1	27 6	106 0	106 0	91 6	12 0	12 0	11 8	11 0	11 0	10 0	Kaládgi (Bagalkot)	
...	...	...	16 0	15 0	17 11	110 0	110 0	110 0	11 13	12 0	11 0	11 10	11 10	10 15	Satara	
...	...	...	18 3	18 3	15 10	137 1	137 1	114 1	12 6	12 6	11 12	10 8	10 0	12 0	Belgaum	
35 0	35 0	31 0	16 8	17 0	18 8	70 0	70 0	250 0	11 0	11 0	12 8	9 0	9 0	8 0	Dharwar (Hubli)	
36 0	31 0	49 0	14 0	13 0	21 0	80 0	80 0	80 0	9 13	9 8	8 12	11 10	11 0	10 6	Ratnágiri	
23 8	25 14	18 13	14 0	14 0	16 13	150 0	150 0	180 0	11 13	11 0	10 6	11 0	11 0	10 8	Kanara (Karwar)	
22 5	22 0	20 0	15 6	16 0	15 4	213 5	213 5	213 5	11 8	11 8	11 0	12 4	12 4	11 6	Pánch Mahals (Godhra)	
32 0	32 0	50 0	32 0	32 0	32 0	200 0	200 0	200 0	12 13	12 13	...	32 0	32 0	32 0	Aden	
...	...	...	9 5	9 5	9 5	65 5	65 5	65 5	...	...	...	10 15	11 4	10 0	Asirgarh	
...	...	...	24 5	24 0	21 9	160 0	160 0	160 0	10 15	11 4	10 0	13 2	12 9	11 7	Baroda	
...	...	...	17 2	17 11	21 11	85 0	85 0	80 0	13 2	12 9	11 11	No return received			Disa	
...	...	...	...	...	...	...	...	...	...	...	...				Nimach	
...	...	...	24 0	24 11	25 7½	85 0	83 1¼	80 0	14 6‡	13 10‡	...	13 12¾	13 0	13 0	Nasirabad	
...	...	...	20 8	20 8	27 0	80 0	80 0	90 0	60 0§	60 0§	32 0§	50 0	50 0	...	Rajkot	
...	...	...	22 0	21 0	13 12	160 0	160 0	180 0	10 5	10 2¼	8 8	10 5	10 0	8 8	Upper Sindh Frontier	
40 0	40 0	...	18 0	19 0	19 0	105 0	105 0	110 0	14 3	14 3	14 3	14 0	14 0	14 0	Karachi	
13 0	9 8	7 8	11 0	10 0	11 0	320 0	320 0	320 0	12 0	12 0	10 0	12 0	12 0	10 0	Haidarabad (Nukur)	
...	...	...	22 2	21 4	14 6	250 0	260 0	220 0	11 4	11 8	10 12	11 0	11 0	10 10	Shikarpur	
...	...	...	...	...	...	160 0	160 0	160 0	9 10	9 10	10 10	9 10	9 10	10 10	Thar and Parkar (Umarkot)	
									Prices per md. of 40 seers.						*Western Districts.*	Bengal.
									Rs. A. P.	Rs. A. P.	Rs. A. P.					
...	...	...	26 0	26 0	24 0	120 0	120 0	80 0	3 5 6	3 13 0	...	10 12	10 6	10 0	Burdwan	
...	...	...	21 0	21 0	20 0	320 0	320 0	320 0	4 0 0	4 2 0	...	9 8	9 0	9 0	Bancoorah	
...	...	...	22 0	24 0	19 0	180 0	180 0	200 0	4 5 0	4 3 6	...	9 0	9 8	9 0	Beerbhoom	
...	...	...	19 0	19 0	18 0	160 0	160 0	160 0	3 13 0	3 13 0	...	10 0	10 0	10 0	Midnapore	
...	...	...	21 0	21 0	21 0	100 0	100 0	120 0	3 13 0	3 13 0	...	9 0	9 0	9 0	Hooghly	
...	...	...	22 0	22 0	20 0	80 0	80 0	80 0	3 12 0	3 13 0	3 14 3	10 8	10 8	...	Howrah	

‡ Sambhur. § Common.

* In the interior prices range as follow :—Wheat 14 to 18 seers, best rice 18 to 35 seers, common rice 26 to 38-8 seers, gram 20 to 40 seers, firewood 80 to 200 seers, and salt 9 to 10-8 seers.

* In the interior prices range as follow :—Wheat 12-12 to 13 seers, barley in (Chandrakona) 26-8 seers, best rice 20 to 28 seers, common rice 20 to 40 seers, gram 16 to 22-8 seers, firewood 80 to 260 seers, and salt 8 to 11 seers.

* In the interior prices range as follow :—Wheat 12 to 19 seers, barley 20 to 34 seers, best rice 10 to 26 seers, common rice 20 to 34 seers, gram 20 to 23 seers, firewood 100 to 160 seers, and salt 9 to 11 seers.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Bengal—continued.	*Central Districts.*																		
	Calcutta	14 0	14 0	15 0	18 12	29 0	32 0	10 0	10 0	6 12	17 12	17 12	17 0	32 0	30 4	32 0	...	...	...
	24-Pergunnahs	11 4	11 4	12 0	23 0	26 0	24 8	10 0	10 0	12 0	20 0*	20 0	20 0	26 0	26 0	26 0	...	...	16 0
	Nuddea	16 0f	16 0	16 0	32 0	32 0	...	22 15	22 15	20 0	24 10	24 10	22 14	...	...	...	...	...	...
	Jessore	14 8g	14 0	16 0	...	...	...	22 0	21 4	20 0	29 0	28 0	28 0	...	...	...	...	...	...
	Moorshedabad	18 0h	14 0	18 0	...	...	...	18 0	20 0	22 0	28 0	32 0	32 0	...	...	...	...	...	...
	Dinagepore	12 12i	14 0	13 12	22 12	24 0	28 0	22 12	25 9	24 0	30 13	32 0	31 3	...	...	...	...	...	...
	Rajshahye	13 8 to 16 0	13 8 to 16 0	12 12	48 12	48 12	37 8	21 0 to 22 8	12 8 to 14 0	22 8 to 24 0	26 4 to 29 12	27 3 to 30 0	24 0 to 32 0	...	...	...	...	...	...
	Rungpore	12 0j	12 0	18 0	...	...	...	15 0	15 0	15 0	25 14	25 14	22 8	...	...	...	...	...	...
	Bogra	21 0	20 4	24 0	...	...	...	18 0	18 12	24 0	31 14	33 12	39 0	...	...	...	...	...	...
	Pubna	22 0k	22 8	17 0	...	...	...	10 0	12 0	12 0	26 4	28 8	32 0	...	...	...	...	...	...
	Darjeeling	8 0l	8 0	8 0	8 0	8 0	8 0	6 0	6 0	5 0	14 0	14 0	12 0	...	...	...	...	...	...
	Jalpaiguri	9 0m	9 0	10 0	20 0	20 0	...	16 0	16 0	16 0	23 0	23 0	23 0	...	...	...	...	...	...
	Eastern Districts.																		
	Dacca	13 12n	14 8	13 5	42 8	53 4	45 0	22 10	26 12	28 8	35 0	32 0	35 0	...	...	...	...	...	...
	Furreedpore	30 0o	19 0	20 0	33 0	30 0	40 0	20 0	20 0	7 0	26 0	26 0	26 0	...	...	...	...	...	...
	Backergunge	... p	...	...	...	...	...	23 0	23 0	20 0	29 0	29 0	32 0	...	...	...	...	...	...
	Mymensingh	10 0q	10 0	11 4	...	...	...	20 0	20 0	20 0	30 0	29 0	25 0	...	...	...	...	...	...
	Tipperah	11 8	11 8	13 0	...	...	...	23 0	22 0	27 0	32 0	30 4	37 8	...	...	...	...	...	...
	Chittagong	9 0r	9 0	12 4	...	...	...	18 0	17 0	16 0	23 0	24 0	22 0	...	...	...	...	...	...
	Noakholly	... s	...	...	...	...	...	28 0	28 0	22 0	32 0	32 0	24 0	...	...	...	...	...	...
	Chittagong Hill Tracts	...	...	...	...	...	...	13 5	13 5	16 0	17 12	16 0	17 3	...	...	...	...	...	...
	Hill Tipperah	10 0	10 0	9 0	...	...	...	26 0	25 0	22 0	38 0	38 0	34 0	...	...	...	...	...	...
	Behar.																		
	Patna	19 0	19 0	26 0	50 0	50 0	40 0	13 6	13 6	16 0	21 0	21 0	26 10	...	...	...	...	...	...
	Gya	18 0t	15 0	21 0	31 0	34 0	38 0	11 8	11 8	15 0	22 0	22 0	23 0	...	...	...	29 0	30 0	...
	Shahabad	14 0u to 17 0	14 8 to 16 0	19 8	36 0	36 0	37 0	20 0 to 21 0	20 0 to 22 0	20 0	23 0	23 0 to 25 0	24 0	...	...	...	...	...	...
	Durbhunga	13 0v	12 8	24 0	35 0	35 0	55 0	13 0	13 0	18 8	22 0	18 0	24 4	...	...	...	...	...	...
	Mozufferpore	16 0w	13 0	19 0	40 0	50 0	50 0	12 0	13 0	13 0	19 0	20 0	24 0	...	...	...	...	...	...
	Sarun	14 0	13 8	19 0	38 0	42 0	46 0	11 0	10 8	10 8	22 0	23 0	23 0	36 0	38 0	40 0	...	...	...
	Chumparun	11 0x	11 0	21 0	...	...	...	12 0	12 0	14 0	23 0	25 0	21 0	...	...	...	...	...	...
	Monghyr	16 0y	16 0	21 0	40 0	30 0	23 1	16 0	16 0	16 12	20 0	22 0	27 4	...	...	...	...	...	...
	Bhágulpur	12 10z	11 9	15 12	...	...	44 3	20 3	25 4	20 3	25 4	26 8	22 11	...	...	...	...	...	...
	Purneah	14 0z1	16 0	15 0	...	40 0	40 0	28 0	26 0	25 0	32 0	32 0	32 0	...	...	...	...	...	...
	Maldah	16 0	16 0	16 0	...	...	...	21 0	20 0	16 0	27 0	28 0	29 0	...	...	...	...	...	...
	Sonthal Pergunnahs	12 0z2	11 0	15 0	...	...	...	25 0	25 0	27 0	30 0	30 0	30 0	...	...	...	...	...	...
	Orissa.																		
	Cuttack	18 6	17 1	21 0	...	...	...	17 1	19 11	19 11	30 3†	31 8	26 4	...	...	...	...	...	...
	Pooree	14 0z3	14 12	15 12	...	...	...	25 0	22 12	26 4	35 0	35 0	31 8	...	...	...	...	...	...
	Balasore	13 0	13 0	13 5	...	...	...	26 0	26 0	26 12	32 0	32 0	31 12	...	...	...	...	...	...
	Chota Nagpore—South-Western Frontier Agency.																		
	Hazaribagh	15 0z4	12 0	18 0	24 0	24 0	40 0	12 0	11 0	12 0	23 0	23 8	25 0	...	...	...	...	...	...
	Lohardugga	16 0z5	12 0	20 0	24 0	...	...	22 0	22 0	24 0	26 0	26 0	28 0	...	...	...	...	...	...
	Singbhoom	21 0	21 0	16 0	40 0	40 0	32 0	32 0	32 0	32 0	36 0	36 0	36 0	...	...	...	...	...	...
	Manbhoom	15 8z6	14 0	16 0	...	...	18 0	22 0	21 0	20 0	35 0	34 0	32 0	...	...	36 0	...	...	...

* In the sub-divisions price of common rice varies from 19 to 32 seers per rupee.

† In the interior price of common rice varies from 26-4 to 39-6 seers per rupee.

f In the interior prices range as follow:—Wheat 14 to 24 seers, barley 26 to 40 seers, best rice 16 to 21 seers, common rice 24 to 33 seers, maize or Indian-corn (in Kooshtea) 16 seers, gram 24 to 32 seers, firewood 80 to 200 seers, and salt 9 to 10 seers.

g In the interior prices range as follow:—Wheat 8 to 11 seers, best rice 9 to 26 seers, common rice 25 to 32 seers, gram 8 to 16 seers, firewood 100 to 160 seers, and salt 8 to 8-8 seers.

h In the interior prices range as follow:—Wheat 14 to 16 seers, barley 34 to 40 seers, best rice 15 to 25 seers, common rice 25 to 30 seers, gram 23 to 28 seers, firewood 100 to 140 seers, and salt 9 to 9-8 seers.

i In the interior prices range as follow:—Wheat 12 to 13 seers, best rice in (Raigunge) 26-4 seers, common rice 30 to 35-8 seers, gram 15 to 20 seers, firewood 160 seers, and salt 8 to 10 seers.

j In the interior prices range as follow:—Wheat 15 to 18-5 seers, barley (in Bagdogra) 16 seers, best rice 15 to 24 seers, common rice 21 to 29 seers, lesser millets (in Kurigram) 32 seers, gram 12 seers, firewood 80 to 200 seers, and salt 8 to 9 seers.

k In Serajgunge prices are—Wheat 22 seers, best rice 10 seers, common rice 28 seers, gram 17 seers, and salt 9 seers.

l In the interior prices range as follow:—Best rice 10 to 16 seers, common rice 18 to 22 seers, lesser millets (in Kurseong) 12 seers, maize or Indian-corn 16 seers, gram 10 to 14 seers, firewood 80 to 160 seers, and salt 6 to 7 seers.

m In the interior prices range as follow:—Best rice 10 to 20 seers, common rice 16 to 26-12 seers, gram 8 to 12-14 seers, firewood 84 seers, and salt 5-10 to 8 seers.

n In the interior prices range as follow:—Wheat (in Jaffergunge) 24 seers, barley (in Jaffergunge) 52-8 seers, best rice 16 to 36 seers, common rice 26 to 30 seers, gram 21 to 30 seers, firewood 80 to 120 seers, and salt 8 to 10 seers.

o In the interior prices range as follow:—Wheat (in Goalundo) 20 seers, barley (in Goalundo) 30 seers, best rice 24 to 29 seers, common rice 28 to 32 seers, gram 13 to 16 seers, firewood 120 to 200 seers, and salt 8 to 9-8 seers.

p In the interior prices range as follow:—Wheat 24 to 27-9 seers, common rice 28 to 34 seers, gram 10 to 20 seers, firewood 60 to 200 seers, and salt 8 seers.

q In the interior prices range as follow:—Wheat 11 to 13-4 seers, best rice 17 to 30 seers, common rice 21 to 32 seers, gram 11 to 20 seers, and salt 8 to 9-12 seers.

r In the interior prices range as follow:—Best rice 24 seers, common rice 26 to 32 seers, firewood (in Cox's Bazar) 214 seers, and salt 8 to 9 seers.

s In the interior prices range as follow:—Best rice 20 to 36 seers, common rice 29 to 40 seers, and salt 6 to 10 seers.

DIA FOR THE 1st HALF OF MARCH 1882—*continued.*

SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Coraloo, Murhwa, Nagree), Panicum Miliaceum, &c.			Gram.			Firewood.			Salt. Wholesale prices per maund of 40 seers.			Salt. Retail.			Districts.	Provinces.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
Ch. S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	Rs. A. P.	Rs. A. P.	Rs. A. P.	S. Ch.	S. Ch.	S. Ch.		
															Central Districts.	
...	...	...	22 14	24 12	20 0	90 0	90 0	90 0	3 4 0	4 0 0	4 0 0	8 0	8 0	...	Calcutta	
...	...	...	22 8	22 8	19 0	100 0	100 0	90 0	4 0 0	4 0 0	..	9 0	9 0	9 0	24-Pergunnahs	
...	...	...	29 0	29 0	26 10	160 0	...	120 0	3 12 0	3 12 0	...	9 2	9 2	10 0	Nudden	
...	...	...	20 0	20 0	16 0	110 0	110 0	110 0	4 0 0	4 0 0	...	8 8	8 8	8 0	Jessore	
...	...	...	30 8	33 0	30 0	120 0	120 0	120 0	3 12 0	4 4 0	...	9 8	9 0	9 8 to 10 0	Moorshedabad	
...	...	...	17 8	20 0	16 0	180 0	160 0	180 0	4 2 0	4 4 0	...	9 8	9 0	8 12	Dinagepore	
...	...	...	24 0 to 26 4	26 4 to 28 2	22 8 to 24 6	240 0	240 0	240 0	4 1 6	4 6 0	...	9 12	9 6	9 9	Rajshahye	
...	...	...	20 0	20 0	11 4	135 0	135 0	120 0	4 0 0	4 0 0	...	10 0	10 0	8 12	Rungpore	
...	...	...	15 0	15 0	16 14	67 8	67 8	67 8	4 4 0	4 4 0	...	8 10	8 10	8 10	Bogra	
...	...	...	21 5	21 0	18 12	200 0	200 0	200 0	3 10 0	4 1 6	...	10 8	9 10	9 6	Pubna	
...	9 0	9 0	8 0	8 0	8 0	160 0	160 0	160 0	6 0 0	6 0 0	...	6 0	6 0	5 0	Darjeeling	
...	...	...	16 0	16 0	11 5	120 0	120 0	64 0	4 0 0	4 4 0	...	9 4	9 0	8 0	Jalpaiguri	
															Eastern Districts.	
...	...	...	22 10	25 4	20 0	91 4	91 4	106 0	3 12 0	3 12 0	4 2 0	10 8	10 8	9 11	Dacca	
...	...	...	16 0	15 0	12 0	..	...	...	4 3 4	4 1 8	...	9 0	9 8	9 8	Furreedpore	
...	...	...	21 0	21 0	18 8	100 0	100 0	100 0	4 8 0	4 8 0	...	8 0	8 0	8 12	Backergunge	
...	...	...	20 0	20 0	18 4	...	...	...	4 0 0	4 4 0	...	10 0	9 8	9 8	Mymensingh	
...	...	...	20 0	20 0	17 0	...	...	...	4 0 0	4 2 0	...	10 0	9 8	9 8	Tipperah	
...	..	...	18 0	16 0	16 0	80 0	80 0	80 0	3 12 0	3 11 0	3 14 0	9 0	10 0	10 0	Chittagong	
...	...	...	16 0	16 0	16 0	...	...	...	4 6 0	4 6 0	...	8 8	8 8	8 0	Noakholly	
...	...	...	...	...	...	320 0	320 0	320 0	4 8 0	4 8 0	...	8 0	8 0	8 0	Chittagong Hill Tracts	
...	...	...	13 0	13 0	9 0	...	...	...	4 4 0	4 4 0	...	8 0	8 0	8 0	Hill Tipperah	BENGAL—*continued.*
															Behar.	
...	...	...	42 8	42 8	40 0	130 0	130 0	120 0	3 15 6	3 15 6	...	9 1	9 1	...	Patna	
...	...	50 0	31 0	31 0	32 8	140 0	140 0	160 0	3 10 0	4 3 0	...	11 0	9 0	9 0	Gya	
...	...	...	32 0	32 0	33 0	120 0	120 0	120 0	2 14 0	4 0 0	...	13 0	9 8	9 8	Shahabad	
0 0	37 8	39 0	28 0	28 0	28 8	160 0	160 0	154 0	4 6 10	4 6 10	...	9 0	9 0	9 4	Durbhunga	
...	...	...	27 0	30 0	30 0	140 0	140 0	140 0	3 8 0	4 4 0	...	11 0	9 0	9 8	Mozufferpore	
2 0	32 0	34 0	30 0	30 0	32 0	160 0	160 0	160 0	3 8 0	4 3 0	...	10 0	9 0	8 8	Sarun	
...	...	...	23 0	23 0	26 0	...	...	...	4 8 0	4 8 0	...	8 12	8 12	8 0	Chumparun	
...	...	...	32 0	32 0	33 9	120 0	120 0	126 0	4 0 0	4 0 0	...	9 0	8 0	8 6	Monghyr	
...	...	...	31 9	29 4	32 12	137 8	138 12	126 4	3 1 0	4 0 1	...	10 1	9 7	9 6	Bhagalpur	
...	...	...	20 0	22 0	20 0	160 0	120 0	120 0	4 4 6	4 5 0	...	8 0	8 0	8 0	Purneah	
...	...	...	24 0	23 0	18 0	120 0	120 0	100 0	4 6 0	4 4 0	...	9 0	9 0	9 0	Maldah	
...	...	...	20 0	20 0	22 0	200 0	200 0	200 0	4 8 0	4 8 0	...	8 0	8 0	8 0	Sonthal Pergunnahs	
															Orissa.	
3 2	14 7	17 1	23 10	22 5	26 4	160 0	160 0	160 0	3 8 0	3 8 0	3 8 0	11 0	11 0	11 0	Cuttack	
...	...	...	17 8	17 8	17 5	105 0	105 0	100 0	3 6 0	3 6 0	...	11 0	11 0	11 13	Pooree	
...	...	...	16 0	16 0	13 5	160 0	160 0	91 0	3 2 0	3 12 0	4 6 0	13 0	10 0	9 4	Balasore	
															Chota Nagpore—South-Western Frontier Agency.	
0 0	39 0	48 0	25 0	26 0	27 0	240 0	240 0	240 0	4 0 0	4 2 0	...	9 0	8 0	8 0	Hazaribagh	
0 0	41 0	56 0	20 0	16 0	20 0	140 0	140 0	160 0	4 1 0	4 10 0	...	9 0	8 0	8 0	Lohardugga	
...	...	...	21 0	21 0	20 0	160 0	160 0	160 0	5 8 3	5 8 3	...	7 0	7 0	7 0	Singbhoom	
...	60 0	64 0	15 0	20 0	20 0	120 0	120 0	140 0	3 15 0	4 6 0	...	10 0	8 8	9 0	Manbhoom	

t In Nowada prices are—Wheat 13 seers, barley 45 seers, common rice 27 seers, lesser millets 50 seers, maize or Indian-corn 50 seers, gram 30 seers, firewood 200 seers, and salt 8 seers.

u In the interior prices range as follow:—Wheat 16 to 18 seers, barley 28 to 37 seers, best rice 10 to 14 seers, common rice 18 to 24 seers, bulrush-millet (in Buxar) 32 seers, great millet (in Buxar) 30 seers, lesser millets 35 to 42-8 seers, maize or Indian-corn (in Buxar) 37 seers, gram 26 to 29 seers, firewood 160 to 250 seers, and salt 8 to 10 seers.

v In the interior prices range as follow: Wheat 12 seers, barley 40 to 45 seers, best rice 11 to 24 seers, common rice 25 to 28 seers, murwa 37-8 to 48 seers, maize or Indian-corn 40 to 46 seers, gram 26 to 28 seers, firewood 200 seers and salt 9 seers.

w In the interior prices range as follow:—Wheat 10 to 20 seers, barley 40 to 60 seers, best rice 12 to 30 seers, common rice 20 to 34 seers, lesser millets 40 to 60 seers, maize or Indian-corn 34 to 60 seers, gram 27-8 to 40 seers, firewood (in Seetamurhee) 120 to 160 seers, and salt 8 to 11 seers.

x In the interior prices range as follow: Wheat 11 to 23 seers, barley 40 to 60 seers, best rice 15 to 21 seers, common rice 19 to 27 seers, maize or Indian-corn 40 to 60 seers, gram 21 to 35 seers, and salt 8 to 10 seers.

y In the interior prices range as follow:—Wheat 13 to 13-8 seers, barley 36 to 65 seers, best rice 12 to 20 seers, common rice 21 to 24 seers, jowar 40 to 50 seers, murwa 45 to 60 seers, maize or Indian-corn 40 to 45 seers, gram 28 to 45 seers, firewood 160 seers, and salt 9-8 to 10 seers.

z In the interior prices range as follow:—Wheat 14 to 20 seers, barley (in Soopole) 50 seers, best rice 24 to 32 seers, common rice 25 to 34 seers, lesser millets 55 to 60 seers, maize or Indian-corn (in Banka) 40 seers, gram 20 to 28 seers, firewood 160 seers, and salt 8 to 9 seers.

z1 In the interior prices range as follow:—Wheat 13 to 16 seers, best rice 16 to 28 seers, common rice 27 to 32 seers, gram 14 to 20 seers, firewood 64 to 160 seers, and salt 8 seers.

z2 In Godda prices are—Wheat 12-8 seers, best rice 25 seers, common rice 31-4 seers, gram 25 seers, firewood 128 seers, and salt 8 seers.

z3 In Khurua prices are—Best rice 20-4 seers, common rice 33-2 seers, gram 21 seers, firewood 190 seers, and salt 11 seers

z4 In the interior prices range as follow:—Wheat 14-8 to 17 seers, barley 30 to 35 seers, best rice 14 to 16 seers, common rice 21 to 25 seers, lesser millets 32 to 50 seers, maize or Indian-corn 27 to 30 seers, gram 24 to 26 seers, firewood 200 to 320 seers, and salt 9 seers.

z5 In Lohardugga prices are—Wheat 22 seers best rice 24 seers, common rice 32 seers, gram 22 seers, firewood 200 seers, and salt 7 seers.

z6 In the interior prices range as follow:—Wheat 11 to 15 seers, barley (in Jhalda) 20 seers, best rice 23 to 32 seers, common rice 26 to seers, great millet (in Govindpore) 40 seers, lesser millets (in Govindpore) 40 seers, gram 15 to 24 seers, firewood 240 to 800 seers, and salt 8 to 10 seers.

PRICES CURRENT OF FOOD-GRAINS THROUHOU

QUANTITIES PER RU

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar). *Holcus Sorghum.* Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra) *Penicillaria Spic.* Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Assam.	Sylhet	13 0	13 0	13 0	...	...	...	17 0	17 0	16 0	35 0	35 0	28 0	...	...	...	...	...	...
	Cachar	10 10	10 0	10 5	16 0	16 0	20 0	20 0	21 5	22 12	29 0	25 10	26 10	...	...	...	...	...	...
	Goálpárá	26 9	22 14	20 0	...	...	...	12 4	12 12	13 5	18 13	20 0	20 0	...	...	...	...	...	...
	Gáro Hills	4 0	4 0	...	...	...	...	5 0	5 0	...	20 0	16 0	...	...	...	...	...	...	...
	Kámrúp	20 0	19 0	16 0	...	...	...	15 0	13 0	13 0	20 0	22 0	16 0	...	...	...	...	...	...
	Darrang	...	...	8 0	...	...	...	10 0	10 0	8 0	16 0	16 0	16 0	...	...	...	...	...	...
	Nowgong	...	...	...	...	...	...	13 8	13 8	12 0	16 0	16 0	16 0	...	...	...	...	...	...
	Sibságar	...	...	...	...	...	...	7 0	7 0	8 0	16 0	16 0	16 0	...	...	...	...	...	...
	Lakhimpur	8 0	8 0	8 0	10 0	10 0	...	5 8	5 8	6 0	16 0	16 0	14 0	...	...	...	...	...	...
	Khásí & Jaintiá Hills	10 0	10 0	8 0	...	...	...	9 0	9 0	9 8	10 0	10 0	10 8	...	...	...	...	...	...
	Nága Hills	...	...	...	...	...	...	4 0	4 0	...	8 0	8 0	...	...	...	...	...	...	...
N. W. Provinces.	Dehra Dún	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Saharanpur																		
	Muzaffarnagar																		
	Meerut																		
	Bulandshahr																		
	Aligarh																		
	Kumaun																		
	Garhwal																		
	Bijnor																		
	Moradabad																		
	Budaun																		
	Bareilly																		
	Shahjahanpur																		
	Tarái Pergunnahs																		
	Muttra																		
	Agra																		
	Farukhabad																		
	Mainpuri																		
	Etawah																		
	Etah																		
	Jalaun																		
	Jhánsi																		
	Lalitpur																		
	Cawnpore																		
	Fatehpur																		
	Banda																		
	Allahabad																		
	Hamirpur																		
	Jaunpur																		
	Gorakhpur																		
	Basti																		
	Azamgarh																		
	Mirzapur																		
	Benares																		
	Gházipur																		
	Balia																		
	Pilibhít																		
Oudh.	Lucknow	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Unao																		
	Bára Banki																		
	Sitapur																		
	Hardui																		
	Kheri																		
	Fyzabad																		
	Bharaich																		
	Gonda																		
	Rái Bareli																		
	Sultanpur																		
	Partabgarh																		
Punjab.	Delhi	18 12	19 8	18 0	26 0	27 8	23 0	...	...	...	15 0	14 0	15 0	25 0	26 4	23 8	21 0	23 8	20 8
	Gurgaon	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Karnál																		
	Hissar	19 8	20 0	15 8	30 0	31 0	28 0	...	...	...	10 0	10 0	10 0	34 0	36 0	25 0	28 0	30 0	20
	Rohtak	21 8	21 8	18 0	25 0	26 0	22 0	...	...	...	9 0	9 0	10 0	30 0	28 0	24 8	25 0	25 0	20
	Sirsa	21 8	21 0	16 0	45 0	47 0	32 0	...	...	...	14 0	14 0	12 0	45 0	47 0	26 0	34 0	36 0	21
	Umballa	23 0	23 8	16 8	38 0	40 0	25 0	...	...	...	14 0	14 8	12 8	36 0	36 0	24 0	32 0	27 0	20
	Ludhiana	26 0	25 0	16 8	42 0	42 0	25 0	...	...	...	12 0	12 0	12 0	42 0	39 0	25 0	32 0	32 0	21
	Simla	...	19 0	14 0	...	...	19 0	...	...	...	13 0	13 0	10 0	...	...	...	...	...	17
	Jullundur	25 8	24 8	17 0	40 0	38 0	25 0	...	...	...	9 0	8 0	8 0	35 0	34 0	23 8	24 0	25 0	17
	Hoshiarpur	25 0	24 0	17 8	40 0	39 0	22 0	...	...	...	11 0	12 0	10 0	29 0	29 0	23 0	23 0	25 0	20
	Kangra	21 8	22 0	17 8	34 0	34 0	22 0	...	...	...	15 0	15 0	14 0	...	...	...	...	...	...

INDIA FOR THE 1st HALF OF MARCH 1882—*continued.*

IN SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Cornloo, Murhwa, Nuglee), *Panicum Miliaceum*, &c.			Gram.			Firewood.			Salt.						Districts.	Provinces.
									Wholesale.			Retail.				
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	Rs. A.	Rs. A.	Rs. A.	S. Ch.	S. Ch.	S. Ch.		
									per maund.							
...	...	...	22 0	22 0	16 0	108 0	108 0	108 0	4 4	...	...	9 4	9 8	9 0	Sylhet	Assam.
...	...	...	20 0	18 4	16 0	80 0	80 0	64 0	4 4	...	...	9 2	9 2	8 14	Cachar	
...	...	...	14 8¼	14 14	11 6½	120 0	120 0	120 0	4 4	...	...	9 4¼	8 14	8 0	Goálpárá	
...	...	...	8 0	8 0	...	160 0	160 0	...	6 4	...	...	5 5	5 5	...	Gáro Hills	
...	...	...	10 0	7 0	13 0	200 0	200 0	200 0	4 4	...	...	8 12	9 0	8 0	Kámrúp	
...	...	...	9 3	8 11	7 7	160 0	160 0	160 0	5 0	...	...	8 0	7 0	6 8	Darrang	
...	...	...	8 0	8 0	8 0	120 0	120 0	100 0	5 0	...	...	8 0	8 0	8 0	Nowgong	
...	...	...	10 0	10 0	8 0	80 0	80 0	120 0	6 4	...	...	7 0	7 0	6 8	Sibságar	
...	...	...	11 0	11 0	10 0	120 0	80 0	80 0	5 4	...	...	7 8	7 8	6 0	Lakhimpur	
...	...	...	...	...	8 0	...	..	...	7 8	...	...	5 5	5 5	5 12	Khási & Jaintiá Hills	
...	...	...	2 0	2 0	...	120 0	120 0	...	15 0	...	...	2 11	2 8	...	Nága Hills	
															Dehra Dún	N. W. Provinces.
															Sahárunpur	
															Muzaffarnagar	
															Meerut	
															Bulandshahr	
															Aligarh	
															Kumaun	
															Garhwál	
															Bijnor	
															Moradabad	
															Budaun	
															Bareilly	
															Sháhjáhánpur	
															Turái Pergunnahs	
															Muttra	
															Agra	
															Farukhabad	
															Mainpuri	
...	...	...	...	...	...	...	...	...	...	...	No return received				Etáwah	
															Etah	
															Jalaun	
															Jhánsi	
															Lalitpur	
															Cawnpore	
															Fatehpur	
															Banda	
															Allahabad	
															Hamirpur	
															Jaunpur	
															Gorakhpur	
															Basti	
															Azamgarh	
															Mirzapur	
															Benares	
															Gházipur	
															Balia	
															Pilibhít	
															Lucknow	Oudh.
															Unáo	
															Bára Banki	
															Sitapur	
															Hardui	
															Kheri	
...	...	...	...	...	...	...	...	...	...	...	No return received				Fyzabad	
															Bhuraich	
															Gonda	
															Rai Bareli	
															Sultanpur	
															Partábgarh	
...	...	...	22 8	24 0	20 12	85 0	80 0	90 0	12 0	11 8	...	11 0	10 8	11 8	Delhi	Punjab.
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Gurgáon	
															Karnal	
...	...	...	28 0	31 0	26 0	80 0	80 0	100 0	11 8	11 0	...	11 0	10 0	10 8	Hissar[a]	
...	...	...	27 0	26 0	23 0	100 0	100 0	120 0	9 2	10 0	...	8 0	9 3	10 8	Rohtak	
...	...	...	40 0	40 0	26 0	120 0	120 0	120 0	11 0	10 8	...	10 8	10 0	10 0	Sirsa	
...	...	...	31 0	34 0	21 4	130 0	140 0	160 0	12 12	11 11	...	12 8	11 8	11 4	Umballa[b]	
...	...	...	36 0	36 0	22 0	100 0	100 0	100 0	11 13	11 13	...	11 12	11 12	12 0	Ludiana[c]	
...	...	...	...	23 0	17 0	100 0	100 0	90 0	10 0	9 2	...	9 6	8 9	9 0	Simla	
...	...	...	32 0	33 0	22 0	100 0	100 0	100 0	11 8	11 8	...	11 14	11 14	11 12	Jullundur	
...	...	...	29 0	32 0	22 0	100 0	100 0	120 0	13 0	11 12	...	12 8	11 8	11 8	Hoshiarpur[c]	
...	...	...	20 0	20 0	16 8	140 0	140 0	160 0	10 0	10 0	...	9 0	9 0	9 0	Kangra	

(a) Gram rising. (b) Bajra falling—gram and firewood rising. (c) Jowar falling.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Punjab—*continued*.	Amritsar	23 8	23 8	16 0	46 0	46 0	23 8	...	...	...	13 8	13 8	11 8	33 4	33 4	22 0	27 8	26 8	18 8
	Siálkot [a]	22 8	22 8	16 0	41 0	39 0	26 0	...	...	...	16 0	16 0	12 8	31 0	30 0	18 8	24 0	24 0	18 0
	Gurdaspur	27 0	27 0	18 0	30 0	30 0	23 0	...	...	...	16 0	16 0	14 0	26 0	26 0	20 0	14 0	14 0	13 0
	Lahore	23 0	22 0	15 0	42 0	38 0	24 0	...	...	...	10 0	10 0	9 0	36 0	35 0	20 0	26 0	21 0	18 0
	Ferozepore [b]	21 0	22 0	15 8	40 0	42 0	25 0	...	...	...	11 0	12 0	11 0	40 0	40 0	22 0	34 0	29 0	19 0
	Gujranwála	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Rawalpindi																		
	Jhelum																		
	Gujrát [c]	23 12	23 4	14 12	40 0	37 8	21 8	...	...	...	11 12	11 2	8 0	33 0	32 0	18 8	30 8	30 0	17 0
	Shahpúr	19 4	18 0	11 8	32 0	32 0	16 0	...	...	...	13 0	13 0	9 0	23 0	23 0	15 8	21 0	21 0	13 8
	Mooltan	17 8	17 4	12 0	26 0	26 0	19 8	...	...	...	10 0	10 0	8 0	24 0	24 0	15 0	24 0	23 0	14 0
	Jhang	No return received			...	...	...	...	...	...	...	...	..	...	...	...	...	...	...
	Montgomery																		
	Muzaffargarh	19 0	19 0	12 8	28 0	28 0	21 0	...	...	...	5 0	5 0	5 0	21 0	21 0	16 0	22 0	22 0	15 0
	Dera Ismail Khan [d]	16 9	18 5	10 5	29 0	34 13	17 8	...	...	...	8 2	8 2	7 8	30 10	32 8	16 4	23 2	26 0	13 0
	Dera Ghazi Khán	16 14	16 14	11 4	26 4	23 12	16 14	...	...	...	..	...	...	25 0	23 12	15 10	25 0	23 12	14 1
	Bannu	18 7	19 1	9 11	33 2	34 1	20 5	..	...	...	10 0	10 0	7 8	25 0	27 8	16 4	18 12	20 0	13 12
	Peshawar [e]	12 10	13 8	7 14	28 12	33 8	12 8	...	...	...	9 0	9 0	6 0	22 0	24 0	10 0	13 10	14 8	...
	Kohat [e]	13 11	14 15	7 5	25 8	30 9	12 2	...	...	...	12 2	11 8	7 0	19 12	20 6	10 9	19 2	19 2	10 4
	Hazara [a]	...	...	9 8	26 8	27 0	14 8	...	...	...	15 0	14 0	6 0	...	26 0	13 8	...	...	...
Central Provinces.	Nágpur	21 0	19 12	22 4	...	...	...	8 8	8 8	9 12	17 4	17 0	16 12	30 12	30 12	29 12	...	..	...
	Bhandara	24 0	21 0	21 4	...	...	...	10 0	10 0	8 12	22 8	19 0	18 0	23 0	26 0	26 8	...	...	...
	Chanda	21 0	20 8	24 0	...	...	...	...	...	...	15 0	14 8	13 10	30 0	29 0	37 0	...	...	...
	Wardha	23 4	23 0	24 8	...	...	...	8 12	8 12	8 12	12 8	16 12	14 12	34 0	44 0	27 12	...	...	...
	Lálaghat	24 0	24 0	18 8	...	...	...	17 3	17 3	15 0	26 0	26 0	25 0	...	...	...	...	...	...
	Jubbulpore	21 8	21 8	22 0	16 0	16 0	19 0	13 0	13 0	13 0	17 0	18 0	24 0	26 0	25 0	42 0	20 0	20 0	29 0
	Saugor	26 0	25 0	27 0	...	...	39 0	8 0	8 0	9 0	10 0	10 0	11 0	32 0	...	45 0	26 0	...	35 0
	Damoh	30 4	29 0	29 12	...	...	...	13 8	13 8	12 12	14 8	14 8	13 12	...	...	...	...	...	...
	Seoni	22 8	24 0	20 0	...	...	...	13 0	12 8	13 8	19 0	18 8	23 8	...	...	...	...	...	...
	Mandla	25 0	22 0	24 0	...	...	...	14 8	15 0	17 8	21 0	22 0	24 0	...	...	...	...	...	...
	Betul	20 0	20 0	24 0	...	...	...	12 0	12 0	12 8	13 0	13 0	14 0	29 0	29 0	43 0	...	...	...
	Chhindwara	23 0	24 0	18 0	...	...	...	10 0	10 0	10 0	14 0	14 0	15 0	31 0	31 0	30 0	...	...	...
	Hoshangabad	21 4	20 12	19 0	...	...	...	4 0	4 0	5 4	11 0	10 12	9 14	27 0	27 8	36 0	24 8	24 8	29 0
	Narsinghpur	21 0	20 4	23 8	...	...	...	10 8	10 8	13 0	12 8	12 4	14 8	...	...	41 0	...	...	41 0
	Nimar	18 0	17 8	22 4	...	...	...	..	...	...	12 8	12 8	11 8	30 0	33 13	37 8	27 7	28 0	31 0
	Raipur	40 0	34 0	42 0	...	...	...	23 0	22 0	21 0	48 8	45 0	38 0	...	...	...	...	...	...
	Sambalpur	28 0	28 0	28 0	...	...	...	38 0	46 0	28 0	54 0	54 0	40 0	...	...	...	...	...	...
	Bilaspur	40 0	40 0	60 0	...	...	...	40 0	36 0	40 0	64 0	63 0	56 0	...	...	...	...	...	...
British Burma.	*Arakan Division.*																		
	Akyab	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Northern Arakan																		
	Kyoukpyoo																		
	Sandoway																		
	Pegu Division.																		
	Rangoon town and Hanthawaddy																		
	Tharrawaddy																		
	Prome																		
	Irrawaddy Division.																		
	Henzada																		
	Bassein																		
	Thonegwa																		
	Thayetmyo																		
	Tenasserim Division.																		
	Moulmein town and Amherst																		
	Tavoy																		
	Bergui																		
	Toungoo																		
	Shwegyin																		
	Salween																		
Hyderabad Assigned Districts.	Secunderabad	17 4	18 13	15 5	...	...	...	6 13	6 13	8 1	9 13	9 13	10 11	24 14	20 11	21 6	27 0	29 9	25 14
	Berar	22 0	21 9	17 6	...	...	...	7 11	7 6	8 1	9 10	9 13	9 13	25 11	30 3	25 11	...	...	...
	Chandurghat	13 0	13 0	9 0	...	...	...	6 8	6 8	6 0	8 8	8 8	9 0	27 0	23 0	21 0	33 0	33 0	30 0
	Amraoti	18 0	18 0	22 0	11 0	11 0	10 0	8 0	8 0	8 0	10 0	9 8	10 0	33 0	32 0	34 0	26 0	26 0	27 0
	Akola	21 0	19 0	21 0	...	...	...	7 0	8 0	6 0	10 0	10 0	12 0	30 0	40 0	32 0	27 0	27 0	23 0
	Ellichpur	18 0	18 0	20 0	12 0	12 0	16 0	6 0	8 0	8 0	8 0	10 0	10 0	28 0	28 0	28 0	28 0	28 0	28 0
	Buldana	20 0	20 0	25 0	...	...	...	...	...	...	11 0	11 0	11 0	32 0	32 0	40 0	30 0	30 0	32 0
	Wun	15 0	15 0	17 0	...	...	...	7 8	7 8	7 8	10 8	10 8	12 0	32 0	32 0	34 0	...	..	...
	Basim	24 0	23 0	26 0	...	...	...	5 0	5 4	5 0	12 0	12 0	13 0	31 0	32 0	39 0	...	...	...

a Firewood falling. b Bajra falling. c Barley falling.

NDIA FOR THE 1st HALF OF MARCH 1882—*continued.*

N SEERS OF 80 TOLAHS.

Lesser Millets, &c. (Kavaru, Sawee, Cheena, Murhwa, Nugeel, Panicum Miliaceum, &c.			Ragi, Veragu, Coraloo,			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			Districts.	Provinces.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		
...	...	...	30 8	32 8	20 8	90 0	90 0	90 0	12 5	12 4	...	12 0	12 0	12 8				Amritsar	Punjab—*continued.*
...	...	...	26 0	27 0	18 12	140 0	120 0	140 0	14 0	14 0	...	12 12	12 12	12 8				Siálkot	
...	...	...	28 0	28 0	18 0	120 0	120 0	120 0	11 8	11 8	...	11 0	11 0	11 0				Gurdáspur	
...	...	...	30 0	30 0	20 0	70 0	80 0	80 0	12 0	12 0	...	11 0	11 0	11 12				Lahore	
...	...	...	35 0	35 0	22 0	90 0	90 0	70 0	14 0	11 8	...	11 8	11 0	12 0				Ferozepore	
...	...	...	...	...	...	...	...	...	...	...	No	return	receiv	ed				Gujránwála, Ráwalpindi, Jhelum	
...	...	...	28 4	27 6	17 8	100 0	100 0	90 0	...*	...*	...	12 10	12 10	12 8				Gujrát	
...	...	...	22 8	23 0	14 8	320 0	320 0	320 0	14 0	14 0	...	13 0	13 0	14 0				Shahpúr	
...	...	...	23 8	24 0	16 0	90 0	90 0	80 0	12 8	12 12	...	13 0	13 0	12 0				Mooltan	
...	...	...	...	...	...	...	...	...	...	...	No	return	receiv	ed				Jhang, Montgomery	
...	...	...	22 0	22 0	14 8	100 0	100 0	100 0	...*	...*	...	12 0	12 0	11 8				Muzaffargarh	
...	...	...	23 13	27 11	12 14	100 0	100 0	106 0	50 0	62 8	...	47 8	60 0	46 14				Dera Ismail Khan	
...	...	...	23 12	25 0	16 4	125 0	125 0	125 0	30 0	30 0	...	28 12	28 12	27 8				Dera Ghazi Khan	
...	...	...	28 12	27 8	13 12	100 0	100 0	100 0	100 0	100 0	...	80 0	80 0	80 0				Bannu	
...	...	...	17 13	17 8	10 9	86 0	92 0	66 0	54 9	58 8	...	52 0	55 8	33 8				Peshawar	
...	...	...	17 14	20 6	10 4	114 0	127 0	63 0	102 0	102 0	...	81 9	81 9	43 6				Kohát	
...	...	...	19 0	16 0	9 0	140 0	120 0	90 0	12 0	12 0	...	11 0	10 0	10 0				Házára	
...	...	...	24 12	25 12	24 12	150 0	150 0	110 0	10 8	10 8	10 8	10 4	10 4	10 4				Nágpur	Central Provinces.
...	...	...	31 4	26 0	28 8	...	...	...	10 0	10 0	10 0	9 12	9 12	9 8				Bhandára	
...	...	...	30 0	29 0	24 8	360 0	360 0	360 0	...	...	...	9 0	9 8	10 0				Chánda	
...	...	...	22 8	22 8	22 0	135 0	135 0	135 0	10 12	10 12	10 12	10 8	10 8	10 8				Wardha	
...	...	...	35 0	35 0	26 0	275 0	275 0	275 0	10 0	10 0	...	10 0	10 0	9 8				Bálaghát	
...	...	...	38 0	39 0	35 0	140 0	180 0	120 0	10 0	10 0	...	9 8	9 8	9 8				Jubbulpore	
...	...	...	38 0	38 0	39 0	160 0	160 0	160 0	7 14	8 0	...	7 8	7 12	8 4				Saugor	
...	...	39 0	45 8	49 0	44 0	200 0	200 0	200 0	8 4	8 4	7 12	8 0	8 0	7 10				Damoh	
...	...	...	30 0	31 0	34 0	220 0	220 0	200 0	7 4	7 8	6 8	7 0	7 4	6 0				Seoni	
28 8	32 8	40 0	57 8	52 8	55 0	256 0	256 0	256 0	...	...	...	8 0	8 0	7 8				Mandla	
21 0	21 0	30 0	28 0	32 0	32 0	240 0	240 0	240 0	9 8	9 8	9 8	9 0	9 0	9 0				Betúl	
24 0	23 0	25 0	38 0	37 0	29 0	200 0	200 0	200 0	9 0	9 0	9 0	8 0	8 0	8 0				Chhindwára	
...	...	...	34 0	34 0	32 0	160 0	160 0	120 0	8 5	8 4	...	7 0	7 0	7 0				Hoshangabad	
...	...	...	43 0	41 0	41 0	160 0	160 0	160 0	9 0	9 0	9 0	8 8	8 8	8 12				Narsinghpur	
...	...	...	29 2	26 11	26 11	160 0	160 0	120 0	11 8	11 8	11 0	11 0	11 0	10 8				Nimár	
...	...	...	32 0	32 0	31 0	80 0	80 0	65 0	8 10	8 12	8 8	8 4	8 8	8 8				Raipur	
...	...	...	25 0	25 0	28 0	120 0	130 0	240 0	8 0	8 0	8 0	7 8	7 0	7 8				Sambalpur	
200 0	170 0	160 0	54 0	50 0	40 0	140 0	140 0	160 0	...	...	...	8 0	8 0	7 8				Bilaspur	
...	...	...	...	...	...	...	...	...	...	...	No	return	receiv	ed.				*Arakan Division.* Akyab, Northern Arakan, Kyoukpyoo, Sandoway; *Pegu Division.* Rangoon town and Hanthawaddy, Tharrawaddy, Prome; *Irrawaddy Division.* Henzada, Bassein, Thonegwa, Thayetmyo; *Tenasserim Division.* Moulmein town and Amherst, Tavoy, Mergui, Toungoo, Shwaygyin, Salween	British Burma.
25 14	27 0	23 14	21 0	22 3	23 14	130 0	130 0	125 0	10 11	9 11	9 10	10 3	9 4	9 3				Secunderabad	Hyderabad Assigned Districts.
...	...	...	25 1	27 0	24 7	116 14	116 14	116 14	...	...	...	9 10	9 10	9 8				Bolarum	
...	...	...	23 0	23 0	24 0	80 0	80 0	80 0	...	...	...	9 8	8 12	8 12				Chudderghat	
...	...	...	25 0	26 0	25 0	70 0	70 0	80 0	11 0	11 0	10 8	10 8	10 8	10 0				Amraoti	
7 0	7 0	8 0	26 0	27 0	31 0	64 0	64 0	64 0	10 0	9 0	9 0	9 0	8 0	9 0				Akola	
...	...	...	30 0	26 0	26 0	64 0	64 0	64 0	...	...	...	9 0	9 0	9 0				Ellichpur	
...	...	...	30 0	30 0	32 0	...	...	...	...	...	...	9 0	9 0	10 0				Buldana	
...	...	...	25 0	22 0	19 0	100 0	100 0	100 0	...	...	...	8 0	8 0	8 0				Wun	
...	...	...	31 0	32 0	25 0	64 0	64 0	64 0	10 0	9 0	8 8	9 0	8 0	8 0				Basim	

d Barley rising. e Barley and firewood rising. * Salt not sold wholesale.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Mysore.	Bangalore	11 13	11 9	10 6	13 8	13 10	11 0	10 2	10 4	10 6	11 6	12 2	12 0	27 12	24 11	25 15	...	...	...
	Kolar	...	...	...	11 7	11 2	9 4	12 6	12 14	11 0	15 3	15 3	14 11	...	...	...	...	...	...
	Túmkúr	15 0	14 0	12 8	12 0	14 0	12 0	12 0	12 0	13 0	13 0	13 0	15 0	...	...	...	...	...	...
	Mysore	10 8	10 8	10 0	...	...	...	11 0	10 8	12 8	11 8	11 0	12 14	18 8	20 0	30 0	...	...	...
	Hassan	13 0	12 0	10 0	14 0	13 0	13 0	11 8	12 0	13 8	12 8	13 0	15 0	...	...	...	...	...	...
	Shimoga	13 10	15 12	14 11	15 12	16 13	16 7	11 9	12 10	15 4	13 10	14 11	18 14	27 5	29 6	50 6	...	...	...
	Kadur	16 0	16 0	12 0	15 0	15 0	...	12 0	12 0	18 0	15 0	15 0	22 0	...	...	...	...	...	...
	Chitaldroog	16 0	14 0	14 0	20 0	18 0	16 0	11 0	11 0	12 0	12 0	12 0	14 0	32 0	32 0	50 0	24 0	28 0	40 0
Coorg	Coorg	8 5	8 13	8 7	8 14	9 11	8 12	11 2	11 0	14 1	14 10	15 6	19 5	...	...	...	...	...	...
Rajpootana.	Jeypore	17 0	16 0	14 8	23 0	23 0	23 0	6 0	6 0	6 0	9 0	9 0	8 4	22 0	23 4	24 4	22 0	21 0	21 0
	Kishengurh	17 12	17 8	15 12	25 8	26 0	26 8	8 0	9 0	6 4	10 0	10 0	7 4	30 0	28 8	29 8	22 4	23 0	20 4
	Kerrowlee	17 8	17 0	*	17 8	17 0	*	13 8	13 8	*	15 0	15 0	*	21 8	21 8	*	18 0	18 0	*
	Ulwur	16 10	17 9	16 5	21 10	21 13	23 10	8 0	8 0	8 0	12 8	12 14	12 0	22 3	21 15	23 4	19 15	19 8	21 13
	Bhurtpore (City)	17 8	16 0	16 8	22 8	23 0	22 0	6 7	6 8	6 12	7 0	7 0	7 2	22 8	22 0	21 4	21 0	21 0	19 4
	Ajmere	16 0	16 0	15 4	24 8	24 0	25 8	5 0	5 0	5 0	8 0	8 0	8 0	22 0	24 0	26 0	20 0	21 0	19 0
	Deoli Cantonment	19 13	19 13	18 7	24 8	23 12	31 0	...	...	...	10 0	10 0	10 8	25 0	24 0	31 3	21 0	21 0	26 4
	Erinpura	17 4	17 4	19 12	31 0	31 0	30 0	...	...	...	8 0	8 0	7 0	25 0	25 0	24 0	23 0	23 0	24 8
	Sirohee	18 0	18 0	19 0	27 0	27 0	32 0	7 0	7 0	6 0	8 8	8 8	7 0	18 0	18 0	18 0	22 0	22 0	30 0
	Abu	16 0	16 0	15 8	24 0	23 8	25 0	5 12	6 0	5 4	8 0	8 2	7 8	...	...	...	18 8	18 8	20 8
	Anadra	18 0	18 0	17 8	28 0	28 0	30 0	6 0	6 0	5 12	8 8	8 8	8 0	...	...	...	21 0	21 0	24 0
	Hilly Tracts of Meywar	23 0	24 0	27 0	38 0	37 0	42 0	...	...	...	18 0	18 0	17 0	...	...	...	...	...	...
	Meywar (Oodeypore)	15 10	15 10	15 10	18 12	18 5¼	23 7	10 2¼	10 15	9 6	...	...	...	...	...	...	...	...	...
	Bánswára (Meywar Agency)	25 0	24 6	40 0	...	...	...	8 2	7 8	7 8	21 4	18 12	20 0	...	...	...	...	...	...
	Partábgurh (")	17 13	17 13	21 4	...	...	...	9 0	9 1	8 12	14 6	14 6	15 0	...	...	...	...	...	...
	Marwar (Jodhpore)	16 9	16 4	15 12	23 12	25 0	21 4	6 4	6 4	5 0	7 8	7 8	6 4	25 0	25 0	20 10	20 0	19 6	18 12
	Bikaneer	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Boondee	23 12	23 4	22 0	30 12	30 0	37 0	10 0	10 0	7 8	11 0	11 0	10 4	28 8	28 0	37 8	...	...	25 0
	Kotah	22 0	21 12	20 8	26 4	26 4	...	8 8	8 0	8 0	10 8	10 0	10 0	27 4	27 4	35 0	16 0	17 0	17 8
	Tonk	17 13	17 13	18 9	21 7	21 7	27 12	7 8	7 8	7 0	10 6	10 1	9 0	24 1	24 14	30 12	23 13	22 12	25 10
	Jhallawar	19 2¼	19 2¼	20 5¼	23 14	23 14	19 14¼	...	...	...	8 13¼	8 13¼	7 1	22 0	22 0	27 14	17 0	17 1	18 3¼
	Shahpoora	18 8	21 1	17 12	24 0	24 4	27 4	9 8	10 1	10 0	15 0	12 8	12 8	23 0	23 8	28 11	21 0	18 12	22 8
	Dholpur	17 11	17 10	17 0	25 1	22 13	22 8	10 2	10 2	7 14	13 8	13 8	11 13	22 9	22 9	22 0	21 1	21 6	19 2
Central India.	Indore	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Gwalior																		
	Goona																		
	Baghelkhand (Sutna)																		

* Not received.

NDIA FOR THE 1st HALF OF MARCH 1882—*concluded.*

N SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Veraru, Sawee, Cheena, Cornoo, Murhwa, Nuglee), *Panicum Miliaceum*, &c.			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			Districts.	Provinces.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		
1	24 6	31 5	33 0	34 0	38 9	90 0	90 0	90 0	10 6	10 14	10 8	10 2	10 0	10 0‡	Bangalore	Mysore.
9 0	29 0	36 2	38 11	41 1	39 14	172 6	172 6	172 6	11 1	11 1	11 5	10 13	10 13	11 1‡	Kolar	
26 0	26 0	45 0	36 0	40 0	45 0	340 0	340 0	340 0	12 8	12 8	14 8	12 0	12 0	14 0§	Túmkúr	
20 0	19 8	33 5	28 0	33 0	34 0	84 0	84 0	75 0	9 4	8 4	8 12	9 0	8 0	8 8‡	Mysore	
24 0	22 0	46 0	25 0	24 0	40 0	500 0	500 0	600 0	...	...	...	8 0	8 0	8 8‡	Hassan	
28 14	23 6	53 9	26 4	29 6	48 7	480 0	480 0	480 0	...	...	...	8 15	8 15	8 14‡	Shimoga	
22 0	22 0	42 0	22 0	22 0	32 0	64 0	64 0	60 0	...	...	...	8 0	8 0	9 0‡	Kadur	
38 10	34 10	54 0	28 0	28 0	44 0	100 0	100 0	100 0	16 0	12 0	16 0	16 0	12 0	16 0§	Chitaldroog	
22 6	22 13	37 1	25 5	26 1	36 4	110 0	110 0	110 0	...	...	...	9 1	9 1	8 15	Coorg	Coorg
...	...	...	21 0	21 0	21 4	...	...	...	12 12	...	...	12 8	12 8	11 0	Joypore	Rajpootana.
...	...	...	23 8	23 0	25 0	...	...	...	...	...	...	12 8	13 4	11 12	Kishengurh	
...	...	...	20 0	20 0	*	...	...	...	12 1	...	...	11 8	10 8	*	Kerrowlee	
...	...	...	20 7	20 9	20 15	...	...	...	15 13	12 15	...	15 9	12 11	12 0	Ulwur	
...	...	...	22 0	21 0	19 0	...	...	...	...	...	...	11 0	11 0	11 6	Bhurtpore (City)	
...	...	...	24 0	23 0	22 8	70 0	70 0	50 0	...	...	...	15 0	12 0	10 0	Ajmere	
...	...	...	25 6	24 13	26 12	240 0	240 0	240 0	...	...	...	11 14	12 0	12 0	Deoli Cantonment	
...	...	...	20 0	20 0	20 0	170 0	170 0	160 0	Rs. 3-4-6 per md.	...	...	12 0	12 0	11 0	Erinpura	
...	...	...	20 0	20 0	18 0	160 0	160 0	120 0	...	...	...	11 7	11 7	11 7	Sirohee	
...	...	...	20 4	20 4	15 0	160 0	160 0	160 0	...	...	...	10 8	10 8	9 12	Abu	
...	...	...	21 0	19 4	17 12	...	...	...	...	...	...	11 8	11 8	10 4	Anadra	
...	...	...	30 0	32 0	40 0	†	†	†	...	...	...	9 0	9 0	6 8	Hilly Tracts of Meywar	
...	...	...	18 12	16 12¼	22 10½	200 0	200 0	200 0	...	...	...	8 13¼	8 12¼	8 9½	Meywar (Oodeypore)	
...	...	...	47 8	42 8	60 0	...	...	...	...	...	...	9 6	9 6	6 14	Bánswára (Meywar Agency)	
...	...	...	26 9	26 9	37 8	...	...	...	...	...	...	9 6	9 6	8 7	Partábgarh („)	
...	...	...	20 0	20 0	16 9	...	...	...	Rs. 2-10-0 per md.	...	...	15 0	14 6	15 0	Marwar (Jodhpore)	
...	...	...	...	...	...	...	...	...	...	...	No	return	receiv	ed	Bikaneer	
...	...	...	30 12	31 0	29 0	160 0	160 0	160 0	12 8	11 0	10 0	12 4	...	...	Boondee	
...	...	...	27 12	27 4	28 8	240 0	240 0	240 0	10 14	11 8	...	10 8	11 0	10 0	Kotah	
...	...	...	21 5	21 2	26 13	110 0	110 0	100 0	13 0	11 8	10 8	11 15	...	...	Tonk	
...	...	...	23 9	22 1½	26 9¼	...	...	...	...	...	...	9 14	9 6	8 10	Jhallawar	
...	...	...	24 8	22 4	22 8	160 0	160 0	160 0	12 4	11 15	11 0	12 0	...	...	Shahpoora	
...	...	...	23 7	21 15	20 7	...	...	...	...	...	...	11 1	10 11	10 11	Dholpur	
...	...	...	...	...	...	...	...	...	...	...	No	return	receiv	ed	Indore Gwalior Goona Baghelkhand (Sutna)	Central India.

† Eight pies per bundle. ‡ Sea Salt. § Earth Salt.

T. C. HOPE,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENT OF PRICES CURRENT OF FOOD-GRAINS FOR THE 2nd HALF OF FEBRUARY 1882, PUBLISHED IN PAGES 528 AND 529 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 25th MARCH 1882.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Province.	Districts.	Wheat.			Barley.			Rice. Best sort.			Rice. Common.			Great Millet (Cholum, Jowar), *Holcus Sorghum*.			Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*.			Lesser Millets, Ragi, &c. (Kavaru, Veragoo, Sawee, Cheena, Coraloo, Murhwa, Nuglee, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c.			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.		
		Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
Central India.	Indore	17 2	17 2	20 13	...	...	...	8 14	8 14	8 9	10 0	10 0	9 3	24 0	24 0	40 0	24 0	24 0	30 0	...	...	...	28 3	27 7	28 3	100 0	100 0	100 0	...	...	...	7 14	8 0	8 4
	Gwalior	18 13	18 15	15 0	20 9	20 1	22 10	7 11	7 7	6 6	10 3	9 15	9 8	21 15	21 15	22 3	18 4	18 4	19 15	...	...	...	21 2	20 13	18 13	118 11	118 10	109 8	...	...	...	10 1	10 1	9 10
	Goona	28 0	28 0	22 0	20 0	20 0	16 0	10 0	10 0	8 8	11 0	11 0	9 8	34 0	35 0	34 0	24 0	24 0	20 0	...	...	...	34 0	33 0	34 0	200 0	200 0	200 0	...	...	...	10 8	10 8	10 12
	Baghelkhand (Sutna)	22 9	22 0	20 4	35 0	35 4	32 0	7 0	7 0	7 0	22 0	22 0	20 0	35 0	36 0	30 4	24 7	25 0	23 4	...	...	...	32 0	31 6	29 6	160 0	160 0	160 0	...	...	...	10 12	10 12	10 12

T. C. HOPE,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 11th APRIL 1882.

GENERAL REMARKS.—Slight rain has fallen in a few districts in the Madras Presidency, in the Mysore State, in the North-Western Provinces and Oudh, and in Rajputana. In the Bombay Presidency also there has been some rain, notably in the Dharwar district, where scarcity of drinking water had prevailed. The Nizam's Territories report a good fall. In the Punjab and in Bengal some good showers have fallen in several districts; and in Assam heavy rain has again been registered.

Harvest operations continue in parts of the Madras and Bombay Presidencies, as well as in parts of the Central Provinces, Bengal, the North-Western Provinces and Oudh, and have commenced in one or two districts in the Punjab.

Ploughing for early crops has commenced in parts of the Bombay Presidency, in the Central Provinces, and Berar; and ploughing and sowing are proceeding in parts of Bengal.

General prospects may be described as fair in Southern India, except in few districts of the Madras Presidency, and in the Mysore State, where scarcity of water continues to affect the standing crops. In Bombay the only district (Dharwar) where rain was much wanted has enjoyed the benefit of a good fall of rain. In Northern India prospects are on the whole good; and although a few districts in Bengal need more rain, the weather is generally seasonable.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—		
Bellary ...	.....	Standing crops, wet good, dry withering in one taluk; harvest paddy, sugarcane and cotton, yield below average; small-pox in one taluk.
Kurnool ...	·10 in one station	Standing wet crop good; harvest paddy and cotton, outturn below average; cattle-disease in one taluk.
Ganjam ...	·26 (average of seven stations).	Standing crops, second crop, paddy, gingelly and cotton, thriving; small-pox and fever prevalent; cattle-disease exists.
Kistna ...	.....	Fever and small-pox in parts; cattle-disease continues.
Chingleput (Madras) ...	.....	Standing crops, good in irrigated parts, backward elsewhere; harvest paddy and *ragi*, yield below average; agricultural operations progressing.
Coimbatore ...	·02 in one station	Standing crops generally good, dry suffering from want of rain or disease in parts; harvest wet and dry grains, outturn about average; fever and small-pox in parts.
Tanjore ...	.....	Standing crops good; harvest wet and dry grains, outturn below average; a few cases of cholera.
Madura ...	·47 (average of three stations).	Standing crops, wet suffering from blight in one taluk; harvest of paddy, yield about average; cholera and fever in parts.
Malabar ...	.....	Fever and cattle-disease in parts; small-pox more generally prevalent.
Travancore ...	.....	Fever and measles continue.
		General Remarks.—No rain except in Ganjam, Kurnool, Madura, and Coimbatore; general prospects good.
Bombay—(April 12th)		
Kurrachee ...	Slight rain in Sakro and Tatta talukas.	Fever in seven talukas; cattle-disease in two talukas; small-pox in Dadu and Tatta; river at Kotri on 9th, 5 feet 9 inches against 3 feet on corresponding date last year; wheat, red rice, and *bajri* in Kurrachee 23, 40 and 31, in Sehwan 26, 48 and 48, in Manjhand 24, 44 and 50, in Ghorabari 16, 48 and 52 lbs. per rupee respectively.
Hyderabad ...	.....	*Rabi* crops mostly harvested; in some places grain is being cleaned, and in others *battai* division commenced; fever in six and cattle-disease in two talukas; wheat 25, *juari* 46, *bajri* 42, red rice 32 and white rice 22 lbs. per rupee.
Ahmedabad ...	.....	*Rabi* harvest partially completed; health good; wheat 30 and *bajri* 32 lbs. per rupee.
Baroda ...	.....	Harvesting of *rabi* nearly completed; cotton picking continues; health good; prices—*bajri* 31 and common rice 23 lbs. per rupee.
Surat ...	.....	Cotton picking continues; *juari* 39 and *nagli* 54 lbs. per rupee.
Násik ...	.....	Reaping of *rabi* crops completed; public health generally good; *bajri* 44, wheat 31, and *juari* 67 lbs. per rupee.
Colaba (Bombay) ...	.....	Average abnormal temperature 1° warm, abnormal wind northerly till 8th, afterwards *nil*; humidity normal.
Poona ...	Slight showers in Indapur.	Average price—*bajri* 47 and *juari* 59 lbs. per rupee, in Poona *bajri* 41 and *juari* 52 lbs. per rupee.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bombay—*contd.*		
Ahmednagar ...	.....	Land is being prepared for next season; *juari*—maximum 96 lbs. in Jhamkhed, minimum 66 in Koparguon; *bajri*—maximum 66 lbs. in Jhamkhed, minimum 51 in Koparguon.
Sholapur ...	Sholapur ·07	Total rainfall ·53; *rabi* harvest almost completed; *juari* 73 lbs. 35 tolas, *bajri* 62 lbs. 20 tolas.
Dharwar ...	2·50 in Hangal, where scarcity of drinking water prevailed; slight rain in Dharwar, Hubli, and Navalgund.	Cotton picking in progress; ground being prepared for early crops; scarcity of drinking water in Navalgund, Gadag, Karajgi, Kalghatgi, and Kod; public health generally good; rice 22 and *juari* 60 lbs. per rupee.
Kanara ...	Sidapur ·25, Halyal ·10, and Akola ·48.	Harvesting second crop on coast; slight cattle-disease and fever prevail in three talukas; common rice in Karwar 16 seers, in district average 15½ seers per rupee; weather hot and cloudy.
Rajkot ...	.....	Weather hot; slight cholera in Rajkot town; *bajri* 27 and *juari* 32 lbs. per rupee.
		General Remarks.—*Rabi* harvest in progress in a few districts, completed in the rest; slight showers in a few districts; scarcity of drinking water in parts of Dharwar continues, but improvement through rain in one taluka; slight fever and cattle-disease in a few districts; cholera in Tanna, 39 cases and 25 deaths, and in Satara, 15 cases and 10 deaths; prices generally steady.
Bengal—(April 12th)		
Chittagong ...	1·91	Heavy showers in many places, beneficial to spring crops and tea; prices stationary; small-pox and cholera not yet ceased; general health fair.
Dacca ...	2·24	Gathering of winter crops nearly completed, yield average; sowing of *aus* crops (early rice) and jute commenced; public health generally good.
24-Pergunnahs (Calcutta)	·16	No crops on the ground; ploughing for early and *amun* crops going on; more rain wanted; prices of common rice stationary; public health good; cholera reported from Diamond Harbour.
Moorshedabad ...	·12	Cold weather crops almost harvested; rain which fell on 7th has been beneficial; ploughing going on rapidly; cholera has abated a little in Jangipur, but prevails here and there in other places.
Rajshahye ...	·15	More rain urgently wanted; land being prepared for paddy and jute, and in places being sown; cholera in many parts of the district.
Burdwan ...	·12	More rain wanted; cholera still reported, but abating.
Rungpore ...	1·12	Weather cooler; prospects of crops continue good; prices of food-grains stationary; public health good.
Bhagálpur ...	Slight rain	Prospects of crops good; cases of cholera reported from all parts of the district.
Purneah ...	·14	*Rabi* harvest poor; ploughing proceeding; cholera prevalent.
Patna ...	*Nil*	*Rabi* harvest nearly finished; public health generally good.
Durbhunga ...	*Nil*	*Rabi* outturn expected to be good; indigo promising well; prices rising slightly; small-pox and a few cases of cholera reported in Madhubani.
Hazaribagh ...	·20	Weather hot and sometimes cloudy; little crops on the ground; prices have slightly risen; small-pox still reported from the interior.
Cuttack ...	·05	*Dalua* (spring) being harvested; rain insufficient for ploughing; cholera still reported.
		General Remarks.—Rain fell in many districts during the week; ploughing is proceeding, and in some places sowing of *aus* (autumn crops) and jute has commenced; more rain is still wanted in some districts; indigo, *boro* (spring) rice, and other crops on the ground are doing well; *boro* rice is being reaped in Orissa; *rabi* harvest still continues in some places; general outturn of the crops will not be satisfactory; cases of cholera and small-pox reported in several places; cholera is said to be severe in a few places.
N. W. Provinces and Oudh—		
Benares (April 11th)	*Nil*	Weather seasonable; threshing and winnowing of crops proceeding; sugarcane is being planted; health of man and cattle good; some isolated cases of cow-pox in tahsil Chandauli; bazars are well supplied with foodgrains at moderate prices; rates have fallen since last week.
Allahabad („ 12th)	·1 in Khairagarh	Crops all harvested; weather much cooler; health generally good, a little small-pox in city and district; cholera decreasing; no cattle-disease.
Cawnpore („ 11th)	Slight rain in two perganas.	Harvesting nearly completed; indigo and sugarcane being sown; health good, but fever and mouth disease have appeared in Bilhaur; prices of barley and gram risen slightly.
Gorakhpur („ „)	*Nil*	Weather fair but cloudy, nights cool; cholera in the south and centre of the district continues; harvest reaped, threshing going on; prices easy.
Jhánsi („ 10th)		Crops being threshed; prices show a tendency to fall; small-pox amongst children, but is not increasing; cattle-disease reported from a few villages in parganas Mau and Jhánsi.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
N. W. Provinces and Oudh—*contd.*		
Agra (April 11th)	·1 in three parganas on 8th	Harvest operations in progress; sugarcane and indigo sowings continue; slight small-pox reported in one pargana and in the city; general health good; prices stationary.
Farukhabad („ „)	Very slight rain	Harvest in progress; health good; prices stationary.
Bareilly („ „)	A few drops of rain	Harvest operations progressing; prices falling; cattle and people in good health.
Meerut („ „)	*Nil*	Weather seasonable; health good; harvest nearly finished; prices falling slightly.
Kumaun („ „)	Fair rain twice during the week.	Rain excellent for upland crops; health fair; slight measles; cattle-disease less; prices slightly risen.
Lucknow („ „)	*Nil*	Weather seasonable; prospects fair; health fair; prices stationary.
Rae Bareli („ 10th)	.....	Wind westerly, sky cloudy towards the evening for the last two days; duststorm and a few drops of rain cooled the air on Saturday night; health good; prospects fair; prices almost stationary.
Partabgarh („ 11th)	.....	Sugarcane being sown; *sawan* irrigated; the *rabi* yield is an average one; cholera reported in Patti and Partabgarh, but not increasing.
Sitapur („ „)	.....	Prices as yet stationary; outturn under average; a few reports of cholera.
Fyzabad („ „)	*Nil*	Crops all in; cholera still prevalent; weather cloudy.
		General Remarks.—Fair rain fell in Kumaon and did good, elsewhere, with the exception of a few partial showers, the weather was seasonable; prices rose in Kumaun and fell in Benares, Bareilly, Aligarh, and Meerut, but as a general rule were stationary; general health fair, but cholera still reported from Gorakhpur, Fyzabad, and Partabgarh, and has appeared in Sitapur, but has decreased in Allahabad; small-pox continues in Jhánsi and has appeared in Moradabad and Agra; slight measles in Kumaun and fever in Cawnpore; cattle-disease continues in Kumaun and Jhánsi; some cases of cow-pox reported from Benares, and of foot-and-mouth disease from Cawnpore.
Punjab—(April 11th)		
Delhi ...	No rain	Prospects good; small-pox in city; prices fluctuating.
Hissar ...	.....	Crops being harvested; prices almost stationary; health good.
Umballa ...	No rain	Crops and health good; prices steady.
Jullundur ...	No rain	Health good; crops ripening; prices steady.
Amritsar ...	·8	Health good; prices steady.
Lahore ...	·6	Crops and health good; prices stationary.
Ferozepore ...	·1	Two-tenths in Sira and Moza tahsils; crops and health good; prices falling.
Sialkot ...	1	Crops and health good; prices falling.
Ráwalpindi ...	·50	Crops and health good; prices rising.
Pesháwar ...	2·4	Crops and health good; prices steady.
Mooltan ...	Slight rain	Crops and health good; prices steady.
Dera Ismail Khan ...	2·0	Crops and health good; prices steady.
		General Remarks.—Harvest prospects good; health generally good; prices mostly stationary.
Central Provinces—		
Nagpur (April 12th)	.....	Cloudy and warm; fever and cattle-disease prevalent; prices steady.
Jubbulpore ...	.....	Warm and cloudy; reaping completed, threshing and winnowing progressing; isolated cases of cholera and small-pox; rice 12, wheat 22 seers per rupee.
Saugor (April 10th)	.....	Cloudy; *rabi* harvest nearly completed; *kharif* ploughings commenced; small-pox prevalent; prices steady.
Seoni ...	.....	Cloudy; threshing and winnowing progressing; cholera and small-pox prevalent.
Khandwa ...	.....	Warm and cloudy; preparation for *kharif* in progress; small-pox prevalent; rice 12½, wheat 18, *juari* 34 seers per rupee.
Hoshangabad (Apl. 11th)	.....	Hot and cloudy; winnowing in progress; small-pox prevalent; wheat 18, rice 9, *juari* 24 seers per rupee.
Raipur („ 8th)	.....	Hot; threshing of wheat and grain almost completed; cattle-disease prevalent; rice 44, wheat 40 seers per rupee.
Sambalpur („ 6th)	.....	Hot; cholera reported on Raipur road; rice 56 seers per rupee.
		General Remarks.—Weather cloudy and warm; winnowing and threshing of *rabi* progressing; land being prepared for *kharif* sowings; in some districts cattle-disease and small-pox prevalent; cholera reported in three districts; prices easy.
British Burma—(April 8th)		
Akyab ...	*Nil*	Small-pox in two townships, otherwise public health good; cattle-disease in two townships; total rainfall 40 inches.
Rangoon ...	*Nil*	Four fatal cases of cholera, otherwise public health good; total rainfall 41 inches.
Bassein ...	*Nil*	One death from cholera in Bassein town, 3 deaths in one township, otherwise public health good; total rainfall 62 inches.
Prome ...	.....	110 deaths from cholera in Prome town since 14th March, average 8 or 10 daily, but little outside town; slight cattle-disease in one township.
Amherst (Moulmein) ...	.....	Public health good in Moulmein and district; slight cattle-disease; crops good.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
British Burma—*contd.*		
Toungoo ...	*Nil*	Eighteen cases of small-pox, otherwise public health good; health of cattle good; total rainfall 3 inches. *General Remarks.*—Small-pox in parts of Akyab district and in town of Toungoo; a good deal of cholera in Prome town, and in sporadic form in one or two other localities; very little cattle-disease; weather sultry.
Assam—(April 11th)		
Gauhati ..	1·29	Cholera is still reported from Barpetta and the interior of Sadr division; some small-pox at Gauhati; prospects of crops favourable.
Sylhet ..	9·63	Weather has cleared; much *boro* paddy reported destroyed; ploughing for *amun* paddy going on; tea doing well.
Cachar ...	3·78	Weather very wet, with incessant rain and thunderstorms; cultivation of *dumahi* and *murali* crops progresses; health good; common rice $29\frac{1}{10}$ seers per rupee.
Dibrugarh .	2·92	Weather showery; sowing of *aus dhan*; district healthy.
Mysore and Coorg—		
Bangalore ..	.....	Wet crops, except those under a few large tanks, are generally reported to have withered; want of drinking water and pasturage continue to be felt; *ragi* and rice each half seer cheaper; horse gram $1\frac{1}{4}$ seers dearer; prospects cane crop in Malvalli taluk withering; water-supply and pasturage scarce; rice and *ragi* each one seer dearer.
Mercara ...	.....	No rain; it is much wanted for coffee blossom; drinking water scarce in Nidta hobli and in Kiggatnad; prices stationary; 2 cases of cholera in Beppunad. *General Remarks.*—In the Mysore State at Tumkur ·22 rain, at Chickmagalur ·8; condition of crops good in the Malnaad and fair in the Maidan; water and pasturage generally scarce; a few isolated cases of cholera in Bangalore, Mysore, Hissar, and Tumkur.
Berar & Hyderabad—(April 12th)		
Amraoti .	.....	Harvest operations over; preparations for *kharif* sowings commenced; wheat 18 and *juari* 36 seers per rupee.
Akola ...	.....	Weather hot; ploughing of land for *kharif* sowing progressing.
Hyderabad ..	1·70	Reaping of *rabi* crops continues; *tabi* crops in some places damaged slightly by hail; small-pox and fever prevalent in places; prices of wheat $18\frac{1}{4}$, rice $12\frac{3}{4}$, white *juari* 24, yellow *juari* 29, and *tur* 31 seers per current sicca rupee.
Central India States—(April 5th)		
Indore ..	.....	Weather seasonable; health good; prospect unchanged.
Morar (Gwalior) ...	No rain	Weather warm; prices stationary.
Sutna	Slight rain on 8th	Health and prospects good.
Rutlam ..	.....	Report not received.
Neemuch ...	...	Small-pox still in cantonments; gathering of wheat commenced.
Goona ...	No rain	Health and prospects good.
Bhopal ...		Weather seasonable; crops good; small-pox prevailing in Bhopal, and foot-and-mouth disease among cattle.
Agar ...	No rain	Health and prospects good.
Nowgong ...	.....	Weather cloudy and hot; health fair; cholera reported in Ajigarh and Bigawar.
Manpur ..	.....	Weather cloudy and warm; *rabi* harvesting finished.
Rajputana—		
Abu (April 12th)	.....	Seasonable, cloudy at times.
Sirohi („ 9th)	.....	Tanks and wells fair; health good; weather hot.
Marwar („ 7th)	Slight rain	Abundant water in tanks and wells; health good; crops good, being gathered; cloudy; nights cool; winds sharp; prices stationary.
Meywar („ 8th)	.....	Tanks and wells good; cholera still in city, 60 deaths during week; harvest nearly finished.
Harowti („ „)	Deoli 0·01; Tonk ·02	Small-pox prevalent; heavy clouds, winds high; wells and tanks low.
Jhallawar („ 5th)	·04	Cloudy, sultry; harvest nearly in.
Ajmere („ 11th)	.....	Grain being threshed, average outturn; small-pox prevalent.
Jeypore („ „)	·1	Harvesting completed, average outturn; prices firm; health good.
Bhurtpore ...	.....	No report received.
Ulwur (April 11th)	.....	Harvesting continues; health good; small-pox and cattle-disease in places.
Nepal—(April 30th)		
Katmandu ...	*Nil*	Weather seasonable.

ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF CALCUTTA DURING THE MONTH OF FEBRUARY 1882.

No. 1.—As to age and sex.

	Demerara.				Total.		Grand Total.	Remarks.
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.		
Under 2 years ...	5	13	18	39·58 women to every 100 men.	5	13	18	
From 2 to 10 years ...	18	17	35		18	17	35	
„ 10 „ 20 „ ...	60	34	94		60	34	94	
„ 20 „ 30 „ ...	270	93	363		270	93	363	
„ 30 „ 40 „ ...	11	7	18		11	7	18	
„ 40 „ 50 „ ...	...	1	1		...	1	1	
Above 50 „ ...	...	...	...		...	...	...	
GRAND TOTAL ...	364	165	529	...	364	165	529	

No. 2.—As to places whence emigrants come to Calcutta for embarkation.

	Demerara.			Total.		Grand Total.	Remarks.
	Males.	Females.	Total.	Males.	Females.		
Orissa	1	...	1	1	...	1	
Western Bengal	...	1	1	...	1	1	
Central „	...	1	1	...	1	1	
Eastern „	1	...	1	1	...	1	
Behar	24	13	37	24	13	37	
North-Western Provinces ...	222	107	329	222	107	329	
Oudh	70	28	98	70	28	98	
Central India	8	4	12	8	4	12	
Punjab	34	11	45	34	11	45	
Nepal	4	...	4	4	...	4	
Mixed, Madras and Bombay, &c. ...	...	...	...	...	...	...	
GRAND TOTAL ...	364	165	529	364	165	529	

No. 3.—As to caste and religion.

	Demerara.			Total.		Grand Total.	Remarks.
	Males.	Females.	Total.	Males.	Females.		
Brahmins, high caste	85	33	118	85	33	118	
Agriculturist } Hindoos ...	101	38	139	101	38	139	
Artisans } Hindoos ...	20	13	33	20	13	33	
Low castes } Hindoos ...	99	38	137	99	38	137	
Musulmans	59	43	102	59	43	102	
Christians	...	...	...	...	...	...	
GRAND TOTAL ...	364	165	529	364	165	529	

Memo.

	Males.	Females.	Total.
1. Hindoos	305	122	427
2. Musulmans	59	43	102
3. Christians	...	...	...
TOTAL ...	364	165	529

E. C. BUCK,
Offg. Secy. to the Govt. of India.

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SIMLA, MONDAY, APRIL 17, 1882.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

No. 152.

Simla, the 17th April 1882.

The Hon'ble Sir Alfred Comyns Lyall, K.C.B., received charge of the Office of Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh from the Hon'ble Sir George Couper, Bart., C.B., K.C.S.I., C.I.E., on the forenoon of the 17th instant.

By order of the Governor General in Council,

A. MACKENZIE,
Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

GENERAL.

No. 567 G.G.

Simla, the 17th April 1882.

Consequent on the appointment of Sir A. C. Lyall, K.C.B., to be Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, Mr. C. Grant, C.S.I., Secretary to the Government of India in the Home Department and Officiating Secretary in the Foreign Department, is confirmed in the latter appointment, with effect from the forenoon of the 17th April 1882.

J. W. RIDGEWAY, *Lieut.-Col.,*
Offg. Under Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

No. 153.

Simla, the 17th April 1882.

Mr. A. Mackenzie, C.S., Secretary to the Government of Bengal and Officiating Secretary to the Government of India in the Home Department, is confirmed in the latter appointment, with effect from the 17th instant.

By order of the Governor General in Council,

F. C. DAUKES,
Under Secretary to the Government of India.

Printed and Published for the GOVERNMENT OF INDIA *at the Govt. C. B. Press, Simla.*

The 17th April 1882.

No. 152.—The Hon'ble Sir Alfred Comyns Lyall, K.C.B., received charge of the Office of Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh from the Hon'ble Sir George Couper, Bart., C.B., K.C.S.I., C.I.E., on the forenoon of the 17th instant.

A. MACKENZIE,
Secretary to the Government of India.

No. 153.—Mr. A. Mackenzie, C.S., Secretary to the Government of Bengal and Officiating Secretary to the Government of India in the Home Department, is confirmed in the latter appointment, with effect from the 17th instant.

F. C. DAUKES,
Under Secretary to the Government of India.

The 19th April 1882.

No. 158.—Mr. R. S. Greenshields, of the Bengal Civil Service, is appointed to be a supernumerary Assistant Commissioner of the 3rd grade in Assam.

The 21st April 1882.

No. 162.—The following officiating promotions are made in the Assam Commission:—

With effect from the 29th January 1882, *vice* Mr. J. D. Anderson, C.S., Assistant Commissioner, 3rd (officiating 2nd) Grade, appointed to be Assistant Secretary to the Chief Commissioner—

Mr. W. C. Macpherson, C.S., Assistant Commissioner, 3rd Grade, to officiate as Assistant Commissioner, 2nd Grade.

With effect from the 29th January 1882, *vice* Lieutenant-Colonel J. Johnstone, C.S.I., Deputy Commissioner, 3rd Grade, on furlough—

Mr. T. J. Murray, C.S., Assistant Commissioner, 1st Grade, Officiating Deputy Commissioner, 4th Grade, to officiate as Deputy Commissioner, 3rd Grade.

Major W. F. Trotter, Assistant Commissioner, 2nd (officiating 1st) Grade, to officiate as Deputy Commissioner, 4th Grade.

Mr. A. E. Heath, Assistant Commissioner, 2nd Grade, to officiate as Assistant Commissioner, 1st Grade.

Mr. T. L. L. Jenkins, C.S., Assistant Commissioner, 3rd Grade, to officiate as Assistant Commissioner, 2nd Grade.

With effect from the 31st January 1882, *vice* Major Boyd, deceased—

Mr. J. Knox Wight, C.S., Assistant Commissioner, 1st Grade, to officiate as Deputy Commissioner, 3rd Grade.

With effect from the 16th March 1882, the date of his return from furlough—

Mr. A. C. Campbell, Deputy Commissioner, 3rd Grade, to officiate as Deputy Commissioner, 2nd Grade, *vice* Mr. O. G. R. McWilliam, on furlough.

With effect from the date of Colonel Comber, Deputy Commissioner, 1st Grade, proceeding on furlough—

Colonel T. Lamb, Deputy Commissioner, 2nd Grade, to officiate as Deputy Commissioner, 1st Grade.

Major H. J. Peet, Deputy Commissioner, 4th (officiating 3rd) Grade, to officiate as Deputy Commissioner, 2nd Grade.

Mr. H. C. Williams, C.S., Assistant Commissioner, 1st Grade, to officiate as Deputy Commissioner, 3rd Grade.

Captain M. A. Gray, Assistant Commissioner, 2nd Grade, to officiate as Assistant Commissioner, 1st Grade.

Mr. R. T. Greer, C.S., Assistant Commissioner, 3rd Grade, to officiate as Assistant Commissioner, 2nd Grade.

No. 165.—The Hon'ble Sir Ashley Eden, K.C.S.I., C.I.E., is permitted to resign the Bengal Civil Service, with effect from the 24th instant.

No. 167.—The Hon'ble Sir Ashley Eden, K.C.S.I., C.I.E., has obtained permission from His Excellency the Viceroy and Governor General to resign from the 24th instant the office of Lieutenant-Governor of Bengal. His Excellency is pleased to direct, as a mark of respect due to the character and services of Sir Ashley Eden, that all the honours and distinctions to which he is now entitled as Lieutenant-Governor of Bengal shall be continued to him until the period of his embarkation for Europe.

MEDICAL.

The 20th April 1882.

No. 178.—The services of Surgeon-Major W. Jackson, Medical Officer, 2nd Punjab Infantry, are placed temporarily at the disposal of the Punjab Government.

JUDICIAL.

The 18th April 1882.

No. 529.—The services of Lieutenant R. C. S. Macausland, 45th Native Infantry, are placed temporarily at the disposal of the Government of the Punjab for employment as Cantonment Magistrate.

PORT BLAIR.

The 19th April 1882.

No. 154.—*Appointments.*—Mr. H. Godwin-Austen, Officiating Extra Assistant Superintendent, 1st Class, Port Blair and the Nicobars, to officiate as Third Assistant Superintendent, with effect from the 6th March last, *vice* Mr. O. H. Brookes, on furlough.

Mr. M. V. Portman, Officiating Extra Assistant Superintendent, 2nd Class, to officiate as Extra Assistant Superintendent, 1st Class, *vice* Mr. Godwin-Austen.

ECCLESIASTICAL.

The 19th April 1882.

No. 76.—The Reverend J. Lillie, Assistant Chaplain of the Church of Scotland on the Bengal Establishment, to officiate as Senior Chaplain during the absence on leave of the Reverend G. G. Gillan, M.A., or until further orders.

FORESTS.

The 19th April 1882.

No. 316*F*.—Mahomed Anwar Khan, Sub-Assistant Conservator of Forests in Ajmere, is transferred to the Central Provinces.

The 21st April 1882.

No. 333*F*.—Mr. W. H. Reynolds, Deputy Superintendent of Forest Surveys, is granted privilege leave of absence for three months, with effect from the 15th instant or any subsequent date on which he may avail himself of it.

Mr. E. F. Litchfield, Assistant Conservator of Forests, 2nd Grade, attached to the Forest Survey Branch, is appointed to officiate as Deputy Superintendent of Forest Surveys, during the absence on leave of Mr. Reynolds, or until further orders.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—GENERAL.

Simla, the 18th April 1882.

No. 256*G*.—Consequent on the appointment of Mr. C. E. Bernard, C.S., C.S.I., to be Chief Commissioner of British Burma, Mr. E. C. Buck, C.S., Director, Department of Agriculture and Commerce in the North-West Provinces and Officiating Secretary to the Government of India in the Revenue and Agricultural Department, is confirmed in the latter appointment, with effect from the 4th instant.

T. W. HOLDERNESS,
Offg. Under Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 17th April 1882.

No. 567*G.G.*—Consequent on the appointment of Sir A. C. Lyall, K.C.B., to be Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, Mr. C. Grant, C.S.I., Secretary to the Government of India in the Home Department and Officiating Secretary in the Foreign Department, is confirmed in the latter appointment, with effect from the forenoon of the 17th April 1882.

J. W. RIDGEWAY, *Lieut.-Col.*,
Offg. Under Secretary to the Government of India.

The 15th April 1882.

No. 545 *G.G.*—Sir J. D. Gordon, K.C.S.I., B.C.S., Resident in Mysore and Chief Commissioner of Coorg, is granted furlough to Europe for seven months, under Section 46, Chapter V, of the Civil Leave Code, with effect from the 1st May 1882, or such subsequent date on which he may avail himself of it.

No. 547 *G.G.*—Mr. J. D. Sandford, B.C.S., Chief Judge in Mysore and Judicial Commissioner of Coorg, is appointed to officiate as a Resident of the 1st Class and is posted as Resident in Mysore and Chief Commissioner of Coorg, during the absence on furlough of Sir J. D. Gordon, K.C.S.I., or until further orders.

The 18th April 1882.

No. 577 *G.G.*—The following officiating promotions are made in the Berar Commission, consequent on the departure on furlough of Brevet Colonel J. G. Bell, M.S.C., Judicial Commissioner, Hyderabad Assigned Districts :—

Lieutenant-Colonel J. T. Bushby, B.S.C., Deputy Commissioner of the 1st Class, to officiate as Judicial Commissioner.

Major H. C. A. Szczepanski, B.S.C., Deputy Commissioner of the 2nd Class, to officiate as a Deputy Commissioner of the 1st Class.

Major K. J. L. Mackenzie, M.S.C., Deputy Commissioner of the 3rd Class, to officiate as a Deputy Commissioner of the 2nd Class.

Lieutenant-Colonel D. W. Laughton, M.S.C., Assistant Commissioner of the 1st Class, to officiate as a Deputy Commissioner of the 3rd Class.

Mr. A. Elliott, Assistant Commissioner of the 2nd Class, to officiate as an Assistant Commissioner of the 1st Class.

The 21st April 1882.

No. 608 *G.G.*—Captain A. C. Talbot, B.S.C., Additional Political Agent of the 2nd Class, officiated as Resident in the Eastern States of Rajputana from the 1st to the 17th March 1882, inclusive.

No. 610 *G.G.*—Saiyad Nur-ud-Din Khan, Attaché to the Resident at Hyderabad, is appointed to officiate as an Assistant Commissioner of the 3rd Class in the Hyderabad Assigned Districts, with effect from the date of assuming charge.

No. 612 *G.G.*—Mr. F. J. McLaughlin, Assistant Engineer, 1st Grade, Mysore, is promoted to be Executive Engineer, 4th Grade, with effect from the 1st November 1881.

POLITICAL.

The 21st April 1882.

No. 120 *G.P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognise the appointment of Mr. R. Mühry as Acting Consul for the Austro-Hungarian Empire at Akyab.

No. 123 *G.P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognise the appointment of Mr. R. Mühry as Acting Consul for the German Empire at Akyab.

No. 126 *G.P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognise the appointment of Mr. R. Mühry as Acting Consul for the Kingdom of Denmark at Akyab.

No. 129 *G.P.*—Subject to the confirmation of Her Majesty's Government, His Excellency the Viceroy and Governor General in Council is pleased to recognise the appointment of Mr. C. C. Bancroft as Vice and Deputy Consul General for the United States of America at Calcutta.

No. 132 *G.P.*—His Excellency the Viceroy and Governor General is pleased to confer upon Dadabhai Palanji, late Head Clerk of the Executive Commissariat Office, Poona, the title of "Khan Bahadur," as a personal distinction.

JUDICIAL.

The 17th April 1882.

No. 6 *G.J.*—The Governor General in Council is pleased, under the provisions of Section 35 of the Code of Criminal Procedure, to invest temporarily Major W. F. Hume, 11th Bombay Native Infantry, with the powers of a Magistrate of the district, to be exercised within the limits of the Baroda Cantonment.

MILITARY.

The 21st April 1882.

No. 78 *G.M.*—The following Brigade Order, issued by the Commandant, Central India Horse, dated the 28th March 1882, is confirmed:—

Lieutenant A. G. Durand, Adjutant, 1st Regiment, is appointed to officiate as 3rd Squadron Commander, with effect from the 24th March 1882.

No. 80 *G.M.*—Jemadar Rughober Persad Tewarry, of the Bhopal Battalion, is promoted to the rank of Subadar, with effect from the 1st February 1882, *vice* Subadar Ajoodheah Sing, transferred to the Pension Establishment.

C. GRANT,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 21st April 1882.

No. 472.

The Governor General in Council is pleased to direct that a military commissioned, warrant, or native commissioned officer in civil or military employ travelling on duty by rail without a Government passage warrant, shall, unless he is entitled to travel free of charge, invariably make use of the Form E "on duty" certificate (copy annexed) as provided in paragraph 164* of the Transport Regulations, Part II; the authorised scale of travelling allowance being reduced by the amount by which the first class fare exceeds the second class, or the second class fare the third class, as the case may be.

2. Commissioned officers will themselves sign the Form E certificate, that for warrant officers and native commissioned officers being signed by a staff officer, or the officer under whom they are serving.

* "164. Commissioned, warrant, and native commissioned officers travelling 'on duty,' but without a Government passage warrant, or proceeding on or returning from leave on medical certificate and paying their own fares (whether entitled to mileage allowance or not), are to be allowed to travel in the next higher class of carriage than that for which they purchased tickets, on their producing a certificate, Form E (Appendix No. 1), signed by a staff officer directing them to travel on duty.

"I.—This, however, is subject to the limitation that commissioned and first class warrant officers only are to travel first class with second class tickets, and second class warrant and native commissioned officers second class with third class tickets."

* * * * *

"III.—This order does not apply to any class of Government servants other than those specified above, nor is it applicable to the wives and families of commissioned or warrant officers; and the certificate is not to be granted to commissioned and warrant officers travelling by the Oudh and Rohilkhund Railway, so long as the fares are not in excess of nine pies and two pies per mile, respectively, for upper and lower classes."

FORM E.

(Referred to in paragraph 164 of Transport of Troops—By Railway.)

No._____

To

The Station Master_____

_____

_____

Station_____

Date_____

Certified that (Rank)_____(name)

_____(Corps or Department)

_____is proceeding on duty, and

is entitled to conveyance from_____to_____

in a_____class Railway carriage upon payment

of_____class fare.

_____

Signature.

No. 527.—Mr. T. H. S. Biddulph, having been appointed to officiate as Deputy Accountant General, Madras, received charge of his office before noon 12th April 1882.

No. 568.—The services of Mr. F. C. Barnes, Assistant Comptroller General, are placed at the disposal of the Government of Bengal, with effect from the 24th April 1882.

No. 569.—In supersession of all previous orders on the subject, the Governor General in Council is pleased to prescribe that a public officer proceeding from one appointment to another in the public service on the occasion of his transfer either permanently or temporarily, and whether with or without promotion, shall, if he is allowed or entitled to draw pay or acting allowance during the period of transit, be permitted to draw travelling allowance at the usual rates, unless he is transferred at his own request.

R. LOGAN,

Offg. Under-Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 21st April, 1882.

APPOINTMENTS.

No. 188.—STAFF CORPS—

The undermentioned officers, appointed by the Secretary of State probationers for the Indian Staff Corps from regiments out of India, are placed at the disposal of the Government of Bombay, in view to their appointment to the Staff Corps of that presidency, with effect from the date of their arrival in India:—

Lieutenant P. E. Dun, South Lancashire Regiment.

Lieutenant W. J. Murphy, Durham Light Infantry.

Lieutenant J. L. Govan, Norfolk Regiment.

Lieutenant G. G. J. S. Jones, Middlesex Regiment.

Lieutenant E. A. Bennett, Middlesex Regiment.

Lieutenant C. N. Watts, Derbyshire Regiment.

Lieutenant F. W. J. Caulfeild, Suffolk Regiment.

Lieutenant J. W. C. Hutchinson, King's Own Borderers.

Lieutenant C. H. C. Heyman, Lothian Regiment.

Lieutenant R. P. S. Barnett, Royal Irish Rifles.

Lieutenant A. H. G. Kemball, Lothian Regiment.

No. 189.—PERSONAL STAFF—

His Excellency the Viceroy and Governor General is pleased to appoint Captain A. N. Rochfort, R.A., to be an Extra Aide-de-Camp on His Excellency's personal staff. Dated 21st April, 1882.

No. 190.—ORDNANCE DEPARTMENT—

Major F. Galloway, R.A., Commissary of Ordnance, 3rd Class, and Officiating as Assistant to the Inspector General of Ordnance, to be Commissary of Ordnance, 2nd Class, *vice* Captain S. Murray, R.A., vacated.

Lieutenant T. T. Vaughan, R.A., Officiating Commissary of Ordnance, 3rd Class, to be Commissary of Ordnance, 3rd Class, *vice* Major Galloway.

The above appointments to have effect from the 13th April, 1882.

No. 191.—Captain C. H. Scott, R.A., Assistant Superintendent of Factories, to be Superintendent of the Gunpowder Factory at Ishapore, *vice* Colonel E. W. Childers, retired.

No. 192.—VOLUNTEER CORPS—

Ghazipore Volunteer Rifle Battalion.

Captain A. R. Porter, Bengal S. C., Wing Officer, 28th Native Infantry, to be Adjutant, *vice* Captain L. B. Irwin, resigned.

No. 193.—NATIVE ARMY—

23rd Native Infantry.

Jemadar Soondur Sing, appointed on probation in G. G. O. No. 77 of 1880, is confirmed in that rank, with effect from the 27th February, 1880.

FURLOUGH AND LEAVE.

No. 194.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Major C. N. Hodgson, General List, Infantry, Wing Commander, 32nd Native Infantry, (p. a.) for two years, under rule IX of the regulations of 1868.

Major W. J. Heaviside, R.E., Deputy Superintendent, 3rd Grade, Survey of India, (p. a.) for 182 days, under rule IX of the regulations of 1868.

Lieutenant H. A. Ravenshaw, Bengal S. C., Wing Officer and Adjutant, 26th Native Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

Surgeon-Major C. Kilkelly, M.B., (m. c.) for one year, under rule XIV, clause (1) of the regulations of 1868.

Surgeon-Major A. Skeen, M.B., (p. a.) for 182 days, under rule IX of the regulations of 1868.

Surgeon-Major G. Hutcheson, M.D., 28th Native Infantry, (p. a.) for two years, under rule IX of the regulations of 1868.

No. 195.—Major H. S. Marshall, General List, Infantry, Wing Commander, 28th Native Infantry, is granted furlough in and out of India (p. a.) for two years, under rule IX of the regulations of 1868.

No. 196.—Surgeon-Major J. B. White, 43rd Native Infantry, is granted furlough without pay for the 12th December, 1881, in extension of that granted in G. G. O. No. 510 of 1881.

No. 197.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India :—

Major N. M. T. Horsford, Bengal S. C., (p. a.) for three months.

Lieutenant G. D. C. Gastrell, Bengal S. C., (p. a.) for nine months.

No. 198.—Lieutenant C. B. Porter, Bengal S. C., Wing Officer, 4th Native Infantry, has been granted by the Secretary of State for India furlough (m. c.) for 243 days, under the regulations of 1875, with effect from the 7th October, 1881, with reference to G. G. O. No. 555 of 1881.

HONORARY DISTINCTIONS.

No. 199.—With reference to G. G. O. No. 134 of 1862, Her Majesty the Queen, Empress of India, has been pleased to approve of the 22nd Bengal Native Infantry and the 5th Bombay Native Infantry bearing on their regimental colors and appointments the word "China," in commemoration of their services in that country in 1862.

LONDON GAZETTE.

No. 200.—The following extracts are published for general information :—

"London Gazette," dated the 10th March, 1882, pages 1066 and 1067.

WAR OFFICE;

Pall Mall, 10th March, 1882.

MEMORANDA.

Deputy Assistant-Commissary Charles John Marsden, Bengal Establishment, to have the honorary rank of Lieutenant. Dated 1st December, 1881.

The promotions to the rank of Colonel of the undermentioned Officers of the Bombay Staff Corps are antedated to 1st July, 1881 :—

Arthur Thomas Moore, V.C.
Cecil D'Urban La Touche.
Charles Henry Clay.

The undermentioned Lieutenant-Colonels of the Indian Staff Corps to be Colonels. Dated 1st July, 1881 :—

George Charles De Prée, Bengal.
William Peyton, Madras.
Lawrence Henry Williams, Bengal.
Alexander Wardrop, Bombay.
Thomas Bell, Bombay.
Stewart Fellows, Bombay.
George Nesbitt Stephens, Madras.
George Ralph Collier Westropp, Bombay.
Gilbert James Pasley, Bengal.
Thomas Edward Vander-Gucht, Bengal.
Brooke Rynd Chambers, Bengal.
James Vere Hunt, C.B., Bengal.
Charles Ferguson Sharpe, Bengal.
Philip Henry Farrell Harris, Bengal.
Charles Tatham Hitchins, Bengal.
Thomas Wakefield, Madras.
Seafield Falkland Murray Treasure Grant, Madras.
Henry Seymour Robinson, Madras.
Lionel Henry Planta de Hochepied Larpent, Bengal.
Alexander Howe Bramley, Bengal.
Frederick Macnaghten Armstrong, C.B., Bengal.
William Moore Lane, Madras.
Thomas Boone Everest Tennant, Madras.
Lester Horatio Sibthorpe, Bombay.
Archibald Edwards Campbell, Bengal.
Henry Crosby Barry Barnett, Madras.
George Carr Hodding, Madras.
Philip Harrison Le Geyt, Bombay.
Thomas James Watson, Bengal.
Robert Henry Cunliffe, Madras.
Robert Russell Woodhouse, Bombay.
Cecil David James Dodd, Bombay.
Willoughby Charles Stanley Clarke, Bengal.
Hugh Watson, Madras.
James Houlbrooke Drummond, Bombay.
Thomas Walter Rutherfurd, Bengal.
John Shand Douglas Bolton, Bombay.
Evelyn Medows Norie, Madras.
Thomas Dennehy, Bengal.
Thomas Henry Way, Madras.
Claude Malet Ducat, Bombay.
Welby Wroughton Boddam, Bengal.
Alfred Utterson, Bombay.
Henry Rivett Mandeville Van-Heythuysen, Bombay.
Nowell Swanston, Madras.
Charles Frederic Boulton, Bombay.
James Giberne Bell, Madras.
Henry Annesley Justice, Madras.
John Rootsey Strutt, Bombay.

INDIAN STAFF CORPS.

Colonel Charles Thomas Palin (Bombay) has been transferred to the Unemployed Supernumerary List. Dated 6th Februay, 1882.

PROMOTIONS.

No. 201.—The following promotions are made, subject to Her Majesty's approval :—

BREVET.

To be Colonel.

Lieutenant-Colonel Robert Algernon Walters, Madras S. C.,—11th April, 1882.

MEDICAL DEPARTMENT.

To be Brigade Surgeon.

Surgeon-Major John Jones, M.D.; *vice* Brigade Surgeon B. Simpson, M.D., promoted. Dated 1st April, 1882.

To be Surgeons-Major.

Surgeon James Frederick Parry McConnell, M.B. Dated 1st April, 1882.

Surgeon Joseph O'Brien, M.D. Dated 1st April, 1882.

Surgeon James O'Malley McDonnell, M.D. Dated 1st April, 1882.

Surgeon James Reid, M.D. Dated 1st April, 1882.

Surgeon Gilbert Proby Mackenzie, M.B. Dated 1st April, 1882.

No. 202.—COLONEL'S ALLOWANCE—

Lieutenant-Colonel (Brevet Colonel) Brooking Soady, Bengal S. C., is admitted to the Colonel's allowance. Dated 1st April, 1882.

No. 203.—MILITARY WORKS DEPARTMENT—

Major T. C. Manderson, R.E., Temporary Superintending Engineer, 3rd Class, is promoted permanently to that class, with effect from 12th March, 1882, to fill a vacancy in the establishment.

No. 204.—Captain N. Arnott, R.E., Executive Engineer, 2nd Grade, is appointed to officiate as Superintending Engineer, Military Works, Beluchistan, during the absence of Colonel A. M. Lang, R.E., on privilege leave.

No. 205.—ORDNANCE DEPARTMENT—

The undermentioned Sub-Conductors, on probation, are confirmed in their present grade, with effect from the dates specified :—

Sub-Conductor John Penfold,—17th September, 1881.

Sub-Conductor John Bennie,—21st September, 1881.

No. 206.—NATIVE ARMY—

25th Native Infantry.

Havildar Jowalla Sing, to be Jemadar, *vice* Jug Sing, deceased,—6th February, 1882.

RETIREMENTS.

No. 207.—Lieutenant-Colonel (Brevet Colonel) William Playfair, Bengal S. C., is permitted to retire from the service, with effect from the 10th April, 1882, subject to Her Majesty's approval.

REWARDS.

No. 208.—GOOD SERVICE PENSIONS—

It is hereby announced that, on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer a good service pension on the undermentioned officer, with effect from the date specified :—

From the 8th December, 1881, in room of COLONEL E. W. DUN, succeeded to the Colonel's allowance.

COLONEL GEORGE HEARN, MADRAS STAFF CORPS.

Dates of Commissions.

Ensign	8th June,	1844.
Lieutenant	18th April,	1848.
Captain	24th September,	1857.
Major	8th June,	1864.
Lieutenant-Colonel	"	1870.
Brevet Colonel	"	1875.

Appointments.

Acting Adjutant, 49th Regiment Native Infantry	12th August,	1852.
Adjutant, 49th Regiment Native Infantry	7th September,	1852.
Commandant of Kurnool Horse ...	9th July,	1857.
Acting Adjutant, 49th Regiment Native Infantry	16th January,	1858.
Acting Quartermaster, 49th Regiment Native Infantry ...	1st June,	1858.
Deputy Inspector General, Mofussil Police, Southern Range ...	6th July,	1858.
Wing Officer, 15th Regiment Native Infantry	28th October,	1867.
Wing Officer and Officiating 2nd-in-Command, 15th Regiment Native Infantry	10th January,	1868.
Wing Commander and 2nd-in-Command, 15th Regiment Native Infantry	9th January,	1873.
Officiating Commandant, 15th Regiment Native Infantry ...	1st January,	1875.
2nd-in-Command, 12th Regiment Native Infantry	3rd May,	1875.
2nd-in-Command, 13th Regiment Native Infantry	8th January,	1876.
Commandant, 15th Regiment Native Infantry	10th October,	1876.

War Services.

Served in the second Burmese War; was present at the recapture of Billing, 19th April, 1853; was wounded by a musket ball at Billing (Medal with clasp for Pegu). Served as Commandant, 15th Regiment Native Infantry, in Afghanistan, 1880.

ORGANIZATION.

No. 209.—Under the orders of the Secretary of State for India, the following conditions regulating the tenure of regimental commands in the Native armies of India are published for general information and guidance :—

(1) All officers who now hold substantive regimental commands will be granted an extension of command without any conditions (except promotion to the rank of General Officer, or the attainment of the Colonel's allowance) to the 1st April, 1883.

(2) Subject to the above conditions, present incumbents will be eligible to retain their commands until they attain the age of 55 years, or complete a tenure of 7 years' command, whichever may happen first.

(3) Any present incumbent, who on or after the 1st of April, 1883, may not have completed 5 years' tenure of command before reaching the age of 55 years, will be eligible to complete his 5 years' tenure of command.

(4) The immediate successors of present incumbents will be eligible to hold the command of a regiment until the attainment of 55 years of age, or the completion of 7 years' tenure of command, whichever may happen first.

(5) Thereafter, the limits for regimental command will be the attainment of 52 years of age, or a tenure of 7 years, whichever may happen first.

(6) In any case of the Commandant of a regiment, other than present incumbents (paragraph 4), who is required to vacate his command under these rules before he has served for the pension granted for 32 years' service, such officer, on the recommendation of the Commander-in-Chief in India, Madras or Bombay, and with the approval of the Government of India, Madras, or Bombay, as the case may be, may be permitted an extension of command, not exceeding 2 years, towards his 32 years' pension service, or such less period as may be required for its completion. But no portion of such special extension of regimental service, or tenure of command, will be permitted to be passed on any leave or furlough except privilege leave.

(7) Officers of the Staff Corps or Indian Army who entered the service before 1st July 1881, who may elect, on vacating regimental commands, to remain in the service for the attainment of the highest retirement pension, or the Colonel's allowance, will be permitted the option of completing their service at home on the furlough pay of their rank, or of remaining in India on the unemployed Indian pay and allowances of their rank if unemployed.

(8) All regimental commands will continue to be vacated as at present, on promotion to Major-General or succession to the Colonel's allowance.

(9) These rules will take effect from this date, so far that any commandants of regiments hereafter appointed will be the next in succession to present incumbents referred to in paragraph 4.

(10) These rules are applicable also to the Punjab Frontier Force and the Hyderabad Contingent, and so far as regards the limit of age prescribed by them, to other regiments under the direct orders of the Government of India.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 19th April 1882.

No. 103.—Mr. C. C. Harold, Examiner of Accounts, on special duty under the orders of the Director General of Railways, is appointed Examiner of Public Works Accounts, Hyderabad.

The 21st April 1882.

No. 104.—Mr. J. B. Braddon, Examiner of Public Works Accounts, Hyderabad, is transferred to the North-Western Provinces for employment in charge of the Railway Accounts of that Province.

Mr. H. Rainier, Deputy Examiner of Accounts, North-Western Provinces and Oudh, is temporarily transferred to the Office of Examiner, Public Works Accounts, Madras.

No. 105.—Mr. A. J. Oldham, Deputy Examiner, 2nd Grade, temporary rank, North-Western Provinces and Oudh, is retransferred to Bengal as Executive Engineer, 4th Grade.

No. 106.—The Governor General in Council is pleased to make the following promotion in the Superior Accounts Establishment, with effect from the 1st April 1882:—

Lieutenant-Colonel C. M. Moberly, Examiner, 2nd Class, temporary rank, to Examiner, 2nd Class, permanent.

No. 107.—In continuation of Notification No. 106 of this date, the Governor General in Council is pleased to make the following further promotions in the Superior Accounts Establishment:—

Names.	From	To	Nature of promotion.	Date.
Mr. A. T. Goodfellow ...	Dy. Exr., 2nd Grade (tempy. rank).	Dy. Exr., 2nd Grade ...	Permanent	1st April 1882.
Mr. H. C. Barnes ...	Dy. Exr., 2nd Grade (tempy rank).	" " 2nd " ...	"	1st " "
Mr. R. A. English ...	Asst. Exr., 1st Grade (tempy. rank).	Asst. Exr., 1st Grade ...	"	1st " "
Mr. S. K. L. Yeats ...	Asst. Exr., 2nd Grade ...	" " 1st " ...	"	1st " "
Mr. S. M. Johnson ...	Dy. Exr., 1st Grade ...	Exr., 4th Class, 3rd Grade ...	Temporary	1st " "
Mr. W. Ogden ...	Asst. Exr., 1st Grade ...	Dy. Exr., 2nd Grade ...	"	1st " "
Mr. R. A. English ...	" " 1st " ...	" " 2nd " ...	"	1st " "

No. 108.—Mr. J. L. Macpherson, Officiating Examiner of Accounts, Northern Bengal State Railway, is appointed to officiate as Examiner of Accounts, Punjab Northern State Railway.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 22, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 11th March 1882.

From the 8th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 1st April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

Parts II and III and the Supplement will continue to be published in Calcutta.

From the 1st January 1882, Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts will be Rs. 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

	Rs.	A.	P.
Subscription for *Gazette* and Supplement per annum	15	0	0
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Subscription for Supplement only .	6	0	0
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Postage on single copies varies according to weight.

E. J. DEAN,

Publisher, Gazette of India.

NOTICE.

The Office of Superintendent of Government Printing having been removed to No. 166, Dhurrumtollah Street, all communications intended for that Office should be sent to that address.

E. J. DEAN,

Supdt. of Govt. Printing, India.

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 14th April 1882.

Mr. C. T. Davis, Chief Clerk of the High Court, has, under Section 71, Chapter 5, of the Civil Leave Code, obtained three months' privilege leave of absence, with effect from the 12th instant.

By Order,

R. BELCHAMBERS,

Registrar.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Simla, the 13th April 1882.

Offices opened and closed during the month of March 1882:—

Name of Station	Where situated.	Date.	REMARKS
Beejapur . .	Bombay Presdy. .	16th .	Opened.
Kalka .	Punjab . .	7th .	Ditto.
Malabar Point .	Governor's Office, Bombay.	17th .	Ditto.
Parell . . .	Ditto . .	17th .	Closed.
Sudya . . .	Upper Assam .	1st .	Opened.
Tavoy . . .	British Burmah .	25th .	Ditto.

Calcutta, the 20th April 1882.

No. 1.—Mr. R. C. Laughlin, a Superintendent of the 3rd Grade, is allowed furlough for twenty months, under Section 49 of the Civil Leave Code, with effect from the forenoon of the 31st March 1882.

No. 2.—Mr. F. T. Rickards, an Assistant Superintendent of the 1st Grade, is allowed furlough for one year, under Section 49 of the Civil Leave Code, with effect from the forenoon of the 31st March 1882.

No. 3.—Mr. R. Boteler, a Superintendent of the 4th Grade, is allowed furlough for eighteen months, under Section 49 of the Civil Leave Code, with effect from the forenoon of the 8th April 1882.

R. MURRAY, *Col.*,
Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 11th April 1882.

No. 857 *G.*—With reference to Foreign Department Notification No. 225 G.-G., dated 17th February 1882, Captain A. C. Talbot and Major W. F. Prideaux respectively made over and received charge of the Office of Resident, Eastern Rajputana States, on the forenoon of the 18th March 1882.

The 14th April 1882.

No. 893 *G.*—With reference to Foreign Department Notification No. 488 G.-G., dated 6th April 1882, Misr Ramacharan, Attaché to the Agent to the Governor General for Rajputana, availed himself of the leave therein granted from the forenoon of the 15th April 1882.

No. 896 *G.*—With reference to this Office Notification No. 323 G., dated 14th February 1882, 2nd Class Hospital Assistant Mohun Lal, of the Reserve List of Hospital Assistants, was granted an extension of leave, without allowances, under Section 133 of the Civil Leave Code, from the 4th February to the 22nd March 1882.

No. 897 *G.*—Third Class Hospital Assistant Abdul Ahud, recently attached to the Rajputana-Malwa Railway, is transferred to the Reserve List of Hospital Assistants, with effect from the 15th March 1882.

No. 898 *G.*—With reference to this Office Notification No 2313 G., dated 3rd November 1881, the medical charge of the Jail and Detachment of the Erinpura Irregular Force is transferred to 2nd Class Hospital Assistant Gooru Churn Lusker from the 27th March 1882.

By Order,
E. A. FRASER,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF AJMIR-MERWARA.

NOTIFICATION.

Mount Abu, the 17th April 1882.

In the Court of the Commissioner and District Judge, Ajmir-Merwara.

Insolvency of Muhiuddeen, son of Sheikh Hyder Bakhsh Lohar (ironsmith), resident of Ajmir.

Notice is hereby given that Muhiuddin, son of Sheikh Hyder Bakhsh, resident of Ajmir, has been declared insolvent and discharged by this Court, and Mahomed Bakhsh, Nazir of the Commissioner's Court, is appointed a Receiver of his property under the provision of Section 351 of Act X of 1877.

Given under my hand and the seal of the Court, this 12th day of April 1882.

L. S. SAUNDERS,
Commissioner and District Judge, Ajmir-Merwara.

AJMIR,
The April 1882.

By Order,
F. T. HEWSON,
for *1st Asst. to the Chief Commr.*

CHIEF COMMISSIONER OF COORG.

NOTIFICATION.

Bangalore, the 13th April 1882.

No. 3.—N. Ramabhadraiya is appointed to act as Town Subedar of Mahadeopet in Coorg, from date of his taking charge of the Office, *vice* C. Timmaiya, suspended.

2. N. Ramabhadraiya is vested with the powers of a Magistrate of the 3rd Class, as described in Section 20 of the Criminal Procedure Code.

By Order,
H. WYLIE, *Major*,
Secretary to the Chief Commr. of Coorg.

MILITARY DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 14th April 1882.

No. 14.—Major J. H. Crowdy, R.E., Executive Engineer, 1st Grade, is transferred from the Meerut Command, Military Works, to the Sirhind and Lahore Command, Military Works.

No. 15.—Lieutenant C. C. Ellis, R.E., Assistant Engineer, 1st Grade, is transferred from the Meerut Command, Military Works, to the Rawalpindi Command, Military Works.

No. 16.—Captain S. J. Lambert, R.E., Assistant Engineer, 1st Grade, is transferred from the Meerut Command, Military Works, to the Presidency and Oudh Command, Military Works.

No. 17.—Lieutenant R. A. Wahab, R.E., Assistant Engineer, 1st Grade, is transferred from the Sirhind and Lahore Command, Military Works, to the Meerut Command, Military Works.

No. 18.—Lieutenant H. F. Chesney, R.E., Assistant Engineer, 2nd Grade, is transferred from the Meerut Command, Military Works, to the Sirhind and Lahore Command, Military Works.

The 17th April 1882.

No. 19.—Honorary Captain J. Copeland, Assistant Engineer, is transferred from the Presidency and Oudh Command, Military Works, to the Meerut Command, Military Works.

No. 20.—Sub-Conductor J. Holehouse, Assistant Barrack Master, is transferred from the Meerut Command, Military Works, to the Rawal Pindi Command, Military Works.

J. J. McLEOD INNES, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

Presidency & Oudh Command.

Lucknow, the 14th April 1882.

No. 10.—With reference to Government of India, Public Works Department, Notification No. 307, dated 22nd September 1881, placing the services of Assistant Engineer, 1st Grade, Lieutenant J. A. Ferrier, R.E., temporarily at the disposal of the Bengal Government, that Officer rejoined Fort William Division, Military Works, on the forenoon of 1st April 1882.

H. McV. CRICHTON, *Major, R.E.,*
Supdg. Engr., Presdy. & Oudh Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 13th April 1882.

No. 31.—The transfer of Mr. J. P. Hogan, Assistant Engineer, 1st Grade, which was notified in Director General's Notification No. 26, dated 30th March 1882, is cancelled.

No. 32.—Mr. T. Michell, Assistant Engineer, 1st Grade, is transferred from the Nimach-Nasirabad Railway to the Indus Valley State Railway.

The 17th April 1882.

No. 33.—With reference to Public Works Department Notification No. 94, dated 11th April 1882, Mr. W. Sandford, Assistant Traffic Superintendent, is posted to the Rajputana-Malwa State Railway.

F. S. STANTON, *Col., R.E.,*
Director General of Railways.

TREASURE TROVE.

In accordance with the provisions of Section 5 of the Indian Treasure Trove Act (VI of 1878), notice is hereby given to all whom it may concern that, in the month of April or May 1881, certain treasure (80 gold mohurs of the value of about Rs. 1,088) was found while digging the foundation of a wall of the house of one Naro Raghunath Deshpande, of Pachora, Taluka Pachora, of the Khandesh Collectorate, Bombay Presidency.

All persons claiming the treasure in whole or in part are hereby required to appear personally or by agent before the Collector of Khandesh on the 21st August 1882, when he will proceed to hold an enquiry according to law.

W. H. PROPERT,
Collector of Khandesh.

CAMP DHULIA,
The 13th April 1882.

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on the 23rd December last, treasure consisting of

	Rs.	A.	P.
5 coins called Dhunda Namalu, value	4	11	0
8 ditto half Chalavani, value ...	4	0	0
54 ditto Chalavani, value ...	54	0	0
8 gold coins called Tajayiiu ...	30	0	0

valued in the aggregate at Rs. 92-11-0, were found in the walls of a house belonging to one Rami Reddy in the village of Banavanar in the Pattikonda Taluk, Kurnool District, in the Madras Presidency, when the walls were pulled down for reconstruction.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally, or by agent, before the Collector of Kurnool, at his Office, on Thursday, the 14th September 1882, in order to the matter being enquired into and determined in accordance with the provisions of the Act.

W. H. GLENNY,
Collector.

KURNOOL COLLECTOR'S OFFICE,
The 1st April 1882.

Report of a Deserter from the 7th Brigade, Regiment of Royal Artillery, dated at Deolali, this 16th day of April 1882.

Number, Rank, and Name,—No. 5576, Gunner William Quinn.	At what Place Enlisted,—Dublin.
Age,—24 years 3 months.	Parish and County in which Born,—Rathmines, Dublin.
Size,—5 feet 7 inches.	Marks,—None
Colour of—Complexion, fresh; Hair, brown; Eyes, blue.	Trade,—Locksmith.
Date of Desertion,—14th April 1882.	Coat or Jacket,—White jacket.
Place of Desertion,—Deolali.	Waistcoat,—None.
Date of Enlistment,—24th January 1876.	Breeches or Trowsers,—White trowsers.
	REMARKS,—Under 7 years' service.

H. PIPON, *Major, R.A.,*
Comdg. 7th Brig., Regt. of Royal Artillery.

ARMY CLOTHING DEPARTMENT.

NOTICE.

Alipur, the 22nd March 1882.

The services of a fully qualified master shoemaker are required at the Army Clothing Agency, Alipur. Applications accompanied by attested copies of testimonials (which will not be returned) and stating salary expected should be addressed to the Officiating Superintendent of Army Clothing, Alipur.

W. H. MACKESY, *Lieut.-Col.,*
Offg. Supdt. and Agent for Army Clothing.

COMPTROLLER GENERAL'S OFFICE.

F.

PRELIMINARY ACTUALS.

Depatched 14th April 1882.

TELEGRAPHIC STATEMENT OF RECEIPTS AND OUTGOINGS FROM TREASURIES DURING MARCH 1882.

Thousands of Rupees.

	Civil Revenue.	Civil Debt and Remittance Heads.	Forest, Telegraph, and Marine.	Post Office.	Guaranteed Railways.	Military Department.	P. W Department.	Opening Balance.	TOTAL.
Receipts.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
India General ...	12,22	3,34,60	91	3,30	5,13	75	46,40	4,10,13	8,13,44
Central Provinces	10,68	11,12	1,14	1,76	...	35	91	56,74	82,70
British Burmah ...	59,14	26,13	2,46	2,50	...	70	2,87	41,62	1,35,42
Assam ...	7,82	7,10	13	1,25	...	51	14	22,78	39,73
Bengal ...	2,38,94	1,20,85	2,82	7,49	1,08	8	7,45	1,28,62	5,07,33
N.-W. Provinces and Oudh ...	38,83	81,17	2,22	2,18	4,75	1,14	3,29	2,63,65	3,97,23
Punjab ...	21,00	78,24	1,91	3,21	8,85	1,90	11,11	1,20,72	2,46,94
Madras ...	1,15,67	1,22,39	1,44	3,51	9,62	1,13	78	2,04,51	4,89,05
Bombay ...	1,87,73	4,53,30	6,32	3,85	47,62	1,59	1,62	1,78,45	8,80,48
Remittance Adjustment ...	...	...	...	...	...	...	...	13,23	13,23
TOTAL RECEIPTS ...	7,22,03	12,34,90	19,35	29,05	77,05	8,15	74,57	14,10,45	36,05,55
Outgoings.									
India General ...	21,27	3,66,55	1,98	40	3,00	21,32	19,66	3,79,26	8,13,44
Central Provinces	6,02	10,42	60	15	...	3,58	5,16	56,47	82,70
British Burmah ...	9,63	69,38	2,76	4	...	2,40	15,02	36,19	1,35,42
Assam ...	4,50	10,47	36	11	...	1,27	2,09	20,93	39,73
Bengal ...	61,24	1,62,34	1,59	7,68	...	1,83	33,26	2,39,39	5,07,33
N. W. Provinces and Oudh ..	28,85	95,86	1,20	8,73	3,48	17,78	17,30	2,24,03	3,97,23
Punjab ...	17,17	61,65	98	2,78	3,05	30,67	30,93	99,71	2,46,94
Madras ...	35,14	2,05,78	1,51	3,92	4,35	13,76	7,49	2,16,80	4,89,05
Bombay ...	97,84	5,21,31	6,01	4,07	14,04	22,71	27,40	1,87,07	8,80,48
Remittance Adjustment	...	12,97	...	...	...	...	...	26	13,23
TOTAL OUTGOINGS	2,81,96	15,16,73	17,02	27,88	27,92	1,15,32	1,53,61	14,60,11	36,05,55

SUMMARY OF ACCOUNTS FOR THE TWELVE MONTHS ENDING MARCH 1882.

Lakhs of Rupees

	RECEIPTS.					OUTGOINGS.				
	Accounts till Jan.	TELEGRAPHIC. Feb.	TELEGRAPHIC. Mar	Total, 12 months.	Budget Estimate, 12 months.	Accounts till Jan.	TELEGRAPHIC. Feb.	TELEGRAPHIC. Mar.	Total, 12 months.	Budget Estimate 12 month
Civil Revenue	44,23	5,09	7,22	56,54	56,15	...	...	...	...	...
Civil Expenditure	...	...	...	...	...	20,01	2,03	2,82	24,86	25,42
Military Department	1,15	5	8	1,28	1,12	11,53	1,07	1,15	13,75	14,45
Public Works Department... ...	6,69	71	75	8,15	7,23	8,60	97	1,59	11,16	11,80
Forest, Telegraph, and Marine Departments (net)	...	...	2	2	...	9	1	...	10	2
Post Office Department (net) ...	...	...	1	1	6	1	...	...	1	...
Guaranteed Railways (net) ...	2,92	40	49	3,81	3,20	...	...	...	...	...
Imperial Loan..	2,97	...	...	2,97	2,97	...	13	4	17	...
Council Bills, including Exchange ...	...	...	..	..	...	17,41	2,06	2,66	22,13	20,68
Civil Debt and Remittance (net) ...	41	34	—12	63	22	...	...	...	...	...
Total ...	58,37	6,59	8,45	73,41	70,95	57,65	6,27	8,26	72,18	72,37
Balance, April 1st ...	13,37	..	...	13,37	...	..	...	...	...	...
Balance, end of month ...	...	...	...	...	...	14,09	...	...	14,60	...
GRAND TOTAL ...	71,74	...	...	86,78	...	71,74	...	...	86,78	...

E. T. ATKINSON,
Offg. Comptroller General.

14th April 1882.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th April 1882.

PARTICULARS.	3½ PER CENT. TRANSFER LOAN OF 1853-54.	4 PER CENT. LOANS										4½ PER CENT. LOANS				TRANSFER LOAN OF 1879, SEVEN SHILLINGS PER CENT. PORTION.	5 PER CENT. DEBENTURE LOAN OF 1867-68.	5 PER CENT. LOAN OF 1856-57.	GRAND TOTAL.
		Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Reduced 4 per cent. Loan of 1881.	TOTAL.	Of 1870.	Of 1878.	TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.	TOTAL.				
Balance of 31st March 1882 . . .	54,100	18,666	3,413	13,75,573	31,78,100	2,32,59,000	1,04,04,000	2,93,99,037	2,90,91,000	42,500	9,67,71,289	47,99,500	1,00,51,400	9,94,26,000	11,42,76,900	1,11,500	32,98,000	60,200	21,45,71,989
Add—																			
Amount enfaced at Madras between 1st and 15th April 1882 . .	...	...	...	...	...	18,100	11,000	1,000	...	...	30,100	...	...	...	...	...	...	...	30,100
Amount enfaced at Bombay between 1st and 15th April 1882 . .	...	...	...	...	4,000	6,300	700	1,21,000	8,000	...	1,40,000	...	...	2,000	2,000	...	...	...	1,42,000
Amount enfaced at Calcutta between 1st and 15th April 1882 . .	...	...	...	...	...	62,300	1,000	72,300	2,11,500	...	3,47,100	5,000	30,000	1,73,500	2,08,500	...	...	...	5,55,600
	54,100	18,666	3,413	13,75,573	31,82,100	2,33,45,700	1,04,16,700	2,95,93,337	2,93,10,500	42,500	9,72,88,489	48,04,500	1,00,81,400	9,96,01,500	11,44,87,400	1,11,500	32,98,000	60,200	21,52,99,689
Deduct—																			
Amount written off in the London Registers	...	5,333	213	...	26,000	2,98,000	...	3,27,800	79,100	7,000	7,43,446	43,600	1,07,000	7,41,500	8,92,100	...	...	...	16,35,546
Balance on 15th April 1882 . . .	54,100	13,333	3,200	13,75,573	31,56,100	2,30,47,700	1,04,16,700	2,92,65,537	2,92,31,400	35,500	9,65,45,043	47,60,900	99,74,400	9,88,60,000	11,35,95,300	1,11,500	32,98,000	60,200	21,36,64,143

NOTE.—From 9th June 1867 to 15th Feb. 1882, enfaced from India 4,501 lakhs; re-transferred from London, 3,719 lakhs.
" 16th Feb. 1882 to 28th " " " " 25 " " " 5 "
" 1st Mar. " to 15th Mar. " " " 12 " " " 12 "
" 16th " " to 31st " " " " 11 " " " 18 "
" 1st April " to 15th April " " " " 7 " " " 16 "
4,556 lakhs. 3,770 lakhs.
3,770 "
Balance against India 786 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 17th April 1882.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

Statement of the Affairs of the Bank of Bengal for the week ending 18th April 1882.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	30,11,966	4	4
Public Deposits at Head Office (Rs. 96,41,660 8 3)	2,35,09,735	9	9
Public Deposits at Branches (Rs. 1,38,68,075 1 6)			
Other Deposits at Head Office and Branches	2,51,57,617	0	8
Bank Post Bills, &c.	16,27,645	5	7
Sundries	13,05,617	12	2
RUPEES	7,46,12,582	0	6

ASSETS.	Rs	A.	P.
Government Securities	70,49,836	6	0
Other authorized Investments	43,77,020	0	0
Loans on Government and other authorized Securities	80,07,053	5	7
Accounts of Credit on Government and other authorized Securities	66,65,556	4	6
Bills discounted and purchased	2,36,89,562	14	11
Balances with other Banks	8,40,075	3	10
Bullion	6,81,649	2	4
Dead Stock	11,91,142	4	0
Stamps	8,265	15	0
Sundries	3,75,906	8	11
	5,28,86,068	1	1
Cash and Currency Notes at Head Office (Rs. 83,61,999 6 10)	2,17,26,513	15	5
Cash and Currency Notes at Branches (Rs. 1,33,64,514 8 7)			
RUPEES	7,46,12,582	0	6

By order of the Directors.

BANK OF BENGAL,
Calcutta, 20th April 1882.

J. GORDON,
Chief Acctt. & Depy. Secretary.

W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON General Treasury.	CERTIFICATES ISSUED ON Currency Department.	BALANCE OF BULLION Under Assay.	BALANCE OF BULLION Assayed.	BALANCE OF BULLION Held on account of the Currency Department.
1882.	Rs.	Rs	Rs.	Rs.	Rs	Rs.
April 10	...	52,309	...	23,45,878	42,28,202	6,31,023
" 11	1,13,500	43,060	...	24,50,378	41,31,766	5,90,583
" 12	Holiday.					
" 13	...	...	3,63,168	21,18,507	43,71,914	9,31,453
" 14	...	..	3,50,868	17,89,073	46,33,368	12,60,888
" 15	..	.	2,91,000	14,86,997	48,35,370	15,62,904

CALCUTTA MINT,
The 17th April 1882.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. Rs.	Name of Claimant.
101	... D17—21449 ...	50	Loko Nath Mookerjee, Jessore.

ALLAHABAD,
The 19th April 1882.

GODREZJEE D. PUDUMJEE, *A. A. G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No. 1882.	No. of Notes.	Value. Rs.	Name of Claimant.
W16	... M66 —12060	100 each.	S. A. Joseph, Bombay.
	" —26590		
	" —38700		
	" —40788		

BOMBAY,
The 18th April 1882.

W. T. PIERCY,
Assistant Accountant General,
for *Commissioner.*

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1	... N 5—12551 ...	100	The Executive Engineer, Simla Imperial Circle, 1st Division, Simla.
	" —18490 ...	100	
	" —17353 ...	100	
	E 2—57104 ...	500	
2	... N 5—19374 ...	100	Sohan Mul, Lahore.

LAHORE,
The 15th April 1882.

H. J. BRERETON,
for *Depy. Commr. of Paper Currency.*

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 21st April 1882.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1882.	
Persian Gulf	7 P. M.	29th April	From Bombay.
Madras, Ceylon and the Intermediate Ports	7 "	28th "	Str. *Madura.*
Madras and Ceylon	7 "	23rd "	P. & O. Str. *Pekin.*
Foreign Mails *viâ* Bombay	7 "	25th "	From Bombay.*
Do. Book Post and Pattern Packets	7 "	24th "	From Bombay.
Rangoon, Moulmein, and Straits	7 "	27th "	Str. *Kalwa.*
Chittagong, Akyab, Kyouk Phyoo, Bandoway, and Rangoon	7 "	27th "	Str. *Madras.*
Madras, Ceylon, Batavia, Singapore and China	7 "	27th "	French Str. *Tibre.*
Persian Gulf	7 "	22nd "	From Bombay.

* Also for Cape Town and Natal *viâ* England can be forwarded.

N.B.—The Letter Box will close at 7 P. M. precisely; after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 16th April 1882.

Barron, T.	Harvey, Mr.	Pickett, Mrs.
Berwick, Mr.	Hemrom, D.	Porter, S. B.
Borchard, L.	Hoffman Mr.	Richards, A.
Carson, J. D.	Hunter, Mrs. J.	Robertson, M.
Clarke, J.	Johns, Mrs. M.	Savage, W.
Davidson, W. E.	Jones, F. W.	Shanks, W. W.
Davis, Miss.	Kelly, Miss.	Sharpe, Col. C. F.
Deverell, G. H. R.	Madge, Mrs M J.	Shephard, A. E.
Downie, R M.	Martyn, Mrs Mary.	Taylor, Mrs. A. F.
Ewing, E. & Co.	Maxwell & Co.	Thorpe, Mrs.
Fitzgerald, W.	Newcomb, H.	Todd, Mrs. M.
Gardiner, Captain J. T.	Peal, Mrs A. J.	Tuson, J.
Goad, Mrs.	Philips, Mrs. S. C.	Watson, J. E.

Letters marked "Care of Post Office, to be kept till called for."

Archer, R.	Hare, Mrs.	Orinstein, Signiori Scapria.
Beamki, Sijnore G. P.	Harry, Thomas.	Phillips, E. A.
Borrill, G. F.	Healy, Captain F.	Pinglay, A. B.
Boswell, W. A.	Hearne, T.	Pollock, W. N.
Briscoe, J. D.	Holme, A. R.	Radcliffe, Vernon B.
Brown, John.	Hudson, William.	Reid, R. L.
Bradley, O. W.	Jacky, Monsieur R.	Richards, G. G.
Burne, N.	James, E.	Robinson, William.
C. B. A.	Jox, Henry.	Russell, V. E.
C. B.	Johnston, R. T.	Ryland, W. P.
Cahill, James.	Jones, H. R.	Saunders, Geo.
Carter, R. G.	Jones, Thos	Searth, M.
Chamlerg, G.	Kanai Lall Seal.	Schaun, R.
Constantine, George.	Kendall, Miss Sophia.	Scouzall, Miss Julia.
Cumine, Miss.	K. T X.	Sevastopulo, N. E.
Curlander, Solomon.	Lambert, Dr. E.	Sheels, H. J.
Curle, R. B.	Lord, S.	Smith, Chas. C. D.
Dawson, Frank.	Lynam, J	Smith, H Gordon.
"Diamond."	Macnab, Henry.	Smith, Miss A.
Dicken, Major P. L.	Maitland, T.	Span, J. M.
Downes, H.	Mason, —.	Spencer, Mrs.
Duff, J C	Mathew, Dr.	Stephens, Arthur.
Dun, E. W.	Mayor, H.	Stuart, William.
Eastwood, E. P.	McCormack, T.	Swarris, J.
E. D. P. O.	McNell, P.	Thomas, W. H.
Evans, E. A.	McVey, Hugh.	Twigdon, C.
Fergusson, Miss Nellie.	Mercer, C. G.	Warnier, M.
Fernandez, M. G.	Miche, A	Watts, G.
Fitch, R A.	Mitchell, G.	West, D K.
Forest, William Dene.	Montressor, C. E. C.	Williams, W.
Gheenburge, M. M.	Morgan, William.	W. J. H.
Gunther, J.	Munro, W.	Wollen, Mr.
Hankivez, C.	Nazir, C. S.	X. Y. Z.
Hansen, W. T.		

Registered Letters.

Bradley, O W.	Grucher, Miss G. M.	Weben, Martha.
Dashwood, Profr. R. B.	Isaac, Mrs. E.	Young & Greyhusband, Messrs.
"E. D."	Stevens, Mrs.	
Finch, Mr.		

E. HUTTON.
Presidency Post Master.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8*; per eight ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin *Rs. 5-8*; per eight ounce tin *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه دوا كوئينائين كا خوب قائم مقام هى اور كلكته كے بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سيواے اونكے جو كوئي ايك مشت بيس پونڈ خريد ليے سے نقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه يهه آنه ; ايك پونڈ كے ٹين كا سولة روپيه آٹهه آنه

اور عوام الناس بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے نقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس ٹين كا پانچ روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا دس روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا بيس روپيه

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دواخانونمين بكتي هى ماسيواے قيمت مذكورۂ بالا كے محصول ڈاك چار اور آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا بارة آنه

Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them:—

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
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Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
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HENRY F. BLANFORD,
Meteorological Reporter to Government of India.

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„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
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„ 19. Correct position of Santipilly Light-house.
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„ 22. Additional information, Krishna Shoal Light-vessel and Light at Poorce.
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„ 6. Alteration of Malwan Light.
„ 7. Kintoun Light-vessel, Yang-tse-Kiang.
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„ 17. Upper Gasper Light-vessel, entrance to river Hooghly.
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„ 20. Alteration of colour of Light at Klang Strait, Strait of Malacca.
„ 21. Additional information concerning the reported shoal, N. N. E. of Bahrein.

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„ 24. Exhibition of blue Lights and Maroons at Krishna Shoal Light-vessel.
„ 25. Deposit of stone, eastward of Harbour Works, Madras (additional information).
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„ 15. Flashing white Light on Puysegur Point—New Zealand.
„ 16. Dangerous rocks, N. N. W. and S. E. of the southernmost of the Brothers Islands—Andaman Islands.
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„ 32. Light at Batticaloa.
„ 33. Black buoys laid down in Calicut Roadstead to mark the limits of foul ground.
„ 34. Light at Batticaloa.
„ 35. Replacing of the buoys off Karwar Harbour (Sadashigar).
„ 36. Telegraph buoy, south of Aden.
„ 37. Black buoy off Point Gordeware (Godavery).
„ 38. Light at Batticaloa.
„ 39. Exhibition of a leading Light in Suez Bay.
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„ 42. Madras Semaphore.
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„ 13. Destruction of First Point Light-house, Java.
„ 14. Harbour Light at Beliling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands, Red Sea.
„ 17. Shoal south-west of Barren Islands, west coast of Madagascar.
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„ 20. Intermittent flashing Light on Pulo Undan, Malacca Strait.

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„ 7. Tidal semaphore at entrance to Chittagong River.
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„ 21. Fixed Light at Pulicat.
„ 22. Fixed Light at Ratnagiri.
„ 23. Occasional observation of light at False Point.
„ 24. Breaking adrift of Kárwar rock buoy, Kárwar or Sadashivgad.
„ 25. Date of exhibition of permanent white Light at Calicut.
„ 26. Alteration of colour of Katubdea Light-house, Chittagong coast.
„ 27. Exhibition of red and green Lights at Pondicherry.
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„ 29. Reported coral reef off Batticaloa.
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„ 32. Removal of the Red Buoy off the head of the South Harbour Pier, Madras.
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„ 35. Replacing of Kárwar Rock buoy, Kárwar or Sadashivgad.
„ 36. Date of re-exhibition of the permanent Light at Eastern Grove, at the entrance to the Rangoon River.
„ 37. Position of the anchorage buoy at Beypore.
„ 38 Buoys laid down to mark the entrance to the Madras Harbour.
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Published by Authority.

SIMLA, SATURDAY, APRIL 22, 1882.

MILITARY DEPARTMENT.

ORGANIZATION.

INDIAN ARMY.

Simla, the 22nd April, 1882.

No. 210.—The Most Hon'ble the Governor General in Council hereby announces certain of the measures which have been determined upon, with the approval of Her Majesty's Government, in regard to the regimental organisation of the Indian Army.

2. Under the organisation now to be adopted, every Native cavalry regiment (except the four regiments of Madras Native cavalry, whose establishment will remain unaltered) will consist, as at present, of six troops organised in three squadrons, each regiment having the following establishment:—

3 Ressaldars,
3 Ressaidars,
1 Woordie-Major,
6 Jemadars,
6 Kote-Duffadars,
48 Duffadars (including 1 Farrier-Major and 1 Salootrie),
6 Trumpeters,
477 Privates (including 1 Assistant Salootrie and 6 Farriers).

In the Bombay cavalry the present establishment of commissioned and non-commissioned ranks will remain unaltered at 80, the privates being raised to 470 in number instead of to 477, the total strength in Bengal and Bombay being thus 550 of all ranks.

The establishment of the Cavalry of the Corps of Guides (Queen's Own) will remain unaltered.

3. Every Native infantry regiment will consist, as at present, of eight companies, each company having the following establishment:—

1 Subadar,
1 Jemadar,
5 Havildars,
5 Naiks,
2 Drummers,
90 Privates,
—
104

making a total per regiment of 832 Natives of all ranks.

The Madras regiments will retain their extra Havildar-Major as at present.

4. The three regiments of Assam Light Infantry will retain their present strength of 912 of all ranks. The five Goorkha regiments will also retain that strength for the present.

5. The establishment of regiments being fixed as above stated, and as the total strength of the army is to remain substantially unchanged, this measure of reorganisation involves the reduction of four regiments of cavalry and eighteen of infantry.

6. The Governor General in Council has determined that of the four cavalry regiments to be reduced, three shall be reduced in the Bengal Army, including the Punjab Frontier Force, and one in the Bombay Army. Of the eighteen regiments of infantry to be reduced, six shall be reduced in the Bengal Army, including the Punjab Frontier Force, four in the Bombay Army, and eight in the Madras Army.

The present and future establishments of the Indian Army will therefore be as follows:—

	Present Estabt.	New Estabt.
Cavalry—		
Bengal (excluding Cavalry of the Corps of Guides)	24	21
Madras	4	4
Bombay	7	6
	35	31
Infantry—		
Bengal (including Infantry of the Corps of Guides)	61	55
Madras	40	32
Bombay	30	26
	131	113
Total ...	166	144

7. In the Bengal Presidency the following are the regiments selected for reduction:—

Cavalry.

16th Cavalry.
17th „
4th Punjab Cavalry.

Infantry.

34th Native Infantry.
35th „ „
36th „ „
37th „ „
41st „ „
3rd Punjab Infantry.

8. This reduction will be carried out under the orders of the Commander-in-Chief and the Punjab Government, in the following way:—

9. All Native officers, non-commissioned officers, and men who wish to remain in the service and are physically fit and otherwise well suited for it will be transferred to other regiments by troops and companies, as far as practicable, under subsidiary orders which will be issued by the Commander-in-Chief and the Punjab Government.

10. All Native officers, non-commissioned officers, and men who wish to take their discharge, or who from physical or other causes are not well suited for the service, will be discharged on the following rates of pensions and gratuities:—

I.—The superior rates of pensions specified in paragraph 611 of the Pay Code, volume II, to officers, non-commissioned officers, and men who have completed 25 years of service and upwards.

II.—The ordinary rates of pensions to all officers, non-commissioned officers, and men who have completed 14 years' service, and have less than 25 years' service, with a bonus of one month's pay (including good-conduct pay) for every two years' service.

III.—To officers, non-commissioned officers, and men of more than 10 and less than 14 years' service, two-thirds of the ordinary rate of pension and a bonus of three months' pay (including good-conduct pay).

IV.—To non-commissioned officers and men of 5 and less than 10 years' service, a gratuity of one month's pay for each year of service, together with an additional bonus of three months' pay as above.

V.—To non-commissioned officers and men of less than 5 years' service, a gratuity of six months' pay.

11. In the case of the cavalry, the gratuities will be calculated on the rates of ordinary and not net pay.

12. In those regiments in which, in consequence of the transfers made from the regiments reduced, the strength of Native officers or non-commissioned officers may become in excess of the regular authorised establishment, pensions and gratuities under the above scale may be offered to deserving Native officers and non-commissioned officers of such regiments to the extent of the numbers in excess in these ranks, so that the strength of Native officers and non-commissioned officers may thus be at once brought down to the fixed authorised establishment. Should this reduction however not be completely effected, and any supernumeraries be still left, they will be absorbed by making only two promotions for every three vacancies, every third vacancy being absorbed.

13. Native commissioned officers of cavalry regiments of 25 years' service and upwards, pensioned under the terms of paragraph 13, will receive a gratuity of 12 months' pay, in addition to the higher rate of pension.

14. Free passes by rail to their homes will be given to all officers, non-commissioned officers, and men who take their discharge on pension or gratuity under these orders.

15. In the cavalry regiments about to be reduced, where the chunda (remount) fund of a regiment after the disposal of all its horses (under subsidiary orders to be now issued) is unable to meet the entire cost of defraying the horse price of men discharged and transferred, the sums necessary for this purpose will be granted

by the Government of India, under orders which will be issued hereafter.

16. In order to complete the horse price of men who are transferred to other corps, and who have not as yet paid up their full horse price in their present corps, loans will be granted, to Commanding Officers of regiments receiving men transferred, of the amount of such horse price still due, to be repaid without interest at Rs. 2 per man per mensem.

17. Such assistance will be granted to the equipment funds of cavalry regiments reduced as will permit of their paying up in the ordinary way, to men discharged, the proper value of their equipments, the sale proceeds of which will be carried to the credit of the State.

18. The certified actual cost involved in change of uniform and equipment will be allowed to soldiers transferred to other regiments. The necessary changes in the uniforms of the infantry troops transferred will be made at the public expense.

19. The following regiments of the Madras and Bombay armies have been selected by the Governments of those Presidencies respectively for reduction :—

Madras Army.

The 34th Native Infantry.
" 35th "
" 36th "
" 37th "
" 38th "
" 39th "
" 40th "
" 41st "

Bombay Army.

The 3rd Sind Horse.
" 6th Native Infantry.
" 11th "
" 15th "
" 18th "

20. The reductions will be carried out under the foregoing rules, as far as possible, by the transfer of soldiers from regiments to be reduced to those which are to be retained; those, however, who wish to take their discharge from the regiments reduced being allowed to do so with pensions and gratuities as above laid down.

21. Consequent upon the increase in the strength of Native regiments, the establishment of European officers will now be fixed at eight officers per regiment, or one more than the present establishment; the additional officer to be appointed in the rank of wing or squadron officer. This augmentation will at once absorb a part of the junior officers of the reduced regiments, while the total establishment of European officers serving on regimental duty with the Indian Army will remain almost unaltered. With respect to the senior officers of these regiments, the following terms are offered, under the orders of the Secretary of State for India, to such of them as may retire from the service within three months from the date of their regiments being broken up :—

I.—To officers of over 32 years' service, the pension to which they may be entitled, not in excess of 456*l.* 5*s.* a year, with the value of their Colonel's allowances on the scale allowed by G. G. O. No. 1 of 1881, together with a bonus of 18 months' staff salary of their regimental appointments and free passages to England for themselves and their families.

II.—To officers of from 20 to 32 years' service, a bonus equal to 18 months' staff salary of their regimental appointments, in addition to any pension to which they may be entitled, with free passages as above.

22. The new organisation of Cavalry and Infantry will have effect from 1st July 1882.

23. The reduction of the regiments hereby ordered will be completed during the month of June 1882, and the transfers of men who elect to serve in other corps will be made on the 30th June 1882, under orders which will be issued by the Commander-in-Chief in India and the Governments respectively concerned.

24. Officers of the regiments to be reduced who desire to avail themselves of the offer contained in paragraph 21 should notify their intention to the Adjutant General on or before the 30th September 1882.

25. The Governor General in Council takes this opportunity to announce, with the sanction of the Secretary of State for India, the grant of good-conduct pay to non-commissioned officers as follows :—

To Duffadars and Havildars—

	Rs.	
After 2 years' good service in that grade ...	1	per month.
" 4 " " ...	2	"
" 6 " " ...	3	"
" 8 " " ...	4	"

To Naiks—

After 2 years' good service in that grade ...	1	"
" 4 " " ...	2	"

26. Subsidiary orders regulating the above grant will be issued by the Commander-in-Chief in India and the Governments concerned respectively. It will take effect from the 1st of July 1882, when those non-commissioned officers who have already completed any of the above periods of service will at once receive the corresponding rate of good-conduct pay.

By order of His Excellency the Governor General in Council,

G. CHESNEY, *Colonel,*

Secretary to the Government of India.

Printed and Published for the GOVERNMENT OF INDIA *at the Govt. C. & B. Press, Simla.*

SUPPLEMENT TO

The Gazette of India.

№ 16.} CALCUTTA, SATURDAY, APRIL 22, 1882.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENT OF PRICES CURRENT OF FOOD-GRAINS FOR THE 2nd HALF OF FEBRUARY 1882, PUBLISHED IN PAGES 526 AND 527 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 25th MARCH 1882.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of last year.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of last year.	Rice. Best sort. Present fortnight.	Rice. Best sort. Past fortnight.	Rice. Best sort. Corresponding fortnight of last year.	Rice. Common. Present fortnight.	Rice. Common. Past fortnight.	Rice. Common. Corresponding fortnight of last year.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of last year.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of last year.	Lesser Millets, Ragi &c. (Kavaru, Veragoo, Sawee, Cheena, Coraloo, Murhwa, Nuglee, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c. Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of last year.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of last year.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of last year.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of last year.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of last year.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
	Arracan Division.																																
British Burma.	Akyab	16 10	6 10	6 6	...	...	...	18 0	16 8	15 0	20 0	18 0	15 8	...	...	...	...	...	...	...	...	...	10 0	10 8	10 0	210 0	210 0	240 0	50 0	35 0	...	40 0	30 0	20 0
	Northern Arracan	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kyoukpyoo	...	...	...	...	...	...	14 0	18 1	19 0	20 6	19 9	20 9	...	...	...	...	...	...	...	...	...	4 0	4 0	4 0	180 0	180 0	280 0	100 0	100 0	...	40 0	40 0	18 0
	Sandoway	...	...	...	...	...	...	27 7	27 7	28 0	33 9	33 9	32 0	...	...	...	...	...	...	...	...	...	...	...	...	469 11	469 11	...*	...	...	...	30 0	30 0	23 0
	Pegu Division.																																
	Rangoon Town and Hanthawaddy	9 10	9 0	9 9	...	...	...	15 4	6 15	12 6	18 3	7 6	15 0	...	...	...	...	...	...	...	...	...	18 1	18 5	21 11	324 0	324 0	50 0	50 11	50 11	36 0	22 10	22 10	23 3
	Tharrawaddy	...	...	...	...	...	...	14 4½	14 4	6 15	17 13½	17 13	9 12	...	...	...	...	...	...	...	...	...	8 14½	8 14	17 5	535 11½	535 11	...†	22 5	22 5	...	14 5	14 5	14 10
	Prome	12 2	10 6	9 8	...	...	...	16 12	16 12	12 9	18 5	18 5	15 12	...	...	...	...	...	...	...	...	...	7 12	7 12	14 4	139 11	139 11	...‡	29 9	29 9	...	18 10	18 10	28 0
	Irrawaddy Division.																																
	Thonegwa	...	...	...	...	...	...	13 11	13 11	10 8	18 6	18 6	7 11	...	...	...	...	...	...	...	...	...	13 7	13 7	9 0	184 8	184 5	...§	50 0	50 0	...	44 5	44 5	14 0
	Bassein	...	...	...	...	...	...	17 4	16 3	12 3	18 6	18 6	13 7	...	...	...	...	...	...	...	...	...	10 6	10 6	13 6	173 4	139 4	227 8	39 0	39 0	25 4	35 6	28 4	21 0
	Henzada	...	...	...	...	...	...	17 15	17 15	12 4	26 0	17 5	15 12	...	...	...	...	...	...	...	...	...	...	...	...	183 8	183 8	...‖	29 9	29 9	...	29 9	29 8	12 8
	Thayetmyo	10 1	10 1	9 10	...	...	...	11 11	11 11	9 10	15 9	15 9	14 0	...	...	...	...	...	...	...	...	...	9 4	9 4	16 2	245 0	245 0	250 0	25 6	25 6	16 0	18 15	18 15	14 0
	Tenasserim Division.																																
	Moulmein town and Amherst	10 0	10 0	10 0	...	...	...	12 20	12 20	10 0	13 0	13 0	12 0	...	...	...	...	...	...	...	...	...	11 1	11 1	7 8	220 0	220 0	250 0	50 33	50 33	18 0	22 32	22 32	13 0
	Tavoy	...	...	...	...	...	...	16 4	13 12	11 7	20 3	21 0	16 0	...	...	...	...	...	...	...	...	...	...	...	...	428 0	399 3	293 5	33 2	24 2	16 10	29 3	16 1	13 5
	Mergui	...	...	...	...	...	...	15 8	16 4	14 0	25 3	20 3	15 12	...	...	...	...	...	...	...	...	...	...	...	...	399 3	428 0	428 0	24 2	30 6	21 8	16 1	29 3	16 9
	Shwaygyin	...	...	...	...	...	...	12 12	12 12	11 3	15 9	13 13	14 0	...	...	...	...	...	...	...	...	...	...	...	...	250 0	250 0	..	27 3	27 3	30 9	18 14	18 14	19 10
	Toungoo	...	...	...	...	...	...	18 5	18 5	15 8	21 5	21 5	17 11	...	...	...	...	...	...	...	...	...	12 9	11 5	13 12	24 0	24 0	303 0	32 0	32 0	15 8	18 12	18 12	15 8
	Salween	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

* Rs. 2 per 100 billets. † Rs. 1 per cart-load. ‡ Rs. 1-8 per cart-load. § 100 logs, 18 inches long and 5 inches girth, for Rs. 10. ‖ 53 billets per rupee.

T. C. HOPE,

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF FASL RABI, N.-W. PROVINCES, 1882, UP TO 28th FEBRUARY 1882.

Canal Division.	Water distributed during February 1882. Depth in Canal at regulating gauge in feet. Full supply.	Actual average throughout.	Gross Consumption, cubic feet per second. Allotted discharge.	Actual average throughout.	Total area of irrigation during current fasl.	Total area for the corresponding period of last year.
Upper Ganges. Northern	10·00	...	740	...	49,257	22,191
Upper Ganges. Anúpshahr	6·80	...	700	583	66,226	43,839
Upper Ganges. Meerut	8·30	...	969	722	91,267	52.567
Upper Ganges. Bulandshahr	7·35	...	972	352	99,943	80,648
Upper Ganges. Aligarh	5·50	...	994	557	136,110	123,023
Lower Ganges. Narora	...	...	...	255	21,921	14,295
Lower Ganges. Mainpuri	...	...	...	400	60,941	51,349
Lower Ganges. Cawnpore	6·20	...	958	626	106,079	102,775
Lower Ganges. Etáwah	4·80	...	771	746	148,689	151,291
Lower Ganges. Bhognipur	...	...	...	474	44,950	36,250
Total, Upper and Lower Ganges Canals	...	...	6,104	4,715	825,383	678,228
Eastern Jumna Canal	...	...	1,250	—6	135,959	110,062
Agra Canal	...	...	2,000	645	78,131	94,600
Rohilkhand	...	...	...	138	52.900	32,186
Bijnor	...	...	...	...	2,391	2,401
Dún	...	...	...	111	7,012	5.698
Jhánsi	...	...	...	...	318	190
Hamírpur	...	...	...	...	90	442
Total	...	...	...	...	1,102,184	923,807

Zila.	Land irrigated (approximate). Wheat.	Barley.	Gram.	Other food grains.	Miscellaneous.	Total.	Rainfall. Total from 1st October 1881 to 28th February 1882.	Average of ten previous years for the same period.
Saháranpur	57,328	593	697	606	1,678	60.902	2·2	1·4
Muzaffarnagar	89,306	1.216	1,747	3,021	3.315	98,605	1·3	·86
Meerut	141,899	6,939	2,130	12,280	1,502	164,750	1·6	·67
Bulandshahr	73,019	23.011	1,960	14,392	2.095	114,477	·25	·57
Aligarh	59,659	23.647	3,436	7,086	4,236	98,064	·4	·40
Muttra	7.066	6.608	9,127	5,791	5,881	34.473	·1	·27
Agra	7,994	3,032	2,092	6,554	2,833	22,505	·2	·22
Etah	35,524	17,208	1.983	3,918	3.245	61,878	·2	·22
Mainpuri	58,424	29,796	1,341	2,582	3.596	95,739	·25	·22
Fatehgarh	21,335	17,959	184	1,946	2,109	43,533	·2	·39
Etáwah	54,343	41,375	4,205	312	5.457	105,692	...	·24
Cawnpore	40,924	67,070	937	2,397	3,068	114,396	·2	·77
Delhi	61	34	67	170	...	332	1·0	·59
Gurgaon	7,297	3,255	5,353	7,899	323	24,127	·4	·51
Dehra Dún	6,084	135	85	413	295	7,012	3·4	1·6
Bijnor	1,504	79	61	444	303	2.391	1·5	·85
Tarái	3,500	...	...	750	750	5,000	2·3	·75
Pilibhit	4,000	...	...	375	750	5,125	·4	·94
Bareilly	22,001	...	...	16,149	4,625	42,775	·6	·63
Jhánsi	93	14	100	111	...	318	·8	·06
Hamírpur	...	78	...	...	12	90	·1	·07
Total	691,361	242,049	35,505	87,196	46.073	1.102,184	...	...
Total for the same period last year	526,491	245,269	23,956	65,495	62,596	923,807	...	...
Increase	164,870	...	11,549	21,701	...	178,377	...	...
Decrease	...	3,220	...	...	16,523	...	...	...

Remarks.

			Cubic feet per second.
Entering head of Ganges Canal			4,027
" Lower Ganges Canal			3,506
			7,533
Expended—			
Ganges Canal		2,214	
Lower Ganges Canal		2,501	
		4,715	
Escapes—			
Anúpshahr Branch	239		
Bulandshahr Division	93		
Aligarh ditto	1,481		
Nadrai escape	26		
By percolation M. 34, Narora Division	104		
Beawar escape head	92		
Jeyrah	77		
Cawnpore Branch	381		
Etawah ditto	85		
Bhognipur ditto	240		
		2,818	
			7,533

Executive Engineer, Bulandshahar Division, reports that good rain fell on the 11th February, which was sufficient for the gram crops; otherwise a much larger area would have been obtained.

Executive Engineer, Mainpuri Division, reports that the demand was moderate throughout the month, and that "paleo" for sugar is nearly finished.

Executive Engineer, Rohilkhand Canals, reports that water was in great demand for sugarcane ploughings during the first week. Rain fell throughout the Division on the 11th and 16th, and towards the end of the month the demand for water had ceased.

The Eastern Jumna Canal was closed for the greater portion of the month.

ALLAHABAD,
The 28th March 1882.

G. H. D. WALKER,
Asst. Secy. to Govt., N.-W. P. and Oudh,
P. W. D., Irrigation Branch.

STATEMENT OF TRAFFIC ON THE AGRA CANAL FOR THE MONTH OF FEBRUARY 1882.

Nature of Traffic	AGRA CANAL. Principal items of Traffic. Up. Mds.	Up. No.	Down. Mds.	Down. No.	Total up and down. Mds.	Total up and down. No.
Grains—						
Wheat	200	...	9,108	...	9,308	...
Gram	...	...	1,435	...	1,435	...
Rice	...	...	93	...	93	...
Paddy or dhán	...	...	...	...	...	...
Bejhar or mixed grain	...	...	1,325	...	1,325	...
Dal—						
Urd	...	...	...	...	...	...
Mung	...	...	380	...	380	...
Arhar	...	...	...	...	...	...
Masuri	...	...	...	...	...	...
Juár	...	...	1,078	...	1,078	...
Bájra	...	...	...	...	...	...
Maize or Indian-corn	...	...	...	...	...	...
Barley	...	..	100	...	100	...
Total	200	...	13,519	...	13,719	...
Cotton	...	...	1,443	...	1,443	...
Oilseeds	200	...	275	...	475	...
Salt	...	...	...	...	...	...
Metals	...	...	...	...	...	...
Building materials	8,850	...	...	...	8,850	...
Miscellaneous goods	2,300	...	2,930	...	5,230	...
Firewood	...	...	700	...	700	...
Bamboos	...	...	...	...	...	...
Timber—						
Poles and unsquared timber	...	...	...	...	...	...
Karis and squared timber	...	...	277	...	277	...
Logs	...	...	...	...	...	...
Miscellaneous timber	...	...	...	...	...	...
Live-stock	...	...	...	...	...	...
Grand Total	11,550	...	19,144	...	30,694	...
Total during corresponding period of last year	17,500	...	15,652	...	33,152	...
Increase	...	...	3,492	...	...	...
Decrease	5,950	...	...	...	2,458	...

Remarks.

Particulars.	Agra Canal. 1881.	Agra Canal. 1882.
Tonnage, including weight of timber and bamboos	1,194	1,128
Ton mileage	133 914	121,790
Value of goods . . . . . Rs.	54,427	63,376
Number of passengers	...	...

G. H. D. WALKER,
Asst Secy. to Govt., N.-W. P. and Oudh, P. W. D., Irrigation Branch

ALLAHABAD,
The 28th March 1882.

STATEMENT OF TRAFFIC ON UPPER AND LOWER GANGES CANALS FOR THE MONTH OF FEBRUARY 1882.

	UPPER GANGES CANAL. Principal items of local traffic.						LOWER GANGES CANAL. Principal items of local traffic.						UPPER AND LOWER GANGES CANALS. Principal items of through traffic.						UPPER AND LOWER GANGES CANALS. Principal items of local and through traffic.						Remarks.
	Up.		Down.		Total up and down.		Up.		Down.		Total up and down.		Up.		Down.		Total up and down.		Up.		Down.		Total up and down.		
Grains.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	
Wheat	963	...	809	...	1,772	...	...	...	4,552	...	4,552	...	...	...	3,106	...	3,106	...	963	...	8,467	...	9,430	...	
Gram	56	...	...	...	56	...	393	...	...	...	393	...	1,009	...	...	...	1,009	...	1,458	...	...	...	1,458	...	
Rice	...	...	...	...	...	...	153	...	...	...	153	...	1,752	...	...	...	1,752	...	1,905	...	...	...	1,905	...	
Paddy or dhán	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Bejhar or mixed grain	...	...	230	...	230	...	100	...	...	...	100	...	1,282	...	518	...	1,800	...	1,382	...	748	...	2,130	...	
Dal ... Urd	...	...	250	...	250	...	...	...	...	...	...	...	...	...	561	...	561	...	...	...	811	...	811	...	
Dal ... Mung	...	...	242	...	242	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	242	...	242	...	
Dal ... Arhar	315	...	...	...	315	...	...	...	...	...	...	...	318	...	...	...	318	...	633	...	...	...	633	...	
Dal ... Masuri	...	...	...	...	...	...	25	...	...	...	25	...	18	...	...	...	18	...	43	...	...	...	43	...	
Juár	...	...	2,050	...	2,050	...	7,143	...	...	...	7,143	...	2,968	...	1,691	...	4,659	...	10,111	...	3,741	...	13,852	...	
Bájra	...	...	...	...	...	...	200	...	...	...	200	...	115	...	...	...	115	...	315	...	...	...	315	...	
Maize or Indian-corn	...	...	...	...	...	...	8,055	...	...	...	8,055	...	12,610	...	...	...	12,610	...	20,665	...	...	...	20,665	...	
Barley	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	1,334	...	3,581	...	4,915	...	16,069	...	4,552	...	20,621	...	20,072	...	5,876	...	25,948	...	37,475	...	14,009	...	51,484	...	
Cotton	...	...	277	...	277	...	...	...	5,206	...	5,206	...	...	...	6,157	...	6,157	...	...	...	11,640	...	11,640	...	
Oilseeds	...	...	...	...	...	...	...	...	149	...	149	...	...	...	102	...	105	...	3	...	251	...	254	...	
Salt	...	...	258	...	258	...	...	...	114	...	114	...	...	...	23,489	...	23,489	...	...	...	23,861	...	23,861	...	
Metals	...	...	41	...	41	...	17	...	353	...	370	...	2,458	...	84	...	2,542	...	2,475	...	478	...	2,953	...	
Building materials	16,137	...	4,900	...	21,037	...	202	...	290	...	492	...	81	...	3,700	...	3,781	...	16,420	...	8,890	...	25,310	...	
Miscellaneous goods	7,310	...	6,360	...	13,670	...	2,792	...	2,251	...	5,043	...	30,304	...	6,220	...	36,524	...	40,406	...	14,831	...	55,237	...	
Firewood	...	...	13,923	...	13,923	...	5,900	...	16,087	...	21,987	...	...	...	...	...	...	...	5,900	...	30,010	...	35,910	...	
Bamboos	...	...	12,599	251,980	12,599	251,980	40	800	629	12,580	669	13,380	...	...	...	...	...	...	40	800	13,228	264,560	13,268	265,360	
Timber. Poles and unsquared timber.	...	...	678	678	678	678	...	...	...	...	...	...	...	...	...	...	...	...	...	...	678	678	678	678	
Timber. Karis and squared timber.	...	...	1,176	1,176	1,176	1,176	8	8	22	22	30	30	26	26	...	...	26	26	34	34	1,198	1,198	1,232	1,232	
Timber. Logs	100	5	360	18	460	23	...	...	...	...	...	...	...	...	125	7	125	7	100	5	485	25	585	30	
Miscellaneous timber	...	...	...	...	...	...	...	...	352	176	352	176	137	68	...	...	137	68	137	68	352	176	489	244	
Live-stock	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Grand Total	24,881	5	44,153	253,852	69,034	253,857	25,028	808	30,005	12,778	55,033	13,586	53,081	94	45,753	7	98,834	101	102,990	907	119,911	266,637	222,901	267,544	
Total during corresponding period of last year.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	93,682	1,182	126,463	254,466	220,145	255,648	
Increase	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	9,308	...	...	12,171	2,756	11,896	
Decrease	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	275	6,552	...	...	...	

Particulars.	Upper Ganges Canal (local).		Lower Ganges Canal (local).		Upper and Lower Ganges Canals (through).		Total Upper and Lower Ganges Canals.	
	1881.	1882.	1881.	1882.	1881.	1882.	1881.	1882.
Tonnage, including weight of timber and bamboos	...	2,536	...	2,021	...	3,631	8,154	8,188
Ton mileage	...	145,338	...	214,423	...	827,485	918,784	1,187,246
Value of goods Rs.	...	38,778	...	1,40,139	...	3,14,022	3,72,401	4,92,939
Number of passengers	...	...	...	74	...	30	34	104

ALLAHABAD,
The 28th March 1882.

G. H. D. WALKER,
Asst. Secy. to Govt., N.-W. P. & Oudh, P. W. D., Irrigation Branch.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF FASL RABI IN THE PUNJAB, OF 1881-82, UP TO 31st JANUARY 1882.

Canal Division.	Water distributed during January 1882. Depth in Canal at Regulating Gauge. Full supply.	Actual throughout.	Gross Consumption, cubic feet per second. Estimated full supply.	Actual average throughout.	Navigation Return Canal. Principal items of Traffic. Up.	Down.	Land irrigated (approximate). Zila.	Acres.	Rainfall. Average.	During month.	Chief crops (approximate). Name.	Area in acres.	Remarks.
Bari Doab Canal. 1st Division	4·9	1·26	3073·6	217·56	...	...	Gurdáspur ...	10,775	1·07	2·35	Wheat ...	155,194	Heavy rain having fallen, the canal was closed on 12th January for repairs. Up to that date the whole supply had been utilized. The area irrigated is 34,659 acres less than at the same period of last year.
2nd Division, Main Branch, Lower	4·6	·49		248·49	...	...	Amritsar ...	87,617	0·92	2·57	Barley ...	3,094	
2nd do., Lahore Branch	3·0	1·05		174·47	...	...	Lahore ...	119,271	0·60	3·15	Mixed grains ...	16,133	
											Miscellaneous ...	43,242	
Total Bari Doab Canal	...	...	3073·6	640·52	...	...	.....	217,663	...	...	.....	217,663	
Corresponding period of last year	...	...	3073·6	1,339·18	...	...	.....	252,322	...	...	.....	252,322	
Western Jumna Canal. Karnál Division	4·33	3·34	2,546	240	...	179,744 kurries, bullies, &c.; 593 mds. fuel; and 1,920 mds. timber.	Umballa ...	317	1·11	2·80	Wheat ...	99,202	The volume entering the Western Jumna Canal was 1,823 cubic feet per second, of which the following was passed through escapes:—
Delhi do.	5·70	4·61		484			Karnál ...	29,864	0·69	2·43	Barley ...	341	
Hánsi do.	9·00	6·54		532			Delhi ...	19,165	0·50	0·90	Mixed grains ...	11,959	
Do. Bulla Head	8·80	7·20		239			Rohtak ...	24,205	0·20	2·10	Miscellaneous ...	8,934	
							Hissár ...	24,008	0·30	2·30	.....	...	
							Jhind ...	21,870	...	...	.....	...	
							Bikaner ...	653	...	...	.....	...	
							Kalsia State ...	354	...	...	.....	...	
Total Western Jumna Canal	...	...	2,546	1,495	...	179,744	.....	120,436	...	...	.....	120,436	The area irrigated is 25,452 acres in excess of the corresponding period of last year. The rainfall during the month has been everywhere in excess of the average.
Corresponding period of last year	...	...	2,546	1,690	...	85,527	.....	94,984	...	...	.....	94,984	
Inundation Canals. Upper Sutlej Division	...	...	...	...	...	...	Lahore ...	30,000	...	...	Detail not obtainable for want of establishment.	...	The increase on the Inundation Canals is principally due to the favourable state of the rivers during the past flood season.
Lower Sutlej and Chenab	...	...	...	...	...	...	Montgomery ...	70,000	0·28	1·55		...	
Indus Canals	...	...	...	...	...	...	Mooltan ...	167,800	0·18	0·4		...	
Mozaffargarh Canals	...	...	...	...	...	...	Dera Gházi Khan ...	48,045	0·44	0·05		...	
							Mozaffargarh ...	131,175	...	...		...	
Total Inundation Canals	...	...	...	...	...	...	.....	447,020	...	...	.....	447,020	
Corresponding period of last year	...	...	...	...	...	...	.....	335,024	...	...	.....	335,024	
Perennial Canals Grand Total	...	...	...	...	...	...	.....	338,099	...	...	.....	338,099	
Do., corresponding period of last year	...	...	...	...	...	...	.....	347,306	...	...	.....	347,306	

Escapes:

	c.ft.
Budha Khera Escape	234
Escape in Delhi Division	20
Delhi Canal Tail	65
Total	329

J. W. OTTLEY, *Capt., R.E.,*
Asst. Secy. to Govt., Punjab, P. W. D., Irrigation Branch.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION BRANCH.

IRRIGATION OPERATIONS IN BENGAL FOR 1881-82.

Areas leased for Irrigation up to end of January 1882.

Circle.	District.	Canal.	Supply of Water in the Canals.			Khabif.								Babi.					Sugarcane.		Grand Total.				Grand total of the corresponding month of last year.	Rainfall.			Remarks.
						Five-year leases.			Three-year leases.			Annual leases.		Three-year leases.			Annual leases.												
			Estimated full discharge in cubic feet per second.	Average discharge in cubic feet per second throughout the month.	Estimated discharge utilised.	Leased in January 1882.	Leased up to end of January 1882.	Total, inclusive of unexpired leases of previous years.	Leased in January 1882.	Leased up to end of January 1882.	Total, inclusive of unexpired leases of previous years.	Leased in January 1882.	Leased up to end of January 1882.	Leased in January 1882.	Leased up to end of January 1882.	Total, inclusive of unexpired leases of previous years.	Leased in January 1882.	Leased up to end of January 1882.	Leased in January 1882.	Leased up to end of January 1882.	Kharif.	Rabi.	Sugarcane.	Total.		Inches during the month.	Inches during 1881-82.	Average of the ten previous years of the same period.	
			c. ft.	c. ft.	c. ft.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr	Acr.	Acr.	Acr.	Acr.	Ins.	Ins.	Ins.	
Orissa ...	Cuttack ...	Kendrapara ...	1,269	284·20	...	...	...	40,081	95	5,989	11,861	...	...	...	...	...	...	3,940	...	93	51,942	3,940	93	55,975	47,130	0·00	58·15	0·31	
		Paramoondee...	1,042	49·50	...	...	...	11,272	73	628	792	...	...	...	...	...	...	525	...	...	12,064	525	...	12,589	12,496				
		High Level, Section I ...	675	132·78	...	...	...	13,587	10	306	626	...	...	...	...	...	7	105	...	2	14,213	105	2	14,320	14,216				
		Taldanda ...	1,300	158·00	...	...	...	10,076	...	2	278	...	...	...	...	...	...	350	...	38	10,354	350	38	10,742	10,609				
		Matchgrong ...	650	35·00	...	...	...	25,269	...	209	3,069	...	...	...	...	...	...	474	...	78	26,333	474	78	26,590	28,468				
	Balasore ...	High Level, Section II ...	727·16	0·00	...	...	...	204	...	5	1,176	...	...	...	...	...	...	2	...	56	1,389	2	56	1,438	1,301				
	Total of the month ...		...	...	...	...	...	100,489	178	7,139	17,802	...	...	...	...	...	7	(a)5,396	...	(b)267	118,291	5,396	267	123,954	114,420	...	...	...	
	Total of the corresponding month of previous year ..		...	...	...	...	264	101,463	...	7,888	7,583	...	...	...	...	...	10	4,897	1	172	109,351	4,897	172	114,420	...	...	...	...	
South-Western	Midnapore ...	Midnapore ...	875	107	...	...	-1,194	90,420	...	—1	75	...	...	...	...	...	...	...	...	...	90,495	...	...	90,495	89,551	0·00	68·77	52·93	
	Howrah ...	Panchkoorah ...	300	15	...	...	1,451	13,337	...	—194	30	...	...	...	...	...	285	285	...	...	13,367	285	...	13,652	11,129	0·00	78·05	50·90	
	Total of the month ...		...	...	...	...	257	103,757	...	—194	105	...	...	...	...	...	285	285	...	...	103,862	285	...	104,147	100,680	...	...	...	
	Total of the corresponding month of previous year ...		...	...	...	252	1,621	100,381	...	240	299	...	...	...	...	...	...	...	...	...	100,680	...	...	100,680	...	...	...	...	
Sone ...	Shahabad...	Western Main	4,342	1,212	1,212	14	179	305	...	...	...	...	3,719	...	...	...	704	2,169	1	(c)1,123	4,024	2,169	1,124	7,316	10,435	0·00	39·93	41·09	
		Buxar ...	...	...	...	...	2,694	2,794	...	...	...	...	11,042	...	...	...	977	2,682	...	(d)4,126	13,136	2,682	4,126	19,944	37,867				
		Arrah ...	1,660	617	617	989	30,372	31,398	...	...	6,936	...	15,047	...	...	3,347	1,290	7,603	...	7,522	53,131	10,950	7,522	71,903	78,619	0·00	45·95	39·18	
	Patna and Gya ...	Eastern Main	1,466	434	434	126	126	126	...	...	...	...	151	...	...	...	1	16	...	15	277	16	15	308	626	0·00	42·14	38·84	
		Patna				74	5,950	5,950	...	...	...	...	6,971	...	...	...	306	2,728	3	1,062	12,921	2,728	1,062	16,711	19,465				
	Total of the month ...		...	...	...	1,200	34,721	39,873	...	...	6,986	...	36,930	...	...	3,347	3,278	15,198	4	13,848	83,789	18,545	13,848	116,182	147,012	...	...	...	
	Total of the corresponding month of previous year ...		...	...	...	...	1,247	1,247	...	—2,140	9,280	...	96,417	...	560	4,352	8,837	22,368	69	13,348	106,944	26,720	13,348	147,012	...	...	...	...	
	Grand total of the month ...		...	...	...	1,200	34,658	244,119	178	6,945	24,893	...	36,930	...	...	3,347	3,570	20,879	4	14,115	305,912	24,226	14,115	344,293	362,112	...	...	...	
	Grand total of the corresponding month of previous year...		...	...	...	252	3,332	203,091	...	5,988	17,467	...	96,417	...	560	4,352	8,847	27,265	70	13,520	316,975	31,617	13,520	362,112	...	...	...	...	

(a) Exclusive of 11 acres leased prior to 1st April last.
(b) Exclusive of 1 acre under Matengong Canal leased prior to 1st April last.
(c) and (d) The Executive Engineer, Buxar Division, reports that these figures are correct.

G. F. E. S. NEILL, *Major, M.S.C.,*
Asst. Secy. to the Govt. of Bengal,
in the P. W. Dept., Irrigation Branch.

CALCUTTA,
The 11th March 1882.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

[TELEGRAPH.]

ABSTRACT OF FOREIGN TRAFFIC FOR THE MONTH OF DECEMBER 1881.

CLASS OF MESSAGES.	ROUTE.																		TOTAL.	
	WEST.								EAST.											
	VIA TEHERAN.		VIA TURKEY.		PERSIAN GULF.		VIA SUEZ.		VIA AMUR.		VIA MADRAS.		VIA RANGOON.		NATIVE BURMA.		VIA PAUMBEN.			
	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.
		Rs. A.		Rs. A.		Rs. A.		Rs. A.		Rs. A.		Rs. A.		Rs. A.		Rs. A.		Rs. A.		Rs. A.
INDIAN.																				
Sent . . .	896	2,505 0	130	403 9	56	327 3	5,815	20,095 10	43	123 7	765	1,694 7	141	477 11	250	329 0	1,602	3,680 9	9,698	29,636 8
Received . .	397	2,291 5	151	563 7	95	335 3	5,497	24,652 8	27	63 1	716	2,069 15	207	663 10	...	...	1,732	2,598 0	8,822	33,237 1
TOTAL .	1,293	4,796 5	281	967 0	151	662 6	11,312	44,748 2	70	186 8	1,481	3,764 6	348	1,141 5	250	329 0	3,334	6,278 9	18,520	62,873 9
TRANSIT.																				
From East to West—																				
Received. Vid Madras .	1,082	4,543 5	1	2 4	7	16 8	3,500	14,460 10	...	...	...	...	...	...	...	...	...	...	4,590	19,022 11
" Rangoon	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" Lairgha .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" Paumben	77	253 12	...	...	...	...	340	1,058 11	...	...	...	...	...	...	...	...	...	...	417	1,312 7
From West to East—																				
Sent. Vid Madras .	216	862 8	58	170 4	9	28 2	4,347	17,014 2	17	40 8	...	...	...	...	...	...	...	...	4,646	18,715 8
" Rangoon .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" Lairgha .	1	8 9	...	...	...	...	2	6 12	...	...	...	...	...	...	...	...	...	...	3	15 5
" Paumben	28	142 1	9	30 10	1	5 8	322	1,284 9	...	...	...	...	...	...	...	...	...	...	360	1,462 13
From West to West—																				
Vid Bombay and Karachi.	...	...	1	1 10	1	1 14	...	...	...	...	...	...	...	...	...	...	...	...	2	3 8
Vid Karachi and Bombay.	...	...	2	6 6	1	3 12	...	...	...	...	...	...	...	...	...	...	...	...	3	10 3
From East to East—																				
Vid Paumben .	...	...	...	...	...	...	...	...	...	..	50	182 8	...	...	...	...	...	...	50	182 8
" Madras .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	43	235 10	43	235 10
" Rangoon .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1 0	...	..	1	1 0
TOTAL .	1,403	5,810 3	71	211 2	10	55 12	8,511	34,424 12	17	40 8	50	182 8	...	...	1	1 0	43	235 10	10,115	40,961
																		GRAND TOTAL ...	28,635	1,03,835 0

ABSTRACT OF FOREIGN TRAFFIC WITH INDIA BY THE INDO-EUROPEAN AND RED SEA ROUTES FOR THE MONTH OF DECEMBER 1881.

ROUTE.		Number of Messages by each Route (exclusive of Transit).			Percentage of Number.		
		To India.	From India.	TOTAL.	To India.	From India.	TOTAL.
INDO-EUROPEAN	Vid Teheran	397	896	1,293	6·46	12·99	9·92
	" Turkey	151	130	281	2·46	1·89	2·15
	Persian Gulf vid Karachi	95	56	151	1·55	0·81	1·16
RED SEA . .	Vid Suez	5,497	5,815	11,312	89·53	84·31	86·77
	TOTAL .	6,140	6,897	13,037	100·00	100·00	100·00

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 18th APRIL 1882.

GENERAL REMARKS.—With the exception of a slight shower in two districts of the Punjab and the North-Western Provinces and in three districts of Bengal, there has been no rain in Northern India, nor in the Rajputana and Central India States. In the Central Provinces and the Bombay Presidency there has been some rain in a few districts, notably in part of Dharwar, where, however, scarcity of drinking-water is still reported. There has also been more or less rain throughout the Mysore State, the Madras Presidency, and Coorg.

Harvesting of the *rabi* crops is in progress with good prospects in the Punjab, and is nearly over in the North-Western Provinces and Oudh, where the outturn is estimated to be about an average. In Bengal the outturn is said to be below average in many districts, and on the whole not very satisfactory. In the Central Provinces threshing of the *rabi* continues. In most districts of the Bombay Presidency the harvest has been completed. In the Mysore State paddy, *jowar*, grain, and sugarcane are being gathered in, and prospects are said to be fair. In the Madras Presidency the reaping of crops is still in progress, with outturns below average.

General prospects may be said to be on the whole good or fair throughout the country; and land is being prepared for the *kharif* sowings in parts of the Bombay Presidency as well as in Berar and the Central Provinces, while in Bengal and Assam ploughing and sowing also are in progress.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—(April 19th)		
Bellary ...	·01 in one station	Standing crops, wet good, dry partially withering in one taluka; harvest sugarcane and cotton, yield below average; fever and small-pox in parts.
Kurnool ...	·23 in one station	Standing wet and dry crops good; harvest yield below average; cattle-disease in one taluka.
Ganjam ...	·88 (average of nine stations).	Standing crops, paddy, gingelly, and cotton thriving; small-pox and fever prevalent; cholera in parts; cattle-disease exists.
Kistna ...	·30 (average of two stations).	Fever and small-pox in parts; cattle-disease continues.
Chingleput (Madras) ...	.....	Standing crops good where irrigation, backward elsewhere; harvest paddy and dry grains, outturn below average; agricultural operations progressing.
Coimbatore ...	1·03 (average of sixteen stations).	Standing crops require rain in parts; harvest wet and dry grains, outturn about average; fever, small-pox, and cholera in parts.
Tanjore ...	·38 (average of four stations).	Standing crops good; harvest wet and dry crops, yield below average; a few cases of cholera.
Madura ...	1·40 (average of eight stations).	Standing crops (wet) suffering from blight in one taluka; harvest paddy, yield about average; cholera and fever in parts.
Malabar ...	·89 (average of nine stations).	Fever, small-pox, and cholera in parts; cattle-disease in two talukas.
Travancore ...	1·60	Fever and measles continue; harvest second crop, paddy outturn below average. *General Remarks.*—No rain in Chingleput; general prospects good.
Bombay—(April 19th)		
Kurrachee ...	Slight rain in Johi, Sehwan, and Mirpur Botoro.	River at Kotri on 17th, 9 feet 7 inches against 4 feet 2 inches on same date last year; fever in eight talukas; cattle-disease in two talukas; small-pox in Dadu and Tatta; prices—wheat, red rice, and *bajri* in Karachi 22, 19 and 37, in Dadu 28 and 40, in Kotri 32, 32 and 50, in Lakro 16, 40 and 56, and in Sujawal 16, 48 and 48 pounds, respectively.
Hyderabad ...	·10 on 6th at Mora	River unusually high; *rabi* harvesting nearly over; *kharif* operations, such as jungle-cutting, commenced in two talukas; cattle-disease in Mirpur and slight fever in five talukas; wheat 25, *jowari* 45, *bajri* 41, red rice 32, and white rice 22 pounds per rupee.
Ahmedabad ...	.....	*Rabi* harvest partially completed; health good; wheat 28 and 32 pounds per rupee.
Baroda ...	.....	Harvesting of *rabi* nearly completed; public health good; prices—*bajri* 31 and common rice 24 pounds per rupee.
Surat ...	.....	Cotton-picking continues; *jowari* 36½ and *nagli* 53 pounds per rupee.
Násik ...	.....	Thrashing of *rabi* crops completed in places; public health generally good; *bajri* 44, wheat 31, and *jowari* 67 pounds per rupee.
Colaba (Bombay) ...	.....	Average normal temperature till 13th, afterwards 2° warm abnormal wind southerly and moist on 15th, northerly and dry on 18th; wind normal on all other days.
Poona ...	.....	Six cases of cholera in Purandhar taluka, 2 fatal; epidemic ceased small-pox in Junner; cattle-disease in Indapur taluka; prices—*bajri* 47 and *jowari* 58 pounds per rupee, in Poona *bajri* 39 and *jowari* 48 pounds per rupee.
Ahmednagar ...	.....	Land being prepared for next season; *jowari*—maximum 96 pounds in Jhamkhed, minimum 66 in Kopergaon; *bajri*—maximum 66 pounds in Jhamkhed, minimum 51 in Kopergaon; slight cattle disease in Akola.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bombay—*contd.*		
Sholapur ...	.....	*Rabi* harvest completed; *jowari* 74 pounds 34 tolas and *bajri* 58 pounds 35 tolas per rupee.
Dharwar ...	1·50 in Kalghatgi	Scarcity of drinking-water prevailed in Kalghatgi and slight in Dharwar, Hubli, and Ron talukas; cotton-picking continues; ground being prepared for early crops; scarcity of drinking-water in six talukas; public health generally good; rice 22 and *jowari* 60 pounds per rupee.
Kanara ...	·30 at Sirsi; 1·54 at Supa.	Harvesting second crop continues on coast and commenced above Ghât talukas; planting sugarcane on coast; cattle-disease in Karwar taluka; 7 cases small-pox reported from Bhatkal, 1 fatal; fever subsiding; common rice in Karwar 16 seers, in district average 15½ seers per rupee; weather hot.
Rajkot ...	.....	Weather hot; 43 cases of cholera in Rajkot town, 19 fatal; cholera also appeared in Jaliaunder, Akral, and in other places; general health good; *bajri* 27 and *jowari* 32 pounds per rupee.
		General Remarks.—*Rabi* harvest completed in most districts; rain in parts of Dharwar and Kanara; scarcity of drinking-water in six talukas of Dharwar continues; slight fever and cattle-disease in a few districts; cholera in Tanna and Satara; prices generally steady.
Bengal—(April 19th)		
Chittagong ...	*Nil*	Weather variable, with hot days and cool nights; transplanting of *aus* (autumn) crops commenced in some places; mango crop a failure; prices steady; small-pox and cholera still continue; general health fair.
Dacca ...	*Nil*	Weather oppressive; ploughing proceeds; sowing of *aus* (autumn) rice and jute and planting of sugarcane going on; *boro* (spring) rice being harvested.
24-Pergunnahs (Calcutta)	·16	No crops on the ground; land being prepared for early and *amun* (winter) crops; rain wanted; prices of common rice stationary; public health generally good; cholera reported from Baraset sub-division.
Moorshedabad ...	*Nil*	Harvest of winter crops an average one; rain wanted for ploughing and sowing; cholera has not yet totally disappeared from Jangipur, it is still somewhat bad at Ramtola in thana Bhagwangola.
Rajshahye ...	*Nil* at Rajshahye; 2·40 at Nator.	Prospects improved; low land sown; sowing on high lands stopped for want of rain; cholera and fever reported.
Burdwan ...	*Nil* at Burdwan; ·08 at Cutwa.	Rain much wanted; cases of cholera still reported.
Rungpore ...	*Nil*	Weather seasonable; prospects of crops favourable; prices of food-grains stationary; public health good.
Bhagálpur ...	*Nil*	Rain wanted to facilitate preparation of land for rice sowing; cholera very prevalent.
Purneah ...	*Nil*	Prospects of crops fair; *bhadoi* (autumn crops) being sown; cholera is little less prevalent.
Patna ...	*Nil*	*Rabi* harvest below the average; a few cases of small-pox reported from Behar and Selu police stations, and cholera from Fatwah.
Durbhunga ...	*Nil*	Outturn of *rabi* not very good; prices rising slightly; cholera still reported from south and east.
Hazaribagh ...	*Nil*	Weather hot; high winds blowing; no crops on the ground; small-pox somewhat diminished; public health good.
Cuttack ...	·1	*Dalua* (spring) rice still being reaped; rain insufficient for cultivation; cholera reported.
		General Remarks.—Prospects have been much improved by the late rain; ploughing proceeding, and sowing of *aus* (autumn rice) and jute and planting of sugarcane going on; more rain is still much wanted in some parts; the outturn of *rabi* is below the average in many districts, and on the whole it is not very satisfactory; *boro* (spring) rice and indigo are coming on well; *boro* rice is being reaped in some places; the mango crop is reported to have almost entirely failed in many places, and *mahua* (*Bassia latifolia*) crop is very poor in Chota Nagpur and Sonthal Parganas; public health is generally fair, except in some places where cholera is said to be severe.
N. W. Provinces and Oudh—		
Benares ...	.....	No return received.
Allahabad (April 19th)	*Nil*	Very poor yield expected from mango and *mahua* (*Bassia latifolia*) trees; prices slightly higher; cholera increasing in district, but not in city; a little cattle-disease in Bara.
Cawnpore („ 18th)	*Nil*	Crops being cut and threshed, outturn on irrigated land 15 annas out of a rupee ($\frac{15}{16}$th of good average) and on unirrigated only 10 annas; sugarcane and indigo sowings continue; fever and small-pox have appeared in Derapur sub-division, otherwise health good; prices stationary.
Gorakhpur („ „)	*Nil*	Weather fine; harvest reaped and outturn up to average; cholera in south and centre of the district; prices easy.
Jhánsi („ 17th)	.....	Weather seasonable; slight showers in parganas Mau and Garotha; late cloudy weather has injured the *mahua* (*Bassia latifolia*) crop; small-pox amongst children, but in mild form; a few cases of cattle-disease in pargana Jhánsi.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
N. W. Provinces and Oudh—*contd.*		
Agra (April 18th)	No rain	Harvest operations progressing; slight fever and small-pox in city; general health good; prices stationary.
Farukhabad („ „)	*Nil*	Health good; prices steady; *rabi* outturn moderate.
Bareilly („ „)	*Nil*	Harvest completed and being threshed; slight further fall in prices; cattle and people in good condition.
Meerut („ „)	*Nil*	Weather clear but hot; health good, only a few cases of small-pox reported; harvest nearly finished, outturn below average; prices stationary.
Kumaun („ „)	Rain wanted	Not much sickness of man or beast; prices steadily rising.
Lucknow („ „)	*Nil*	Weather seasonable; harvest operations nearly completed; a few cases of cholera reported in city and district, and cattle-disease reported in district; prices stationary.
Partabgarh ...	.....	No report received.
Rae Bareli (April 17th)	*Nil*	Heat increasing rapidly, with strong west winds; *rabi* harvest nearly all in; prices steady; general health good.
Sitapur („ 18th)	*Nil*	Prices unchanged; markets somewhat better supplied; slight cholera of mild type in Sitapur and Sidhauli.
Fyzabad („ „)	*Nil*	Harvest complete; cholera still prevalent.
		General Remarks.—No rain during the week, except slight showers in Jhánsi; rain wanted in Kumaun; *rabi* harvest nearly over, outturn about average; markets well supplied; prices rising in Allahabad and Kumaun and falling in Bareilly and Aligarh, elsewhere stationary; cholera continues in Gorakhpur, Fyzabad, and Sitapur, has increased in Allahabad, and a few cases are reported from Lucknow; small-pox continues in Jhánsi, Moradabad, and Agra, and has appeared in Meerut and Cawnpore; slight cattle-disease in Kumaun, Lucknow, Allahabad, and Jhánsi.
Punjab (April 18th)		
Delhi ...	No rain	Prospects good; small-pox decreasing; prices fluctuating.
Hissar ...	No rain	Harvesting in progress; prices stationary; general health good.
Umballa ...	No rain	Harvesting in progress; prices steady; health good.
Jullundur ...	No rain	Crops being cut; prices steady; health good.
Amritsar ...	No rain	Health good; prices fluctuating.
Lahore ...	No rain	Health and crops good; prices stationary.
Ferozepore ...	No rain	Health and crops good; prices fluctuating.
Sialkot ...	No rain	Health good; prices steady.
Pesháwar ...	No rain	Health and crops good; prices falling.
Ráwalpindi ...	·2	Health and crops good; prices fluctuating.
Mooltan ...	No rain	Crops being cut; health good; prices stationary.
Dera Ismail Khan ...	No rain	Health and prospects fair; prices steady.
		General Remarks.—Harvest prospects good; health good; prices generally stationary.
Central Provinces—		
Nagpur (April 19th)	.....	Weather hot; prospects good; measles slightly prevalent; prices steady.
Jubbulpore („ „)	.	Cloudy and cool; threshing and winnowing in progress; isolated cases of cholera and small-pox; prices of rice 12 and wheat 22 seers per rupee.
Saugor („ 17th)	·04	*Kharif* ploughings commenced; few cases of small-pox; prices rising owing to indifferent outturn.
Seoni („ 18th)	·35	Cooler weather; winnowing in progress; cattle-disease and small-pox reported; wheat 25 seers per rupee.
Khandwa („ „)	.....	Weather very warm; small-pox reported; *kharif* preparations in progress; general health good; prices steady.
Hoshangabad („ „)	.....	Weather seasonable; small-pox prevalent; winnowing in progress; wheat 18 seers per rupee.
Raipur („ 15th)	·59	Weather cool; threshing of *rabi* crops finished; cholera reported; prices steady.
Sambalpur („ 13th)	·97	Weather cloudy; few cases of cholera; prices stationary.
		General Remarks.—Weather hot, save where slight rain fell during the week; threshing of *rabi* crops continues; land being prepared for *kharif* in few districts; small-pox and cholera reported from some districts; public health generally good; prices steady.
British Burma—(April 15th)		
Akyab ...	*Nil*	Small-pox in two townships, otherwise public health good; slight cattle-disease; total rainfall ·40 inches.
Rangoon ...	1·35	Two fatal cases of small-pox, otherwise public health good; total rainfall 1·76.
Bassein ...	.....	Nine deaths from cholera in Bassein town.
Prome ...	.....	Thirty-one deaths from cholera in Prome town; disease here and there in district.
Amherst (Moulmein) ...	.....	Two deaths from cholera in Moulmein, otherwise public health in Moulmein and district good; crops fair; cattle-disease in a few districts; weather much cooler since fall of rain.
Toungoo ...	*Nil*	Twenty-nine cases of small-pox in Toungoo town, 9 of which fatal, otherwise public health good; total rainfall 3 inches.
		General Remarks.—Cholera continues in Prome, several cases in Bassein and Thayetmyo, a few cases elsewhere; small-pox still prevalent in Toungoo, a little in Akyab; otherwise public health good.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Assam—(April 19th)		
Gauhati ...	·4	Cholera cases still at Barpeta, and two or three other places in north of district; small-pox at Gauhati abated; prospects of crops continue favourable.
Sylhet ...	·26	*Boro* rice not so much injured; good crop in south-west; tea doing well; cholera reported again.
Cachar ...	·72	Weather very warm; cultivation of *dumahi* and *murali* crops continues; public health good; common rice 29 seers per rupee.
Dibrugarh ...	·39	Weather hot; sowing of *aus dhan* continues; cattle-disease still reported; district healthy, but cholera has appeared on several steamers bringing coolies.
Mysore and Coorg—		
Bangalore ...	·53	Wet crops continue to suffer from insufficiency of water; sugarcane being harvested in some parts; prospects favourable; public health good generally; prices unaltered.
Mysore ...	·05 (slight showers fell in some talukas).	Food-grains slightly cheaper.
Mercara ...	·49	Useful showers of rain have fallen in several parts of the province, but more is needed in North Coorg; prices of food-grains stationary; large imports of rice from South Kanara; some cases of sporadic cholera at Piraje and in the Mercara Jail.
		General Remarks.—Rain more or less throughout the Mysore State; harvesting of paddy, *jowari*, sugarcane, and gram commenced; prospects fair; prices stationary; a few cases of cholera at Hunsone, one in Hassan taluka.
Berar & Hyderabad—(April 19th)		
Amraoti ...	.....	Preparations for *kharif* sowings progressing; prices of wheat 18 and *juari* 36 seers per rupee.
Akola ...	.....	Weather warm; cultivators busily engaged in preparing land for ensuing season.
Hyderabad ...	.....	No report received.
Central India States—(April 19th)		
Indore ...	.....	Weather hotter during the day, but nights are cool; health good prospects satisfactory.
Morar (Gwalior) ...	No rain	Weather warm; prices stationary.
Sutna ...	.....	Weather hot; health good.
Rutlam ...	.....	No report received.
Neemuch ...	No rain	Weather hot; small-pox abating.
Goona ...	.....	Crops and health good; wheat 26 seers per rupee.
Bhopal ...	.....	Weather clear; prospects good; small-pox prevailing.
Agar ...	.....	Health and prospects good.
Nowgong ...	Slight rain on 9th	Weather cool; health good.
Manpur ...	.....	Weather cloudy and warm with occasional high wind; harvesting of wheat in progress.
Rajputana—		
Abu (April 19th)	.....	Weather hotter daily.
Sirohi („ 17th)	.....	Tanks and wells fair; health good; very hot.
Marwar („ 14th)	.....	Abundant water in tanks and wells; health and crops good; weather close, warmer daily; prices stationary; crops being harvested.
Meywar („ 15th)	.....	Tanks and wells good; cholera prevalent in city, 62 deaths during week; harvest progressing in few places; prices stationary.
Harowti („ „)	.....	Small-pox prevalent; hot winds set in, nights cool; prices slightly risen.
Jhallawar („ 12th)	.....	Weather unsettled; health good.
Ajmere („ 18th)	.....	Hot winds commenced; harvest average; except small-pox, health good.
Jeypore („ „)	.....	Prices stationary; health good.
Bhurtpore ...	.....	No report received.
Ulwur (April 18th)	.....	Cotton being sown; *rabi* outturn about average; small-pox in places, otherwise health good.
Nepal—(April 13th)		
Katmandu ...	·41	Weather cool and cloudy.

E. C. BUCK,
Secy. to the Govt. of India.

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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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Nothing for publication.

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Nothing for publication.

SUPPLEMENT No. 17.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 28th April 1882.

His Excellency the Viceroy and Governor General will hold a *Levée* at "Peterhoff" at 10 P.M. on Wednesday, the 24th May 1882, being Her Majesty's Birthday.

All Civil and Military Officers are invited to attend.

Gentlemen who have not already been presented at the Court of St. James or at the Viceregal Court are requested to send their names and address to the Aide-de-Camp in waiting not later than Thursday, the 18th May 1882; and in doing so, to add the names of the Gentlemen who will present them, and who must themselves attend the *Levée*. Presentation cards will then be forwarded to them.

All Officers and Gentlemen attending the *Levée* are requested to bring with them two cards, with their names *legibly* written thereon—one card to be delivered on entering "Peterhoff," and the other to the Aide-de-Camp in waiting at the time of presentation.

The *Levée* will be closed by the Native Officers of the Detachments of the 4th Goorkhas and 32nd Pioneers being presented by their Commanding Officers to His Excellency the Viceroy.

Gentlemen wearing uniform will appear in full dress.

Gentlemen not wearing uniform will appear in evening dress.

By Command,

WILLIAM BERESFORD, *Captain,*
Military Secretary to the Viceroy.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 28th April, 1882.

No. 5.—His Excellency the Viceroy and Governor General has been pleased to accept the resignation by the Hon'ble L. Forbes of his office of Additional Member of the Council of the Governor General of India for the purpose of making Laws and Regulations.

D. FITZPATRICK,
Secy. to the Govt. of India.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 26th April 1882.

No. 640.—Notice is hereby given that the birthday of Her Majesty the Queen, Empress of India, will be kept on Wednesday, the 24th May 1882.

ESTABLISHMENTS.

The 27th April 1882.

No. 173.—The Hon'ble Sir R. E. Egerton, K.C.S.I., C.I.E., is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 4th April 1882.

The 28th April 1882.

No. 178.—Mr. C. G. Plumer, of the Madras Civil Service, is appointed to officiate as Judicial Commissioner of Coorg during the deputation on other duty of Mr. J. D. Sandford, M.A., B.L., or until further orders.

SANITARY.

The 27th April 1882.

No. 112.—In exercise of the powers conferred by Section 46 of the Native Passenger Ships Act, No. VIII of 1876, the Governor General in Council is pleased to make the following rules, to be substituted for those bearing the same numbers which were published in the Notification of the Department of Revenue, Agriculture and Commerce, No. 298 (Commerce and Trade), dated 8th August 1877 :—

IV.—Every such ship shall be fitted with not less than two privies, sufficiently screened from public view and readily accessible, and with one additional such privy for every 100 passengers, or part of that number, carried in excess of 100, but no privies shall be allowed in the between-decks.

A proportion of such privies, in any case not less than one if there be any females among the passengers, shall be set apart for the exclusive use of females, such proportion corresponding, as nearly as may be, to the proportion of female to male passengers.

V.—Every such ship shall be provided with not less than two places for washing, sufficiently screened from public view, whereof a full proportion, as prescribed in the case of privies in Rule IV, shall be set apart exclusively for females. A sufficient number of hand-pumps shall also be provided for supplying sea water for purposes of ablution.

VII.—Every such ship shall be provided with not less than two cabooses, or cooking ranges, on deck, properly housed and covered, to which passengers can have ready access. The ranges shall be made of substantial plate iron lined inside with bricks, and raised at least 4 inches from the deck, with an outlet or chimney at top for the escape of smoke. Each range shall contain five or six cooking places, and an additional range shall be provided for every two hundred passengers carried in excess of one hundred. Cooking on board in the passengers' own stoves is prohibited.

The crew of the vessel shall not be allowed to use the cooking ranges set apart for passengers during the period passengers are on board, but shall be provided with a separate cooking range.

JUDICIAL.

The 25th April 1882.

No. 564.—Under the provisions of the Act of Parliament 24 & 25 Vic., Cap. 104, Section 7, the Governor General in Council has been pleased to appoint Mr. Jones Quain Pigot, B.A., Barrister-at-Law, to officiate as a Judge of the High Court of Judicature at Fort William in Bengal, *vice* the Hon'ble C. Pontifex, on furlough.

PATENTS.

The 24th April 1882.

No. 446.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western

Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying :—

No. 125 of 1881.—William Elmore, of 91, Blackfriars Road, London, England, Electrical Engineer, for improvements in, or applicable to, dynamo-electric machines.

No. 127 of 1881.—Percy Swinburne, of Parbatpur, Sylhet, Tea Planter, for an improved apparatus for withering tea leaf.

No. 136 of 1881.—Socrates Keats, of Leeds, in the County of York, Machinist, and Arthur Keats, of Worship Street, in the City of London, Accountant, for improvements in sewing machines.

No. 141 of 1881.—George Speirs Alexander Ranking, of Segowlie, in the East Indies, Doctor of Medicine, Batchelor of Arts, Surgeon of Her Majesty's 6th Bengal Cavalry Regiment. Memorandum to specification of his invention for facilitating and expediting the process of indigo manufacture, and also for increasing the yield of the dye.

No. 146 of 1881.—Edward Monson George, Assistant Engineer, East Indian Railway, Sutna. Memorandum to specification of his invention for a portable tubular wire fence.

No. 162 of 1881.—Walter Thomson and James Mylne, Zemindars and Indigo Planters, Beheea, Zillah Shahabad, in the East Indies, and James Bingham Alliott, Engineer, of Nottingham, in the County of Nottingham, Kingdom of Great Britain and Ireland, for improvements in apparatus for the expression of juice from the sugarcane.

No. 170 of 1881.—Aukhil Charun Doss, son of Madhub Chunder Doss, 24, Amherst Street, Calcutta, for punkha-pulling.

No. 22 of 1882.—Thomas Lawrie, of Heathfield House, Twickenham, in the County of Middlesex, England, for an improved method of emptying receptacles for sewage, mud, &c., and improved machines for such purpose, together with apparatus that can be applied to this and other purposes.

No. 26 of 1882.—Arthur Shanks, Civil Engineer, of 18, Strand Road, Howrah, for improvements in the manufacture of cheap and portable mills for extracting juice from sugarcane and other substances.

No. 27 of 1882.—William Ross, a pensioned Sergeant of the late Bengal Artillery, residing at St. John's Hill, Bangalore, Madras Presidency, for "Asphalithos."

No. 44 of 1882.—Natham Thompson, of Brooklyn, in the County of Kings, and State of New York, in the United States of America, but at present of 23, Southampton Buildings, in the County of Middlesex, England, for improvements in stoppers and in caps or covers for bottles, jars, and other hollow articles.

No. 45 of 1882.—John George Farthing, Mechanical Engineer, of Surrey, London, at present Resident Engineer, Bengal Ice Manufacturing Company, Limited, Sealdah, Calcutta, for condensing or cooling air, vapour, ether, and other gases by spraying them and by spraying the water used upon cus-cus and so rendering it more powerful than if used alone.

No. 47 of 1882.—Walter Francis Reid, of Stow Market and David Johnson, of Chester, both in England, for improvements in the manufacture of explosives.

No. 48 of 1882.—William Augustus Leggo, of Harsdale, in the County of West Chester, and State of New York, United States of America, for a new or improved system of automatic rapid telegraphy and apparatus and materials to be employed therewith.

No. 49 of 1882.—Joseph V. Nichols, of Brooklyn, New York, United States of America, for improvements in electric lamps or lighting apparatus.

A. MACKENZIE,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 28th April 1882.

No. 655 *G.G.*—Major (Brevet Lieutenant-Colonel) O. B. C. St. John, C.S.I., R.E., is appointed to be a Resident of the 2nd Class, supernumerary to the Establishment, with effect from the 14th November 1881.

No. 658 *G.G.*—Lieutenant T. C. Pears, B.S.C., Attaché in the Foreign Department of the Government of India, is appointed to officiate as a Political Assistant of the 3rd Class, and is posted as Assistant for Banswara and Partabgarh to the Governor General's Agent in Rajputana, and Superintendent of the Operations for the Control of the Moghyas.

No. 660 *G.G.*—Mr. J. A. Crawford, C.S., Officiating Political Assistant of the 3rd Class, and Officiating 2nd Assistant to the Resident at Hyderabad, is appointed to be an Attaché in the Foreign Department of the Government of India.

No. 662 *G.G.*—Lieutenant E. S. Masters, B.S.C., Adjutant of the Bhopal Battalion, is appointed to officiate as Boundary Settlement Officer in the Bhopal Political Agency from the 23rd January to the 1st of May 1882.

No. 664 *G.G.*—Surgeon C. G. W. Lowdell, Indian Medical Department, is appointed to officiate as Medical Officer of the Baghelkhand Political Agency.

POLITICAL.

The 28th April 1882.

No. 135 *G.P.*—With reference to Foreign Department Notification No. 45 G.P. of the 10th February 1882, Mr. H. Reinhold, Consul for the Austro-Hungarian Empire at Calcutta, resumed charge of his office from Mr. Oscar Trefftz on the 18th April 1882.

JUDICIAL.

The 26th April 1882.

No. 49 *I.J.*—Under the provisions of Section 3, Act II of 1869, the Governor General in Council is pleased to appoint the undermentioned

officers of the Central India Agency to be Justices of the Peace for the whole of British India :—

Captain Crawford Boyd Cooke, Political Agent in Bundelkhand.

Captain Jasper Burne, 2nd Assistant to the Agent to the Governor General for Central India.

C. GRANT,
Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 27th April 1882.

No. 670.—Mr. D. M. Barbour, B.C.S., is appointed to officiate as Secretary to the Government of India in the Department of Finance and Commerce during the absence on deputation of Mr. T. C. Hope, C.S.I., or until further orders.

The 28th April 1882.

No. 749.—Mr. D. M. Barbour assumed charge of the Office of Secretary to the Government of India, Department of Finance and Commerce, before noon on the 28th April 1882.

R. LOGAN,
Offg. Under-Secy. to the Govt. of India.

The 28th April 1882.

The following Corrigenda to the Codes of the Financial Department are published for general information :—

No. 650.

C. P. C.

PAGE 76.

Section 140.

Substitute the following for the last sentence in Clause (a) of this Section :—

"Second Class Sergeants get pension as Havildars, Third Class Sergeants as Naiks, and Constables as Sepoys."

No. 643.

C. L. C.

PAGES 143 AND 144.

Section 17.

Substitute the following for Clause III of this Section :—

III.—A Civil Officer, or a Military Officer in Civil employ, who, under the orders of the Secretary of State, is detained in Europe on civil duty, or permitted to remain on special civil duty, beyond the period of his leave, is entitled—

(a) if on any leave other than Privilege Leave—to an allowance not exceeding two-thirds of his pay and allowances in India;

(b) if on Privilege Leave—to an allowance not exceeding half his pay and allowances in India,

for the period during which he is so detained or permitted to remain on special civil duty.

No. 740.—Mr. R. A. Sterndale, Assistant Comptroller General, having been granted furlough out of India on medical certificate for one year, made over charge of his duties to Mr. J. Taylor, Assistant Comptroller General, after noon on the 15th April 1882.

The 26th April 1882.

No. 745.—The services of Mr. A. P. MacDonnell, M.A., B.C.S., are replaced at the disposal of the Government of Bengal.

The 28th April 1882.

No. 751.—In exercise of the powers conferred by Section 7 of the Indian Salt Act, 1882, the Governor General in Council is pleased to direct that the following Rule shall be substituted for Rule 44 of the Rules under the Burma Land and Revenue Act, 1876, published by the Chief Commissioner of British Burma under Notification No. 10, dated 1st February 1879 :—

"44. On all salt manufactured in British Burma, an excise duty shall be levied at the rate of three annas per maund of $82\frac{2}{7}$ pounds avoirdupois."

No. 761.—*Abstract of the Accounts of the Department of Issue of Paper Currency on the 31st March 1882, published as required by Section 23 of the Indian Paper Currency Act, 1871.*

Circles of Issue.	Whole amount of Notes in circulation.	Reserve in Silver Coin and Bullion.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta ...	6,88,04,550	1,54,31,038	31,02,036	1,85,33,074
Madras ...	1,46,10,605	82,84,105	11,40,000	94,24,105
Bombay ...	3,50,13,580	1,23,37,257	53,82,828	1,77,20,085
Allahabad ...	86,57,430	1,24,30,855	...	1,24,30,855
Lahore ...	73,05,105	1,01,70,955	...	1,01,70,955
Calicut ...	13,17,300	10,17,605	...	10,17,005
Kurrachee ...	30,73,210	37,22,285	40,400	37,02,685
TOTAL ...	13,90,71,780	6,94,02,500	96,65,264	7,90,67,854
Add—amount of Calcutta-Nagpore Coin held at Bombay ...				3,960
				7,90,71,814
Invested in Government Securities under Section 17 of the Act				5,00,00,966
GRAND TOTAL ...				13,90,71,780

D. M. BARBOUR,
Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 22nd April, 1882.

ORGANISATION.

No. 210.—INDIAN ARMY—

The Most Hon'ble the Governor General in Council hereby announces certain of the measures which have been determined upon, with the approval of Her

Majesty's Government, in regard to the regimental organisation of the Indian Army.

2. Under the organisation now to be adopted, every Native cavalry regiment (except the four regiments of Madras Native cavalry, whose establishment will remain unaltered) will consist, as at present, of six troops organised in three squadrons, each regiment having the following establishment :—

3 Ressaldars,
3 Ressaidars,
1 Woordie-Major,
6 Jemadars,
6 Kote-Duffadars,
48 Duffadars (including 1 Farrier-Major and 1 Salootrie),
6 Trumpeters,
477 Privates (including 1 Assistant Salootrie and 6 Farriers).

In the Bombay cavalry the present establishment of commissioned and non-commissioned ranks will remain unaltered at 87, the privates being raised to 463 in number instead of to 477, the total strength in Bengal and Bombay being thus 550 of all ranks.

The establishment of the Cavalry of the Corps of Guides (Queen's Own) will remain unaltered.

3. Every Native infantry regiment will consist, as at present, of eight companies, each company having the following establishment :—

1 Subadar,
1 Jemadar,
5 Havildars,
5 Naiks,
2 Drummers,
90 Privates,

104

making a total per regiment of 832 Natives of all ranks.

The Madras regiments will retain their extra Havildar-Major as at present.

4. The three regiments of Assam Light Infantry will retain their present strength of 912 of all ranks. The five Goorkha regiments will also retain that strength for the present.

5. The establishment of regiments being fixed as above stated, and as the total strength of the army is to remain substantially unchanged, this measure of reorganisation involves the reduction of four regiments of cavalry and eighteen of infantry.

6. The Governor General in Council has determined that of the four cavalry regiments to be reduced, three shall be reduced in the Bengal Army, including the Punjab Frontier Force, and one in the Bombay Army. Of the eighteen regiments of infantry to be reduced, six shall be reduced in the Bengal Army, including the Punjab Frontier Force, four in the Bombay Army, and eight in the Madras Army. The present and future establishments of the Indian Army will therefore be as follows :—

	Present Estabt.	New Estabt.
Cavalry—		
Bengal (excluding Cavalry of the Corps of Guides)	24	21
Madras	4	4
Bombay	7	6
	35	31
Infantry—		
Bengal (including Infantry of the Corps of Guides)	61	55
Madras	40	32
Bombay	30	26
	131	113
Total ...	166	144

7. In the Bengal Presidency the following are the regiments selected for reduction :—

Cavalry.

16th Cavalry.
17th „
4th Punjab Cavalry.

Infantry.

34th Native Infantry.
35th „ „
36th „ „
37th „ „
41st „ „
3rd Punjab Infantry.

8. This reduction will be carried out under the orders of the Commander-in-Chief and the Punjab Government, in the following way :—

9. All Native officers, non-commissioned officers, and men who wish to remain in the service and are physically fit and otherwise well suited for it will be transferred to other regiments by troops and companies, as far as practicable, under subsidiary orders which will be issued by the Commander-in-Chief and the Punjab Government.

10. All Native officers, non-commissioned officers, and men who wish to take their discharge, or who from physical or other causes are not well suited for the service, will be discharged on the following rates of pensions and gratuities :—

I.—The superior rates of pensions specified in paragraph 611 of the Pay Code, volume II, to officers, non-commissioned officers, and men who have completed 25 years of service and upwards.

II.—The ordinary rates of pensions to all officers, non-commissioned officers, and men who have completed 14 years' service, and have less than 25 years' service, with a bonus of one month's pay (including good-conduct pay) for every two years' service.

III.—To officers, non-commissioned officers, and men of more than 10 and less than 14 years' service, two-thirds of the ordinary rate of pension and a bonus of three months' pay (including good-conduct pay).

IV.—To non-commissioned officers and men of 5 and less than 10 years' service, a gratuity of one month's pay for each year of service, together with an additional bonus of three months' pay as above.

V.—To non-commissioned officers and men of less than 5 years' service, a gratuity of six months' pay.

11. In the case of the cavalry, the gratuities will be calculated on the rates of ordinary and not net pay.

12. In those regiments in which, in consequence of the transfers made from the regiments reduced, the strength of Native officers or non-commissioned officers may become in excess of the regular authorised establishment, pensions and gratuities under the above scale may be offered to deserving Native officers and non-commissioned officers of such regiments to the extent of the numbers in excess in these ranks, so that the strength of Native officers and non-commissioned officers may thus be at once brought down to the fixed authorised establishment. Should this reduction however not be completely effected, and any supernumeraries be still left, they will be absorbed by making only two promotions for every three vacancies, every third vacancy being absorbed.

13. Native commissioned officers of cavalry regiments of 25 years' service and upwards, pensioned under the terms of paragraph 10, will receive a gratuity of 12 months' pay, in addition to the higher rate of pension.

14. Free passes by rail to their homes will be given to all officers, non-commissioned officers, and men who take their discharge on pension or gratuity under these orders.

15. In the cavalry regiments about to be reduced, where the chunda (remount) fund of a regiment after the disposal of all its horses (under subsidiary orders to be now issued) is unable to meet the entire cost of defraying the horse price of men discharged and transferred, the sums necessary for this purpose will be granted by the Government of India, under orders which will be issued hereafter.

16. In order to complete the horse price of men who are transferred to other corps, and who have not as yet paid up their full horse price in their present corps, loans will be granted, to Commanding Officers of regiments receiving men transferred, of the amount of such horse price still due, to be repaid without interest at Rs. 2 per man per mensem.

17. Such assistance will be granted to the equipment funds of cavalry regiments reduced as will permit of their paying up in the ordinary way, to men discharged, the proper value of their equipments, the sale proceeds of which will be carried to the credit of the State.

18. The certified actual cost involved in change of uniform and equipment will be allowed to soldiers transferred to other regiments. The necessary changes in the uniforms of the infantry troops transferred will be made at the public expense.

19. The following regiments of the Madras and Bombay armies have been selected by the Governments of those Presidencies respectively for reduction :—

Madras Army.

The 34th Native Infantry.
" 35th "
" 36th "
" 37th "
" 38th "
" 39th "
" 40th "
" 41st "

Bombay Army.

The 3rd Sind Horse.
" 6th Native Infantry.
" 11th "
" 15th "
" 18th "

20. The reductions will be carried out under the foregoing rules, as far as possible, by the transfer of soldiers from regiments to be reduced to those which are to be retained; those, however, who wish to take their discharge from the regiments reduced being allowed to do so with pensions and gratuities as above laid down.

21. Consequent upon the increase in the strength of Native regiments, the establishment of European officers will now be fixed at eight officers per regiment, or one more than the present establishment; the additional officer to be

appointed in the rank of wing or squadron officer. This augmentation will at once absorb a part of the junior officers of the reduced regiments, while the total establishment of European officers serving on regimental duty with the Indian Army will remain almost unaltered. With respect to the senior officers of these regiments, the following terms are offered, under the orders of the Secretary of State for India, to such of them as may retire from the service within three months from the date of their regiments being broken up :—

I.—To officers of over 32 years' service, the pension to which they may be entitled, not in excess of 456*l.* 5*s.* a year, with the value of their Colonel's allowances on the scale allowed by G. G. O. No. 1 of 1881, together with a bonus of 18 months' staff salary of their regimental appointments and free passages to England for themselves and their families.

II.—To officers of from 20 to 32 years' service, a bonus equal to 18 months' staff salary of their regimental appointments, in addition to any pension to which they may be entitled, with free passages as above.

22. The new organisation of Cavalry and Infantry will have effect from 1st July 1882.

23. The reduction of the regiments hereby ordered will be completed during the month of June 1882, and the transfers of men who elect to serve in other corps will be made on the 30th June 1882, under orders which will be issued by the Commander-in-Chief in India and the Governments respectively concerned.

24. Officers of the regiments to be reduced who desire to avail themselves of the offer contained in paragraph 21 should notify their intention to the Adjutant General on or before the 30th September 1882.

25. The Governor General in Council takes this opportunity to announce, with the sanction of the Secretary of State for India, the grant of good-conduct pay to non-commissioned officers as follows :—

To Duffadars and Havildars—

	Rs.	
After 2 years' good service in that grade ...	1	per month.
" 4 " " ...	2	"
" 6 " " ...	3	"
" 8 " " ...	4	"

To Naiks—

After 2 years' good service in that grade ...	1	"
" 4 " " ...	2	"

26. Subsidiary orders regulating the above grant will be issued by the Commander-in-Chief in India and the Governments concerned respectively. It will take effect from the 1st of July 1882, when those non-commissioned officers who have already completed any of the above periods of service will at once receive the corresponding rate of good-conduct pay.

The 28th April, 1882.

APPOINTMENTS.

No. 211.—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Frank Herbert Hancock, Cheshire Regiment, Officiating Wing Officer, 26th Native Infantry,—9th March, 1881.

No. 212.—ARMY REMOUNT DEPARTMENT—

Major T. A. St. Quintin, 10th Hussars, to be Remount Agent at the Presidency, *vice* Major W. A. Roberts, R.A., whose tenure of appointment has expired.

No. 213.—COMMISSARIAT DEPARTMENT—

Major W. G. Smith, Assistant Commissary General, 2nd Class, and Officiating Deputy Commissary General, to be Assistant Commissary General, 1st Class.

Major E. M. L. Marriott, Deputy Assistant Commissary General, 1st Class, and Officiating Assistant Commissary General, 2nd Class, to be Assistant Commissary General, 2nd Class.

Major C. Case, Deputy Assistant Commissary General, 2nd Class, and Officiating Deputy Assistant Commissary General, 1st Class, to be Deputy Assistant Commissary General, 1st Class.

Lieutenant-Colonel H. J. Barton, Sub-Assistant Commissary General, 1st Class, and Officiating Deputy Assistant Commissary General, 2nd Class, to be Deputy Assistant Commissary General, 2nd Class.

Lieutenant C. M. FitzGerald, Sub-Assistant Commissary General, 2nd Class, and Officiating Sub-Assistant Commissary General, 1st Class, to be Sub-Assistant Commissary General, 1st Class.

With effect from the 30th March, 1882, *vice* Lieutenant-Colonel O. M. Graham, Assistant Commissary General, 1st Class, retired.

No. 214.—MEDICAL DEPARTMENT—

Her Majesty has been pleased to appoint the undermentioned gentlemen to be Surgeons in Her Majesty's Indian Military Forces in the Presidency of Bengal :—

Surgeons James Barry Gibbons; George Jolly Shand, M.D.; Donald St. John Dundas Grant; Dirom Grey Crawford,—arrived at Bombay 13th April, 1882.

No. 215.—MILITARY ACCOUNTS DEPARTMENT—

Lieutenants H. Melvill and J. G. Downing, probationers for the Military Accounts Department, are confirmed in their appointments as

Assistant Military Accountants, with effect from the 2nd and 11th April, 1881, respectively.

No. 216.—NATIVE ARMY—

9th Bengal Cavalry.

The following direct appointment of a Native gentleman is made with effect from the 19th July, 1881, the date of joining :—

Shahzada Sharyar, to be Jemadar, on probation *vice* Shaikh Ameer Ollah, invalided.

No. 217.—VOLUNTEER CORPS—

Nagpore Volunteer Rifle Corps.

Major Edward William Charles Hay Miller, to be Commandant, *vice* Colonel T. Wakefield, deceased.

FURLOUGH AND LEAVE.

No. 218.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel (Brevet Colonel) T. W. Rutherfurd, Bengal S. C., Commandant, 33rd Native Infantry, (p. a.) for 307 days, under rule IX of the regulations of 1868.

Lieutenant-Colonel G. F. Graham, Bengal S. C., Honorary Aide-de-Camp to the Viceroy, Commandant, Calcutta Volunteer Rifle Corps and Administrative Battalion, Presidency Volunteers, (p. a.) for one year, under rule IX of the regulations of 1868.

Major N. F. Parker, General List, Infantry, Assistant Commissary General, 2nd Class, (p. a.) for two years, under rule IX of the regulations of 1868.

Major W. A. J. Wallace, R.E., Manager and Engineer-in-Chief, Northern Bengal Railway, (p. a.) for 182 days, under rule IX of the regulations of 1868.

Major D. W. Inglis, General List, Infantry, Wing Commander, 15th Native Infantry, (m. c.) for one year, under rules IX and XV of the regulations of 1868.

Honorary Captain and Deputy Commissary L. Lesmond, Barrack Master, 1st Class, Military Works Department, (m. c.) up to the 16th September 1882, under the regulations of 1854.

Conductor J. Grant, Public Works Department, attached to Engineer Park, Sappers and Miners, (m. c.) for one year, under rule VI of the regulations of 1875.

Sub-Conductor R. Miller, Sub-Engineer, 3rd Grade, Public Works Department, British Burma, (m. c.) for one year, under rule I of the regulations of 1875.

No. 219.—Major F. B. J. Jerrard, West Riding Regiment, Inspector and Adjutant, East Indian Railway Volunteer Rifle Corps, is granted leave in India (p. a.) for 182 days.

No. 220.—With reference to G. G. O. No. 583 of 1881, Lieutenant G. B. Crawley, Bengal S. C., has been granted by the Right Hon'ble the Secretary of State for India furlough (m. c.) for 243 days, with effect from the 28th October 1881, under the ruling on rule VI of the regulations of 1875.

No. 221.—Sub-Conductor H. G. Hein, Commissariat Department, is granted leave in India (p. a.) for 182 days, under rule X of the regulations of 1875.

No. 222.—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India :—

Brigade Surgeon A. J. Dale, M.B., (p. a.) for three and a half months.

Conductor J. J. Bennett, Ordnance Department, (m. c.) for three months.

LONDON GAZETTE.

No. 223.—The following extracts are published for general information :—

"London Gazette," dated the 24th March, 1882, page 1333.

WAR OFFICE ;

Pall Mall, 24th March, 1882.

MEMORANDUM.

INDIAN STAFF CORPS.

The following promotion to take place consequent on the death, on 1st March, 1882, of Major-General J. A. Wright, Bengal :—

Colonel Augustus Ritherdon, Madras, to be Major-General. Dated 2nd March, 1882.

The undermentioned Officer on the Unemployed Supernumerary List to be Major-General. Dated 2nd March, 1882 :—

Colonel William Alexander Riach, Madras.

INDIAN FORCES (Local Service).

The undermentioned Officer to be Major-General. Dated 2nd March, 1882 :—

Colonel Jonathan Augustus Spry Faulkner, Bombay Infantry.

PROMOTIONS.

No. 224.—The following extracts from a letter from the Right Hon'ble the Secretary of State for India are published for general information :—

MILITARY, INDIA OFFICE ;

No. 85. *London, 2nd March, 1882.*

Para. 3. * * * I have thought it necessary to obtain an authoritative decision on the general question, that is to say, whether a Lieutenant-Colonel should reckon as qualifying service any period that may elapse between the actual date borne by his appointment and the date of his taking up the duties of his appointment.

4. Having caused an inquiry to be addressed to the Horse Guards on the subject, I have been informed that the practice in the British Army is to reckon service as qualifying for the rank of Colonel from the day after the date of the *London Gazette* notifying the appointment, or from the date specified in the *Gazette*.

5. I request that a similar practice may be adopted in calculating the service of officers of the Indian Army, the actual date borne by an appointment being taken as the commencement of the service qualifying an officer of the rank of Lieutenant-Colonel for the Brevet rank of Colonel.

6. I have also been informed that no change has been made in respect of the mode of reckoning leave as part of the period qualifying for the rank of Colonel.

I have, &c.,

(Sd.) HARTINGTON.

No. 225.—The following promotions are made, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major Charles Ellison Bates,—20th April, 1882.

To be Major.

Captain William Maitland Meacham,—17th April, 1882.

No. 226.—NATIVE ARMY—

9th Bengal Cavalry.

Ressaidar Wussawa Singh, to be Ressaldar, *vice* Manowur Khan, "Sirdar Bahadur," invalided; Jemadar Chait Singh, to be Ressaidar, *vice* Wussawa Singh, promoted; Duffadar Joomeh Khan, to be Jemadar, *vice* Meer Wazir Ally, invalided; Duffadar Bhaie Khan, to be Jemadar, *vice* Chait Singh, promoted,—1st November, 1880.

No. 227.—PUNJAB FRONTIER FORCE—

4th Punjab Cavalry.

Duffadar Nihal Singh, to be Jemadar, *vice* Gulab Singh, deceased,—11th March, 1882.

5th Punjab Cavalry.

Kote-Duffadar Heerah Sing, to be Jemadar, *vice* Mahe Sing, dismissed,—15th March, 1882.

No. 228.—VOLUNTEER CORPS—

Tirhoot State Railway Volunteer Rifle Corps.

Lieutenant Henry Masters Cardew, to be Captain, *vice* Captain W. M. Johnston, resigned.

RETIREMENTS.

No. 229.—Lieutenant-Colonel (Brevet Colonel) Charles Stuart Lane, Bengal S. C., is permitted to retire from the service, with effect from the 15th April, 1882, subject to Her Majesty's approval.

No. 230.—Major James Hector Charles Greenhill Lassalle, General List, Infantry, is permitted to retire from the service, with effect from the 28th April, 1882, subject to Her Majesty's approval.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 24th April, 1882.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned Officers, on the dates specified, were received in the Military Department from the 11th to the 24th April, 1882 :—

Corps.	Rank and Names.	Date of decease.	Place of decease.	Testate or Intestate.	Remarks.
Bengal Staff Corps ...	Major M. O. Boyd ...	30th January, 1882.	Silchar ...	.....	.....
Ditto ...	Captain C. C. Whistler ...	11th April, 1882	Fort Asseergurh.	.....	.....

W. M. LEES, *Colonel,*
Officiating Secretary to the Government of India.

MILITARY (MARINE) DEPARTMENT.

Simla, the 28th April, 1882.

FURLOUGH AND LEAVE.

No. 17.—Mr. B. Blair, Engineer in charge I.G.S. *Dagmar,* is granted 12 months' furlough, under Section 131 of the Civil Leave Code, with effect from the 1st May, 1882.

G. CHESNEY, *Colonel,*
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 24th April 1882.

No. 109.—With reference to Military Department Notification No. 204, dated 21st April 1882, Captain N. Arnott, R.E., is appointed to officiate as Secretary to the Agent to the Governor General in Biluchistan in regard to Civil Works.

No. 110.—Major L. Conway-Gordon, R.E., Deputy Accountant General and *ex-officio* Under Secretary, Public Works Department, is appointed to officiate as Accountant General and Deputy Secretary, Public Works Department, during the absence of Major A. J. Filgate, R.E., on privilege leave, or until further orders.

Major A. G. Begbie, R.E., Examiner of Accounts, Punjab Northern State Railway, is appointed to officiate as Deputy Accountant General and *ex-officio* Under Secretary, Public Works Department, until further orders.

The 25th April 1882.

No. 111.—Major J. H. Western, R.E., Executive Engineer, 1st Grade, North-Western Provinces and Oudh, is appointed to officiate as Superintending Engineer in the Punjab, with temporary

rank, Class III, from the date on which Lieutenant-Colonel G. Swinton, R.E., may go on furlough.

The 26th April 1882.

No. 112.—Lieutenant P. T. Buston, R.E., Adjutant, Sappers and Miners, is graded as an Executive Engineer, 4th Grade, with effect from 3rd March 1882.

No. 113.—The undermentioned passed students of the Thomason College are appointed to the Public Works Department as Apprentice Engineers and posted as noted below:—

North-Western Provinces and Oudh.

Mr. S. Atkin.
" G. T. Anthony.
" G. P. Horst.

Punjab.

Mr. F. W. Vyall.
" J. M. Taylor.

British Burma.

Mr. C. F. McLeod.

Assam.

Mr. J. Leonard.

Central India.

Mr. D. M. Litster.

The 27th April 1882.

No. 114.—Captain M. Laugharne, R.E., is appointed to the Public Works Department as an Executive Engineer, 4th Grade, and posted to Assam.

The 28th April 1882.

No. 115.—Pundit Premnath, Deputy Examiner of Accounts, is, during the absence of Major Begbie, R.E., and pending the arrival of Mr. Macpherson, or until further orders, placed in charge of the Office of the Examiner of Accounts, Punjab Northern State Railway, as Officiating Examiner.

No. 116.—Colonel J. Browne, C.S.I., R.E., Executive Engineer, 1st Grade, is transferred from the Railway Branch to the Punjab.

TELEGRAPH.

The 28th April 1882.

No. 117.—Captain H. L. Wells, R.E., Assistant Director, Persian Section of the Indo-European Telegraph, is appointed to officiate as Director of the Persian Section during the absence of Lieutenant-Colonel Smith, R.E., on privilege leave, or until further orders.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 29, 1882.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 11th March 1882.

From the 8th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 1st April, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at that station.

Parts II and III and the Supplement will continue to be published in Calcutta.

From the 1st January 1882, Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts will be Rs. 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

	Rs.	A	P.
Subscription for *Gazette* and Supplement per annum	15	0	0
Postage	5	8	0
Subscription for Supplement only	6	0	0
Postage	3	0	0
For a single copy of the *Gazette*	0	8	0
For a single copy of the Supplement	0	8	0

Postage on single copies varies according to weight.

E. J. DEAN,
Publisher, Gazette of India.

NOTICE.

The Office of Superintendent of Government Printing having been removed to No. 166, Dhurrumtollah Street, all communications intended for that Office should be sent to that address.

E. J. DEAN,
Supdt. of Govt. Printing, India.

HIGH COURT—Original Side.

NOTIFICATIONS.

Calcutta, the 24th April 1882.

Mr. J. C. McGregor, Receiver of the High Court, has, under Section 93, Rule VII, Chapter VII of the Civil Leave Code, obtained furlough, without pay, for nine months, with effect from the 6th instant.

The Honorable the Chief Justice has, with the approval of His Excellency the Governor General of India in Council, appointed Mr. A. B. Miller, Barrister-at-Law, to perform the duties of the Receiver of the High Court, in addition to his own duties as Official Assignee of the Court for the relief of Insolvent Debtors, during the absence on furlough of Mr. J. C. McGregor, or until further order.

By Order,
R. BELCHAMBERS,
Registrar.

NOTICE TO MARINERS.

No. 14 of 1882.

BAY OF BENGAL—COROMANDEL COAST MADRAS.

Buoys marking Wrecks in Harbour.

The Port Officer, Madras, has notified that a green buoy has been moored in position inside

the harbour to mark the sunken wrecks of the late Steam Hopper barges *Salisbury* and *Hobart*. The buoy is laid about 80 feet to the eastward of the wrecks, in 29 feet (low water), and bears N. E. by E. ½ E. from the northern T end of the pier, and S. E. ½ E. from the Harbour Works Office.

Two small green buoys, with green flags, are laid immediately over the wrecks in 23 feet of water.

By direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I.N.)*,
Superintendent, Marine Survey of India.

Marine Survey Department,
Calcutta,
The 6th April 1882.

This Notice affects the following:—

BRITISH ADMIRALTY Chart, No. 71*c*.

INDIAN MARINE SURVEY Charts, Nos. 105 and 1257*a*.

If this Notice is received on board-ship, the substance of it should be inserted on the Charts affected by it and introduced into the Sailing Directions to which it relates.

NOTICE TO MARINERS.

No. 15 of 1882.

HINDOSTAN—WEST COAST.

BOMBAY HARBOUR.

Changes in Buoyage.

The Port Officer, Bombay, has notified that on the 1st May 1882, several changes will be made in the buoyage of the harbour, and that in future the following system will be adopted,—approximating, as near as practicable, to the system sanctioned by the Government of India, and published in this Department Notice to Mariners, No. 2, dated 13th January 1882:—

1. Buoys with poles and triangles will mark the North end of shoals, &c.
2. Buoys with poles and globes will mark the South end of shoals, &c.
3. All black buoys to be left on the starboard hand when entering the port.
4. All red buoys carrying globes or triangles to be left on port hand when entering.
5. Buoys coloured both Red and Black, with poles and triangles, can be passed on either port or starboard hand, and to the North.
6. Buoys coloured both Red and Black, with poles and globes, can be passed on either port or starboard hand, and to the South.
7. Red nun buoys will mark isolated rocks.
8. Mooring buoys will be coloured White.
9. Wreck buoys will be coloured Green.
10. The Quarantine Anchorage Buoy will be coloured Yellow, and will carry a black flag.
11. The Flagstaff Shoal Buoy will remain of the same description and colour as at present.

NOTE.—The buoy marking the Sunk Rock Shoal will now be removed.

By direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I.N.)*,
Superintendent, Marine Survey of India.

Marine Survey Department,
Calcutta,
The 11th April 1882.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 2621, 737 and 2736.

INDIAN MARINE SURVEY Chart, No. 1257*a*.

If this Notice is received on board-ship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

NOTICE TO MARINERS.

No. 16 of 1882.

CEYLON—EAST COAST.

BATTICALOA.

Buoy marking Surveyor's Rock.

The Master Attendant, Colombo, has notified that from the 15th March, to the 31st October of each year, a buoy, painted *red*, will be placed 50 yards N. E. by N. of Surveyor's rock, in Batticaloa roadstead.

From the position of the buoy, Surveyor's rock and Khandalla rock will be in line with the white obelisk on shore.

By direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I.N.)*,
Superintendent, Marine Survey of India.

Marine Survey Department,
Calcutta,
The 13th April 1882.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 2031 and 828.

INDIAN MARINE SURVEY Charts, Nos. 1256 and 15*b*. Also Taylor's Sailing Directory, Vol. I, page 442.

If this Notice is received on board-ship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 6th April 1882.

No. 14.—Third Grade Assistant Surgeon Avinas Chundra Bandyopadhyay, of the supernumerary list, is permitted to resign the service.

J. M. CUNINGHAM, M.D.,
Surgeon-Genl. with the Govt. of India.

SURVEY OF INDIA.

NOTIFICATIONS.

Mussooree, the 18th April 1882.

No. 270.—The following promotions are made, with effect from the forenoon of the 7th March last:—

Mr. W. W. McNair, Assistant Surveyor, 1st Grade, to be Surveyor, 4th Grade.

Mr. C. T. Templeton, Assistant Surveyor, 2nd Grade, to be Assistant Surveyor, 1st Grade.

Mr. G. A. Knight, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

No. 271.—Mr. O. D. Smart, Supernumerary, is appointed an Assistant Surveyor, 3rd Grade, with effect from the forenoon of the 7th March.

The 25th April 1882.

No. 272.—Mr. T. F. Freeman, Assistant Surveyor, 1st Grade, is granted, with reference to Notification No. 249, dated 19th December 1881, an extension of leave on medical certificate for nine months without pay, under the provisions of Section 133 of the Civil Leave Code, with effect from 1st May 1882.

J. T. WALKER, *Lieut.-Genl., R.E.,*
Surveyor General of India.

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 25th April 1882.

No. 4.—Mr. R. C. D. Ewing, Assistant Surveyor, 1st Grade, is granted privilege leave for three months, under Section 136, Chapter X of the Civil Leave Code, with effect from the forenoon of the 17th instant.

J. SCONCE, *Lieut.-Col.,*
Deputy Surveyor General.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 26th April 1882.

No. 4.—Mr. C. B. P. Gordon, a Superintendent of the 1st Grade, is allowed furlough for twenty-one months, under Section 49 of the Civil Leave Code, with effect from the forenoon of the 11th April 1882.

No. 5.—Mr. J. Burke, a Superintendent of the 3rd Grade, is allowed furlough for nineteen months, under Section 49 of the Civil Leave Code, with effect from the forenoon of the 11th April 1882.

R. MURRAY, *Colonel,*
Director General of Telegraphs in India.

AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

NOTIFICATION.

Mount Abu, the 18th April 1882.

No. 952 G.—Major Percy W. Smith, Officiating 2nd-in-Command, Merwara Battalion, is granted fifteen days' privilege leave from the 15th April 1882, or such date as he may avail himself of the same.

By Order,
E. A. FRASER,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF COORG.

NOTIFICATION.

Bangalore, the 19th April 1882.

No. 4.—Biddanda Mandanna, Subedar of Yelusavirashime Taluk, is granted two months' leave on urgent private affairs, from such date as he may avail himself of it.

Kuttati Chengappa, Parpattigar and 3rd Class Magistrate of the Mercara Halerinad, is appointed to act as Subedar of Yelusavirashime Taluk, from date of his taking charge of the office, *vice* Biddanda Mandanna, on leave.

By Order,
H. WYLIE, *Major,*
Secretary to the Chief Commr. of Coorg.

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 20th April 1882.

No. 2.—Surgeon P. H. Benson, M.B., Residency Surgeon, is granted privilege leave for ten days, with effect from the 23rd April 1882, or such date as he may avail himself of it.

By Order,
H. WYLIE, *Major,*
Asst. to the Resident.

MILITARY DEPARTMENT—
Military Works.

NOTIFICATIONS.

Presidency & Oudh Command.

Lucknow, the 21st April 1882.

No. 11.—With reference to this Office Notification No. 6, dated the 22nd March 1882, Lieutenant E. C. Stanton, R.E., Assistant Engineer, 2nd Grade, joined the Lucknow Division, Military Works, on the forenoon of the 20th April 1882.

The 22nd April 1882.

No. 12.—With reference to this Office Notification No. 8 of 22nd March 1882, Lieutenant H. J. W. Jerome, R.E., Assistant Engineer, 1st Grade, joined the Head Quarter Office of the Command on the forenoon of 17th April 1882.

H. McV. CRICHTON, *Major, R.E.,*
Supdg. Engr., Presdy. & Oudh Command, Military Works.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The undermentioned students have passed the First M. B. Examination :—

FIRST DIVISION.

In Order of Merit.

1	Ashe, R. S.	...	Medical College.
2	Mitra, Ashutosh	...	Ditto.
3	Chattopadhyay, Girindranarayan	...	Ditto.

SECOND DIVISION.

In Alphabetical Order.

1	Bandyopadhyay, Abinaschandra	...	Medical College.
2	Chaudhuri, Satyendrakumar	...	Ditto.
3	Datta, Kedarnath	...	Ditto.
4	Gupta, Bamacharan	...	Ditto.
5	Mitra, Kedarnath	...	Ditto.
6	Ray, Guruprasanna	...	Ditto.
7	,, Upendranarayan	...	Ditto.
8	Sanyal, Dinanath	...	Ditto.
9	Sirkar, Srischandra	...	Ditto.

SENATE HOUSE,
The 11th April 1882.

G. BELLETT,
Offg. Registrar.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY

The undermentioned students have passed the First L. M. S. Examination :—

Bandyopadhyay, Amarnath	...	Medical College.
Ghosh, Annadaprasad	...	Ditto.
Mitra, Ganeschandra	...	Ditto.

SENATE HOUSE,
The 26th April 1882.

G. BELLETT,
Offg. Registrar.

Statement of the Affairs of the Bank of Bengal for the week ending 25th April 1882.

LIABILITIES.		Rs.	A.	P.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		30,11,966	4	4
	Rs. A. P.			
Public Deposits at Head Office	1,08,54,595 13 8	2,40,84,421	1	6
Public Deposits at Branches	1,32,29,825 3 10			
Other Deposits at Head Office and Branches		2,34,02,637	2	8
Bank Post Bills, &c.		12,59,492	9	2
Sundries		13,70,443	11	1
RUPEES		7,31,28,960	12	9

ASSETS.		Rs	A.	P.
Government Securities		72,29,739	2	0
Other authorized Investments		43,71,920	0	0
Loans on Government and other authorized Securities		81,50,889	10	2
Accounts of Credit on Government and other authorized Securities		66,87,977	4	10
Bills discounted and purchased		2,24,96,319	11	8
Balances with other Banks		8,99,176	2	0
Bullion		7,47,565	11	2
Dead Stock		11,91,191	1	1
Stamps		9,208	9	0
Sundries		3,72,392	15	5
		5,21,56,380	3	4
	Rs. A. P.			
Cash and Currency Notes at Head Office	83,23,944 14 0	2,09,72,580	9	5
Cash and Currency Notes at Branches	1,26,48,635 11 5			
RUPEES		7,31,28,960	12	9

By order of the Directors,

BANK OF BENGAL,
Calcutta, 27th April 1882.

J. GORDON,
Chief Acctt. & Depy. Secretary.

W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 20th April 1882.

No. 34.—Mr. J. P. Hogan, Assistant Engineer, 1st Grade, Punjab Northern State Railway, is granted leave on medical certificate out of India for six months, with the usual subsidiary leave, under Sections 127 and 134 of the Civil Leave Code.

No. 35.—Mr. E. H. Tuck, Assistant Engineer, 2nd Grade, is granted leave for three months to study the Native languages under Public Works Department Code, Chapter II, Section i, paragraph 27, from the 1st May 1882, or such subsequent date as he may avail himself of it.

F. S. STANTON, *Col., R.E.,*
Director General of Railways.

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on the 5th March 1882, treasure consisting of—

	Rs.	A.	P.
2 large golden earrings, approximate value	20	0	0
4 pieces of the knob of a silver waist thread	6	0	0
2 gold coins called Venkataswara Bhotlus	10	0	0
1 golden ear ornament	2	0	0
3 pieces of silver waist thread ...	3	0	0
TOTAL ...	41	0	0

valued in the aggregate at Rs. 41-0-0, were discovered in an old wall belonging to one Matherazu Pichivadu of Marrivamala, in the Markapur Taluk, Kurnool District, Madras Presidency.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally, or by agent, before the Collector of Kurnool, at his Office, on Monday, the 18th September 1882, in order to the matter being enquired into and determined in accordance with the provisions of the Act.

W. H. GLENNY,
Collector.

KURNOOL COLLECTOR'S OFFICE,
The 13th April 1882.

Report of a Deserter from the 2nd Battalion, Royal Warwickshire Regiment of Foot, dated at Fort William, Calcutta, this 26th day of April 1882.

Number, Rank, and Name,—No. 2052, Private Thomas Jephcott.
Age,—22 years.
Size,—5 feet 8½ inches.
Colour of—
Complexion, fair; Hair, light brown; Eyes, blue.
Date of Desertion,—22nd April 1882.
Place of Desertion,—Fort William, Calcutta.
Date of Enlistment,—3rd May 1879.

At what Place Enlisted,—Warwick.
Parish and County in which Born,—Birmingham, Warwickshire.
Marks,—Burn mark, right arm.
Trade,—Caster
Coat or Jacket, } Regimental white clothing.
Waistcoat,— ... }
Breeches or Trowsers,—
REMARKS,—
Under 4 years' service.

L. B. HOLE, *Lieut.-Col.,*
Comdg. 2nd Battn., Rl. Warwickshire Regt. of Foot.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1882.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
April 17	...	...	2,91,017	11,84,890	49,77,402	18,65,070
" 18	...	1,08,046	3,05,855	8,67,347	51,99,010	20,77,471
" 19	2,91,900	1,06,555	2,90,764	8,57,179	54,47,600	22,74,829
" 20	...	1,07,023	1,52,791	6,98,425	55,80,424	23,28,424
" 21	...	...	2,82,366	4,19,039	58,59,662	26,07,810
" 22	...	...	1,20,754	3,05,259	59,23,098	27,21,322

CALCUTTA MINT.
The 24th April 1882.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Calcutta Circle.

NOTES WHOLLY LOST.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		Rs.	
8	... O 89—73986 ...	1,000	Baney Madhub Dichit.
9	... P 12—09326 ...	1,000	Ram Kissen.
11	... O 97—42065 ...	100	Akhil Chandra Biswas.
12	... P 12—05355 ...	1,000	Madhawjee Dhurrumsee.
	O 71—96220 ...	500	
	O 96—60936 ...	100	
	O 65—30853 ...	50	
	" —35350 ...	50	
15	... O 65—03915 ...	50	Shookdeo Das.
16	... L 92—49820 ...	50	Matungini Debi.
17	... O 97—50831 ...	100	Umbica Churn Sen.
	" —54133 ...	100	
	" —50832 ...	100	
	" —43868 ...	100	
	O 96—81894 ...	100	

CALCUTTA,
The 28th April 1882.

J. TAYLOR,
Asst. Comptlr. Genl., Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Simla, the 22nd April 1882.

No. 435.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, BEHAR.

Mr. S. Le M. Lord, a Superintendent of the 4th Grade, in Bengal, is transferred to Behar, and is appointed to be an Examiner of Head Office Accounts.

Lala Raj Narain Lal is appointed to officiate as a Superintendent of the 4th Grade.

POSTAL CIRCLE, BOMBAY.

Mr. Chotalal Moteram is appointed to officiate as a Superintendent of the 1st Grade.

E. R. DOUGLAS,

Depy. Dir. Genl. of the Post Office of India.

Calcutta, the 28th April 1882.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1882.	
Persian Gulf	7 P. M.	6th May	From Bombay.
Madras, Ceylon and the Intermediate Ports	7 "	4th "	Str. *Chindwara.*
Madras and Ceylon . . .	7 "	5th "	P. & O. Str. *Ganges.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies . .	7 "	2nd "	From Bombay.
Foreign Mails *viâ* Bombay . .	7 "	2nd "	From Bombay.*
Do. Book Post and Pattern Packets	7 "	1st "	From Bombay.
Rangoon, Moulmein, and Straits .	7 "	4th "	Str. *Rajpootana.*
Persian Gulf	7 "	28th April	From Bombay.
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	7 "	4th May	Str. *Madras.*

* Also for Cape Town and Natal *viâ* England; also *via* Aden for Zanzibar, Mozambique, and Delagoa Bay; also *via* Aden for Mauritius, Mahe (Seychelles), Mayotte, Nossi Be and Reunion can be forwarded by this opportunity.

N.B.—The Letter Box will close at 7 P. M. precisely; after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

The 28th April 1882.

It is hereby notified for general information that the following mail despatches to Ceylon will be made up from Calcutta General Post Office during May 1882 :—

DATE OF CLOSING.	ROUTE.
2nd May 1882 ...	By P. & O. Steamer from Bombay.
2nd May 1882* ...	By Ducal Line private vessel.
8th May 1882 ...	By P. & O. Steamer from Calcutta.
12th May 1882* ...	By B. I. S. N. Co.'s private vessel.
16th May 1882 ...	By P. & O. Steamer from Bombay.
18th May 1882 ..	By P. & O. Steamer from Calcutta.
18th May 1882* ...	By Star Line private vessel.
24th May 1882 ...	By French Steamer.
26th May 1882* ...	By B. I. S. N. Co.'s private vessel.
30th May 1882 ...	By P. & O. Steamer from Bombay.
30th May 1882* ...	By Ducal Line private vessel.

* These dates are subject to alteration in the event of departure of the vessel being delayed.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour letters fully prepaid and bearing an extra postage stamp of four (4) annas on each cover will be received up to 7-30 P.M.

The rate of postage on letters conveyed by private vessels is two (2) annas per ½ oz. (prepayment compulsory).

The postage on letters conveyed by the P. & O. and French steamers is three (3) annas per ½ oz. (prepayment optional).

List of Unclaimed Letters lying in the Calcutta Post Office on the 23rd April 1882.

Anthony, G.	Jones, F. R.	Pitcher, Miss N. E.
Beadle, Mrs. C.	Jones, F. W.	Porter, S. B.
Beaver, Captain J. P.	Kelly, Miss.	Regan, H. H.
Berwick, Mr.	Lenyadoo, Mrs. A. J.	Richards, A.
Borchard, L.	Leslie, R. H.	Robertson, M
Cowell, J. H.	Madge, Mrs M. J.	Sandilands, P. A.
Clarke, J.	Martin, Mrs. Mary.	Sarkies, J. M.
Davidson, W. E.	Miller, G.	Savage, W.
Ewin, Mrs. C.	Murphy, F. H.	Shanks, W. W.
Ewing, R., & Co.	Murray, C. S.	Shephard, A. E.
Ferguson Mrs. E.	Newcomb, H.	Thompson, A. W.
Goad, Mrs.	Newton, W.	Thorpe, Mrs.
Hemrom, Dr.	Pavey, Mr.	Tuson, J.
Hoffman, Mr.	Payne, E. W.	Wood, Major N. J.
Holquette, E. W.	Peal, Mrs. A. J.	Wood, P. F.
Hutchinson, A.	Phillips, Mrs. S. C.	

Letters marked "Care of Post Office, to be kept till called for."

Antonio, D.	Harry, Thomas.	Orinstein, Signiori
Beamki, Sijnore G. P.	Healy, Captain F.	Scapria.
Bercavetz, Abraham.	Hearne, T.	Phillips, A.
Berrill, G. F.	Holme, A. R.	Finglay, A. B.
Boswell, W. A.	Hudson, William.	Pollock, W. N.
Bradley, O. W.	Jacky, Monsieur R.	Radcliffe, Vernon B.
C. B. A.	Jox, Henry.	Raymond, Miss.
C. B.	Johnston, R. T.	Rhodes, D.
Cahill, James.	Jones, H. R.	Richards, G. G.
Carter, R. G.	Jones, Thos.	Robinson, William.
Chamberg, G.	Kanai Lall Seal.	Russell, V. E.
Constantine, George.	Kegel, F. G. M.	Saunders, Geo.
Cooper, Frank.	Kendall, Miss Sophia.	Searth, M.
Cumine, Miss.	Kennedy, R. H.	Schaun, R.
Curlander, Solomon.	Kennet, C. A.	Sevastopulo, N. E.
Curle, R. B.	Lambert, Dr. E.	Sheels, H. J.
Davis, James.	Lynam, J.	Smith, H. Gordon.
Dawson, Frank.	Macnab, Henry.	Span, J. M.
Dicken, Major P. L.	Maitland, T.	Spencer, Mrs.
Downes, H.	Manager, Central Bengal Medical Hall.	Stephens, Arthur.
Duff, J. C.		Stratford, James.
Dun, E. W.	Mason, —.	Stuart, William.
Eastwood, E. P.	Mavor, H.	Thomas, W. H.
E. D. P. O.	McCormack, T.	Vincent, J.
Fernandez, M. G.	McNell, P.	Warnier, M.
Gheenburge, M. M.	McVey, Hugh.	Watts, G.
G. L.	Mercer, C. G.	West, D. K.
Gunther, J.	Michie, A	Williams, W.
Hankivez, C.	Munro, W.	W. J. H.
Hansen, W. T.	Nazir, C. S.	X. Y. Z.
Haro, Mrs.		

Registered Letters.

Bradley, O. W.	Grueber, Miss G. M.	Strachan, W.
Cox, W. F.	Roberts, H.	Stephens, W.
"E. D."	Smart, Mrs. L.	Weben, Martha.

E. HUTTON,

Presidency Post Master.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates :—per four ounce tin, *Rs. 4-8*; per eight ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates :—per four ounce tin *Rs. 5-8*; per eight ounce tin *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه دوا كوئينائين كا خوب قائم مقام هى اور كلكته كے بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سيواے اوسكے جو كوئي ايك مشت بيس پونڈ خريد ليے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه يهه آنه ; ايك پونڈ كے ٹين كا سوله روپيه آٹهه آنه

اور عوام الناس بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس ٹين كا پانچ روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا دس روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا بيس روپيه

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دواخانوںمين بكتي هى ماسيواے قيمت مذكورۂ بالا كے محصول ڈاك چار اور آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا بارہ آنه

Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them :—

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1878, 4to., 149 pages text, 380 pages tables, 3 plates, 4 charts ..	8	0	0
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Indian Meteorological Memoirs, Vol. I, Part III, 4to., 86 pages, 2 plates	1	8	0
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Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
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Report on the Madras Cyclone, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	2	8	0

HENRY F. BLANFORD,
Meteorological Reporter to Government of India.

THE INDIAN LAW REPORTS.

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MESSRS. THACKER AND CO., BOMBAY;
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THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY;
THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

A few sets of the Bengal Law Reports (Volumes 1 to 15) are available at Messrs. Thacker, Spink & Co., Calcutta, at Rs. 375 a set.

List of Books for sale at the Library of the Asiatic Society of Bengal,

NO. 57, PARK STREET, CALCUTTA,

AND OBTAINABLE FROM THE SOCIETY'S LONDON AGENTS, MESSRS. TRÜBNER & CO., 57 AND 59, LUDGATE HILL, LONDON, E. C.

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New Publication.

	Rs.	A.
Beale's Oriental Biographical Dictionary, pages 291, 4to, thick paper, at Rs. 4-12, thin paper...	4	8

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8. Bhámatí, fasci. I—VIII, at annas 10 each ...	5	0
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№ 17.} CALCUTTA, SATURDAY, APRIL 29, 1882.

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GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

No. VIII of 1882.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total mean length open.	Receipts for week ending 26th February 1881.		Total mean length open.	Receipts for week ending 25th February 1882.		Total Receipts from 1st April 1880 to 26th February 1881.		Total Receipts from 1st April 1881 to 25th February 1882.		Total Increase in 1881-82.	Total Decrease in 1881-82.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	Guaranteed.		Rs.	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
25th Mar. 1882	Eastern Bengal ...	176	71,842	408	172	75,029	436	40,82,187	498	48,57,502	597	7,75,315	...
18th ditto ...	Oudh and Rohilkhand	547	97,314	178	547	1,11,582	204	41,10,808	158	47,28,962	183	6,18,154	...
25th ditto ...	Sind, Punjab & Delhi	676	2,75,273	407	676	1,96,233	291	1,12,00,778	349	86,01,707	269	...	25,99,071
18th ditto ...	Madras ...	858	1,13,861	133	858	1,22,372	143	54,86,556	135	57,25,104	141	2,38,548	...
18th ditto ...	South Indian ...	655	75,869	116	655	62,226	95	32,94,017	108	33,70,717	109	76,700	...
25th ditto ...	Great Indian Peninsula	1,448	6,06,623	419	1,446	8,24,927	570	2,33,36,300	343	3,08,81,912	451	75,45,612	...
18th ditto ...	Bombay, Baroda and Central India ...	444	1,85,880	419	449	1,93,496	431	74,78,390	355	85,69,444	408	10,91,054	...
	TOTAL ...	4,804	14,26,662	297	4,803	15,85,865	330	5,89,89,036	260	6,67,35,348	294	77,46,312	...
	State.												
25th Mar. 1882	East Indian ...	1,507	9,02,197	599	1,507	9,36,354	654	3,88,75,156	544	4,24,69,416	597	35,94,260	...
18th ditto ...	Calcutta and South-Eastern ...	28	5,980	213	28	5,679	203	1,31,835	99	1,40,499	106	8,664	...
18th ditto ...	Nalhati ...	27	1,429	53	27	1,483	55	58,823	46	60,678	48	1,855	...
18th ditto ...	Northern Bengal ...	231	38,998	167	233	38,523	165	14,84,197	136	17,34,889	158	2,50,692	...
18th ditto ...	Tirhoot ...	82	12,772	156	85	12,560	148	4,99,474	132	5,38,431	141	38,957	...
25th ditto ...	Patna-Gya ...	57	9,336	161	57	11,481	202	4,36,052	161	4,83,250	180	47,198	...
25th ditto ...	Muttra-Hathras ...	29	2,856	9·	29	2,244	77	1,27,533	92	1,18,528	86	...	9,005
25th ditto ...	Cawnpore-Farukhabad	86	6,895	80	86	8,754	102	28,103	43	3,11,189	76	2,83,086	...
18th ditto ...	Dildarnagar-Ghazipur	12	750	62	12	784	65	14,633	60	37,027	65	22,394	...
18th ditto ...	Wardha Coal ...	45	10,694	238	45	20,211	449	2,12,784	95	4,75,730	223	2,62,946	...
18th ditto ...	Nagpur & Chhattisgarh	66	7,028	106	98	17,907	183	1,39,007	55	3,36,074	103	1,97,067	...
18th ditto ...	Rangoon and Irrawaddy Valley ...	161	59,058	367	161	51,961	323	11,88,147	155	12,63,385	166	75,238	...
18th ditto ...	Sindia ...	70	11,293	161	75	6,443	86	2,74,701	62	2,91,563	83	86,862	...
18th ditto ...	Rajputana-Malwa ...	981	1,87,570	191	1,117	2,56,735	229	53,78,424	137	88,73,344	180	34,94,920	...
25th ditto ...	Punjab Northern ...	285	1,20,926	424	363	61,040	168	34,27,853	350	27,44,090	160	...	6,83,763
18th ditto ...	Indus Valley and Kandahar ...	660	1,30,265	197	660	99,927	151	63,10,010	209	46,81,817	150	...	16,28,193
25th ditto ...	Muttra-Achneyra ...	...	...	...	23	1,281	56	...	...	14,070	39	14,070	...
	TOTAL ...	2,820	6,05,850	215	3,099	5,97,013	193	1,96,41,576	167	2,21,04,564	157	24,62,988	...
	Native States.												
18th Mar. 1882	Bhavnagar-Goudal ...	192	10,194	53	194	19,265	99	66,175	43	7,13,668	87	6,47,493	...
18th ditto ...	Nizam's ...	121	13,383	111	121	12,671	105	6,28,277	109	7,05,443	123	77,166	...
4th ditto ...	Mysore ...	35	970	28	58	3,016	52	3,630	29	1,34,529	49	1,30,899	...
	TOTAL ...	348	24,547	70	373	34,952	94	6,98,082	95	15,53,640	94	8,55,558	...
	GRAND TOTAL ...	9,479	30,59,256	323	9,782	31,54,181	322	11,82,03,850	280	13,28,62,968	291	1,46,59,118	...
	GROSS ESTIMATED EXPENSES ...	...	...	...	...	...	...	6,00,99,869	142	6,52,45,969	143	...	...
	NET RECEIPTS ...	...	...	...	...	...	...	5,81,03,981	138	6,76,16,999	148	95,13,018	...

No. IX OF 1882.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total mean length open.	Receipts for week ending 5th March 1881.		Total mean length open.	Receipts for week ending 4th March 1882.		Total Receipts from 1st April 1880 to 5th March 1881.		Total Receipts from 1st April 1881 to 4th March 1882.		Total Increase in 1881-82.	Total Decrease in 1881-82.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
			Rs.	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	Guaranteed.												
25th Mar. 1882	Eastern Bengal ...	176	71,181	404	172	83,047	483	41,53,368	496	49,40,549	595	7,87,181	...
18th ditto ...	Oudh and Rohilkhand	547	92,508	169	547	1,14,064	208	42,03,316	159	48,43,026	183	6,39,710	...
25th ditto ...	Sind, Punjab & Delhi	676	2,67,943	396	676	2,27,225	336	1,14,68,722	350	88,28,932	271	...	26,39,790
18th ditto ...	Madras ...	858	1,24,562	145	858	1,19,480	139	56,11,118	135	58,44,584	141	2,33,466	...
18th ditto ...	South Indian ...	655	62,911	96	655	64,658	99	33,56,928	108	34,35,375	109	78,447	...
25th ditto ...	Great Indian Peninsula	1,448	6,73,330	465	1,446	8,41,376	582	2,40,09,630	346	3,17,23,288	455	77,13,658	...
18th ditto ...	Bombay, Baroda and Central India ...	444	1,82,326	411	461	1,95,240	423	76,60,716	356	87,64,684	409	11,03,968	...
	TOTAL ...	4,804	14,74,761	307	4,815	16,45,090	342	6,04,63,798	261	6,83,80,438	295	79,16,690	...
	State.												
25th Mar. 1882	East Indian ...	1,507	8,90,106	591	1,507	9,96,016	661	3,97,65,262	545	4,34,65,432	598	37,00,170	...
18th ditto ...	Calcutta and South-Eastern ...	28	2,827	101	28	3,324	119	1,34,662	99	1,43,823	106	9,161	...
18th ditto ...	Nalhati ...	27	1,562	58	27	1,503	56	60,385	46	62,181	48	1,796	...
18th ditto ...	Northern Bengal ...	231	32,302	140	233	39,470	169	15,16,499	136	17,74,359	158	2,57,860	...
18th ditto ...	Tirhoot ..	82	11,040	135	85	12,935	152	5,10,514	132	5,51,366	141	40,852	...
25th ditto ...	Patna-Gya ...	57	9,592	168	57	12,690	223	4,45,644	162	4,95,940	180	50,296	...
25th ditto ...	Muttra-Huthras ...	29	2,555	88	29	2,507	86	1,30,088	92	1,21,035	86	...	9,053
25th ditto ...	Cawnpore-Farukhabad	86	5,065	59	86	7,390	86	33,168	45	3,18,579	77	2,85,411	...
18th ditto ...	Dildarnagar-Ghazipur	12	858	71	12	848	70	15,491	60	37,872	65	22,381	...
18th ditto ...	Wardha Coal ...	45	9,983	222	45	11,348	252	2,22,767	98	4,87,078	224	2,64,311	...
18th ditto ...	Nagpur & Chhattisgarh	66	4,545	69	98	19,254	196	1,43,552	55	3,55,328	106	2,11,776	...
18th ditto .	Rangoon and Irrawaddy Valley ...	161	57,295	356	161	56,026	348	12,45,442	160	13,19,411	169	73,969	...
18th ditto ...	Sindia	70	4,463	67	75	7,894	105	2,09,164	62	2,99,457	84	90,293	...
18th ditto ...	Rajputana-Malwa ...	981	1,62,234	165	1,117	2,44,098	218	55,40,658	137	91,17,442	181	35,76,784	...
25th ditto ...	Punjab Northern ...	285	87,349	307	368	72,471	197	35,15,202	340	28,16,561	161	...	6,98,641
18th ditto ...	Indus Valley & Kandahar	660	1,92,685	292	660	97,265	147	65,02,695	211	47,79,082	150	...	17,23,613
25th ditto ...	Muttra-Achneyra ...	...	...	...	23	1,060	46	...	...	15,130	40	15,130	...
	TOTAL ...	2,820	5,84,355	207	3,104	5,90,080	190	2,02,25,931	169	2,26,94,644	158	24,68,713	...
	Native States.												
18th Mar. 1882	Bhavnagar-Gondal ...	192	10,336	54	194	15,230	79	76,511	45	7,28,899	88	6,52,388	...
18th ditto ...	Nizam's ...	121	15,663	113	121	15,229	126	6,41,940	109	7,20,672	123	78,732	...
4th ditto ...	Mysore ...	35	1,242	35	58	5,013	86	4,872	29	1,39,542	50	1,34,670	...
	TOTAL ...	348	25,241	73	373	35,472	96	7,23,323	94	15,89,113	94	8,65,790	...
	GRAND TOTAL ...	9,479	29,74,463	314	9,799	32,66,658	33.[illegible]	12,11,78,314	280	13,61,29,627	292	1,49,51,313	...
	GROSS ESTIMATED EXPENSES ...	...	...	...	...	...	...	6,14,38,384	142	6,67,81,299	143	...	...
	NET RECEIPTS ...	...	...	...	...	...	...	5,97,39,930	138	6,93,48,328	149	96,08,398	...

No. X OF 1882.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total mean length open.	Receipts for week ending 12th March 1881. Total.	Receipts for week ending 12th March 1881. Per mile open.	Total mean length open.	Receipts for week ending 11th March 1882. Total.	Receipts for week ending 11th March 1882. Per mile open.	Total Receipts from 1st April 1880 to 12th March 1881. Total.	Total Receipts from 1st April 1880 to 12th March 1881. Per mile open per week.	Total Receipts from 1st April 1881 to 11th March 1882. Total.	Total Receipts from 1st April 1881 to 11th March 1882. Per mile open per week.	Total Increase in 1881-82.	Total Decrease in 1881-82.
			Rs.	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
	Guaranteed.												
25th Mar. 1882	Eastern Bengal ...	176	68,617	390	172	69,886	406	42,21,985	494	50,10,435	591	7,88,450	...
18th ditto ...	Oudh and Rohilkhand	547	93,901	172	547	85,069	156	42,97,217	159	49,28,095	183	6,30,878	...
25th ditto ...	Sind, Punjab and Delhi	676	2,19,676	325	676	2,11,203	312	1,16,88,398	349	90,40,135	271	...	26,48,263
18th ditto ...	Madras ...	858	1,26,535	147	858	1,26,169	147	57,37,653	136	59,70,753	141	2,33,100	...
18th ditto ...	South Indian ...	655	71,381	109	655	63,791	97	34,28,309	107	34,99,166	108	70,857	...
25th ditto ...	Great Indian Peninsula	1,448	7,24,186	500	1,446	7,34,172	508	2,47,33,816	349	3,24,57,460	455	77,23,644	...
18th ditto ...	Bombay, Baroda and Central India ...	444	1,90,289	429	461	1,93,198	419	78,51,005	357	89,57,882	409	11,06,877	...
	TOTAL ...	4,804	14,94,585	311	4,815	14,83,488	309	6,19,58,383	262	6,98,63,926	295	79,05,543	...
	State.												
25th Mar. 1882	East Indian ...	1,507	9,23,685	613	1,507	8,41,677	559	4,06,88,947	546	4,43,07,109	597	36,18,162	...
18th ditto ...	Calcutta and South-Eastern ...	28	2,964	106	28	3,507	125	1,37,626	99	1,47,330	107	9,704	...
18th ditto ...	Nalhati ...	27	1,578	58	27	1,292	48	61,963	47	63,473	48	1,510	...
18th ditto ...	Northern Bengal ...	231	32,794	142	233	33,700	145	15,49,293	135	18,08,059	158	2,58,766	...
18th ditto ...	Tirhoot ...	82	10,669	130	85	13,893	163	5,21,183	132	5,65,259	141	44,076	...
25th ditto ...	Patna-Gya ...	57	12,189	214	57	11,452	201	4,57,833	162	5,07,392	181	49,559	...
25th ditto ...	Muttra-Hathras ...	29	3,218	111	29	2,740	94	1,33,306	92	1,23,775	86	...	9,531
25th ditto ...	Cawnpore-Farukhabad	86	5,360	62	86	6,516	76	38,528	47	3,25,095	77	2,86,567	...
18th ditto ...	Dildarnagar-Ghazipur.	12	786	65	12	671	56	16,277	60	38,543	65	22,266	...
18th ditto ...	Wardha Coal ...	45	7,639	169	45	8,357	186	2,30,406	99	4,95,435	223	2,65,029	...
18th ditto ...	Nagpur and Chhattisgarh ...	66	6,522	99	98	14,144	144	1,50,074	56	3,69,472	107	2,19,398	...
18th ditto ...	Rangoon and Irrawaddy Valley ...	161	47,385	294	161	54,693	340	12,92,827	162	13,74,104	173	81,277	...
18th ditto ...	Sindia ...	70	5,786	83	75	5,280	70	2,14,950	63	3,04,737	83	89,787	...
18th ditto ...	Rajputana-Malwa ...	996	1,82,957	184	1,117	2,36,098	211	57,23,615	139	93,53,540	181	36,29,925	...
25th ditto ...	Punjab Northern ...	285	57,780	199	368	87,336	237	35,71,982	346	29,03,897	162	...	6,68,085
18th ditto ...	Indus Valley and Kandahar ...	660	1,05,789	160	660	1,00,697	153	66,08,484	209	48,79,779	150	...	17,28,705
25th ditto ...	Muttra-Achneyra ...	...	...	...	23	1,007	44	...	...	16,137	40	16,137	...
	TOTAL ...	2,835	4,82,416	170	3,1[illegible]	5,81,383	187	2,07,08,347	169	2,32,76,027	158	25,67,680	...
	Native States.												
18th Mar. 1882	Bhavnagar-Gondal ...	192	18,763	98	194	20,646	107	95,274	50	7,40,545	88	6,54,271	...
18th ditto ...	Nizam's ...	121	15,152	125	121	17,021	141	6,57,092	110	7,37,693	124	80,601	...
4th ditto ...	Mysore	35	1 643	47	...	(a)	...	(b)4,872	29	(c)1,39,542	50	1,34,670	...
	TOTAL ...	348	35,558	102	315	37,667	120	7,57,238	94	16,26,780	94	8,69,542	...
	GRAND TOTAL ...	9,494	29,36,244	309	9,741	29,44,215	302	12,41,12,915	281	13,90,73,842	293	1,49,60,927	...
	GROSS ESTIMATED EXPENSES ...	...	...	...	...	...	...	6,27,58,954	142	6,81,65,080	144	...	...
	NET RECEIPTS ...	...	...	...	...	...	...	6,13,53,961	139	7,09,08,762	149	95,54,801	...

(a) Return not received. (b) Total receipts from 1st February to 5th March 1881. (c) Total receipts from 1st April 1881 to 4th March 1882.

No. XI of 1882.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total mean length open.	Receipts for week ending 19th Mar. 1881.		Total mean length open.	Receipts for week ending 18th Mar. 1882.		Total Receipts from 1st April 1880 to 19th Mar. 1881.		Total Receipts from 1st April 1881 to 18th Mar. 1882.		Total Increase in 1881-82.	Total Decrease in 1881-82.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week	Total.	Per mile open per week.		
	Guaranteed.		Rs.	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
25th Mar. 1882	Eastern Bengal ...	176	59,814	340	172	66,709	388	42,81,799	491	50,77,144	587	7,95,345	...
18th ditto ...	Oudh and Rohilkhand	547	80,354	147	547	92,566	169	43,77,571	159	50,20,660	183	6,43,089	...
25th ditto ...	Sind, Punjab and Delhi	676	2,63,599	390	676	2,20,622	326	1,19,51,997	350	92,60,757	272	...	26,91,240
18th ditto ...	Madras ...	858	1,26,515	147	858	1,27,971	149	58,64,168	136	60,98,724	141	2,34,556	...
18th ditto ...	South Indian ...	655	69,416	106	655	62,204	95	34,97,725	108	35,61,370	108	63,645	...
25th ditto ...	Great Indian Peninsula	1,448	6,29,362	435	1,446	9,03,318	625	2,53,63,178	353	3,33,60,778	459	79,97,600	...
18th ditto ...	Bombay, Baroda and Central India ...	444	1,99,529	449	461	1,90,548	413	80,50,534	359	91,48,430	409	10,97,896	...
	TOTAL ...	4,804	14,28,589	296	4,815	16,63,938	347	6,33,86,972	263	7,15,27,863	297	81,40,891	...
	State.												
25th Mar. 1882	East Indian ...	1,507	7,64,825	507	1,507	9,37,660	622	4,14,53,772	515	4,52,44,769	598	37,90,997	...
18th ditto ...	Calcutta and South-Eastern ...	28	2,435	87	28	3,269	117	1,40,061	99	1,50,599	107	10,538	...
18th ditto ...	Nalhati ...	27	1,479	55	27	1,470	54	63,442	47	64,943	48	1,501	...
18th ditto ...	Northern Bengal ..	231	32,152	392	233	36,850	158	15,81,445	136	18,44,909	158	2,63,464	...
18th ditto ...	Tirhoot ...	82	13,711	278	85	14,278	168	5,34,894	132	5,79,537	142	44,643	...
25th ditto ...	Patna-Gya ...	57	15,869	278	57	13,766	241	4,73,702	164	5,21,158	182	47,456	...
25th ditto ...	Muttra-Hathras ...	29	2,458	85	29	3,489	120	1,35,764	93	1,27,264	87	...	8,500
25th ditto ...	Cawnpore-Furruckabad	86	3,765	44	86	4,288	50	42,293	47	3,29,383	76	2,87,090	...
18th ditto ...	Dildarnagar-Ghazipur	12	494	41	12	797	66	16,771	60	39,340	65	22,569	...
18th ditto ..	Wardha Coal ...	45	4,197	93	45	12,337	274	2,34,603	99	5,07,772	224	2,73,169	...
18th ditto ...	Nagpur and Chhattisgarh ...	66	3,750	57	98	13,729	140	1,53,824	57	3,83,201	108	2,29,377	...
18th ditto ...	Rangoon and Irrawaddy Valley ...	161	46,042	286	161	62,702	389	13,38,869	165	14,36 806	178	97,937	...
18th ditto ...	Sindia ...	70	5,166	74	75	6,644	89	2,20,116	64	3,11,381	84	91,255	...
18th ditto ...	Rajputana-Malwa ...	1,016	1,49,246	147	1,117	2,35,508	211	58,72,861	139	95,89,048	182	37,16,187	...
25th ditto ...	Punjab Northern ...	285	1,28,305	450	368	89,779	244	37,00,287	348	29,93,676	164	...	7,06,611
18th ditto ..	Indus Valley and Kandahar ...	660	1,59,731	242	660	95,167	144	67,68,215	210	49,74,946	150	...	17,93,269
25th ditto ...	Muttra-Achneyra ...	...	...	..	23	1,695	74	...	...	17,832	42	...	...
	TOTAL ...	2,855	5,38,800	199	3,104	5,95,768	192	2,12,77,147	169	2,38,71,7[illegible]	159	25,94 648	...
	Native States.												
18th Mar. 1882	Bhavnagar-Gondal ...	192	11,096	57	194	22,206	116	1,06,370	52	7,71,750	89	6,65,380	...
18th ditto ...	Nizam's ...	121	14,005	116	121	20,248	167	6,71,097	110	7,57,941	125	86,844	...
4th ditto	Mysore ...	35	1,457	42	...	... (a)	...	(b) 4,872	29	(c)1,39,542	50	1,34,670	...
	TOTAL ...	348	26,558	76	315	42,454	135	7,82,339	94	16,69,233	95	8,86,894	...
	GRAND TOTAL ...	9,514	27,88,772	293	9,741	32,39,820	333	12,69,00,230	281	14,23,13,660	294	1,54,13,430	...
	GROSS ESTIMATED EXPENSES ...	...	...	...	..	...	...	6,40,13,246	142	6,96,87,796	144	...	...
	NET RECEIPTS ...	...	...	...	...	...	...	6,28,86,984	139	7,26,25,864	150	97,38,880	...

(a) Return not received.
(b) Total receipts from 1st February to 5th March 1881.
(c) Total receipts from 1st April 1881 to 4th March 1882.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF FASL RABI IN THE PUNJAB FOR 1881-82, UP TO 28th FEBRUARY 1882.

Canal Division.	Water distributed during February 1882. Depth in Canal at Regulating Gauge. Full supply.	Actual throughout.	Gross Consumption, cubic feet per second. Estimated full supply.	Actual average throughout.	Navigation Return Canal. Principal items of Traffic. Up.	Down.	Land irrigated (approximate). Zila.	Acres.	Rainfall. Average.	During month.	Chief crops (approximate). Name.	Area in acres.	Remarks.
Bari Doab Canal. 1st Division	4·9	·90	3,073·6	165·28	...	...	Gurdáspur ...	10,925	1·83	1·1	Wheat ...	157,336	The average supply entering the head of the Bari Doab Canal was 446·65 cubic feet per second; of this 438·83 cubic feet were utilized, and 7·82 cubic feet passed out of the 2nd Division escapes unused. Continual showers of rain permitted the extension of the closure of the Bari Doab Canal till the evening of the 20th February, when a small supply was sent down to meet the limited demands at the tail of the canal. Silt-clearances and repairs were completed. The decrease in area irrigated, viz., 36,618 acres, as compared with the previous rabi, is stated to be principally due to a heavier and more generally distributed rainfall during the autumn and winter. The volume entering the Western Jumna Canal was 856 cubic feet, of which the following was passed through the escapes: — Budha Khera Escape . 161; Escape in Delhi Division . 12; Delhi Canal Tail . 64; Total . 237
2nd Division, Main Branch, Lower	4·6	·41		169·14	...	...	Amritsar ...	89,270	2·04	1·8	Barley ...	3,206	
2nd do., Lahore Branch	3·0	·76		104·41	...	...	Lahore ...	121,016	1·82	1·3	Mixed grains ...	16,447	
											Miscellaneous ...	44,222	
Total Bari Doab Canal	...	...	3,073·6	438·83	...	...	.....	221,211	...	...	.....	221,211	
Corresponding period of last year	...	...	3,073·6	1,500·00	...	...	.....	257,829	...	...	.....	257,829	
Western Jumna Canal. Karnál Division	4·33	1·75	2,546	22	...	252,415 kurries, bullies, &c., 1,929 mds. timber, and 702 mds. firewood.	Umballa ...	333	1·79	2·00	Wheat ...	100,513	
Delhi do.	5·70	2·70		130			Karnál ...	29,974	1·45	2·00	Barley ...	341	
Hánsi do.	9·00	5·66		356			Delhi ...	19,972	0·70	0·70	Mixed grains ...	13,243	
Do. Bulla Head	8·80	4·45		111			Rohtak ...	24,855	0·55	1·00	Miscellaneous ...	9,100	
							Hissár ...	24,711	0·50	0·40	.....	...	
							Jhind ...	22,342	0·30	0·60	.....	...	
							Bikaner ...	653	...	...	.....	...	
							Kalsia State ...	357	...	...	.....	...	
Total Western Jumna Canal	...	...	2,546	619	...	252,415	.....	123,197	...	...	.....	123,197	
Corresponding period of last year	...	...	2,546	1,953	...	102,738	.....	103,963	...	...	.....	103,963	
Inundation Canals. Upper Sutlej Division	...	...	...	...	...	...	Lahore ...	30,000	...	...	Detail not obtainable for want of establishment.	...	The operations of the month show an increase to area irrigated of 19,234 acres, as compared with the corresponding period of last year. The rainfall has again been in excess of the average. The increase on the Inundation Canals is principally due to the more favourable state of the rivers towards the close of the season, and to the rainfall which encourage larger sowings.
Lower Sutlej and Chenab	...	...	...	...	...	...	Montgomery ...	70,000	0·56	0·60		...	
Indus Canals	...	...	...	...	...	...	Mooltan ...	167,800	0·29	0·2		...	
Mozaffargarh Canals	...	...	...	...	...	...	Dera Ghází Khan ...	48,045	0·17	0·60		...	
							Mozaffargarh ...	131,175	0·2	0·4		...	
Total Inundation Canals	...	...	...	...	...	...	.....	447,020	...	...	.....	447,020	
Corresponding period of last year	...	...	...	...	...	...	.....	335,024	...	...	.....	335,024	
Perennial Canals Grand Total	...	...	...	...	...	...	.....	344,408	...	...	.....	344,408	There is a decrease of 17,384 acres irrigated on the perennial canals as compared with the same period last year.
Do., corresponding period of last year	...	...	...	...	...	...	.....	361,792	...	...	.....	361,792	

J. W. OTTLEY, *Capt., R.E.,*
Asst. Secy. to Govt., Punjab, P. W. D., Irrigation Branch.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

Comparative Statement of the Nett Indian Sea and Land Customs Revenue (excluding Salt Revenue), for the twelve months of the official year 1881-82, and of the ten preceding years.

(IN THOUSANDS OF RUPEES.)

YEAR.	FOR THE TWELVE MONTHS, APRIL TO MARCH.																									YEAR.
	BENGAL.				BOMBAY.				SINDH.				MADRAS.				BRITISH BURMA.				TOTAL BRITISH INDIA.					
	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	Total Import Revenue.	Export Revenue.	Total Revenue.	
1871-72 .	10,52	70,95	24,64	1,06,11	6,32	48,75	4,66	59,73	1,10	1,35	2,44	4,89	3,74	12,57	14,31	30,62	1,82	4,60	23,83	30,25	23,50	1,38,23	1,61,72	69,88	2,31,60	1871-72.
1872-73 .	11,95	69,43	27,16	1,07,54	5,87	46,08	3,79	55,74	1,07	1,22	2,02	4,31	4,01	12,55	12,25	28,81	3,01	5,30	35,44	43,75	25,91	1,33,58	1,59,49	80,66	2,40,15	1872-73.
1873-74 .	11,23	65,09	21,19	97,51	6,71	51,69	4,34	62,74	1,30	1,00	1,40	3,70	3,79	14,02	15,20	33,01	3,40	5,49	30,74	39,63	26,43	1,37,29	1,63,72	72,87	2,36,59	1873-74.
1874-75 .	12,10	76,05	19,42	1,07,57	7,59	51,92	5,44	64,95	1,22	1,00	1,72	3,94	3,76	13,22	14,22	31,20	3,56	6,90	26,26	36,92	28,53	1,48,99	1,77,52	67,06	2,44,58	1874-75.
1875-76 .	12,71	72,96	20,94	1,06,61	8,17	50,29	4,43	62,89	1,37	1,02	1,20	3,59	4,81	13,44	11,79	30,04	3,77	5,46	34,03	43,26	30,83	1,43,17	1,74,00	72,39	2,46,39	1875-76.
1876-77 .	13,32	66,58	21,52	1,01,42	8,58	43,93	1,29	53,80	1,49	75	38	2,62	5,55	11,63	6,55	23,93	4,24	5,81	31,39	41,44	33,18	1,28,90	1,62,08	61,13	2,23,21	1876-77.
1877-78 .	14,28	80,36	21,02	1,16,16	8,58	49,56	1,51	59,65	1,87	89	48	3,24	6,00	10,13	2,81	18,94	4,93	6,76	29,32	41,01	35,66	1,48,20	1,83,86	55,14	2,39,00	1877-78.
1878-79 .	13,49	63,09	20,78	97,36	8,54	44,51	2,53	55,58	1,96	59	36	2,91	5,40	9,30	5,14	19,84	6,96	7,21	33,16	47,33	36,35	1,24,70	1,61,05	61,97	2,23,02	1878-79.
1879-80 .	12,47	59,45	15,48	87,40	9,47	40,53	2,57	52,57	3,46	75	38	4,59	5,02	9,17	8,43	22,62	8,31	7,40	37,24	52,95	38,73	1,17,30	1,56,03	64,10	2,20,13	1879-80.
1880-81 .	13,23	59,23	17,27	89,73	9,04	56,07	2,81	67,72	5,04	1,25	26	6,55	5,21	10,43	8,34	23,98	5,37	8,74	42,90	57,01	37,89	1,35,72	1,73,61	71,58	2,45,19	1880-81.
1881-82 .	13,54	47,66	19,33	80,54	10,47	45,19	2,06	57,72	4,02	1,23	51	5,76	5,01	9,20	4,99	19,20	7,52	7,69	47,88	63,09	40,57	1,10,97	1,51,54	74,77	2,26,31	1881-82.

DEPARTMENT OF FINANCE AND COMMERCE,
STATISTICAL BRANCH;
Calcutta, 25th April 1882.

R. LOGAN,
Offg. Under Secretary to the Government of India.

GOVERNMENT

DEPARTMENT OF FIN

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE.

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Madras.	Ganjam	11 13	13 5	11 13	...	...	...	17 13	16 3	17 5	19 10	21 3	19 2	...	...	...	...	...	...
	Vizagapatam	14 0	16 0	15 0	...	...	...	9 0	9 0	13 6	11 14	11 14	15 13	25 14	25 14	32 6	21 13	25 11	32 11
	Godavery	11 11	16 3	11 11	...	...	...	17 13	13 14	11 14	20 0	18 0	17 0	...	...	...	...	...	...
	Kistna	13 11	13 3	13 11	...	...	...	19 6	19 6	19 0	21 3	21 3	20 0	31 3	32 13	28 8	...	...	...
	Nellore	10 13	10 13	10 0	...	...	...	15 13	15 13	14 13	...	...	16 0	44 3	38 6	28 13	...	...	30 6
	Cuddapah	16 3	16 14	13 10	...	...	...	12 6	12 0	11 8	14 2	14 2	12 14	31 10	31 10	30 13	38 5	36 3	29 0
	Bellary	18 3	18 3	16 5	...	...	...	12 5	12 5	12 13	13 8	13 8	14 0	34 0	35 0	41 3	28 3	26 5	32 0
	Kurnool	14 10	14 10	12 11	...	...	...	11 6	11 6	11 0	12 2	12 2	11 6	36 5	35 10	35 10	30 0	30 0	33 11
	Madras	10 13	10 13	8 13	...	...	...	14 10	14 3	14 3	16 3	15 13	15 2	24 8	24 8	23 0	26 6	26 6	23 2
	Chingleput	...	...	9 6	...	...	...	16 8	15 0	13 14	17 6	16 10	15 2	...	...	...	...	...	...
	North Arcot	11 6	11 14	11 0	...	...	...	16 13	15 14	16 13	18 3	16 14	17 5	...	31 13	22 11	32 3	33 0	31 5
	South Arcot	9 6	8 10	9 5	...	...	...	15 11	17 0	15 3	18 6	17 14	16 10	...	30 3	23 8	31 10	32 5	28 8
	Tanjore	10 5	10 5	9 3	...	...	...	20 11	21 10	17 10	...	...	...	38 8	42 14	34 14	34 13	37 11	31 14
	Trichinopoly	9 3	9 3	9 14	...	...	...	18 0	18 0	17 3	18 13	18 13	17 6	...	...	...	29 3	29 3	25 6
	Madura	10 8	10 2	10 14	...	...	...	16 13	16 13	15 2	17 11	18 3	15 10	25 14	29 3	24 5	32 5	30 14	30 13
	Tinnevelly	9 3	9 3	9 8	...	...	...	15 8	15 8	13 14	16 0	16 0	14 6	...	...	...	...	...	...
	Coimbatore	15 10	10 11	14 13	...	...	...	15 11	14 6	15 11	16 11	15 6	16 5	26 2	25 3	31 5	38 3	35 0	37 6
	Nilgiris	9 14	9 14	9 14	...	...	...	9 10	11 3	10 6	12 13	12 13	11 3	21 10	21 10	20 13	21 0	21 0	20 5
	Salem	11 14	11 14	11 0	...	...	...	13 2	13 2	13 0	15 14	15 0	15 14	27 5	25 8	22 11	22 14	22 2	22 14
	South Canara	10 5	9 8	10 5	...	...	...	10 11	10 11	8 11	15 11	15 11	14 11	...	...	...	...	...	...
	Malabar	9 11	9 6	10 13	...	...	...	16 3	16 10	16 3	17 3	17 3	18 3	...	...	...	...	...	...
Bombay.	Bombay	11 4	11 14	11 4	18 0	18 7	18 0	7 12	7 12	7 11	13 2	13 13	10 15	28 4	21 4	21 5	19 8	17 6	19 8
	Ahmedabad	13 0	15 8	18 8	21 0	19 0	44 0	6 8	7 0	8 0	8 0	10 8	13 0	19 0	21 0	34 0	16 0	15 8	28 8
	Kaira	12 12	13 5	14 9	21 5	24 9	40 0	9 2	9 2	9 6	15 4	15 4	14 9	20 0	20 0	32 0	15 4	15 4	24 10
	Surat	13 6	13 6	14 11	6 3	6 3	15 4	7 7	7 7	6 15	8 5	8 5	8 6	15 9	15 9	20 0	11 13	11 13	18 5
	Broach	13 12	12 13	16 13½	...	...	...	10 8	9 11	8 14½	12 13	12 13	11 6¾	17 12	18 13	20 0	16 0	13 14½	18 13
	Tanna (Salsette)	10 5	10 5	10 5	...	...	...	9 0	8 2	7 13	11 4	11 4	10 0	18 10	18 10	12 0	16 6	18 0	17 11
	Colába (Alibág)	9 0	9 0	10 0	...	...	...	9 8	9 8	8 8	15 0	15 0	12 0	...	...	...	15 0	14 0	...
	Khandesh (Dhulia)	17 3	19 7	20 5	...	...	...	7 4	7 4	7 4	10 15	10 15	12 12	27 3	27 3	28 14	21 9½	23 6½	25 3
	Násik	17 2	17 2	17 0	...	...	...	7 7	7 0	5 15	12 10	12 10	11 15	...	...	26 10	22 9½	22 9	19 14
	Ahmednagar	13 13	14 6	19 2	...	...	...	10 5	10 5	8 6	12 14	12 0	11 8	29 3	32 12	32 12	24 8	25 0	26 5
	Poona	13 13	13 13	13 13	...	...	...	11 0	11 0	9 13	12 4	12 4	12 4	26 2	26 2	26 2	20 11	20 11	20 11
	Sholápur	15 6	14 15	18 2	...	...	...	10 15	10 7	10 15	11 13	11 5	11 13	36 4	34 1	33 10	28 8	23 0	36 1
	Kaládgi (Bagalkot)	21 0	21 0	17 13	15 0	15 0	12 4	7 0	7 0	7 14	9 8	9 0	10 4	35 0	35 0	40 5	31 0	32 0	33 13
	Satara	12 1	12 1	13 6	...	...	...	9 11	9 11	9 2	11 7	11 7	11 1	28 0	23 0	25 5	23 4	24 0	22 13
	Belgaum	20 8	20 8	16 8	11 8	11 8	12 0	10 8	10 8	11 8	11 0	11 0	12 0	20 0	28 6	26 8	27 0	27 0	39 0
	Dharwar (Hubli)	23 0	24 0	24 0	...	...	...	11 0	11 0	14 0	13 0	12 0	17 0	26 1	26 1	43 0	24 0	26 0	42 0
	Ratnagiri	11 14	11 14	11 3	...	...	...	11 6	11 6	9 4	16 15	16 15	14 2	20 13	20 13	18 3	19 10	19 10	15 14
	Kanara (Karwar)	16 0	16 0	12 0	...	...	...	8 0	8 0	6 7	16 0	16 0	16 0	20 0	20 13	23 6	16 0	16 0	16 0
	Panch Mahals (Godhra)	12 5	11 6	11 6	...	...	...	11 6	11 6	11 6	15 0	15 0	16 0	26 10	32 0	30 0	16 0	17 12	32 0
	Aden	8 0	8 0	8 0	...	...	...	6 3	6 3	6 3	7 0	7 0	7 0	11 3	11 3	9 5	9 5	9 5	8 0
	Asirgarh	16 8	16 7	16 0	...	...	...	11 7½	10 15	10 0	13 0	12 6	12 0	30 10	30 0	34 0	30 5	27 7	30 0
	Baroda	12 0	12 0	12 9	14 14	14 9	18 0	8 9	8 0	8 0	12 0	12 0	14 0	...	16 2	24 0	14 14	14 9	24 0
	Diesa	16 0	16 0	18 0	...	...	...	6 6	6 6	6 6	8 6	8 6	8 6	18 0	18 0	31 0	17 8	18 0	26 0
	Nimach	17 0	17 8	19 0	22 0	21 0	30 0	8 8	8 8	5 8	10 0	10 0	7 8	23 0	23 0	30 0	20 0	20 0	24 0
	Nasirabad	17 10	18 4½	17 3½	25 0	25 0	26 9	6 0	6 0	6 0	7 0	7 0	7 0	28 0	28 0	26 0	19 0	19 4½	20 0
	Rajkot	14 12	14 4	20 0	...	...	...	6 0	6 0	5 8	11 0	11 0	12 0	16 12	18 8	28 0	16 12	16 0	23 8
	Upper Sindh Frontier	15 0	15 0	11 3½	29 0	29 0	16 0	12 0	12 4	8 3½	22 8	22 8	10 0	33 8	35 8	18 8	32 0	32 0	18 8
	Karachi	12 0	12 0	11 13	23 0	20 0	19 0	10 8	10 0	9 0	15 0	17 0	12 0	23 0	23 0	19 0	18 13	19 0	16 8
	Haiderabad (Nakur)	13 0	13 0	11 0	22 0	20 0	20 0	12 0	12 0	9 0	19 0	20 0	13 0	26 0	27 0	18 0	26 0	25 0	18 0
	Shikarpur	14 5	13 12	11 6	26 8	24 10	18 0	13 5	12 12	9 2	20 0	20 0	14 8	26 11	23 0	17 4	29 0	31 14	18 0
	Thar and Parkur (Umarkot)	13 2	13 0	12 9	...	...	...	...	...	...	12 8	11 14	12 0	...	...	...	22 0	21 6	16 7
	Western Districts.																		
Bengal.	Burdwan	16 0a	14 0	16 0	55 0	70 0	40 0	28 8	30 12	27 0	32 4	33 0	29 4	...	...	...	...	...	...
	Bancoorah	17 0a	16 0	19 8	20 0	20 0	22 0	25 0	25 0	25 0	35 0	37 0	32 8	...	...	...	...	...	...
	Beerbhoom	15 0a	15 0	18 0	...	...	...	25 8	24 0	26 0	30 0	30 0	30 0	...	...	...	...	...	...
	Midnapore	14 8	14 8	16 0	...	...	...	20 0	20 0	27 0	28 0	28 0	32 0	...	...	...	...	...	...
	Hooghly	16 0a	15 0	19 0	...	...	...	10 0	10 0	10 0	20 0	20 0	20 0	...	...	...	...	...	...
	Howrah	13 4	13 0	15 8	...	...	...	17 0	18 0	16 8	22 8	25 0	21 8	...	...	...	...	...	...

a In [illegible] prices range as follows:—Wheat 16 to 18-4 seers, barley 38 to 40 seers, best rice 23 seers, common rice 29 to 30-4 seers, gram 21 to 31 seers, firewood 110 to 140 seers, and salt 9-4 to 13-4 seers.

b In [illegible] prices range as follows:—Wheat 12 to 18 seers, barley 22 to 35 seers, best rice 23 to 36 seers, common rice 25 to 40 seers, maize or Indian-corn 18 to 52 seers, [illegible] 12 to 24 seers, firewood 160 to 440 seers, and salt 9 to 13 seers.

OF INDIA.

ANCE AND COMMERCE.

INDIA FOR THE 2nd HALF OF MARCH 1882.

IN SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Verugu, Sawee, Cheena, Coraloo, Murnwa, Nuglee), *Panicum Miliaceum, &c.*			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			Districts.	Provinces.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch	S. Ch.		
35 3	35 3	32 10	26 10	26 10	42 6	215 13	215 13	215 13	...	...	...	13 13	12 0	12 0	Ganjam	Madras.
25 3	26 5	28 5	28 2	35 2	39 13	90 6	90 6	87 8	14 0	11 11	11 11	12 14	11 2	10 8	Vizagapatam	
36 6	36 6	36 6	31 8	33 10	42 0	194 6	194 6	160 6	12 8	12 8	12 8	12 8	12 8	12 8	Godavery	
39 3	39 3	41 3	34 3	33 10	32 8	145 13	145 13	145 13	15 11	14 14	18 6	15 3	14 10	13 2	Kistna	
36 6	36 6	30 14	26 3	29 6	19 14	93 5	93 5	93 5	14 13	12 11	13 3	14 13	12 11	12 11	Nellore	
31 8	33 11	33 0	34 13	38 11	32 11	194 6	194 6	194 6	13 8	14 6	13 14	13 0	13 14	13 8	Cuddapah	
32 0	31 0	34 14	30 3	31 6	38 2	97 3	97 3	97 3	14 14	12 13	13 0	14 5	12 8	12 13	Bellary	
...	...	...	30 0	30 0	31 8	202 3	198 5	203 10	12 14	12 14	12 8	12 8	12 8	12 2	Kurnool	
30 10	30 2	26 3	27 11	28 2	30 0	81 6	81 6	81 6	15 13	15 6	14 6	15 3	14 6	13 14	Madras	
28 13	28 13	26 0	27 5	26 8	28 2	77 13	77 13	77 13	15 14	14 5	14 5	15 8	13 14	13 14	Chingleput	
34 3	34 3	30 13	31 8	36 6	34 6	140 0	140 0	140 0	14 13	12 11	12 11	14 5	12 5	12 5	North Arcot	
31 0	32 10	29 6	32 14	32 0	27 14	201 11	201 11	201 11	18 0	15 11	15 5	17 8	15 5	14 13	South Arcot	
37 11	42 5	33 3	33 3	35 0	29 11	194 6	194 6	194 6	15 3	12 14	13 5	15 3	12 14	13 5	Tanjore	
32 11	32 11	28 13	37 0	35 6	30 13	97 3	97 3	97 3	14 10	14 10	13 6	13 13	13 13	12 8	Trichinopoly	
32 8	34 2	31 0	43 10	42 11	37 6	131 3	121 8	145 13	13 13	13 13	13 8	13 8	13 8	13 2	Madura	
...	...	...	27 13	27 13	27 2	81 10	81 10	76 13	15 3	15 3	15 3	14 13	14 13	14 11	Tinnevelly	
29 8	29 8	36 2	38 0	38 0	43 11	131 3	131 3	131 3	14 2	12 11	12 3	13 10	12 3	11 11	Coimbatore	
20 14	22 5	18 11	23 3	24 14	25 11	121 8	121 8	121 8	9 3	9 3	9 3	9 3	9 3	9 3	Nilgiris	
32 8	30 13	27 6	40 6	39 6	39 6	151 10	151 10	151 10	14 5	14 5	13 14	13 5	13 5	13 2	Salem	
21 2	22 0	19 6	20 3	20 3	22 3	116 10	116 10	109 5	14 3	13 2	13 2	13 2	12 2	12 3	South Canara	
23 6	23 6	24 13	26 14	26 14	31 0	121 8	121 8	121 8	12 10	13 8	12 2	11 11	12 10	11 3	Malabar	
21 4	17 3	12 0	19 2	19 2	23 1	61 7	61 7	71 10	14 5	12 9	12 9	12 9	11 2	12 9	Bombay	Bombay.
...	...	...	22 8	25 0	26 0	80 0	80 0	80 0	16 8	15 8	13 4	16 0	15 0	13 0	Ahmedabad	
...	...	...	20 0	20 0	26 12	80 0	80 0	80 0	...	...	..	16 0	16 0	12 13	Kaira	
...	...	...	14 14	15 9	18 13	80 0	80 0	80 0	13 10	11 6	13 5	13 10	11 6	11 13	Surat	
...	...	...	17 7	16 13½	20 0	106 0	106 0	106 0	15 4	12 12¾	12 12½	15 4	12 12¾	12 12¾	Broach	
25 11	25 11	20 0	14 5	17 3	14 5	71 1	71 1	71 1	14 5	11 7	10 1	13 4	10 2	9 7	Tanna (Salsette)	
...	...	...	14 8	15 0	13 0	110 0	110 0	85 0	15 0	13 0	12 8	14 0	12 8	12 0	Colába (Alibág)	
...	...	...	17 15½	21 9	28 12	140 0	140 0	140 0	14 2	13 2	12 2	14 0	13 0	12 0	Khandesh (Dhulia)	
34 8	34 8	27 10	23 8	23 8	24 2	114 0	114 0	115 0	12 4	12 4	12 15	12 0	12 0	12 13	Nasik	
...	...	...	23 11	23 11	26 6	91 5	91 5	106 4	13 14	12 3	12 7	13 12	12 1	12 4	Ahmednagar	
...	...	...	19 9	20 11	20 11	68 0	68 0	76 0	14 3	12 8	12 8	13 15	12 4	12 4	Poona	
...	...	...	26 0	25 9	28 5	106 0	106 0	91 6	14 4	12 0	11 8	14 0	11 12	11 4	Sholápur	
...	...	...	16 0	16 0	20 12	110 0	110 0	112 0	12 3	11 13	11 2	12 0	11 0	10 2	Kaládgi (Bagalkot)	
...	...	...	18 3	18 3	16 15	137 1	137 1	116 8	12 6	12 6	12 0	11 10	11 10	11 6	Satara	
34 0	35 0	31 0	16 0	16 8	18 8	70 0	70 0	250 0	12 2	11 0	12 8	11 10	10 8	12 0	Belgaum	
35 0	36 0	49 0	13 0	14 0	21 0	80 0	80 0	80 0	9 13	9 13	8 12	9 0	9 0	8 0	Dharwar (Hubli)	
23 8	23 8	18 13	15 6	14 0	16 2	150 0	150 0	180 0	11 13	11 13	10 6	11 10	11 10	10 6	Ratnágiri	
22 0	22 5	20 0	15 0	15 6	15 15	213 5	213 5	213 5	11 8	11 8	11 0	11 0	11 0	10 8	Kanara (Karwar)	
32 0	32 0	50 0	26 10	32 0	32 0	200 0	200 0	200 0	16 0	12 13	...	15 4	12 4	11 6	Pánch Mahals (Godhra)	
...	...	...	9 5	9 5	9 5	65 5	65 5	65 5	...	...	...	32 0	32 0	32 0	Aden	
...	...	...	27 4	24 5	30 0	160 0	160 0	160 0	12 4	10 15	10 0	12 4	10 15	10 0	Asirgarh	
...	...	...	17 2	17 2	22 14	85 0	85 0	86 0	14 5	13 2	10 5	14 5	13 2	10 5	Baroda	
...	...	...	19 0	16 6	20 4	137 8	137 8	137 8	11 8	11 8	9 0	10 8	10 8	8 0	Disa	
...	...	...	23 0	23 0	23 4	160 0	160 0	160 0	...	...	.	11 0	11 0	8 8	Nimach	
...	...	...	25 8	24 0	24 9½	88 7	85 0	90 0	‡16 6½	‡14 6½	...	16 0	13 12½	13 0	Nasirabad	
...	...	...	20 8	20 8	27 0	80 0	80 0	90 0	§65 0	§60 0	§41 0	50 0	50 0	...	Rajkot	
40 0	40 0	...	22 8	22 0	14 9	160 0	160 0	274 0	10 8	10 5	10 0	10 10¾	10 5	10 0	Upper Sindh Frontier	
13 0	13 0	9 8	18 13	18 0	19 0	105 0	105 0	105 0	17 0	14 0	14 0	17 13	14 3	14 3	Karachi	
14 0	...	...	10 0	11 0	11 0	480 0	320 0	320 0	12 0	12 0	10 0	12 0	12 0	10 0	Haidarabad (Nakur)	
...	...	...	23 2	22 2	15 2	290 0	250 0	235 0	12 8	11 4	10 12	12 4	11 0	10 8	Shikarpur	
...	...	...	...	...	7 8	160 0	160 0	160 0	9 10	9 10	9 10	9 10	9 10	9 10	Thar and Parkar (Umarkot)	
									Prices per md. of 40 seers.						*Western Districts.*	Bengal.
									Rs. A. P.	Rs. A. P.	Rs. A. P.					
...	...	...	25 8	26 0	24 0	166 0	120 0	80 0	2 15 6	3 5 6	...	13 0	10 12	9 14	Burdwan	
...	...	...	21 0	21 0	20 0	320 0	320 0	320 0	3 4 0	4 0 0	...	12 9	9 8	9 0	Bancoorah	
...	...	...	27 0	22 0	27 0	180 0	180 0	180 0	3 10 0	4 5 0	...	10 0	9 0	9 0	Beerbhoom	
...	...	...	19 0	19 0	18 0	160 0	160 0	160 0	3 13 0	3 13 0	...	10 0	10 0	10 0	Midnapore	
...	...	...	21 0	21 0	21 0	100 0	100 0	120 0	3 2 0	3 13 0	...	12 0	9 0	9 0	Hooghly	
...	...	...	22 8	22 0	20 0	80 0	80 0	80 0	3 0 0	3 12 0	4 0 0	13 0	10 8	...	Howrah	

‡ Sambhur. § Common.

c In the interior prices range as follow:—Wheat 15 to 21 seers, best rice 25 to 34 seers, common rice 31 to 36 seers, gram 20 to 35 seers, firewood 160 to 200 seers, and salt 9 to 11-12 seers.

d In the interior prices range as follow:—Wheat 13 to 19 seers, barley 30 to 35 seers, best rice 10 to 26 seers, common rice 30 to 34 seers, gram 16 to 23 seers, firewood 100 to 160 seers, and salt 9 to 13-14 seers.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Districts.	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), *Holcus Sorghum*.			Bulrush Millet (Cumboo, Baira), *Penicillaria Spicata*.		
	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
BENGAL—*concluded*.																		
Central Districts.																		
Calcutta	14 0	14 0	15 0	26 14	18 12	21 5	10 0	10 0	6 10	17 12	17 12	18 12	32 0	32 0	32 0	...	...	...
24-Pergunnahs	11 8	11 4	11 8	21 4	23 0	21 0	10 0	10 0	10 0	20 0	20 0	19 0	23 0	26 0	26 0	...	...	...
Nuddea	16 13*e*	16 0	16 0	26 0	32 0	32 0	22 15	22 15	20 0	24 10	24 10	22 14	...	...	...	...	...	...
Jessore	14 0*f*	14 8	16 0	...	...	...	21 8	22 0	21 0	29 0	29 0	28 8	...	...	...	...	...	...
Moorshedabad	18 0*g*	18 0	19 8	...	...	...	18 0	18 0	22 0	28 0	28 0	32 0	...	...	...	...	...	...
Dinagepore	13 10*h*	12 12	14 8	22 13	22 12	29 1	26 6	22 12	20 0	33 9	30 13	27 0	...	...	...	...	...	...
Rajshahye	18 12*i*	13 8 to 16 0	19 11	45 0	48 12	52 8	21 0	21 0 to 22 8	22 8 to 24 0	25 8	26 4 to 29 12	24 0 to 32 0	...	...	...	...	...	...
Rungpore	12 0*j*	12 0	18 0	...	...	...	15 0	15 0	15 0	25 14	25 14	22 8	...	...	...	...	...	...
Bogra	22 8	21 0	24 0	...	...	...	18 0	18 0	24 0	...	31 14	37 6	...	...	...	...	...	...
Pubna	22 8*k*	22 0	24 0	...	...	...	10 0	10 0	12 0	26 8	26 4	32 0	...	...	...	...	...	...
Darjeeling	8 0*l*	8 0	8 0	8 0	8 0	8 0	6 0	6 0	5 0	15 0	14 0	13 0	...	...	...	...	...	...
Jalpáiguri	9 0*m*	9 0	10 0	20 0	20 0	...	18 0	16 0	16 0	24 0	23 0	22 8	...	...	...	...	...	...
Eastern Districts.																		
Dacca	15 0*n*	13 12	13 5	40 0	42 8	45 0	22 10	22 10	28 8	29 0	35 0	35 0	...	...	...	...	...	...
Furreedpore	22 0*o*	30 0	20 0	30 0	33 0	30 0	20 0	20 0	7 0	26 0	26 0	25 0	...	...	...	...	...	...
Backergunge	... *p*	...	...	...	...	...	24 0	23 0	20 0	29 0	29 0	32 0	...	...	...	...	...	...
Mymensingh	10 0*q*	10 0	11 12	...	...	...	20 0	20 0	20 0	30 0	30 0	25 0	...	...	...	...	...	...
Tipperah	13 4	11 8	13 4	...	...	...	25 8	23 0	27 4	33 0	32 0	37 0	...	...	...	...	...	...
Chittagong	9 0*r*	9 0	12 4	...	...	...	17 0	18 0	15 0	23 0	23 0	24 0	...	...	...	...	...	...
Noakholly	... *s*	...	...	...	...	...	28 0	28 0	27 0	32 0	32 0	33 0	...	...	...	...	...	...
Chittagong Hill Tracts	...	...	...	...	...	...	13 5	13 5	16 0	17 12	17 12	17 8	...	...	...	...	...	...
Hill Tipperah	10 0	10 0	9 0	...	...	...	26 0	26 0	23 0	39 0	38 0	36 0	...	...	...	...	...	...
Behar.																		
Patna	19 0	19 0	26 0	50 0	50 0	40 0	13 6	13 6	16 0	21 0	21 0	26 10	...	...	...	...	...	...
Gya	18 8*t*	18 0	22 0	28 0	31 0	38 0	11 8	11 8	13 0	22 0	22 0	24 0	...	...	...	29 0	29 0	...
Shahabad	16 0*u* to 18 0	14 8 to 17 0	18 0 to 20 0	37 0	36 0	39 0	20 0 to 22 0	20 0 to 21 0	22 0	23 0	23 0	23 0 to 24 0	...	...	...	...	...	...
Durbhunga	15 0*v*	13 0	24 0	28 0	35 0	55 0	14 0	13 0	18 8	20 0	22 0	24 4	...	...	...	...	...	...
Mozufferpore	17 0*w*	16 0	19 0	30 0	40 0	50 0	12 0	12 0	11 0	20 0	19 0	24 0	...	...	...	...	...	...
Sarun	15 0	14 0	20 0	34 0	38 0	45 0	11 0	11 0	10 8	22 0	22 0	23 0	37 0	36 0	39 0	...	...	...
Chumparun	15 0*x*	11 0	22 0	...	...	45 0	12 0	12 0	14 0	23 0	23 0	21 0	...	...	...	...	...	...
Monghyr	16 0*y*	16 0	23 1	32 0	40 0	42 0	16 0	16 0	16 12	22 12	20 0	21 0	...	...	...	...	...	...
Bhágulpur	15 2*z*	12 10	18 15	40 6	...	50 0	20 3	20 3	20 3	24 0	25 4	24 0	...	...	...	...	...	...
Purneah	14 0*z*1	14 0	20 0	...	...	40 0	24 0	28 0	25 0	30 0	32 0	32 0	...	...	...	...	...	...
Maldah	16 0	16 0	16 0	...	...	...	16 0	21 0	16 0	24 0	27 0	30 0	...	...	...	...	...	...
Sonthal Pergunnahs	13 0*z*2	12 0	14 8	...	...	...	25 0	25 0	27 0	30 0	30 0	30 0	...	...	...	...	...	...
Orissa.																		
Cuttack	17 0	18 6	21 0	...	...	...	15 12	17 1	15 12	30 3*	30 3	26 4	...	...	...	...	...	...
Pooree	13 0*z*3	14 0	15 0	...	...	...	27 8	25 0	26 0	35 0	35 0	31 8	...	...	...	...	...	...
Balasore	16 0	13 0	16 0	...	...	...	26 0	26 0	31 12	32 0	32 0	37 12	...	...	...	...	...	...
Chota Nagpore—South-Western Frontier Agency.																		
Hazaribagh	16 8*z*4	15 0	21 0	24 0	24 0	...	12 0	12 0	13 0	23 0	23 0	23 0	...	...	...	...	...	...
Lohardugga	19 0*z*5	16 0	22 0	30 0	24 0	36 0	22 0	22 0	24 0	26 0	26 0	28 0	...	...	...	...	...	...
Singbhoom	21 0	21 0	16 0	40 0	40 0	82 0	32 0	32 0	32 0	36 0	36 0	36 0	...	...	...	...	...	...
Manbhoom	16 0*z*6	15 8	16 0	36 0	...	40 0	22 0	22 0	22 0	36 0	35 0	32 0	...	...	36 0	...	...	...

* In the interior price of common rice varies from 26-4 to 32-13 seers per rupee.

e In the interior prices range as follow:—Wheat 14 to 24 seers, barley 17-8 to 40 seers, best rice 16 to 21-4 seers, common rice 24-12 to 32 seers, gram 19 to 32 seers, firewood 80 to 200 seers, and salt 10 to 16 seers.

f In the interior prices range as follow:—Wheat 8 to 11 seers, best rice 9 to 20 seers, common rice 25 to 34 seers, gram 8 to 16 seers, firewood 100 to 160 seers, and salt 8 to 8-8 seers.

g In the interior prices range as follow:—Wheat 16 to 20 seers, barley 40 to 50 seers, best rice 15 to 26 seers, common rice 25 to 30 seers, gram 26 to 32 seers, firewood 100 to 140 seers, and salt 9 to 9-8 seers.

h In the interior prices range as follow:—Wheat 12 to 15 seers, best rice (in Raigunge) 26-4 seers, common rice 30 to 35-8 seers, gram 15 to 20 seers, firewood 160 seers, and salt 9 to 10 seers.

i In Nattore prices are—Wheat 28-2 seers, best rice 13 seers, common rice 26-4 seers, gram 19-12 seers, firewood 160 seers, and salt 10-14 seers.

j In the interior prices range as follow:—Wheat 15 to 18-10 seers, barley (in Bagdogra) 18-8 seers, best rice 15 to 24 seers, common rice 21 to 29 seers, lesser millets (in Kurigram) 32 seers, gram 12 seers, firewood 80 to 200 seers, and salt 8 to 9 seers.

k In Serajgunge the prices are—Wheat 24 seers, best rice 10 seers, common rice 28 seers, gram 18 seers, and salt 12-8 seers.

l In the interior prices range as follow:—Best rice 16 seers, common rice 18 to 22 seers, lesser millets (in Kurseong) 12 seers, maize or Indian-corn 16 seers, gram 12 to 14 seers, firewood 80 to 160 seers, and salt 7 seers.

m In the interior prices range as follow:—Best rice 10 to 20 seers, common rice 16 to 26-12 seers, gram 8 to 10-14 seers, firewood 60 to 64 seers, and salt 5-10 to 9 seers.

n In the interior prices range as follow:—Wheat (in Jaffergunge) 24 seers, barley 52-8 seers, best rice 16 to 26 seers, common rice 26 to 29 seers, gram 20 to 30 seers, firewood 80 to 120 seers, and salt 8 to 12 seers.

o In the interior prices range as follow:—Wheat (in Goalundo) 23 seers, barley (in Goalundo) 60 seers, best rice 23 to 29 seers, common rice 28 to 32 seers, gram 13 to 23 seers, firewood 120 to 200 seers, and salt 9-8 to 11 seers.

p In the interior prices range as follow:—Best rice 24 to 27-9 seers, common rice 28 to 34 seers, gram 10 to 20 seers, firewood 60 to 200 seers, and salt 8 to 11 seers.

q In the interior prices range as follow:—Wheat 10 to 13-4 seers, best rice 10 to 32 seers, common rice 31 to 40 seers, gram 19 to 20 seers, and salt 8 to 11 seers.

r In the interior prices range as follow:—Best rice 24 seers, common rice 26 to 32 seers, firewood (in Cox's Bazar) 214 seers, and salt 8 to 9 seers.

s In the interior prices range as follow:—Best rice 24 to 36 seers, common rice 26 to 40 seers, and salt 6 to 10 seers.

t In the interior prices range as follow:—Wheat 16 to 23 seers, barley 35 to 45 seers, best rice (in Johanabad) 13-8 seers, common rice 22-8 to 25 seers, lesser millets (in Nowada) 30 seers, gram 31 to 36 seers, firewood 60 to 200 seers, and salt 9 to 10 seers.

INDIA FOR THE 2nd HALF OF MARCH 1882—*continued.*

IN SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Corsloo, Murhwa, Naglee), *Panicum Miliaceum, &c.*			Gram.			Firewood.			Salt.									Districts.	Provinces.
									Wholesale prices per maund of 40 seers.			Retail.							
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.					
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	Rs. A. P.	Rs. A. P.	Rs. A. P.	S. Ch.	S. Ch.	S. Ch.					
																		Central Districts.	
...	...	...	22 14	22 14	21 0	90 0	90 0	90 0	2 10 0	3 4 0	4 0 0	13 8	12 4	10 0				Calcutta	
...	...	...	20 0	22 8	19 0	90 0	100 0	90 0	3 0 0	4 0 0	...	10 12‡	9 0	9 0				24-Pergunnahs	
...	...	...	26 0	29 0	29 1	...	160 0	120 0	3 0 0	3 12 0	...	12 13‡	9 2	10 0				Nuddea	
...	...	...	21 0	20 0	16 8	110 0	110 0	110 0	4 0 0	4 0 0	...	8 0	8 8	8 0				Jessore	
...	...	...	30 0	30 8	32 0	120 0	120 0	120 0	3 12 0	3 12 0	...	10 0	9 8	8 0 to 9 0				Moorshedabad	
...	...	...	16 13½	17 8	16 0	180 0	180 0	180 0	3 8 0	4 2 0	...	...	...	...				Dinagepore	
...	...	...	28 0	24 0 to 26 4	26 4	240 0	240 0	250 0	3 8 0	4 1 6	...	11 4	9 12	9 6				Rajshahye	
...	...	...	20 0	20 0	11 4	135 0	135 0	120 0	4 0 0	4 0 0	...	10 0	10 0	8 12				Rungpore	
...	...	...	19 8	15 0	16 8	67 8	67 8	67 8	3 5 4	4 4 0	...	11 1	8 10	8 7				Bogra	
...	...	...	22 8	21 5	18 12	200 0	200 0	200 0	3 5 8	3 10 0	4 7 1	12 0	10 8	9 6				Pubna	
9 0	9 0	9 0	10 0	8 0	8 0	160 0	160 0	160 0	6 0 0	6 0 0	...	6 0	6 0	4 0				Darjeeling	
...	...	...	16 0	16 0	13 5	128 0	120 0	64 0	3 8 0	4 0 0	...	11 0	9 4	8 0				Jalpaiguri	
																		Eastern Districts.	
...	...	...	25 0	22 10	20 0	91 4	91 4	106 0	3 0 0	3 12 0	4 2 0	13 0	10 8	9 11				Dacca	
...	...	...	16 0	16 0	13 0	..	...	...	4 3 4	4 3 4	...	8 0	9 0	9 8				Furreedpore	
...	...	...	21 0	21 0	18 8	100 0	100 0	100 0	4 8 0	4 8 0	...	10 0	8 0	8 12				Backergunge	
...	...	...	23 0	20 0	18 0	...	...	...	3 8 0	4 0 0	...	11 8	10 0	9 0				Mymensingh	
...	...	...	20 0	20 0	16 0	...	...	...	3 6 0	4 0 0	...	...	10 0	9 8				Tipperah	
...	..	...	16 0	18 0	16 0	80 0	80 0	80 0	3 11 0	3 12 0	3 14 0	10 0	9 0	10 0				Chittagong	
...	...	...	16 0	16 0	16 0	...	...	...	4 6 0	4 6 0	...	8 8	8 8	8 0				Noakholly	
...	...	...	...	...	...	320 0	320 0	320 0	4 8 0	4 8 0	...	8 0	8 0	8 0				Chittagong Hill Tracts	
...	...	...	13 0	13 0	9 0	...	...	...	4 0 0	4 4 0	...	10 0	8 0	8 0				Hill Tipperah	
																		Behar.	
...	...	...	42 8	42 8	40 0	130 0	130 0	120 0	3 15 6	3 15 6	...	9 1	9 1	...				Patna	
...	...	...	28 0	31 0	32 0	140 0	140 0	180 0	3 6 0	3 10 0	...	11 8	11 0	9 0				Gya	
...	...	...	30 0 to 31 0	32 0	40 0	120 0	120 0	140 0	3 2 0	2 14 0	...	12 0	13 0	9 8				Shahabad	
40 0	40 0	38 0	25 0	28 0	29 0	160 0	160 0	123 8	3 10 2	4 6 10	...	11 0	9 0	9 4				Durbhunga	
...	...	...	25 0	27 0	30 0	140 0	140 0	140 0	3 8 0	3 8 0	...	11 0	11 0	9 8				Mozufferpore	
32 0	32 0	34 0	32 0	30 0	32 0	160 0	160 0	160 0	3 4 0	3 8 0	...	11 0†	10 0	9 0				Sarun	
...	...	...	24 0	23 0	28 0	...	...	...	4 8 0	4 8 0	...	9 8	8 12	8 0				Chumparun	
...	...	...	32 0	32 0	33 9	120 0	120 0	126 0	3 13 0	4 0 0	...	9 0	9 0	8 6				Monghyr	
...	...	...	27 12	31 9	34 1	138 4	137 8	126 4	3 0 0	3 1 0	...	11 6	10 1	9 6				Bhágalpur	
...	...	...	20 0	20 0	23 0	160 0	160 0	120 0	4 2 0	4 4 6	...	9 0	8 0	8 0				Purneah	
...	...	...	25 0	24 0	18 0	120 0	120 0	100 0	4 5 0	4 6 0	...	9 8	9 0	9 0				Maldah	
...	...	...	22 0	20 0	22 0	200 0	200 0	200 0	4 0 0	4 8 0	...	9 8	8 0	8 0				Sonthal Pergunnahs	
																		Orissa.	
15 12	13 2	18 6	24 15	23 10	23 10	160 0	160 0	160 0	3 8 0	3 8 0	3 8 0	11 0	11 0	11 0				Cuttack	
...	...	...	17 8	17 8	17 3	105 0	105 0	100 0	3 6 0	3 6 0	...	11 0	11 0	11 13				Pooree	
...	...	...	16 0	16 0	13 5	160 0	160 0	105 0	3 7 0	3 2 0	4 6 0	11 0	13 0	9 4				Balasore	
																		Chota Nagpore—South-Western Frontier Agency.	
39 0	40 0	48 0	23 0	25 0	27 0	240 0	240 0	200 0	3 9 6	4 0 0	...	9 0	9 0	8 0				Hazaribagh	
40 0	40 0	50 0	20 0	20 0	28 0	140 0	140 0	160 0	4 0 0	4 1 0	...	9 0	9 0	8 0				Lohardugga	
...	...	...	21 0	21 0	16 0	160 0	160 0	160 0	4 13 6	5 8 3	...	8 0	7 0	7 0				Singbhoom	
...	...	64 0	20 0	15 0	22 0	120 0	120 0	140 0	3 8 0	3 15 0	...	10 8	10 0	9 0				Manbhoom	

BENGAL—*continued.*

† In Gopalgunge sub-division 9 seers.

‡ The sub-divisions—Retail price of salt in Satkhira 11-8 seers, Bussirhat 9 seers, Barasat 11 seers, Diamond Harbour 8 seers, Dum-Dum 10-8 seers, and Barrackpore 11 seers per rupee.

a In the interior prices range as follow:—Wheat 16 to 19-8 seers, barley 29 to 30 seers, best rice 12 to 15 seers, common rice 18 to 23-8 seers, bulrush-millet (in Buxar) 30 seers, great millet (in Buxar) 20 seers, lesser millets (in Buxar) 41 seers, maize or Indian-corn (in Buxar) 34 seers, gram 27 to 31 seers, firewood 93 to 360 seers, and salt 9 to 11 seers.

b In the interior prices range as follow:—Wheat 16 to 18 seers, barley 40 to 40 seers, best rice 12 to 23 seers, common rice 25 seers, murwa 37-8 to 48 seers, Indian-corn 40 seers, gram 24 to 28 seers, firewood 200 seers and salt 10 to 11 seers.

c In the interior prices range as follow:—Wheat 10 to 21 seers, barley 36 to 60 seers, best rice 12 to 30 seers, common rice 20 to 32 seers, lesser millets 40 to 60 seers, maize or Indian-corn 35 to 60 seers, gram 25 to 40 seers, firewood 100 to 160 seers, and salt 8 to 13 seers.

d In the interior prices range as follow:—Wheat 12 to 2. seers, barley 30 to 45 seers, best rice 12 to 23 seers, common rice 22-8 to 27-8 seers, maize or Indian-corn 40 to 57 seers, gram 17 to 40 seers, firewood (in Bettiah) 210 seers, and salt 8 to 12-8 seers.

y In the interior prices range as follow:—Wheat 13 to 14 seers, barley 37 to 65 seers, best rice 12 to 20 seers, common rice 21 to 24 seers, great millet 40 to 50 seers, lesser millets 45 to 60 seers, maize or Indian-corn 40 to 50 seers, gram 32 to 45 seers, firewood 160 seers, and salt 9-8 to 10 seers.

z In the interior prices range as follow:—Wheat 14 to 20 seers, barley (in Soopole) 40 seers, best rice 24 to 30 seers, common rice 25 to 32 seers, lesser millets 50 seers, maize or Indian-corn (in Banka) 40 seers, gram 20 to 28 seers, firewood 160 seers, and salt 8 seers.

z1 In the interior prices range as follow:—Wheat 13 to 17 seers, best rice 16 to 28 seers, common rice 25 to 32 seers, gram 14 to 20 seers, firewood 64 to 160 seers, and salt 8 to 9 seers.

z2 In the interior prices range as follow:—Wheat 12 to 15 seers, barley 30 to 25 seers best rice 26 to 32 seers, common rice 30 to 35 seers, maize or Indian-corn 40 to 56-8 seers, gram 20 to 25 seers, firewood in (Godda) 120 seers, and salt 9 to 10 seers.

z3 In Khurda prices are—Best rice 28-14 seers, common rice 34-2 seers, gram 21 seers, firewood 190 seers, and salt 12 seers.

z4 In the interior prices range as follow:—Wheat 17 to 20 seers, barley 30 seers, best rice 12 to 15 seers, common rice 23 to 25 seers, lesser millets 33 to 50 seers, maize or Indian-corn 30 to 32 seers, gram 22 to 23 seers, firewood 200 to 320 seers, and salt 9 to 11 seers.

z5 In Palamow prices are—Wheat 9·50 seers, barley 33·75 seers, best rice 16·37 seers, common rice 21·25 seers, bulrush millets 34 seers, murwa 34·75 seers, maize or Indian-corn 34·75 seers, gram 22·50 seers, and salt 8-12 seers.

z6 In the interior prices range as follow:—Wheat 13 to 15 seers, barley (in Jhalda) 20 seers, best rice 22-8 to 31 seers, common rice 28 to 35 seers, great millet (in Gayindpore) 41 seers, lesser millets (in Govindpore) 40 seers, maize or Indian-corn (in Burrabazar) 60 seers, gram 10 to 24 seers, firewood 240 to 800 seers, and salt 9 to 11 seers.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE.

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Assam.	Sylhet	13 0	13 0	13 0	...	...	...	17 0	17 0	16 0	35 0	35 0	28 0	...	...	...	...	...	...
	Cachar	10 10	10 10	8 0	20 0	16 0	20 0	22 12	20 0	17 12	29 1	29 0	20 0	...	...	...	...	...	...
	Goálpárá	32 0	26 9	20 0	...	...	...	12 4¾	12 4	13 5	22 13¾	18 13	20 0	...	...	...	...	...	...
	Gáro Hills	4 0	4 0	4 0	...	...	...	5 0	5 0	5 0	20 0	20 0	18 0	...	...	...	...	...	...
	Kámrúp	18 0	20 0	14 0	...	...	...	13 0	15 0	18 0	20 0	20 0	22 0	...	...	...	...	...	...
	Darrang	...	...	8 0	...	...	...	10 0	10 0	8 0	16 0	16 0	11 8	...	...	...	...	...	...
	Nowgong	...	...	...	...	...	...	13 8	13 8	10 0	16 0	16 0	16 0	...	...	...	...	...	...
	Sibságar	...	...	...	...	...	...	7 0	7 0	8 0	16 0	16 0	16 0	...	...	...	...	...	...
	Lakhimpur	8 0	8 0	...	10 0	10 0	...	7 0	5 8	...	16 0	16 0	...	...	...	...	...	...	...
	Khási & Jaintiá Hills	10 0	10 0	8 0	...	...	...	9 0	9 0	8 8	10 0	10 0	9 0	...	...	...	...	...	...
	Nága Hills	...	...	...	...	...	...	4 0	4 0	5 0	8 0	8 0	...	...	...	...	...	...	...
N. W. Provinces.	Debra Dún	19 8	19 8	17 0	33 0	28 0	28 0	11 4	12 0	11 0	13 8	13 8	12 8	24 0	24 0	22 0	26 0	27 0	22 0
	Saháranpur	21 9	21 9	18 5¼	32 5	32 5	28 0¼	10 12	10 12	8 10	14 0	14 0	11 14	26 15	26 15	23 10¼	29 1	29 1	30 5
	Muzaffarnagar	20 4	21 8	19 12	35 5	35 5	33 0	6 9	6 9	6 9	14 5	14 5	14 5	30 4	30 4	21 0	27 8	27 8	21 0
	Meerut	18 12	19 0	21 0	27 0	27 0	31 0	6 0	6 0	5 8	16 0	16 0	14 0	28 8	28 0	27 0	25 0	25 0	25 0
	Bulandshahr	19 8	20 4	21 8	28 0	27 8	33 0	6 0	6 0	6 0	10 5	10 15	11 8	27 0	24 0	25 0	22 0	22 0	24 0
	Aligarh	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kumaun	18 0	18 0	13 0	20 0	20 0	15 0	10 0	10 0	8 0	14 0	14 0	12 0	...	...	...	...	...	...
	Garhwál	22 0	22 0	17 0	28 0	28 0	18 0	10 9	10 0	9 0	16 0	16 0	13 4	...	...	...	...a	...a	...a
	Bijnor	18 0	19 2	19 2	25 5	27 9	20 8	11 4	11 4	11 4	12 15	13 8	12 6	25 5	24 8	20 4	21 6	21 6	19 2
	Moradabad	19 6	20 10	21 14	30 10	25 0	31 4	8 2	8 2	8 2	14 6	15 0	15 0	27 8	27 8	23 12	23 12	23 2	21 14
	Budaun	19 12½	18 12	20 6	28 12½	26 6	33 9½	9 9½	9 9½	6 0	15 9½	16 0	16 0½	25 3	23 1½	21 0	21 0	21 0	19 3
	Bareilly	20 0	17 13	18 12	30 0	26 4	30 0	7 8	7 8	6 4	15 0	15 10	15 0	24 6	23 12	30 0	22 8	22 8	22 8
	Sháhjahánpur	18 8	18 12	21 6	29 12	26 0	32 4	9 4	9 4	8 4	16 0	16 12	16 8	...	23 8	...	...	23 0	...
	Tarái Pergunnahs	22 0	28 0	18 12	35 0	35 0	30 0	10 0	10 0	8 12	15 0	15 0	15 0	27 0	27 0	22 8	25 0	25 0	22 8
	Muttra	17 4	17 12	19 8	23 8	23 8	26 0	8 0	8 0	8 0	15 0	15 8	14 0	23 0	23 0	21 0	22 0	22 0	19 0
	Agra	17 12	17 12	18 8	25 8	23 0	24 0	6 0	6 0	4 0	14 8	14 0	13 8	24 8	24 0	24 0	23 8	23 0	23 0
	Farukhabad	18 3	18 9	19 15¼	27 11	27 13	27 10¾	7 13½	7 2½	5 12¾	16 12	16 0	14 5	26 8	24 12½	23 0	23 16¼	23 0	22 13
	Mainpuri	18 0	16 0	19 4	26 0	23 0	27 8	5 0	5 0	5 8	13 0	13 0	12 8	26 0	25 0	21 8	22 0	22 0	20 8
	Etáwah	16 8	16 8	19 0	23 8	25 0	24 0	6 0	6 0	6 0	14 8	14 8	14 0	24 0	25 0	23 0	23 0	24 0	22 8
	Etah	19 0	18 0	19 0	28 0	26 0	29 0	6 0	6 0	6 0	14 0	14 0	14 0	26 0	22 0	...	20 0	22 0	18 0
	Jalaun	22 0	22 0	24 0	22 0	20 0	24 0	10 0	10 0	8 0	13 0	14 0	12 0	30 0	30 0	24 0	27 0	27 0	20 0
	Jhánsi	24 5	24 12¼	26 5¼	34 0	34 0	40 0	9 8	9 8	7 8	15 0	15 0	13 0	30 0	30 11	35 0	23 8	23 8	...
	Lalitpur	25 8	26 0	25 8	36 0	35 0	36 0	9 0	9 0	9 0	13 0	14 8	10 0	34 0	34 0	37 0	30 0	30 0	28 0
	Cawnpore	19 0	19 8	21 8	30 8	29 0	30 8	11 8	11 8	10 8	17 8	17 8	15 8	32 0	33 0	29 0	28 0	28 0	27 0
	Fatehpur	18 4	15 0	18 4	27 12	28 0	25 8	10 10	10 10	9 8	17 0	19 4	14 0	32 0	32 0	...	29 0	29 0	26 0
	Bánda	21 0	19 8	20 4	25 0	25 0	26 0	10 0	10 0	8 0	17 0	17 8	16 0	35 0	35 0	27 0	33 0	33 0	25 0
	Allahabad	18 8	17 4	19 8	29 8	28 8	28 8	11 0	11 0	11 0	18 8	18 8	18 4	33 0	32 4	28 0	31 8	31 0	25 0
	Hamirpur	16 8	19 10	18 13	25 0	22 8	25 14	...	13 8	10 0	12 0	15 12	15 0	28 4	31 2	23 13	...	31 8	23 0
	Jaunpur	21 3	17 10	21 15	33 14	31 1	33 14	8 7	8 7	7 12	17 10	17 10	16 15	32 7	32 7	...	35 6	25 6	22 9
	Gorakhpur	20 13	19 13	25 3	30 9½	28 13	54 0	17 1½	16 3	15 4½	21 9½	21 9½	23 6½	36 0	36 0	43 3	...	...	45 0
	Basti	16 8	17 0	25 0	46 0	46 0	46 0	16 0	17 0	17 8	22 0	23 0	22 0	45 0	49 0	...	...	...	...
	Azamgarh	15 8	16 4	19 3	32 7	33 15	32 15	10 5	10 5	8 2	19 4	19 3	19 3	41 5	41 4	39 12	...	...	...
	Mirzapur	17 0	15 0	18 0	26 0	26 0	28 0	10 0	10 0	10 0	18 0	18 0	16 0	27 0	27 0	30 0	26 0	25 0	28 0
	Benares	17 10	16 4	18 11	26 8¼	28 12	28 7	13 0	12 7	12 7	17 14	17 14	21 2	29 4	28 12	32 8¼	27 10	27 10	31 7
	Gházipur	17 6	17 6	23 13	32 13½	32 13½	36 1	11 0	11 0	10 15	19 15	19 15	17 6	41 3	41 3	41 13	30 8	30 8	32 3
	Balia	15 10	16 4	19 6	30 0	30 0	39 0	10 0	10 0	10 0	15 0	15 0	16 0	...	...	...	...	...	...
	Pilibhít	19 4	18 12	21 4	32 8	30 10	31 4	15 12	15 4	10 0	17 8	17 8	16 14	25 10	23 0	...	21 0	21 1	...
Oudh.	Lucknow	19 11	18 8¼	18 10¼	29 13	28 1¼	29 0¼	6 0	6 0	6 0	15 8¼	16 1¾	15 8	27 3¾	26 14¼	29 0	26 4¾	26 8	24 4
	Unáo	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Bara Banki	20 0	19 8	20 4	28 0	28 0	30 0	10 0	10 0	8 0	19 0	19 0	15 0	34 0	34 0	32 0	26 0	26 0	20 0
	Sitapur	21 4	20 0	26 0	30 0	31 9¼	35 10¼	8 0	8 0	8 8	19 0	16 9¼	17 0	26 8	27 9¼	33 0	26 8	27 5	28 0
	Hardui	17 12	17 6	20 5	28 2	26 14	33 12	7 8	7 8	5 10	13 2	13 2	13 2	21 9	22 8	...	22 8	22 8	22 8
	Kheri	19 4	19 0	22 0	27 0	27 0	32 0	7 0	7 0	7 0	16 0	16 0	17 0	27 0	27 0	36 0	...	...	30 0
	Fyzabad	18 0	17 12	17 4	26 0	26 8	30 0	11 8	11 12	10 8	16 0	16 0	15 8	30 0	31 4	31 0	...	...	...
	Bharaich	15 0	15 0	18 8	37 0	37 0	36 0	9 0	9 0	9 0	18 0	18 0	18 0	45 0	45 0	40 0	15 0	16 0	16 0
	Gonda	19 8	18 0	22 5	34 0	31 0	34 12	17 4	18 8	16 12	20 4	21 0	19 8	42 0	46 0	43 0	27 8	27 0	29 0
	Rai Bareli	20 8	14 12	21 8	28 8	24 0	27 8	17 8	17 8	13 0	18 8	18 8	14 0	29 8	28 8	...	28 8	28 8	...
	Sultánpur	22 0	21 0	24 0	34 0	35 0	36 0	12 0	11 0	11 0	21 0	19 0	16 0	31 0	30 0	30 0	26 0	26 0	25 0
	Partábgarh	20 10	17 8	20 8	32 6	31 9	34 4	17 5	17 9	15 0	18 5	19 5	16 5	...	29 0	...	...	29 0	...
Punjab.	Delhi	19 0	18 12	19 4	27 0	26 0	26 8	...	...	...	15 0	15 0	15 0	27 0	25 0	23 4	22 0	21 0	20 8
	Gurgaon	18 8	18 0	20 0	27 0	26 0	28 0	...	...	...	13 0	13 0	13 0	24 0	24 0	24 0	22 0	22 0	22 8
	Karnal	20 0	20 0	17 10	35 0	37 0	29 6	...	...	...	12 8	12 8	12 0	32 0	33 0	25 8	28 0	22 0	22 0
	Hissar	20 0	19 8	15 8	31 0	30 0	28 0	...	...	...	10 0	10 0	10 0	34 0	34 0	25 0	29 0	28 0	21 0
	Rohtak	21 0	21 8	18 0	25 0	25 0	21 8	...	...	...	9 0	9 0	11 0	28 0	30 0	24 8	25 0	25 0	21 8
	Sirsa	21 0	21 8	17 0	45 0	45 0	33 0	...	...	...	14 0	14 0	12 0	45 0	45 0	26 0	35 8	34 0	22 0
	Umballa	24 0	23 0	17 0	36 0	38 0	25 0	...	...	...	14 0	14 0	12 8	36 0	36 0	23 5	32 0	32 0	22 0
	Ludhiana	26 0	26 0	17 8	40 0	42 0	26 0	...	...	...	12 0	12 0	12 0	40 0	42 0	27 0	35 0	32 0	20 0
	Simla	...	...	14 0	...	...	21 0	...	...	...	13 0	13 0	10 0	...	...	...	...	...	...
	Jullunder	28 0	25 8	17 8	40 0	40 0	25 0	...	...	...	9 0	9 0	8 0	33 0	35 0	24 8	24 0	24 0	17 0
	Hoshiarpur	24 0	25 0	19 8	38 0	40 0	24 0	...	...	...	10 0	11 0	10 0	27 0	29 0	24 0	23 0	23 0	18 0
	Kangra	21 0	21 8	17 0	34 0	34 0	22 0	...	...	...	15 0	15 0	14 0	...	...	...	...	...	...

a Mandua—Present 36 seers, past 35 seers, and corresponding 22 seers.

* Jowar (large).

† Kodon.

INDIA FOR THE 2nd HALF OF MARCH 1882—*continued.*

IN SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Coraloo, Murhwa, Nuglee). *Panicum Miliaceum, &c.*			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			Districts.	Provinces.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch.	S. Ch	S. Ch	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	Rs. A. per maund.	Rs. A.	Rs. A.	S. Ch.	S. Ch.	S. Ch.		
...	...	...	22 0	22 0	12 0	108 0	108 0	108 0	3 8	...	...	11 0	9 4	8 6	Sylhet	Assam.
...	...	...	20 0	20 0	15 4	80 0	80 0	64 0	3 4	...	...	11 6	9 2	8 14	Cachar	
...	...	...	16 0	14 8¼	11 6½	120 0	120 0	120 0	4 4	...	...	9 6¾	9 4½	8 0	Goálpárá	
...	...	...	8 0	8 0	6 8	160 0	160 0	160 0	6 4	...	...	5 5	5 5	5 5	Gáro Hills	
...	...	...	13 0	10 0	13 0	200 0	200 0	200 0	3 8	...	...	11 0	8 12	8 0	Kámrúp	
...	...	...	8 15	9 3	7 9	160 0	160 0	160 0	5 8	...	...	8 0	8 0	7 0	Darrang	
...	...	...	8 0	8 0	8 0	120 0	120 0	100 0	5 0	...	...	8 0	8 0	8 0	Nowgong	
...	...	...	10 0	10 0	8 0	80 0	80 0	120 0	6 0	...	...	7 0	7 0	6 8	Sibságar	
...	...	...	11 0	11 0	...	120. 0	120 0	...	4 8	...	...	9 0	7 8	...	Lakhimpur	
...	...	...	...	...	...	...	...	...	7 8	...	...	5 5	5 5	5 12	Khási & Jaintiá Hills	
...	...	...	2 0	2 0	3 0	120 0	120 0	120 0	15 0	...	...	2 11	2 11	2 0	Nága Hills	
									S. Ch.	S. Ch.	S. Ch.					
...	...	...	24 0	26 0	19 0	160 0	160 0	160 0	...	...	...	10 8	10 8	10 8	Dehra Dún	N. W. Provinces.
...	...	...	27 0	28 0	20 7½	150 0	150 0	129 0	...	...	...	10 4	10 4	10 12½	Sahárunpur	
...	...	...	25 5	26 6	19 12	132 0	132 0	132 0	...	...	...	...	...	...	Muzaffarnagar	
...	...	...	24 0	26 0	22 0	110 0	110 0	110 0	...	...	...	9 4	9 4	9 0	Meerut	
...	...	...	22 0	22 8	23 8	120 0	120 0	140 0	...	...	...	...	...	...	Bulandshahr	
...	...	...	...	...	...	...	..	...	...	...	...	No return received			Aligarh	
...	...	...	14 0	14 0	12 0	200 0	200 0	200 0	...	...	...	7 0	7 0	7 0	Kumaun	
...	...	...	9 0	9 0	6 0	320 0	240 0	200 0	...	...	...	7 0	7 0	7 0	Garhwál	
...	...	...	21 6	23 10	17 7	135 0	135 0	135 0	...	...	...	...	...	...	Bijnor	
...	...	...	23 2	23 12	18 2	125 0	125 0	120 0	...	...	...	...	...	...	Moradabad	
...	...	...	21 4½	22 12½	20 6	192 0	192 0	192 0	...	...	...	11 6	11 6	10 3	Budaun	
...	...	...	20 10	21 4	18 12	125 0	125 0	150 0	...	...	...	10 0	10 0	10 10	Bareilly	
...	...	...	20 12	19 12	22 8	200 0	200 0	180 0	...	...	...	11 0	10 8	10 8	Shahjáhánpur	
...	...	...	20 0	20 0	14 4	120 0	120 0	120 0	...	...	...	10 0	10 0	10 0	Tarái Perguunahs	
...	...	...	21 0	22 0	22 8	120 0	140 0	100 0	...	...	...	...	...	11 0	Muttra	
...	...	...	23 0	23 0	21 8	110 0	100 0	80 0	...	...	...	13 0	13 0	11 0	Agra	
...	...	...	23 8½	23 8	21 3	156 8	149 14	156 12	...	...	...	...	...	...	Farukhabad	
...	...	...	24 0	21 8	18 8	160 0	160 0	160 0	...	...	...	...	...	...	Mainpuri	
...	...	...	23 8	24 0	23 8	120 0	120 0	120 0	...	...	...	8 0	8 0	8 8	Etáwah	
...	...	...	22 0	21 0	17 8	140 0	140 0	140 0	...	...	...	...	...	11 0	Etah	
...	...	...	32 0	32 0	24 0	140 0	140 0	120 0	...	...	...	...	...	...	Jalaun	
...	...	...	30 11	32 11½	32 12	200 0	200 0	200 0	...	...	...	...	...	...	Jhánsi	
...	...	...	36 0	38 0	37 0	200 0	160 0	200 0	...	...	...	...	...	...	Lalitpur	
...	...	...	28 0	28 8	26 0	150 0	150 0	170 0	...	...	...	14 0	14 8	13 0	Cawnpore	
...	...	...	28 12	26 4	21 8	200 0	200 0	200 0	...	...	...	...	...	...	Fatehpur	
...	...	...	34 0	33 0	28 0	160 0	160 0	180 0	...	...	...	...	...	...	Bánda	
...	...	...	31 0	30 0	25 8	160 0	160 0	160 0	...	...	...	10 0	9 12	8 8	Allahabad	
...	...	...	27 8	30 11	24 9	140 0	140 0	140 0	...	...	...	...	...	...	Hamírpur	
...	...	...	24 0	25 6	25 6	169 8	141 4	169 8	...	...	...	8 15	8 15	7 12	Jaunpur	
...	...	...	30 9½	28 13	32 6½	160 0	160 0	120 0	...	...	...	9 9½	9 9½	8 6½	Gorakhpur	
...	...	...	28 0	28 0	29 0	140 0	140 0	140 0	...	...	...	8 0	8 0	8 0	Basti	
...	...	...	23 10	28 0	26 9	147 8	147 8	147 0	...	...	...	9 3	9 3	8 2	Azamgarh	
...	...	...	25 0	24 0	23 0	100 0	100 0	100 0	...	...	...	9 0	9 0	9 0	Mirzapur	
...	...	...	24 6	25 8	22 4	140 0	140 0	120 0	...	...	...	...	...	...	Benares	
...	...	...	31 8½	31 8½	32 13	130 0	130 0	180 0	...	...	...	9 10½	9 10½	9 1	Gházipur	
...	...	...	27 8	28 12	31 0	100 0	100 0	125 0	...	...	...	...	...	...	Balia	
...	...	...	24 6	20 12	20 10	150 0	150 0	150 0	...	...	...	11 0	10 0	...	Pilibhít	
2 2½*	32 2¾	33 0	21 3	20 10½	21 12	120 0	120 0	120 0	...	...	...	8 10½	8 10½	9 0	Lucknow	Oudh.
...	...	...	...	..	...	...	...	...	...	...	...	No return received			Unáo	
4 0†	44 0	32 0	26 0	21 0	24 0	130 0	130 0	130 0	...	...	...	9 8	9 8	9 0	Bára Banki	
... ‡	31 9½	30 0	24 0	24 0	30 10½	160 0	160 0	160 0	...	...	...	9 8	10 0	9 8	Sitapur	
...	...	...	19 11	19 15	23 7	240 0	240 0	300 0	...	...	...	8 7	8 7	8 7	Hardui	
0 0†	40 0	45 0	20 4	20 8	22 0	200 0	200 0	200 0	...	...	...	8 8	8 8	10 0	Kheri	
...	...	...	23 8	21 12	23 0	130 0	120 0	140 0	...	...	...	9 0	9 0	9 0	Fyzabad	
0†	55 0	50 0	25 0	25 0	28 0	160 0	160 0	160 0	...	...	...	8 4	8 4	8 4	Bharaich	
0§	43 4	51 0	25 0	26 8	30 0	200 0	200 0	240 0	...	...	...	9 12	9 10	8 0	Gonda	
...	35 0	...	21 4	18 0	20 8	160 0	160 0	180 0	...	...	...	8 0	8 0	8 0	Rai Bareli	
0	42 0	38 0	27 0	27 0	28 0	160 0	160 0	160 0	...	...	...	10 4	10 0	10 0	Sultanpur	
2‖	30 0	26 5	23 6	21 0	21 12	200 0	200 0	200 0	...	...	...	8 14	8 8	8 8	Partábgarh	
...	...	...	22 8	22 8	22 0	85 0	85 0	90 0	12 0	12 0	...	11 0	11 0	11 8	Delhi	Punjab.
...	...	...	22 4	24 0	22 8	140 0	140 0	120 0	12 0	11 0	...	12 0	10 0	10 0	Gurgáon	
...	...	...	28 0	29 0	21 0	160 0	160 0	160 0	10 12	10 4	...	10 8	10 0	10 8	Karnál	
...	...	...	28 0	28 0	26 0	80 0	80 0	100 0	11 8	11 8	...	11 0	11 0	10 8	Hissar	
...	...	...	27 0	27 0	23 0	100 0	100 0	120 0	9 15	9 2	...	9 4	8 0	10 8	Rohtak	
...	...	...	40 0	40 0	27 0	120 0	120 0	120 0	11 8	11 0	...	11 0	10 8	10 0	Sirsa	
...	...	...	31 0	31 0	21 4	130 0	130 0	160 0	13 9	12 12	...	13 8	12 8	11 4	Umbulla	
...	...	...	34 0	36 0	24 0	100 0	100 0	100 0	15 0	11 13	...	14 4	11 12	12 0	Ludhiana	
...	...	...	...	...	19 0	100 0	100 0	90 0	9 12	10 0	...	9 2	9 6	9 0	Simla	
...	...	...	28 8	32 0	22 0	100 0	100 0	100 0	13 14	11 14	...	13 8	11 8	11 12	Jullundur	
...	...	...	28 0	29 0	22 0	100 0	100 0	120 0	13 0	13 0	...	12 8	12 8	11 8	Hoshiárpur	
...	...	...	22 0	20 0	19 0	140 0	140 0	160 0	10 0	10 0	...	9 0	9 0	9 0	Kangra	

‡ Makai, moth, kodon, and sawan. § Kodon, murwa, sawan, and bajra. ‖ Peas, arhar, and mash.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Province.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Punjab—*continued.*	Amritsar	23 8	23 8	18 8	47 0	46 0	24 8	...	...	...	13 0	13 8	12 0	33 4	33 4	21 8	27 8	27 8	18 8
	Siálkot [a]	23 0	22 8	16 0	39 0	41 0	26 0	...	...	...	16 0	16 0	12 8	31 0	31 0	21 0	24 8	24 0	18 0
	Gurdáspur	28 0	27 0	18 8	30 0	30 0	30 0	...	...	...	16 0	16 0	14 0	26 0	26 0	19 0	14 0	14 0	13 0
	Lahore	No return received			...	...	...	...	...	...	..	...	...	...	...	...	...	...	...
	Ferozepore [c]	22 0	21 0	16 0	38 0	40 0	25 0	...	...	...	11 0	11 0	11 0	41 0	40 0	23 0	29 0	34 0	18 0
	Gujránwála [b]	22 4	22 8	16 0	40 0	45 8	26 0	...	...	...	16 0	16 0	11 0	30 0	30 0	19 0	20 0	20 0	16 0
	Ráwalpindi [d]	19 0	18 8	11 4	34 0	37 8	16 0	...	...	...	9 8	9 4	6 4	27 0	32 0	17 0	20 0	22 8	13 0
	Jhelum	20 0	19 0	13 0	31 8	31 0	19 0	...	...	...	8 0	8 0	8 0	27 8	26 0	15 0	23 8	23 0	14 0
	Gujrát	23 4	23 12	15 2	40 0	40 0	22 8	...	...	...	12 0	11 12	8 0	33 0	33 0	19 8	29 12	30 8	17 8
	Shahpúr [e]	17 0	19 4	13 0	30 0	32 0	17 0	...	...	...	12 0	13 0	10 0	22 0	23 0	17 0	20 0	21 0	14 8
	Mooltan	17 0	17 8	11 12	26 0	26 0	20 0	...	...	...	10 0	10 0	8 0	24 0	24 0	15 0	24 0	24 0	12 0
	Jhung	17 8	18 4	13 0	36 0	35 0	20 0	...	...	...	11 8	12 0	8 0	24 0	25 0	16 0	22 0	23 0	14 0
	Montgomery [f]	21 0	21 0	13 4	30 0	29 0	19 0	...	...	...	5 8	5 8	5 8	30 0	24 0	18 0	24 0	24 0	17 0
	Muzaffargarh	19 0	19 0	12 0	28 0	28 0	20 0	...	...	...	5 0	5 0	6 0	21 0	21 0	14 0	22 0	22 0	15 0
	Dera Ismail Khán [e]	16 6	16 9	9 6	27 14	29 0	14 1	...	...	...	8 10	8 2	7 7	28 13	30 10	14 7	22 8	23 2	11 11
	Dera Ghází Khán [g]	17 8	16 14	11 4	26 4	26 4	16 14	...	...	...	7 8	7 8	6 4	23 2	25 0	16 0	23 2	25 0	13 12
	Bannu [h]	20 5	18 7	8 2	40 10	33 2	9 6	...	...	...	10 0	10 0	7 8	25 0	25 0	13 12	20 0	18 12	10 0
	Peshawar [h]	12 10	12 10	8 7	32 8	28 12	14 10	...	...	...	9 0	9 0	6 0	22 12	22 0	11 6	14 0	13 10	...
	Kohát [i]	13 6	13 11	7 15	25 8	25 8	12 10	...	...	...	12 2	12 2	6 6	18 8	19 12	10 3	19 2	19 2	9 14
	Házára	...	...	9 12	26 8	26 8	15 0	...	...	...	15 8	15 0	6 0	28 0	...	14 0	...	...	...
Central Provinces.	Nágpur	22 4	21 0	22 4	...	...	...	8 8	8 8	9 4	17 4	17 4	16 4	30 12	30 12	20 12	...	...	...
	Bhandára	23 12	24 0	23 0	...	...	...	10 0	10 0	8 4	20 0	22 8	18 0	25 8	23 0	26 8	...	...	...
	Chánda	22 0	21 0	22 8	...	...	...	...	...	...	16 0	15 0	12 8	31 0	30 0	34 12	...	...	...
	Wardha	23 4	23 4	25 0	...	...	...	8 12	8 12	9 0	12 12	12 8	14 0	34 0	34 0	38 0	...	...	...
	Bálaghát	25 0	24 0	20 0	...	...	...	17 8	17 3	15 0	26 0	26 0	25 0	...	...	...	...	...	...
	Jubbulpore	22 0	21 8	24 0	17 0	16 0	20 0	13 0	13 0	12 8	18 0	17 0	23 0	25 8	26 0	44 0	19 8	20 0	30 0
	Saugor	26 0	26 0	27 0	...	...	39 0	8 0	8 0	9 0	10 0	10 0	11 0	32 0	32 0	45 0	26 0	26 0	34 0
	Damoh	31 0	30 4	27 8	...	...	...	12 12	13 8	13 8	13 12	14 8	14 4	...	...	88 0	...	...	...
	Seoni	27 0	22 8	20 8	...	...	...	13 0	13 0	13 0	19 8	19 0	20 0	...	...	...	...	...	...
	Mandla	25 8	25 0	27 8	...	...	...	15 0	14 8	16 8	21 0	21 0	24 4	...	...	...	...	...	...
	Betúl	20 0	20 0	22 0	...	...	...	10 0	12 0	12 8	11 0	13 0	14 0	25 0	29 0	43 0	...	...	...
	Chhindwára	22 0	23 0	18 0	...	...	...	10 0	10 0	10 0	15 0	14 0	15 0	30 0	31 0	30 0	...	...	...
	Hoshangabad	21 4	21 4	19 4	...	...	...	4 0	4 0	5 0	11 4	11 0	12 0	26 0	27 0	36 0	23 13	24 8	30 4
	Narsinghpur	21 0	21 0	20 0	...	...	...	10 8	10 8	13 0	12 8	12 8	14 0	...	...	40 0	...	...	40 0
	Nimár	18 0	18 0	20 0	...	...	...	...	...	...	12 15	12 8	11 15	32 6	30 0	38 14	31 4	27 7	30 14
	Raipur	40 0	40 0	43 8	...	...	...	23 8	23 0	22 12	52 0	48 8	38 0	...	...	...	...	...	...
	Sambalpur	27 0	28 0	28 0	...	...	...	41 0	38 0	28 0	54 0	54 0	42 0	...	...	...	...	...	...
	Bilaspur	52 0	40 0	60 0	...	...	...	45 0	40 0	40 0	52 0	64 0	56 0	...	...	...	...	...	...
British Burma.	*Arakan Division.*																		
	Akyab																		
	Northern Arakan																		
	Kyoukpyoo																		
	Sandoway																		
	Pegu Division.																		
	Rangoon town and Hanthawaddy																		
	Thurrawaddy																		
	Prome																		
	Irrawaddy Division.																		
	Henzada																		
	Bassein	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Thonegwa																		
	Thayetmyo																		
	Tenasserim Division.																		
	Moulmein town and Amherst																		
	Tavoy																		
	Mergui																		
	Toungoo																		
	Shwaygyin																		
	Salween																		
Hyderabad Assigned Districts.	Secunderabad	17 4	17 4	15 8	...	...	...	6 13	6 13	7 8	9 13	9 13	10 8	23 14	24 14	24 14	27 0	27 0	27 0
	Bolarum	22 0	22 0	18 1	...	...	...	7 11	7 11	8 1	9 10	9 10	10 0	25 11	25 11	27 1	...	...	...
	Chudderghat	15 0	13 0	9 0	...	...	...	6 8	6 8	6 0	9 0	8 8	9 0	25 0	27 0	21 0	33 0	33 0	30 0
	Amráoti	18 0	18 0	22 0	11 8	11 0	10 0	8 0	8 0	8 0	10 0	10 0	10 0	32 0	33 0	34 0	26 0	26 0	28 0
	Akola	19 0	21 0	21 0	...	...	...	9 0	7 0	6 0	10 0	10 0	10 0	30 0	30 0	32 0	27 0	27 0	23 0
	Ellichpur	18 0	18 0	22 0	12 0	12 0	12 0	6 0	6 0	8 0	8 0	8 0	10 0	25 0	28 0	28 0	26 0	28 0	28 0
	Buldana	21 0	20 0	25 0	...	...	...	...	...	...	11 0	11 0	10 0	32 0	32 0	40 0	31 0	30 0	32 0
	Wun	18 0	15 0	18 0	...	...	...	7 8	7 8	8 0	10 8	10 8	13 0	40 0	32 0	35 0	...	...	...
	Basim	25 0	24 0	28 0	...	...	...	5 0	5 0	5 0	12 0	12 0	14 0	32 0	31 0	32 0	...	...	...

a Firewood falling. b Barley rising. c Bajra rising, firewood falling. d Barley and jowar rising. e Salt (wholesale and retail sale) falling.

INDIA FOR THE 2nd HALF OF MARCH 1882—*continued.*

IN SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Vergu, Sawee, Cheena, Coraloo, Murawa, Nagleel, *Panicum Miliaceum*, &c.			Gram.			Firewood.			Salt.						Districts.	Provinces.
									Wholesale.			Retail.				
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		
...	...	...	30 8	30 8	22 0	90 0	90 0	90 0	12 13	12 5	...	12 4	12 0	12 8	Amritsar	Punjab—*continued.*
...	...	...	26 0	26 0	18 4	140 0	120 0	140 0	14 8	14 0	...	14 0	12 12	12 8	Siálkot	
...	...	...	29 0	28 0	18 0	120 0	120 0	120 0	13 0	11 8	...	12 8	11 0	11 0	Gurdáspur	
...	...	...	...	...	...	...	...	...	...	...	No	return	received		Lahore	
...	...	...	35 0	35 0	24 0	100 0	90 0	70 0	14 0	14 0	...	12 0	11 8	11 8	Ferozepore	
			26 8	26 8	18 0	95 0	95 0	95 0	15 0	14 0	...	14 0	14 0	12 8	Gujránwála	
...	...	...	23 8	23 12	14 0	80 0	80 0	50 0	14 8	14 0	...	14 4	13 8	11 0	Ráwalpindi	
			24 8	25 0	14 13	90 0	90 0	90 0	16 0	13 8	...	15 8	13 0	13 0	Jhelum	
...	...	...	27 8	28 4	17 8	100 0	100 0	90 0	...*	...*	...	15 0	12 10	12 8	Gujrát	
...	...	...	21 8	22 8	15 0	320 0	320 0	320 0	17 0	14 0	...	16 0	13 0	14 0	Shahpúr	
...	...	...	23 0	23 8	16 0	90 0	90 0	80 0	13 0	13 0	...	12 8	12 8	12 0	Mooltan	
			22 0	22 4	16 8	200 0	200 0	200 0	15 6	13 4	...	15 0	13 0	12 0	Jhang	
...	...	...	28 0	26 0	17 0	200 0	200 0	200 0	11 4	11 4	...	10 4	10 0	10 8	Montgomery	
...	...	...	22 0	22 0	14 8	100 0	100 0	100 0	...*	...*	...	12 0	12 0	11 8	Muzaffargarh	
...	...	...	23 1	23 13	11 0	100 0	100 0	106 0	56 4	50 0	...	54 0	47 8	46 4	Dera Ismail Khán	
...	...	...	21 14	23 12	16 2	125 0	125 0	125 0	25 0	30 0	...	22 8	28 12	27 8	Dera Ghází Khán	
...	...	...	31 4	28 12	5 10	80 0	100 0	80 0	100 0	100 8	...	80 0	80 0	80 0	Bannu	
...	...	...	17 6	17 13	10 13	92 0	86 0	66 0	55 14	54 9	...	53 8	52 0	43 8	Peshawar	
...	...	...	17 3	17 14	9 8	102 0	114 0	76 0	102 0	102 0	...	81 9	81 9	43 6	Kohát	
...	...	...	19 0	19 0	9 8	140 0	140 0	90 0	11 0	12 0	...	10 0	11 0	9 8	Házára	
...	...	...	25 4	24 12	27 12	150 0	150 0	150 0	11 0	10 8	10 8	10 12	10 4	10 4	Nágpur	Central Provinces.
...	...	...	34 0	31 4	26 8	...	...	...	10 0	10 0	10 0	9 12	9 12	9 8	Bhandára	
...	...	...	30 0	30 0	23 12	360 0	360 0	360 0	...	...	...	10 8	9 0	10 0	Chánda	
...	...	...	23 4	22 8	29 0	135 0	135 0	135 0	10 12	10 12	11 0	10 8	10 8	10 8	Wardha	
...	...	...	35 0	35 0	27 8	275 0	275 0	275 0	10 8	10 0	...	10 8	10 0	9 8	Bálaghát	
...	...	...	35 0	38 0	35 0	140 0	140 0	130 0	10 0	10 0	...	9 8	9 8	9 4	Jubbulpore	
...	...	...	38 0	38 0	39 0	160 0	160 0	160 0	8 4	7 14	...	8 0	7 8	8 4	Saugor	
...	...	...	49 0	45 8	44 0	200 0	200 0	200 0	8 8	8 4	7 12	8 4	8 0	7 8	Damoh	
...	...	...	31 0	30 0	34 0	220 0	220 0	200 0	7 4	7 4	6 12	7 0	7 0	6 12	Seoni	
35 0	28 8	35 0	57 8	57 8	50 0	256 0	256 0	256 0	...	...	...	7 8	8 0	7 0	Mandla	
21 0	21 0	30 0	24 0	28 0	32 0	240 0	240 0	240 0	9 8	9 8	9 8	9 0	9 0	9 0	Betúl	
22 0	24 0	25 0	32 0	38 0	29 0	200 0	200 0	200 0	9 0	9 0	9 0	8 0	8 0	8 0	Chhindwára	
...	...	...	31 13	34 0	34 0	160 0	160 0	120 0	9 8	8 5	...	8 0	7 0	7 0	Hoshangabad	
...	...	...	43 0	43 0	40 0	160 0	160 0	160 0	9 0	9 0	7 0	8 8	8 8	6 12	Narsinghpur	
...	...	...	28 3	29 2	28 2	160 0	160 0	120 0	13 2	11 8	11 2	13 0	11 0	10 10	Nimár	
...	...	...	48 0	32 0	38 0	80 0	80 0	60 0	9 0	8 10	8 8	8 8	8 4	8 8	Raipur	
...	...	...	25 0	25 0	28 0	120 0	120 0	240 0	9 0	8 0	8 0	8 8	7 8	7 8	Sambalpur	
225 0	200 0	160 0	54 0	54 0	44 0	140 0	140 0	180 0	...	...	...	8 0	8 0	8 0	Biláspur	
															Arakan Division.	British Burma.
															Akyab	
															Northern Arakan	
															Kyoukpyoo	
															Sandoway	
															Pegu Division.	
															Rangoon town and Hanthawaddy	
															Tharrawaddy	
															Prome	
															Irrawaddy Division.	
...	...	...	...	...	...	...	...	...	...	...	No	return	received.		Henzada	
															Bassein	
															Thonegwa	
															Thayetmyo	
															Tenasserim Division.	
															Moulmein town and Amherst	
															Tavoy	
															Mergui	
															Toungoo	
															Shwaygyin	
															Salween	
27 0	25 14	24 14	20 11	21 0	22 3	130 0	130 0	125 0	10 14	10 11	9 9	10 6	10 3	9 2	Secunderabad	Hyderabad Assigned Districts.
...	...	...	25 1	25 1	24 7	116 14	116 14	116 14	...	...	...	9 10	9 10	9 8	Bolarum	
...	...	...	19 8	23 0	24 0	80 0	80 0	80 0	...	...	...	10 0	9 8	8 12	Chadderghat	
...	...	...	22 0	25 0	26 0	64 0	70 0	80 0	10 8	11 0	10 8	10 0	10 8	10 0	Amraoti	
7 0	7 0	8 0	23 0	26 0	31 0	64 0	64 0	64 0	10 0	9 0	10 0	9 0	8 0	9 0	Akola	
...	...	...	19 8	30 0	26 0	64 0	64 0	64 0	...	...	...	9 0	9 0	9 0	Ellichpur	
...	...	...	30 0	30 0	32 0	...	...	...	...	...	...	9 0	9 0	10 0	Buldána	
...	...	...	32 0	25 0	20 0	100 0	100 0	100 0	...	...	...	8 0	8 0	8 0	Wun	
...	...	...	32 0	31 0	50 0	64 0	64 0	64 0	9 8	10 0	9 0	9 0	9 0	8 8	Básim	

f Jowar falling. *g* Salt (whole sale and retail sale) rising. *h* Barley falling. *i* Firewood rising. * Salt not sold wholesale.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1881.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1881.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1881.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1881.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1881.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1881.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Mysore.	Bangalore	11 0	11 13	11 1	12 13	13 8	12 12	10 1	10 2	9 13	11 5	11 6	12 0	27 12	27 12	25 9	...	...	...
	Kolar	...	...	...	11 7	11 7	9 4	12 14	12 6	11 0	15 3	15 3	15 0	...	...	...	...	...	...
	Túmkúr	14 0	15 0	12 0	14 0	12 0	12 0	12 0	12 0	13 0	13 0	13 0	15 8	...	...	...	...	...	...
	Mysore	12 8	10 8	11 0	...	...	...	10 12	11 0	12 8	11 8	11 8	13 2	...	18 8	33 0	...	...	...
	Hassan	11 8	13 0	14 0	13 0	14 0	15 0	11 0	11 8	14 0	12 0	12 8	15 0	...	...	...	...	...	...
	Shimoga	14 11	13 10	14 11	15 12	15 12	16 13	11 9	11 9	14 11	14 11	13 10	18 14	31 8	27 5	50 6	...	...	...
	Kadur	16 0	16 0	13 0	15 0	15 0	...	12 0	12 0	18 0	15 0	15 0	22 0	...	...	...	...	...	...
	Chitaldroog	16 0	16 0	14 0	20 0	20 0	16 0	11 0	11 0	12 0	12 0	12 0	14 0	32 0	32 0	50 0	24 0	24 0	40 0
Coorg	Coorg	8 12	8 5	8 8	9 8	8 14	9 2	11 6	11 2	14 2	14 11	14 10	20 1	...	...	...	...	..	...
Rajputana.	Jeypore	16 0	17 0	14 8	20 0	23 0	24 0	6 0	6 0	6 0	9 0	9 0	9 4	21 0	22 0	24 0	20 0	22 0	21 0
	Kishengurh	17 0	17 12	16 4	26 0	25 8	25 0	8 0	8 0	7 4	9 0	10 0	10 0	27 0	30 0	28 4	21 0	22 4	20
	Kerrowlee	18 0	17 8	*	21 0	17 8	*	13 8	13 8	*	15 0	15 0	*	20 8	21 8	*	18 0	18 0	*
	Ulwur	16 15	16 10	16 3	23 2	21 10	25 14	8 0	8 0	8 0	12 8	12 8	11 15	24 0	22 3	24 11	20 0	19 15	21 12
	Bhurtpore (City)	17 8	17 8	17 7	22 8	22 8	22 0	6 8	6 7	6 7	10 8	7 0	7 8	22 0	22 8	20 7	21 8	21 0	19 0
	Ajmere	15 8	16 0	16 8	24 0	24 8	26 0	5 0	5 0	5 0	8 0	8 0	8 0	22 0	22 0	26 0	20 0	20 0	19 0
	Deoli Cantonment	19 12	19 13	18 4½	23 10	24 8	31 11	...	...	...	10 0	10 0	10 8	24 2	25 0	31 0	21 0	21 0	24 0
	Erinpura	No	return	receiv	ed	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Sirohee	No	return	receiv	ed	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Abu																		
	Anadra																		
	Hilly Tracts of Meywar	24 0	23 0	28 0	35 0	38 0	45 0	...	...	...	18 0	18 0	17 0	...	...	...	...	...	...
	Meywar (Oodeypore)	15 10	15 10	16 0	19 14¾	18 12	25 0	11 11½	10 2½	9 6	...	...	...	...	...	...	...	...	...
	Bánswára (Meywar Agency)	No	return	receiv	ed	...	...	...	...	...	...	...	...	...	...	..	...	...	..
	Partábgurh („)																		
	Marwar (Jodhpore)																		
	Bikaneer	12 10	12 10	9 5	...	...	...	3 1	3 1	2 4	7 0	7 0	6 0	...	...	...	20 12	21 4	14 8
	Boondee	24 0	23 12	22 8	31 0	30 12	35 0	10 0	10 0	7 8	11 0	11 0	10 8	28 8	28 8	36 0	...	...	23 0
	Kotah	22 4	22 0	24 4	26 4	26 4	32 0	8 8	8 8	8 8	10 8	10 8	10 4	27 12	27 4	37 8	16 0	16 0	20 0
	Tonk	17 15	17 13	19 2	21 6	21 7	27 12	7 8	7 8	7 0	10 8	10 6	9 0	24 12	24 1	31 4	22 8	23 13	25 5
	Jhallawar	19 2½	19 2½	20 5½	23 14	23 14	19 14	...	...	...	8 13½	8 13½	7 1	22 0	22 0	26 11	15 13	17 0	18 3½
	Shahpoora	18 8	18 8	17 8	24 0	24 0	27 7	10 1	9 8	9 0	15 0	15 0	12 6	23 0	23 0	27 4	21 0	21 0	22 0
	Dholpur	17 12	17 11	17 7	25 14	25 1	22 8	10 2	10 2	7 14	13 8	13 8	12 1	23 7	22 9	22 4	21 15	21 1	19 13
Central India.	Indore	19 3	19 9	22 13	...	...	...	8 9	8 14	8 4	10 0	10 0	8 9	25 4	26 0	40 0	26 10	25 4	30 0
	Gwalior	...	19 5	18 4	21 0	21 0	23 5	7 11	7 11	6 10	10 1	10 1	9 10	22 7	22 3	22 9	18 4	18 4	19 12
	Goona	26 0	26 8	25 8	20 0	20 0	6 0	10 0	10 0	8 8	11 0	11 0	9 8	34 0	34 0	36 0	24 0	24 0	20 0
	Baghelkhand (Sutna)	22 0	22 0	21 15	35 12	35 0	31 12	7 0	7 0	7 0	22 0	20 0	21 11	37 0	35 0	31 10	25 0	25 8	25 0

* Not received.

INDIA FOR THE 2nd HALF OF MARCH 1882—*concluded.*

IN SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Cornloo, Murhwa, Nuglee), *Panicum Miliaceum, &c.*			Gram.			Firewood.			Salt.						Districts.	Provinces.
									Wholesale.			Retail.				
Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1881.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		
25 2	25 1	33 1	32 8	33 0	38 5	96 0	90 0	90 0	11 11	10 6	10 8	11 2	10 2	10 0‡	Bangalore	Mysore.
29 0	29 0	39 3	36 8	38 11	45 10	172 6	172 6	172 6	11 1	11 1	11 5	10 13	10 13	11 1‡	Kolar	
30 0	26 0	45 0	36 0	36 0	45 0	340 0	340 0	340 0	12 8	12 8	13 0	12 0	12 0	12 8§	Túmkúr	
20 0	20 0	33 0	30 0	28 0	40 0	84 0	84 0	78 0	10 0	9 4	8 4	9 12	9 0	8 2‡	Mysore	
23 0	24 0	44 0	26 0	25 0	43 0	600 0	500 0	600 0	...	...	...	9 0	8 0	8 8‡	Hassan	
33 10	28 14	55 10	27 5	26 4	45 5	480 0	480 0	480 0	...	...	...	9 7	8 15	8 15‡	Shimoga	
22 0	22 0	42 0	22 0	22 0	32 0	64 0	64 0	60 0	...	...	...	8 0	8 0	9 0‡	Kadur	
37 10	38 10	53 0	28 0	28 0	48 0	100 0	100 0	100 0	16 0	16 0	16 0	16 0	16 0	16 0§	Chitaldroog	
21 12	22 6	38 7	25 0	25 5	37 4	110 0	110 0	110 0	10 0	...	...	9 1	9 1	9 0	Coorg	Coorg
...	...	...	20 0	21 0	22 0	...	...	...	13 8	12 12	...	13 0	12 8	11 0	Jeypore	Rajpootana.
...	...	...	24 0	23 8	24 8	...	...	...	...	...	...	16 4	12 8	12 8	Kishengurh	
...	...	...	20 8	20 0	*	...	...	...	10 11	12 1	...	11 8	11 8	*	Kerrowlee	
...	...	...	22 11	20 7	20 9	...	...	...	15 13	15 13	...	15 8	15 9	12 0	Ulwur	
...	...	...	21 8	22 0	19 0	...	...	...	10 10	...	...	10 6	11 0	11 0	Bhurtpore (City)	
...	...	...	24 0	24 0	23 0	70 0	70 0	60 0	...	...	...	15 0	15 0	11 0	Ajmere	
...	...	...	24 2	25 6	25 14	...	...	...	...	...	...	11 14	11 14	11 12	Deoli Cantonment	
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Erinpura	
...	...	...	...	...	...	...	...	...	...	...	No return received				Sirohee Abu Anadra	
...	...	...	38 0	30 0	42 0	†	†	†	...	...	...	9 0	9 0	7 8	Hilly Tracts of Meywar	
...	...	...	19 8½	18 12	25 12½	200 0	200 0	200 0	8 15½	...	...	8 12½	8 12½	8 9½	Meywar (Oodeypore)	
...	...	...	...	...	...	...	...	...	...	...	No return received				Báuswára (Meywar Agency) Partábgarh (") Marwar (Jodhpore)	
...	...	...	17 12	17 0	15 0	...	...	...	...	...	...	11 8	11 8	11 8	Bikaneer	
...	...	...	31 0	30 12	31 0	160 0	160 0	160 0	12 8	12 8	10 8	12 4	12 4	...	Boondee	
...	...	...	29 0	27 12	33 8	240 0	240 0	240 0	12 4	10 14	...	11 12	10 8	10 0	Kotah	
...	...	...	23 3	21 5	26 9	120 0	110 0	120 0	13 12	13 0	11 2	13 11	11 15	...	Tonk	
...	...	...	26 5	23 9	26 12	...	...	...	9 15	...	...	9 11½	9 14	8 10	Jhallawar	
...	...	...	23 4	24 8	24 8	160 0	160 0	160 0	14 4	12 4	11 8	13 8	12 0	...	Shahpoora	
...	...	...	24 12	23 7	21 1	...	...	...	...	...	...	12 15	11 1	10 11	Dholpur	
...	...	...	26 10	26 0	34 4	100 0	100 0	100 0	9 3	9 3	...	8 14	8 14	8 9	Indore	Central India.
...	...	...	21 11	21 6	21 4	109 8	109 8	109 8	...	...	...	11 7	10 1	9 10	Gwalior	
...	...	...	34 0	34 0	36 8	200 0	200 0	200 0	10 8	10 0	...	10 0	9 8	10 12	Goona	
...	...	...	32 2	32 0	26 13	160 0	160 0	160 0	12 2	11 0	...	11 6	10 8	10 12	Baghelkhand (Sutna)	

† Eight pies per bundle. ‡ Sea Salt. § Earth Salt.

R. LOGAN,

Offg. Under Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENT OF PRICES CURRENT OF FOOD-GRAINS FOR THE 1st HALF OF MARCH 1882, PUBLISHED IN PAGES 610 AND 611 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 15th APRIL 1882.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS

Province.	Districts.	Wheat. Present fortnight. S. C.	Wheat. Past fortnight. S. C.	Wheat. Corresponding fortnight of last year. S. C.	Barley. Present fortnight. S. C.	Barley. Past fortnight. S. C.	Barley. Corresponding fortnight of last year. S. C.	Rice. First sort. Present fortnight. S. C.	Rice. First sort. Past fortnight. S. C.	Rice. First sort. Corresponding fortnight of last year. S. C.	Rice. Common. Present fortnight. S. C.	Rice. Common. Past fortnight. S. C.	Rice. Common. Corresponding fortnight of last year. S. C.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight. S. C.	Great Millet. Past fortnight. S. C.	Great Millet. Corresponding fortnight of last year. S. C.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight. S. C.	Bulrush Millet. Past fortnight. S. C.	Bulrush Millet. Corresponding fortnight of last year. S. C.	Lesser Millets, Ragi, &c (Kavaru, Veragoo, Sawee, Cheena, Coraloo, Murhwa, Nuglee, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c. Present fortnight. S. C.	Lesser Millets. Past fortnight. S. C.	Lesser Millets. Corresponding fortnight of last year. S. C.	Gram. Present fortnight. S. C.	Gram. Past fortnight. S. C.	Gram. Corresponding fortnight of last year. S. C.	Firewood. Present fortnight. S. C.	Firewood. Past fortnight. S. C.	Firewood. Corresponding fortnight of last year. S. C.	Salt. Wholesale. Present fortnight. S. C.	Salt. Wholesale. Past fortnight. S. C.	Salt. Wholesale. Corresponding fortnight of last year. S. C.	Salt. Retail. Present fortnight. S. C.	Salt. Retail. Past fortnight. S. C.	Salt. Retail. Corresponding fortnight of last year. S. C.
Central India.	Indore	19 9	17 2	21 5	...	...	...	8 14	8 14	8 0	10 0	10 0	8 9	26 0	24 0	40 0	25 4	24 0	30 0	...	...	...	26 0	28 3	32 0	100 0	100 0	100 0	9 3	...	...	8 14	7 11	8 0
	Gwalior	19 5	18 13	16 5	21 0	20 9	22 15	7 11	7 11	6 10	10 1	10 3	9 10	22 3	21 15	23 1	18 4	18 4	22 6	...	...	...	21 6	21 2	18 15	109 8	118 11	109 8	...	...	...	10 1	10 1	9 12
	Goona	26 8	28 0	23 0	20 0	20 0	16 0	10 0	10 0	8 8	11 0	11 0	9 8	34 0	34 0	35 0	24 0	24 0	20 0	...	...	...	34 0	34 0	35 0	200 0	200 0	200 0	10 0	10 8	10 0	9 8	10 0	...
	Baghelkhand (Sutna)	22 0	22 9	22 6	35 0	35 0	32 0	7 0	7 0	7 0	20 0	22 0	22 12	35 0	35 0	32 0	25 8	24 7	25 0	...	...	...	32 0	32 0	28 14	160 0	160 0	160 0	11 0	10 12	10 12	10 8	...	...

R. LOGAN,

Offg. Under Secretary to the Government of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION BRANCH.

IRRIGATION OPERATIONS IN BENGAL FOR 1881-82.

Areas leased for Irrigation up to end of February 1882.

Circle.	District.	Canal.	Supply of Water in the Canals. Estimated full discharge in cubic feet per second.	Average discharge in cubic feet per second throughout the month.	Estimated discharge utilised.	Kharif. Five-year leases. Leased in February 1882.	Five-year leases. Leased up to end of February 1882.	Five-year leases. Total, inclusive of unexpired leases of previous years.	Three-year leases. Leased in February 1882.	Three-year leases. Leased up to end of February 1882.	Three-year leases. Total, inclusive of unexpired leases of previous years.	Annual leases. Leased in February 1882.	Annual leases. Leased up to end of February 1882.	Rabi. Three-year leases. Leased in February 1882.	Three-year leases. Leased up to end of February 1882.	Three-year leases. Total, inclusive of unexpired leases of previous years.	Annual leases. Leased in February 1882.	Annual leases. Leased up to end of February 1882.	Sugarcane. Leased in February 1882.	Sugarcane. Leased up to end of February 1882.	Grand Total. Kharif.	Grand Total. Rabi.	Grand Total. Sugarcane.	Grand Total. Total.	Grand total of the corresponding month of last year.	Rainfall. Inches during the month.	Rainfall. Inches during 1881-82.	Rainfall. Average of the ten previous years of the same period.	Remarks.
			c. ft.	c. ft.	c. ft.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Ins.	Ins.	Ins.	
Orissa	Cuttack	Kendrapara	1,269	323·00	...	...	...	40,081	1,740	7,729	13,601	...	...	...	...	...	...	3,940	...	93	53,682	3,940	93	57,715	49,634	1·14	59·29	0·78	
		Patamoondee	1,042	35·80	...	...	...	11,272	4	632	796	...	...	...	...	...	...	525	...	...	12,068	525	...	12,593	12,157				
		High Level, Section I	675	175·73	...	...	...	13,587	...	306	626	...	...	...	...	...	18	123	...	2	14,213	123	2	14,338	14,246				
		Taldanda	1,300	152·00	...	...	...	10,076	654	656	932	...	...	...	...	...	...	350	...	38	11,008	350	38	11,396	10,701				
		Matchgong	650	54·00	...	...	...	25,269	3,128	3,337	6,197	...	...	...	...	...	...	474	...	78	31,466	474	78	32,018	28,476				
	Balasore	High Level, Section II	727·16	0·00	...	...	...	204	...	5	1,176	...	...	...	...	...	...	2	...	56	1,380	2	56	1,438	1,391				
	Total of the month		...	...	...	...	...	100,489	5,526	12,665	23,328	...	...	...	...	...	18	(a)5,414	...	(b)267	123,817	5,414	267	129,498	116,605	...	...	...	
	Total of the corresponding month of previous year		...	...	...	—569	—305	100,894	2,744	10,632	10,632	...	...	...	...	...	10	4,907	...	172	111,526	4,907	172	116,605	...	...	...	...	
South-Western	Midnapore	Midnapore	875	(c)4·00	...	...	—1,194	90,429	...	—1	75	...	...	...	...	...	...	...	...	...	90,495	...	...	90,495	91,690	1·55	70·32	54·20	
	Howrah	Panchkoorah	300	23·00	...	...	1,431	13,337	...	—193	30	...	...	...	...	...	...	285	...	...	13,367	285	...	13,652	12,129	0·38	78·43	52·20	
	Total of the month		...	...	...	...	237	103,757	...	—194	105	...	...	...	...	...	...	285	...	...	103,862	285	...	104,147	103,819	...	...	...	
	Total of the corresponding month of previous year		...	...	...	3,139	4,960	103,520	...	299	299	...	...	...	...	...	...	...	...	...	103,819	...	...	103,819	...	...	...	...	
Sone	Shahabad	Western Main	4,342	1,135	...	...	179	305	...	...	...	...	3,719	...	...	...	437	2,606	...	1,123	4,024	2,606	1,123	7,753	10,538	0·40	40·33	37·16	
		Buxar	1,226	116	...	...	2,094	2,094	...	...	...	...	11,042	...	...	...	375	3,057	...	4,126	13,136	3,057	4,126	20,319	38,207				
		Arrah	1,660	559	...	1,049	27,421	32,447	...	...	...	...	15,047	...	...	3,347	328	7,931	...	7,522	47,494	11,278	7,522	66,294	79,538	0·08	46·03	39·97	
	Patna and Gya	Eastern Main	1,466	398	...	...	126	126	...	...	...	...	151	...	...	...	...	16	...	15*	277	16	15	308	626	0·09	42·14	39·30	
		Patna				484	6,434	6,434	...	...	...	...	6,971	...	...	...	140	2,868	...	1,062	13,405	2,868	1,062	17,335	19,936				
	Total of the month		...	...	...	1,533	36,254	41,406	...	...	...	...	36,930	...	...	3,347	1,280	16,478	...	13,848	78,336	19,825	13,848	112,009	148,845	...	...	...	
	Total of the corresponding month of previous year		...	...	...	...	1,247	1,247	...	—2,140	9,280	...	96,417	...	560	4,352	1,786	24,154	47	13,395	106,944	28,506	13,395	148,845	...	...	...	...	
	Grand total of the month		...	...	...	1,533	36,491	245,652	5,526	12,471	23,433	...	36,930	...	...	3,347	1,298	22,177	...	14,115	306,015	25,524	14,115	345,654	369,269	...	...	...	
	Grand total of the corresponding month of previous year		...	...	...	2,570	5,902	205,661	2,744	8,791	20,211	...	96,417	...	560	4,352	1,796	29,061	47	13,567	322,289	33,413	13,567	369,269	...	...	...	...	

(a) Exclusive of 11 acres leased prior to 1st April last.
(b) Exclusive of 1 acre under Matchgong Canal leased prior to 1st April last.
(c) Only one day discharging. The head sluice was closed for silt clearance.

CALCUTTA,
The 23rd March 1882.

G. F. E. S. NEILL, *Major, M.S.C.,*
Asst. Secy. to the Govt. of Bengal,
in the P. W. Dept., Irrigation Branch.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 25th APRIL 1882.

GENERAL REMARKS.—Slight rain has fallen in the North-Western Provinces and Oudh, in the Central Provinces, in Assam, and in the Bombay Presidency. In Bengal, Madras, Mysore and Coorg, and British Burma the rainfall has been more or less general, although more is still wanted in some places in Bengal. Scarcity of drinking-water is still reported from Dharwar in Bombay. The recent rain in Mysore has been beneficial as far as it goes, but the wet crops continue indifferent.

Harvesting of *rabi* crops is in progress in the Punjab, with good prospects, and has almost been completed in the Bombay Presidency and in the North-Western Provinces and Oudh, with good or fair results generally. In Bengal the spring rice crop, which is now being harvested, is expected to yield a good outturn. In the Madras Presidency reaping of crops still continues, with outturn on the whole an average one. In one taluk of the Bellary district the dry standing crops are reported to be partially withering. In the Central Provinces threshing and winnowing of *rabi* crops still go on, and harvesting of wheat is in progress in the Central India States.

General prospects continue to be good throughout the country, and land is being prepared for *kharif* sowing in Bombay, Berar, and the Central Provinces; while in Assam and Bengal ploughing and sowing continue.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—		
Bellary ...	·2 (in one station)	Standing crops, wet good, dry partially withering in one taluk; harvest paddy, sugarcane and cotton, yield average; fever and small-pox in parts.
Kurnool ...	·41 (average of four stations).	Standing crops (wet and dry) good; harvest paddy, yield below average; small-pox and cattle-disease in one taluk.
Kistna ...	.....	Standing crops, cotton and gingelly, thriving; small-pox and fever prevalent; sporadic cholera in parts; cattle-disease exists.
Chingleput (Madras) ...	.....	Fever, small-pox, and guinea-worm in parts; cattle-disease continues.
Coimbatore ...	·18 (average of three stations).	Standing crops good where irrigated, backward elsewhere; harvest paddy and dry grains, outturn below average; agricultural operations progressing; small-pox in parts.
Tanjore ...	.....	Standing crops, cotton withered in parts, others fair; harvest wet and dry grains, outturn above average; small-pox and fever in parts.
Madura ...	1·0 (average of five stations).	Harvest dry grains, outturn average; standing crops generally good; a few cases of cholera.
Malabar ...	·74 (average of nine stations).	Harvest paddy, yield below average; cholera and fever in parts.
Travancore ...	.....	Fever, small-pox, and cholera in parts; preparations for first crop commenced in parts.
		Fever slightly prevalent; ploughing commenced.
		General Remarks.—No rain in Kistna, Chingleput, Tanjore, and Travancore; general prospects good.
Bombay—(April 26th)		
Kurrachee ...	No rain	Fever in six talukas; cattle-disease in Sehwan and small-pox in Dadu and Tatta; river at Kotri on 24th, 7½ feet against 8 feet 1 inch on corresponding date last year; prices—wheat, red rice, and *bajri* in Karachi 22, 20 and 35, in Dadu 28 and 48, in Tatta 32, 40 and 40, in Ghorabari 16, 48 and 52, in Shahbandar 20, 56 and 52, in Sujawal 16, 48 and 48 lbs. per rupee respectively.
Hyderabad ...	No rain	River fallen, but still unusually high; *kharif* operations commenced in six talukas; cattle-disease in Guni and slight fever in eight talukas; weather warm during days and cool at nights; wheat 25, *juari* 45, *bajri* 40, red rice 32, and white rice 22 lbs. per rupee.
Ahmedabad ...	.....	*Rabi* harvest nearly over; health good; wheat 28 lbs. and *bajri* 31 lbs. per rupee.
Baroda ...	.....	Harvesting of *rabi* nearly completed; health good; prices—*bajri* 30 and common rice 23 lbs. per rupee.
Surat ...	.....	Cotton-picking continues; *juari* 35 and *nagli* 52 lbs. per rupee.
Násik ...	.....	Threshing of *rabi* crops completed; public health generally good; *bajri* 44, wheat 31, and *juari* 67 lbs. per rupee.
Colaba (Bombay) ...	.....	Average abnormal temperature 1° cool; wind normal; vapour in air in defect of normal on 22nd and 23rd.
Poona ...	.....	Cholera slight in one village of Indapur and in one village of Purandhar; average prices—*bajri* 47 and *juari* 58 lbs. per rupee, in Poona *bajri* 38½ and *juari* 47¼ lbs. per rupee.
Ahmednagar ...	.....	Land being prepared for next season; water-supply in Parner taluka failing; *juari*—maximum 96 lbs. in Jhamkhed, minimum 60 lbs. in Rahuri; *bajri*—maximum 66 lbs. in Jhamkhed, minimum 57 lbs. in Kopargaon; slight cattle-disease in Akola.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bombay—*contd.*		
Sholapur ...	.....	*Juari* 75 lbs. 14 tolas, *bajri* 59 lbs. 10 tolas per rupee.
Dharwar ...	Slight rain in Hubli, Navalgund, and Rannibennur talukas.	Cotton-picking nearly completed; ground being prepared for early crops; scarcity of drinking-water in six talukas; public health generally good; rice 22 and *juari* 59 lbs. per rupee.
Kanara ...	Sirsi 0·55	Harvesting second crop continues; planting sugarcane; cattle-disease in Karwar taluka; small-pox in Chatkul—12 cases reported, 2 fatal, slight at Sidapur; fever subsiding; common rice in Karwar 15 seers, in district average 15¼ seers per rupee; weather hot.
Rajkot ...	.....	Weather hot; 13 out of 30 new cases of cholera in Rajkot town proved fatal, one case in camp, two in the civil hospital; cholera subsiding in Jaliaunder, Dhrol, and in other places; general health good; *bajri* 27 and *juari* 31 lbs. per rupee.
		General Remarks.—*Rabi* harvest generally completed; preparation of land for next season begun in a few districts; slight rain in Dharwar, Belgaum, and Kanara; scarcity of drinking-water in six talukas of Dharwar continues; slight fever and cattle-disease in a few places; cholera in Rajkot, Tanna, Belgaum and in Satara, increasing in Satara; prices generally steady.
Bengal—(April 26th)		
Chittagong ...	*Nil*	Weather sultry and hot; transplanting of *aus* (autumn rice) crops commenced; the mango crop is a failure; prices stationary; small-pox and cholera yet continue; general health fair.
Dacca ...	*Nil*	Weather oppressive; ploughing proceeds; *aus* (autumn) rice and jute growing fast; *boro* (spring) rice being harvested.
24-Pergunnahs (Calcutta)	·12	No crops on the land; ploughing continues; rain wanted; general health good; sporadic cases of cholera reported from Barripur sub-division.
Moorshedabad ...	*Nil*	Ploughing of land is much retarded, owing to want of rain; cholera has almost disappeared from the town of Jangipur, it has not yet abated in thana Bhagwangola.
Rajshahye ...	*Nil*	Rain urgently wanted; sowings where possible going on; cholera and fever reported.
Burdwan ...	·40	Rain reported from all the sub-divisions; prospects of cultivation improved by rain; a few cases of cholera still reported.
Rungpore ...	1·84	Weather seasonable; prospects of crops favourable; prices of food-grains stationary; public health good; on the 21st a severe, though short-lived, gale caused much injury.
Bhagálpur ...	·16	Preparations being made for paddy sowing; cholera and small-pox still prevalent.
Purneah ...	·26	Prospects of crops fair; ploughing for *bhadoi* (autumn crops) going on; cholera still prevalent.
Patna ...	*Nil*	Harvesting of *rabi* now over; outturn not very good; a few cases of small-pox reported from Behar and Silas police stations, and cholera from Fatwa.
Durbhunga ...	·26	Weather bright and cool, with light clouds; wind changed to west with rain; prospects of indigo and other crops good; prices rising slightly; cholera suddenly increased in the east.
Hazaribagh ...	1·66	Weather seasonable; small-pox and cattle-disease again reported from several parts of the district.
Cuttack ...	1·09	*Dalua* (spring) rice still being harvested; cultivation has commenced; cholera very prevalent in the interior.
		General Remarks.—Slight rain fell in most parts of these provinces during the week; in some places the rain was comparatively heavy; ploughing is proceeding, and in some places sowing of autumn crops is going on; more rain still wanted in several places; indigo, sugar-cane, and other crops on the ground are doing well; *boro* (spring) rice is being harvested, generally with prospect of a good outturn; cases of cholera are still reported from many places, and small-pox reported from some places; the public health is however generally fair.
N. W. Provinces and Oudh—		
Benares (April 25th)	·2	Two-tenths rain fell in Benares and Chandauli tahsils, and four-tenths in Gangapur tahsil on 23rd; threshing operations are still going on, and sugarcane is being irrigated; health of men and cattle good; cow-pox in Chandauli decreasing; food-grains plentiful; prices steady.
Allahabad („ 26th)	.....	Very slight rain, not measurable; *rabi* crops threshed to a great extent; prices risen slightly; cholera not increased, none in city; cattle in good health.
Cawnpore („ 25th)	·3	Average rainfall in three parganas over three-tenths; outturn in irrigated land good and in unirrigated land moderate; fever and small-pox continue in Derapur, otherwise health good; prices of *bajra*, gram, and *arhar* slightly risen.
Gorakhpur („ „)	*Nil*	Weather fine, cooler after two thunderstorms; cholera still continues in south, but is decreasing; outturn up to average; prices stationary.
Jhánsi („ 24th)	*Nil*	Prices stationary; small-pox amongst children and cattle-disease continue.
Agra („ 25th)	*Nil*	Harvest nearly finished; slight small-pox in city; general health good; prices stationary.

	l for week eceding.	State of agricultural prospects.
	Nil	Health good; prices slightly risen; *rabi* outturn moderate; weather fine.
„)	*Nil*	Harvest over; market well supplied; prices normal; condition of people and cattle good.
„)	*Nil*	Weather seasonable; health good; harvest finished; grain on threshing floors not coming into market, prices consequently show no disposition to fall; it is reported that as far as possible stocks will be accumulated this year in anticipation of an expected famine next year.
„)	Rain partial	Weather stormy, rain partial; crops being cut in some places; some typhus and nine cases of sporadic cholera reported; cattle-disease continues; prices rising.
„ „)	·1	Rainfall on the evening of 22nd, one-tenth at sadr, three-tenths at Maliabad, and passing showers at Mohanlálganj; harvest operations completed, outturn fair; health fair; cattle-disease reported in the district; also a few cases of cholera.
„ „)	.....	*Sawan* (millet), indigo and sugarcane being irrigated; cholera reported in tahsils Patti and Kunda, but decreasing.
„ 24th)	.....	Duststorms, accompanied with very slight rainfall, on the evening of 21st, 22nd and 23rd; general health good; prices stationary.
...	*Nil*	Weather seasonable, mornings cold; cholera abating at Sitapur and Sidhauli; prices unchanged; market well supplied.
...ril 25th)	·1 (1-tenth at sadr and 5-tenths at Akbarpur).	Cholera prevalent. *General Remarks.*—Slight rain fell in seven districts; prices have risen slightly in Allahabad, Cawnpore and Farukhabad and fallen in Moradabad, elsewhere they are stationary; the markets are well supplied; cholera is still prevalent in Fyzabad, but is decreasing in Gorakhpur and Sitapur; a few cases are reported from Lucknow, Partabgarh, Allahabad, and Kumaun; small-pox continues in Cawnpore, Moradabad, Agra, and Jhánsi, and typhus has appeared in Kumaun; cattle-disease has disappeared in Allahabad, but continues in Lucknow, Kumaun, and Jhánsi.
25th)		
	No rain reported	fluctuating.
...	No rain reported	Harvesting in progress; health good; prices fluctuating.
...	No rain	Harvesting in progress; health good; prices steady.
...	No rain	Crops being harvested; health good; prices falling.
...	No rain	Crops and health good; prices steady.
...	·35	Crops and health good; prices fluctuating.
...	No rain	Crops being cut; health good; prices fluctuating.
...	No rain reported	Harvesting in progress; health good; prices steady.
...	No rain	Health good; prices fluctuating.
...	·1	Health good; prices rising.
...	No rain	Crops being harvested; health good; prices steady.
...	No rain	Harvesting commenced; health good; prices steady. *General Remarks.*—Harvest prospects and health good; prices generally steady.
es—		
il 26th)	.....	Weather cloudy, nights cool; prospects of crop fair; measles prevalent; cattle-disease reported; prices steady.
25th)	.....	Weather fine and cloudy; threshing and winnowing approaching completion; isolated cases of cholera and small-pox; price of wheat 22 seers per rupee.
24th)	.....	Preparing land for *kharif*; small-pox prevalent; prices rising.
25th)	·28	Weather cooler; winnowing progressing; cholera, small-pox, and cattle-disease reported; prices stationary.
„)	Little rain	Weather very warm; small-pox reported; *kharif* preparation in progress; prices steady.
„)	.....	Weather seasonable; winnowing in progress; small-pox prevalent; price of rice 9 seers per rupee.
22nd)	.....	Days and nights cool; land being prepared for rice; cholera reported; price of rice 44 seers per rupee.
20th)	.....	High winds, weather very warm; cholera reported; price of rice 56 seers per rupee. *General Remarks.*—Weather cloudy and hot, with cool nights; threshing and winnowing of *rabi* crops going on; preparation being made for *kharif* sowings; cholera and small-pox in several districts; prices steady.
26th)		
...	*Nil*	Small-pox in two townships, otherwise public health good; cattle-disease in four townships; total rainfall ·40 inch.
...	·02	One fatal case of cholera, otherwise public health good; total rainfall 1·78 inches.
...	·16	Nine deaths from cholera in Bassein town and 28 in Ngapootow township, otherwise public health good; total rainfall ·78 inch.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
British Burma—*contd.*		
Prome ...	*Nil*	Thirty-three deaths from cholera in P rome.
Amherst (Moulmein) ...	.....	Public health in Moulmein and district good; crop
Toungoo ...	·44	Thirty-three cases of small-pox, 8 of which fat and 5 in one township, otherwise public health ·47 inch.
		General Remarks.—Cholera prevalent in Prome cases in Thayetmyo; small-pox in Akyab an health otherwise good; cattle-disease in Akys Shwegyeen and Toungoo; rain has fallen in mo
Assam—(April 26th)		
Gauhati ...	·17	Weather very hot; cholera still at Barpeta; favourable, but rain required for tea.
Sylhet ...	*Nil*	*Boro* paddy again reported much injured; cattl cholera also reported; cultivation for *amun* a gressing.
Cachar ...	*Nil*	Weather sultry; 6 cases of cholera reported fro Silchar, and 1 from Lakhimpur; cultivation of crops continues; rain wanted; price of comm per rupee.
Dibrugarh ...	1·88	Weather hot; sowing of *aus* paddy continues; reported; district healthy.
Mysore and Coorg—(April 26th)		
Bangalore ...	·40 in the town	Wet crops continue to suffer; harvesting of sug prospects good; *ragi* ¾ seer cheaper; fever and s m and Kankanhally taluks; murrain prevalent extent.
Mysore ...	·14	Crops in fair condition; prices stationary.
Mercara ...	·11	Rain sufficient in South Coorg for coffee blos m most parts of North Coorg and on the Samp stationary; cholera on the increase.
		General Remarks.—Rain fell more or less throu wet crops continue indifferent; prospects fairly g tinues at Hunsur, and a few cases have occurr road towards Mysore; fever generally preval in parts.
Berar & Hyderabad—		
Amraoti ...	.....	Weather warm; *kharif* ploughing continues; whe seers.
Akola ...	.....	Cultivators busily engaged in preparing fields for th
Hyderabad (April 27th)	.....	Reaping of *rabi* crops concluded; *tabi* reapings c water is felt in places; small-pox and cattle-disease prices—wheat 17½, rice 10, white *juari* 24, yellow 29 seers per current sicca rupee.
Central India States—(April 26th)		
Indore ...	.....	No change since last report.
Morar (Gwalior) ...	.....	Weather warm; wheat 18½, gram 23, *bajra* 20, and rupee.
Sutna ...	.....	Weather hot; prospects and health good.
Rutlam ...	.....	No report received.
Neemuch ...	.....	Weather hot; 5 cases of small-pox under medical tre
Goona ...	.....	Crops and health good; wheat 27 seers per rupee.
Bhopal ...	.....	Weather hot, occasionally cloudy; prospects good, b said to be light; small-pox in the city of Bhopal.
Agar ...	.....	Health and prospects good.
Nowgong ...	No rain	Public health good.
Manpur ...		Weather cloudy and warm; harvesting of wheat in pr cough prevailing; wheat 18¾, gram 23⅓, *juar* 23 seers per rupee.
Rajputana—		
Abu (April 26th)	.....	Weather seasonable.
Sirohi („ 23rd)	.....	Tanks and wells fair; health good; weather fairly year.
Marwar („ 21st)	.....	Plenty of water in tanks and wells; health good; previous week, nights cool; prices firm; crops ha
Meywar („ 22nd)	.....	Tanks and wells good; cholera still prevalent, 51 dea harvest finished; prices stationary.
Harowti („ „)	.....	Small-pox prevalent; harvest concluded; weather sea
Jhallawar („ 19th)	.....	Weather continues unsettled; wells and tanks low small-pox about.
Ajmere („ 21st)	.....	Weather seasonable; health good.
Jeypore („ 25th)	.....	Prices stationary; health good; wells failing; prices f
Bhurtpore ...	.....	Report not received.
Ulwur ...	.....	Report not received.
Nepal—(April 20th)		
Katmandu ...	.....	Weather seasonable.

E. C. BU

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